

## **BILL ANALYSIS**

Senate Research Center  
81R1977 BPG-D

S.C.R. 38  
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3/23/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

During the Vietnam War, the United States military sprayed more than 19 million gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops used by the enemy. These herbicides contain dioxin, which has since been identified as carcinogenic and has been linked with a number of serious and disabling illnesses now affecting thousands of veterans.

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

Pursuant to a 2001 directive, Department of Veterans Affairs policy has denied the presumption of a service connection for herbicide-related illnesses to Vietnam veterans who could not furnish written documentation that they had "boots on the ground" in-country, making it virtually impossible for countless Navy and Air Force veterans to pursue their claims for benefits. Many who had landed on Vietnamese soil could not produce proof due to incomplete or missing military records. Moreover, personnel who had served on ships in the "Blue Water Navy" in Vietnamese territorial waters were, in fact, exposed to dangerous airborne toxins, which not only drifted offshore but also washed into streams and rivers draining into the South China Sea.

Warships positioned off the Vietnamese shore routinely distilled seawater to obtain potable water. A 2002 Australian study found that the distillation process, rather than removing toxins, in fact concentrated dioxin in water used for drinking, cooking, and washing; this study was conducted by the Australian Department of Veteran Affairs after it found that Vietnam veterans of the Royal Australian Navy had a higher rate of mortality from Agent Orange-associated diseases than did Vietnam veterans from other branches of the military. When the U.S. Centers for Disease Control and Prevention studied specific cancers among Vietnam veterans, it found a higher risk of cancer among Navy veterans.

Agent Orange did not discriminate between soldiers on the ground and sailors on ships offshore, and legislation to recognize this tragic fact and restore eligibility for compensation and medical care to Navy and Air Force veterans who sacrificed their health for their country is critical.

When the Agent Orange Act passed in 1991 with no dissenting votes, congressional leaders stressed the importance of responding to the health concerns of Vietnam veterans and ending the bitterness and anxiety that had surrounded the issue of herbicide exposure. Congress should reaffirm the nation's commitment to the well-being of all of its veterans and direct the Department of Veterans Affairs to administer the Agent Orange Act under the presumption that herbicide exposure in the Republic of Vietnam includes the country's inland waterways, offshore waters, and airspace.

### **RESOLVED**

That the 81st Legislature of the State of Texas respectfully urge the Congress of the United States to restore the presumption of a service connection for Agent Orange exposure to Navy and

Air Force veterans who served on the inland waterways, territorial waters, and in the airspace of the Republic of Vietnam.

That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.