

116TH CONGRESS  
1ST SESSION

# H. R. 326

To direct the Secretary of State, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs to provide assistance for individuals affected by exposure to Agent Orange, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2019

Ms. LEE of California (for herself, Mr. LANGEVIN, Mrs. DINGELL, Mr. SOTO, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Energy and Commerce, and Foreign Affairs, 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

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## A BILL

To direct the Secretary of State, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs to provide assistance for individuals affected by exposure to Agent Orange, 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 2019”.

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 were  
6 sprayed over the southern region of Vietnam. The  
7 agents included 13,000,000 gallons of Agent Or-  
8 ange, 4,500,000 gallons of Agent White, 1,000,000  
9 gallons of Agent Blue, 420,000 gallons of Agent  
10 Purple, and relatively smaller quantities of the other  
11 herbicides. Many of the herbicides, including Agents  
12 Orange, Purple, Green, Pink, Dinoxol, and Trinoxol  
13 contained the toxic contaminant dioxin (TCDD).  
14 Agent Blue contained high levels of arsenic. The  
15 aforementioned 15 herbicides, including the contami-  
16 nant dioxin, are usually collectively referred to as  
17 Agent Orange.

18 (2) Between 1968 and 1971, a total of 6,500  
19 spraying missions were carried out in an area of  
20 about 1,500,000 hectares, which represented about  
21 10 percent of South Vietnam.

22 (3) Studies show that between 2,100,000 and  
23 4,800,000 Vietnamese and tens of thousands of  
24 Americans were exposed to Agent Orange during the  
25 spraying. Many other Vietnamese were or continue  
26 to be exposed to Agent Orange through contact with

1 the environment and food that was contaminated or  
2 as offspring of those exposed who now suffer from  
3 illnesses and disabilities.

4 (4) Today, there are still dozens of environ-  
5 mental hot spots that continue to contaminate the  
6 food, soil, sediment, livestock, and wildlife with  
7 Agent Orange. In fact, concentrations of TCDD as  
8 high as 1,000 mg/kg were found in soil and sedi-  
9 ment samples more than 30 years after Agent Or-  
10 ange was sprayed in Vietnam.

11 (5) Agent Orange exposure continues to nega-  
12 tively affect the lives of veterans of the United  
13 States Armed Forces, Vietnamese people, Viet-  
14 namese-Americans, and their children. The lives of  
15 many victims are cut short and others live with dis-  
16 ease, disabilities, and pain, often untreated or unrec-  
17 ognized.

18 (6) The Department of Veterans Affairs recog-  
19 nizes certain illnesses and diseases, including AL  
20 amyloidosis, chronic B-cell leukemia, chloracne, dia-  
21 betes mellitus type 2, Hodgkin's disease, ischemic  
22 heart disease, multiple myeloma, non-Hodgkin's  
23 lymphoma, Parkinson's disease, acute and sub-acute  
24 peripheral neuropathy, porphyria cutanea tarda,  
25 prostate cancer, respiratory cancers, and soft-tissue

1 sarcomas as associated with the spraying and use of  
2 Agent Orange by the United States Armed Forces  
3 during the Vietnam era.

4 (7) No similar consideration has been given to  
5 affected Vietnamese or Vietnamese-Americans.

6 (8) The Department of Veterans Affairs pro-  
7 vides compensation for many severe birth defects  
8 among the children of American women veterans  
9 who served in Vietnam. The list of birth defects cov-  
10 ered includes but is not limited to: Achondroplasia,  
11 cleft lip, cleft palate, congenital heart disease, con-  
12 genital talipes equinovarus (clubfoot), esophageal  
13 and intestinal atresia, Hallerman-Streiff syndrome,  
14 hip dysplasia, Hirschsprung's disease (congenital  
15 megacolon), hydrocephalus due to aqueductal ste-  
16 nosis, hypospadias, imperforate anus, neural tube  
17 defects, Poland syndrome, pyloric stenosis,  
18 syndactyly (fused digits), tracheoesophageal fistula,  
19 undescended testes, and Williams syndrome. Af-  
20 fected children of these women veterans receive med-  
21 ical care and other benefits.

22 (9) The only birth defect recognized for the  
23 children of male American veterans is spina bifida  
24 (but not occulta), resulting in most affected children  
25 receiving no benefits.

1           (10) No assistance has been given to the chil-  
2       dren of male or female Vietnamese or Vietnamese-  
3       Americans connected with their exposure, or their  
4       parent's or grandparent's exposure.

5           (11) The Institute of Medicine for the past sev-  
6       eral years has noted that "it is considerably more  
7       plausible than previously believed that exposure to  
8       the herbicides sprayed in Vietnam might have  
9       caused paternally mediated transgenerational effects  
10      . . . attributable to the TCCD contaminant in  
11      Agent Orange.". In recent years, scientific studies  
12      have identified likely epigenetic links between expo-  
13      sure to toxins and birth defects and developmental  
14      disorders in subsequent generations. Some of the  
15      children and grandchildren of exposed persons  
16      (Americans, Vietnamese, and Vietnamese-Ameri-  
17      cans) who were in southern Vietnam during the  
18      Vietnam era likely suffer from disorders, birth de-  
19      fects, and illnesses related to Agent Orange.

20          (12) Dating back to 2007, the United States  
21      has engaged in environmental remediation of con-  
22      tamination at the Da Nang and Bien Hoa airports,  
23      and provided funds for public health and disabilities  
24      activities for individuals residing in some affected  
25      areas.

1 (13) April 30, 2019, is the 44th anniversary of  
2 the end of the Vietnam War.

3 (b) PURPOSE.—It is the purpose of this Act to ad-  
4 dress and remediate the ongoing problems and concerns  
5 that arose or will arise from the use of Agent Orange dur-  
6 ing the Vietnam era.

7 **SEC. 3. ASSISTANCE FOR INDIVIDUALS AFFECTED BY**  
8 **HEALTH ISSUES RELATED TO EXPOSURE TO**  
9 **AGENT ORANGE.**

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

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

- 20 (1) medicines and medical equipment;  
21 (2) custodial care, home care, respite care, and  
22 daycare programs;  
23 (3) training programs for caregivers;  
24 (4) medical, physical rehabilitation, and coun-  
25 seling services and equipment for illnesses and de-

1       formities associated with exposure to Agent Orange;  
2       and

3               (5) reconstructive surgical programs.

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

11       (d) FOR ENVIRONMENTAL REMEDIATION.—

12               (1) IN GENERAL.—The Secretary of State shall  
13 provide assistance to remediate those geographic  
14 areas of Vietnam that the Secretary determines con-  
15 tain high levels of Agent Orange.

16               (2) PRIORITY.—In providing assistance under  
17 this subsection, the Secretary of State shall give pri-  
18 ority to heavily sprayed areas, particularly areas  
19 that served as military bases where Agent Orange  
20 was handled, and areas where heavy spraying and  
21 air crashes resulted in harmful deposits of Agent Or-  
22 ange.

23       (e) ADMINISTRATIVE AUTHORITIES.—The Secretary  
24 of State shall—

1           (1) provide assistance under this section (other  
2           than assistance under subsection (d)) through ap-  
3           propriate Vietnamese community and nongovern-  
4           mental organizations and, where necessary, public  
5           agencies;

6           (2) provide assistance under this section to af-  
7           fected persons in all areas of Vietnam, including  
8           rural, mountainous, and urban areas;

9           (3) encourage strategic alliances between pri-  
10          vate and public sector partners as a business model  
11          for achieving the goals of this section; and

12          (4) seek out and actively encourage other bilat-  
13          eral donors as well as United States and foreign  
14          business enterprises in Vietnam to support the goals  
15          of this section through development assistance and  
16          corporate philanthropy programs.

17          (f) COVERED INDIVIDUAL DEFINED.—In this sec-  
18          tion, the term “covered individual” means an individual  
19          who—

20               (1) is a resident of Vietnam; and

21               (2)(A) is affected by health issues related to ex-  
22          posure to Agent Orange which took place during the  
23          period beginning on January 1, 1961, and ending on  
24          May 7, 1975, or who lives or has lived in or near  
25          those geographic areas in Vietnam that continue to

1 contain high levels of Agent Orange as described in  
2 subsection (d); or

3 (B) is the child or descendant of an individual  
4 described in subparagraph (A), and is affected by  
5 health issues described in subparagraph (A).

6 **SEC. 4. PUBLIC RESEARCH.**

7 The Secretary of State and the Secretary of Veterans  
8 Affairs shall identify and provide assistance to support re-  
9 search relating to health issues of individuals affected by  
10 Agent Orange. Such research should include recommended  
11 focus provided by the United States Institute of Medicine  
12 as identified in their biennial Veterans and Agent Orange  
13 Update, and supported by the active involvement of  
14 schools of public health and medicine located in the United  
15 States, Vietnam, and other interested countries.

16 **SEC. 5. DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
17 **HEALTH ASSESSMENT AND ASSISTANCE FOR**  
18 **VIETNAMESE-AMERICANS.**

19 (a) HEALTH ASSESSMENT.—The Secretary of Health  
20 and Human Services shall make grants to appropriate  
21 public health organizations and Vietnamese-American or-  
22 ganizations for the purpose of conducting a broad health  
23 assessment of Vietnamese-Americans who may have been  
24 exposed to Agent Orange and their children or descend-

1 ants to determine the effects to their health of such expo-  
 2 sure.

3 (b) ASSISTANCE.—The Secretary of Health and  
 4 Human Services shall establish centers in locations in the  
 5 United States where large populations of Vietnamese-  
 6 Americans reside for the purpose of providing assessment,  
 7 counseling, and treatment for conditions related to expo-  
 8 sure to Agent Orange. The Secretary may carry out this  
 9 subsection through appropriate community and non-  
 10 governmental organizations or other suitable organiza-  
 11 tions, as determined by the Secretary.

12 **SEC. 6. PROVISION OF BENEFITS FOR CHILDREN OF MALE**  
 13 **VETERANS WHO SERVED IN VIETNAM WHO**  
 14 **ARE AFFECTED BY CERTAIN BIRTH DEFECTS.**

15 (a) IN GENERAL.—Subchapter II of chapter 18 of  
 16 title 38, United States Code, is amended—

17 (1) by striking “woman Vietnam veteran” each  
 18 place it appears and inserting “Vietnam veteran”;

19 (2) by striking “women Vietnam veterans” each  
 20 place it appears and inserting “Vietnam veterans”;  
 21 and

22 (3) in the heading of such subchapter, by strik-  
 23 ing “WOMEN”.

24 (b) ACCESS TO RECORDS FOR RESEARCH PUR-  
 25 POSES.—Section 1813(b) of such title is amended—

1 (1) by striking “The Secretary” and inserting  
2 “(1) The Secretary”; and

3 (2) by adding at the end the following new  
4 paragraph:

5 “(2) The Secretary shall require any health care pro-  
6 vider with whom the Secretary enters into a contract  
7 under this subsection to provide access to the medical  
8 records of individuals who receive health care under this  
9 section to the Department of Veterans Affairs for the pur-  
10 pose of conducting research or providing support for re-  
11 search into the intergenerational effects of Agent Orange  
12 exposure.”.

13 (c) CLERICAL AMENDMENT.—The table of sections  
14 at the beginning of such chapter is amended by striking  
15 the item relating to subchapter II and inserting the fol-  
16 lowing new item:

“SUBCHAPTER II. CHILDREN OF VIETNAM VETERANS BORN WITH CERTAIN  
BIRTH DEFECTS”.

17 (d) EFFECTIVE DATE.—The amendments made by  
18 this section shall take effect on the date that is 30 days  
19 after the date of the enactment of this Act.

20 **SEC. 7. DEADLINE FOR IMPLEMENTATION.**

21 Not later than 180 days after the date of the enact-  
22 ment of this Act, the Secretary of State, the Secretary  
23 of Health and Human Services, and the Secretary of Vet-  
24 erans Affairs shall each complete a plan for the implemen-

1 tation of the provisions of this Act, and the amendments  
2 made by this Act, applicable to such Secretary and shall  
3 issue a request for proposals, if applicable. The Secretary  
4 of State, the Secretary of Health and Human Services,  
5 and the Secretary of Veterans Affairs shall each imple-  
6 ment the provisions of this Act applicable to such Sec-  
7 retary by not later than 18 months after the date of the  
8 enactment of this Act.

9 **SEC. 8. QUARTERLY REPORTS.**

10 Not later than 30 days after the last day of each fis-  
11 cal quarter beginning on or after 18 months after the date  
12 of the enactment of this Act, the Secretary of State, the  
13 Secretary of Health and Human Services, and the Sec-  
14 retary of Veterans Affairs shall each submit to Congress  
15 a report on the implementation of the provisions of this  
16 Act applicable to such Secretary during the immediately  
17 preceding fiscal quarter.

18 **SEC. 9. DEFINITION.**

19 For purposes of this Act, the term “Agent Orange”  
20 includes any chemical compound which became part, ei-  
21 ther by design or through impurities, of an herbicide agent  
22 used in support of the United States and allied military  
23 operations in the Republic of Vietnam.

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