

112TH CONGRESS
1ST SESSION

H. R. 2634

To direct the Secretary of State to provide assistance for certain individuals affected by exposure to Agent Orange and the Secretary of Veterans Affairs to enhance the availability of medical care for descendants of veterans of the Vietnam era, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2011

Mr. FILNER introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Foreign Affairs and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of State to provide assistance for certain individuals affected by exposure to Agent Orange and the Secretary of Veterans Affairs to enhance the availability of medical care for descendants of veterans of the Vietnam era, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Victims of Agent Or-
5 ange Relief Act of 2011”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) From 1961 to 1971, approximately
5 19,000,000 gallons of 15 different herbicides, includ-
6 ing 13,000,000 gallons of Agent Orange, were
7 sprayed over the southern region of Vietnam. Many
8 of such herbicides, including Agent Orange, were
9 based with the toxic contaminant, known as dioxin.

10 (2) It is estimated that between 2,100,000 and
11 4,800,000 Vietnamese people were present during
12 the spraying of Agent Orange and other herbicides
13 and many more were or continue to be exposed
14 through contact with the environment and food that
15 was contaminated, or as offspring of those exposed
16 who now suffer from illnesses and deformities.

17 (3) Today, there are still dozens of environ-
18 mental hot spots in Vietnam which contaminate the
19 food, soil, sediment, and wildlife and continue to ex-
20 pose the people of Vietnam to dioxin.

21 (4) Agent Orange exposure continues to nega-
22 tively affect the lives of men and women in Vietnam
23 and in the United States. The lives of many victims
24 are cut short and others live with disease, disabil-
25 ities, and pain, often untreated or unrecognized.

1 (b) PURPOSE.—It is the purpose of this Act to ad-
2 dress and remediate the ongoing problems and concerns
3 that arose or will arise from the use of these deadly herbi-
4 cides, including Agent Orange, during the Vietnam War.

5 **SEC. 3. ASSISTANCE FOR INDIVIDUALS AFFECTED BY**
6 **HEALTH ISSUES RELATED TO EXPOSURE TO**
7 **AGENT ORANGE DURING THE VIETNAM ERA.**

8 (a) FOR COVERED INDIVIDUALS.—The Secretary of
9 State shall provide assistance to address the health care
10 needs of covered individuals. Such assistance shall include
11 the provision of medical and chronic care services, nursing
12 services, and medical equipment.

13 (b) FOR CAREGIVERS.—The Secretary of State shall
14 provide assistance to institutions in Vietnam that provide
15 health care for covered individuals. Such assistance shall
16 include—

- 17 (1) medicines and medical equipment;
- 18 (2) custodial care, home care, respite care, and
19 daycare programs;
- 20 (3) training programs for caregivers;
- 21 (4) medical, physical rehabilitation, and coun-
22 seling services and equipment for illnesses and de-
23 formities associated with exposure to Agent Orange;
- 24 and
- 25 (5) reconstructive surgical programs.

1 (c) FOR HOUSING AND POVERTY REDUCTION.—The
2 Secretary of State shall provide assistance to repair and
3 rebuild substandard homes in Vietnam for covered individ-
4 uals and the families of covered individuals. The Secretary
5 of State shall provide micro grants and loans to facilitate
6 subsistence payments and poverty reduction for covered
7 individuals and families of covered individuals.

8 (d) FOR ENVIRONMENTAL REMEDIATION.—The Sec-
9 retary of State shall provide assistance to remediate those
10 areas in Vietnam that continue to contain high levels of
11 dioxin, Agent Orange, and other contaminants used dur-
12 ing the Vietnam War.

13 (e) FOR PUBLIC RESEARCH.—The Secretary of State
14 shall provide assistance to support research relating to
15 health issues of covered individuals. Such research should
16 include the active involvement of schools of public health
17 and medicine located in the United States, Vietnam, and
18 other interested countries.

19 (f) VIETNAMESE NONGOVERNMENTAL ORGANIZA-
20 TIONS.—Assistance under this section (other than assist-
21 ance under subsection (e)) shall be provided through ap-
22 propriate Vietnamese nongovernmental organizations and
23 other community organizations.

24 (g) IMPLEMENTATION.—Not later than 180 days
25 after the date of the enactment of this Act, the Secretary

1 of State shall complete a plan for the implementation of
2 this section. Not later than 180 days after completion of
3 the plan, the Secretary of State shall begin implementing
4 this section.

5 (h) DEFINITIONS.—In this section—

6 (1) the term “covered individual” means in an
7 individual who—

8 (A) is a resident of Vietnam; and

9 (B) is affected by health issues related to
10 exposure to Agent Orange during the Vietnam
11 era; and

12 (2) the term “Vietnam era” has the meaning
13 given the term in section 101(29) of title 38, United
14 States Code.

15 **SEC. 4. ESTABLISHMENT OF DEPARTMENT OF VETERANS**
16 **AFFAIRS MEDICAL CENTERS FOR DESCEND-**
17 **ANTS OF VETERANS OF THE VIETNAM ERA.**

18 (a) ESTABLISHMENT OF MEDICAL CENTERS.—The
19 Secretary of Veterans Affairs shall establish at least two
20 regional medical centers of the Department of Veterans
21 Affairs that are designed to address the medical needs of
22 descendants of veterans of the Vietnam era. Such medical
23 centers shall be—

24 (1) associated with existing university-based
25 medical centers;

1 (2) equipped to provide access to a full range
2 of state-of-the-art medical care for illnesses, deformi-
3 ties, and developmental problems experienced by the
4 descendants of veterans of the Vietnam era, includ-
5 ing diagnostic medicine, rehabilitative medicine, pe-
6 diatric medicine, psychiatry, and vocational training.

7 (b) COORDINATION OF MEDICAL RECORDS.—The
8 medical centers established under this section shall coordi-
9 nate the medical records of patients who receive care at
10 the centers with the Department of Veterans Affairs for
11 the purpose of conducting research or providing support
12 for research into the intergenerational effects of dioxin ex-
13 posure.

14 (c) EMPLOYMENT OF SPECIALISTS.—The Secretary
15 of Veterans Affairs shall employ medical personnel at the
16 medical centers established under this section who are spe-
17 cialists in environmental illnesses and rehabilitative medi-
18 cine.

19 (d) TRAVEL AND HOUSING ASSISTANCE.—The Sec-
20 retary of Veterans Affairs shall provide assistance to indi-
21 viduals and families who travel to the medical centers es-
22 tablished under this section for diagnostic evaluation and
23 treatment to cover the costs of travel to and from the med-
24 ical centers and the cost of housing while being evaluated
25 or treated at the centers.

1 (e) DEFINITION OF VIETNAM ERA.—In this section,
2 the term “Vietnam era” has the meaning given the term
3 in section 101(29) of title 38, United States Code.

4 **SEC. 5. NATIONAL VIETNAM VETERANS READJUSTMENT**
5 **STUDY.**

6 The Secretary of Veterans Affairs shall ensure that
7 the National Vietnam Veterans Readjustment Study is ex-
8 panded to include a mortality and morbidity study exam-
9 ining the health outcomes of applicable Vietnam Veterans.

10 **SEC. 6. DEPARTMENT OF VETERANS AFFAIRS HEALTH AS-**
11 **SESSMENT AND ASSISTANCE FOR VIET-**
12 **NAMESE AMERICANS.**

13 (a) HEALTH ASSESSMENT.—The Secretary of Vet-
14 erans Affairs shall make grants to appropriate public
15 health organizations and Vietnamese-American organiza-
16 tions for the purpose of conducting a broad health assess-
17 ment of Vietnamese-Americans who may have been ex-
18 posed to Agent Orange and their children to determine
19 the effects to their health of such exposure.

20 (b) ASSISTANCE.—The Secretary shall establish cen-
21 ters in locations in the United States where large popu-
22 lations of Vietnamese-Americans reside for the purpose of
23 providing assessment, counseling, and treatment for con-
24 ditions related to exposure to Agent Orange. The Sec-
25 retary may carry out this subsection through appropriate

1 community and nongovernmental organizations or other
2 suitable organizations, as determined by the Secretary.

3 **SEC. 7. DEFINITIONS.**

4 For purposes of this Act:

5 (1) The term “Agent Orange” includes any
6 chemical compound which became part, either by de-
7 sign or through impurities, of an herbicide agent
8 used in support of the United States and allied mili-
9 tary operations in the Republic of Vietnam.

10 (2) The term “victim” includes any individual
11 who is a Vietnamese national, Vietnamese-American,
12 or United States veteran who was exposed to agent
13 grange, or the progeny of such an individual, and
14 who has a disease or disability associated with this
15 exposure.

16 (3) The term “impacted zone” includes the
17 areas of Southeast Asia known to have been con-
18 taminated with Agent Orange, including southern
19 Vietnam (the former South Vietnam), western Cam-
20 bodia, southern Laos and surrounding airspace and
21 ocean ways.

22 (4) The term “exposure period” includes—

23 (A) for a United States veteran, any time
24 from January 9, 1962, through May 7, 1975;
25 and

1 (B) for a Vietnamese-American, the time
2 period beginning on January 9, 1962, and end-
3 ing when the person emigrated from Vietnam;
4 and

5 (C) for a Vietnamese national, any time
6 after January 9, 1962.

7 (5) The term “veteran” includes any person
8 who served on active or reserve duty in the Armed
9 Forces during the exposure period in the impacted
10 zone of the Republic of Vietnam including the inland
11 waterways of such Republic, the waters offshore of
12 such Republic, and the airspace above such Repub-
13 lic.

14 **SEC. 8. DEADLINE FOR IMPLEMENTATION.**

15 Not later than six months after the date of the enact-
16 ment of this Act, the Secretary of Veterans Affairs and
17 the Secretary of State shall each complete a plan for the
18 implementation of the applicable provisions of this Act and
19 shall issue a request for proposals, if applicable. The Sec-
20 retary of Veterans Affairs and the Secretary of State shall
21 implement the provisions of this Act by not later than 18
22 months after the date of the enactment of this Act.

23 **SEC. 9. QUARTERLY REPORTS.**

24 Not later than 30 days after the last day of a fiscal
25 quarter, the Secretary of Veterans Affairs and the Sec-

- 1 retary of State shall each submit to Congress a report on
- 2 the implementation of the applicable provisions of this Act
- 3 during the fiscal quarter covered by the report.

