

1-1 By: Hinojosa S.C.R. No. 17
1-2 (In the Senate - Filed February 22, 2013; March 5, 2013,
1-3 read first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; March 25, 2013, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; March 25, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 SENATE CONCURRENT RESOLUTION

1-14 WHEREAS, During the Vietnam War, the United States military
1-15 sprayed millions of gallons of Agent Orange and other herbicides
1-16 over Vietnam to reduce forest cover and crops used by the enemy;
1-17 these herbicides contained dioxin, which has since been identified
1-18 as carcinogenic and has been linked with a number of serious and
1-19 disabling illnesses now affecting thousands of veterans; and

1-20 WHEREAS, Many American civilians were also exposed to dioxin
1-21 through their employment in places such as stateside repair depots
1-22 for military helicopters; in addition, Vietnamese Americans who
1-23 immigrated in the 1970s and early 1980s may have suffered exposure
1-24 in their native land; and

1-25 WHEREAS, The United States Congress passed the Agent Orange
1-26 Act of 1991 to address the plight of veterans exposed to herbicides
1-27 while serving in the Republic of Vietnam; the Act amended Title 38
1-28 of the United States Code to presumptively recognize as
1-29 service-connected certain diseases among military personnel who
1-30 served in Vietnam between 1962 and 1975; this presumption has
1-31 provided access to appropriate disability compensation and medical
1-32 care for Vietnam veterans diagnosed with such illnesses as Type II
1-33 diabetes, Hodgkin's disease, non-Hodgkin's lymphoma, chronic
1-34 lymphocytic leukemia, multiple myeloma, prostate cancer,
1-35 respiratory cancers, and soft-tissue sarcomas; and

1-36 WHEREAS, Pursuant to a 2001 directive, United States
1-37 Department of Veterans Affairs policy has denied the presumption of
1-38 a service connection for herbicide-related illnesses to Vietnam
1-39 veterans who cannot furnish written documentation that they had
1-40 "boots on the ground" in-country, making it virtually impossible
1-41 for countless United States Navy and United States Air Force
1-42 veterans to pursue their claims for benefits; many who landed on
1-43 Vietnamese soil cannot produce proof due to incomplete or missing
1-44 military records; moreover, personnel who served on ships in the
1-45 "Blue Water Navy" in Vietnamese territorial waters were, in fact,
1-46 exposed to dangerous airborne toxins, which not only drifted
1-47 offshore but also washed into streams and rivers draining into the
1-48 South China Sea; and

1-49 WHEREAS, Warships positioned off the Vietnamese shore
1-50 routinely distilled seawater to obtain potable water; a 2002
1-51 Australian study found that the distillation process, rather than
1-52 removing toxins, in fact concentrated dioxin in water used for
1-53 drinking, cooking, and washing; this study was conducted by the
1-54 Australian Department of Veterans' Affairs after it found that
1-55 Vietnam veterans of the Royal Australian Navy had a higher rate of
1-56 mortality from Agent Orange-associated diseases than did Vietnam
1-57 veterans from other branches of the military; when the United
1-58 States Centers for Disease Control and Prevention studied specific
1-59 cancers among Vietnam veterans, it found a higher risk of cancer
1-60 among United States Navy veterans; and

1-61 WHEREAS, Agent Orange did not discriminate between soldiers

2-1 on the ground and sailors on ships offshore, and legislation to
2-2 recognize this tragic fact and restore eligibility for compensation
2-3 and medical care to United States Navy and United States Air Force
2-4 veterans who sacrificed their health for their country is critical;
2-5 civilians who came into contact with this poisonous substance
2-6 through their employment or while residing in Vietnam likewise
2-7 should be eligible for appropriate medical care to treat illnesses
2-8 related to their exposure; and

2-9 WHEREAS, Civilians who were exposed to Agent Orange through
2-10 their employment have special difficulty receiving care and
2-11 compensation for related conditions, as they must file their claims
2-12 through the United States Department of Labor, which requires them
2-13 to furnish proof of a causal connection between their jobs and their
2-14 illnesses; such proof is difficult to provide, since cancer and
2-15 other diseases that can be caused by exposure tend to develop over
2-16 long periods of time; and

2-17 WHEREAS, When the Agent Orange Act passed in 1991 with no
2-18 dissenting votes, congressional leaders stressed the importance of
2-19 responding to the health concerns of Vietnam veterans and ending
2-20 the bitterness and anxiety that had surrounded the issue of
2-21 herbicide exposure; the federal government has also demonstrated
2-22 its awareness of the hazards of Agent Orange exposure through its
2-23 involvement in the identification, containment, and mitigation of
2-24 dioxin "hot spots" in Vietnam; and

2-25 WHEREAS, The United States Congress should reaffirm the
2-26 nation's commitment to the well-being of all of its veterans and
2-27 direct the United States Department of Veterans Affairs to
2-28 administer the Agent Orange Act under the presumption that
2-29 herbicide exposure in the Republic of Vietnam includes the
2-30 country's inland waterways, offshore waters, and airspace;
2-31 similarly, Congress should institute a presumption of connection to
2-32 employment for civilians exposed to Agent Orange in their
2-33 workplaces to ensure they have access to the health care they need;
2-34 now, therefore, be it

2-35 RESOLVED, That the 83rd Legislature of the State of Texas
2-36 hereby respectfully urge the Congress of the United States to
2-37 restore the presumption of a service connection for Agent Orange
2-38 exposure to United States Navy and United States Air Force veterans
2-39 who served on the inland waterways, in the territorial waters, and
2-40 in the airspace of the Republic of Vietnam and to institute a
2-41 presumption of connection to employment for civilians exposed to
2-42 Agent Orange in their workplaces; and, be it further

2-43 RESOLVED, That the Texas secretary of state forward official
2-44 copies of this resolution to the president of the United States, to
2-45 the president of the Senate and speaker of the House of
2-46 Representatives of the United States Congress, and to all the
2-47 members of the Texas delegation to Congress with the request that
2-48 this resolution be officially entered in the Congressional Record
2-49 as a memorial to the Congress of the United States of America.

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