

## **BILL ANALYSIS**

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

During the Vietnam War, the United States military sprayed millions of gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops used by the enemy. These herbicides contained 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.

Many American civilians were also exposed to dioxin through their employment in places such as stateside repair depots for military helicopters. In addition, Vietnamese Americans who immigrated in the 1970s and early 1980s may have suffered exposure in their native land.

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, United States Department of Veterans Affairs policy has denied the presumption of a service connection for herbicide-related illnesses to Vietnam veterans who cannot furnish written documentation that they had "boots on the ground" in-country, making it virtually impossible for countless United States Navy and United States Air Force veterans to pursue their claims for benefits. Many who landed on Vietnamese soil cannot produce proof due to incomplete or missing military records. Moreover, personnel who 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 Veterans' 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 United States Centers for Disease Control and Prevention studied specific cancers among Vietnam veterans, it found a higher risk of cancer among United States 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 United States Navy and United States Air Force veterans who sacrificed their health for their country is critical. Civilians who came into contact with this poisonous substance through their employment or while residing in Vietnam likewise should be eligible for appropriate medical care to treat illnesses related to their exposure.

Civilians who were exposed to Agent Orange through their employment have special difficulty receiving care and compensation for related conditions, as they must file their claims through the Department of Labor, which requires them to furnish proof of a causal connection between their

jobs and their illnesses. Such proof is difficult to provide, since cancer and other diseases that can be caused by exposure tend to develop over long periods of time.

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. The federal government has also demonstrated its awareness of the hazards of Agent Orange exposure through its involvement in the identification, containment, and mitigation of dioxin "hot spots" in Vietnam.

The United States Congress should reaffirm the nation's commitment to the well-being of all of its veterans and direct the United States 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. Similarly, Congress should institute a presumption of connection to employment for civilians exposed to Agent Orange in their workplaces to ensure they have access to the health care they need.

### **RESOLVED**

That the 83rd Legislature of the State of Texas hereby respectfully urge the Congress of the United States to restore the presumption of a service connection for Agent Orange exposure to United States Navy and United States Air Force veterans who served on the inland waterways, in the territorial waters, and in the airspace of the Republic of Vietnam and to institute a presumption of connection to employment for civilians exposed to Agent Orange in their workplaces.

That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to 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.