

117TH CONGRESS
1ST SESSION

H. R. 3518

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Ms. LEE of California 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, 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 2021”.

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.

7 (2) The herbicides included 13,000,000 gallons
8 of Agent Orange, 4,500,000 gallons of Agent White,
9 1,000,000 gallons of Agent Blue, 420,000 gallons of
10 Agent Purple, and relatively smaller quantities of
11 the other herbicides. Many of the herbicides, includ-
12 ing Agents Orange, Purple, Green, Pink, Dinoxol,
13 and Trinoxol contained the toxic contaminant dioxin
14 (TCDD). Agent Blue contained high levels of ar-
15 senic. The aforementioned 15 herbicides, including
16 the contaminant dioxin, are usually collectively re-
17 ferred to as Agent Orange.

18 (3) 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 12 percent of South Vietnam and portions of Laos
22 and Cambodia.

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

1 to be exposed to Agent Orange through contact with
2 the environment and food that was contaminated.
3 Many offspring of those who were exposed have
4 birth defects, developmental disabilities, and other
5 diseases.

6 (5) Today, there are still dozens of environ-
7 mental hot spots that continue to contaminate the
8 food, soil, sediment, livestock, and wildlife with
9 Agent Orange. Concentrations of TCDD as high as
10 1,000 mg/kg have been found in soil and sediment
11 samples more than 50 years after Agent Orange was
12 sprayed in Vietnam.

13 (6) The United States has provided some as-
14 sistance to Vietnam in remediating Agent Orange
15 contamination at the largest of these hotspots, which
16 are the airbases that handled the spray missions.
17 The Da Nang Airport has been fully cleaned up, and
18 the United States has committed funds to contribute
19 to cleaning up the Bien Hoa Airbase, which is the
20 most contaminated site in Vietnam. There are at
21 least two dozen other smaller hotspots scattered
22 throughout southern and central Vietnam that also
23 must be remediated, since they continue to expose
24 local populations to dioxin and arsenic.

1 (7) Agent Orange exposure continues to nega-
2 tively affect the lives of veterans of the United
3 States Armed Forces, Vietnamese people, Viet-
4 namese Americans, and their children. The lives of
5 many victims are cut short and others live with dis-
6 ease, disabilities, and pain, often untreated or unrec-
7 ognized.

8 (8) The Department of Veterans Affairs recog-
9 nizes 15 illnesses and diseases, including AL amyloi-
10 dosis, chronic B-cell leukemia, chloracne, diabetes
11 mellitus type 2, Hodgkin's disease, ischemic heart
12 disease, multiple myeloma, non-Hodgkin's
13 lymphoma, Parkinson's disease, acute and sub-acute
14 peripheral neuropathy, porphyria cutanea tarda,
15 prostate cancer, respiratory cancers, and soft-tissue
16 sarcomas as associated with the spraying and use of
17 Agent Orange by the United States Armed Forces
18 during the Vietnam era.

19 (9) No similar consideration has been given to
20 affected Vietnamese or Vietnamese Americans.

21 (10) The Department of Veterans Affairs pro-
22 vides compensation for many severe birth defects
23 among the children of American women veterans
24 who served in Vietnam. The list of birth defects cov-
25 ered includes but is not limited to: Achondroplasia,

1 cleft lip, cleft palate, congenital heart disease, con-
2 genital talipes equinovarus (clubfoot), esophageal
3 and intestinal atresia, Hallerman-Streiff syndrome,
4 hip dysplasia, Hirschsprung's disease (congenital
5 megacolon), hydrocephalus due to aqueductal ste-
6 nosis, hypospadias, imperforate anus, neural tube
7 defects, Poland syndrome, pyloric stenosis,
8 syndactyly (fused digits), tracheoesophageal fistula,
9 undescended testes, and Williams syndrome. Af-
10 fected children of these women veterans receive med-
11 ical care and other benefits. However, the care and
12 compensation provided by the Department of Vet-
13 erans Affairs to the covered children of United
14 States veterans is insufficient to meet their needs.

15 (11) The only birth defect recognized for the
16 children of male American veterans is spina bifida
17 (but not occulta). However, many children of male
18 Vietnam War veterans have the same range of birth
19 defects and diseases, resulting in most affected chil-
20 dren of United States veterans receiving no care or
21 benefits.

22 (12) No assistance has been given to the chil-
23 dren of male or female Vietnamese or Vietnamese
24 Americans connected with their exposure, or their
25 parents' or grandparents' exposure.

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

16 (14) Since 2007, the United States has engaged
17 in environmental remediation of contamination at
18 the Da Nang airport, and more recently the Bien
19 Hoa airport, and has provided funds for public
20 health and disabilities activities for individuals resid-
21 ing in some affected areas.

22 (15) Laos and Cambodia were also sprayed
23 with Agent Orange during the Vietnam era. At least
24 527,000 gallons of Agent Orange were sprayed in
25 Laos and significant amounts were sprayed in Cam-

1 bodia. Affected Lao and Cambodian people over sev-
2 eral generations suffer from medical conditions,
3 birth defects and disabilities similar to those seen in
4 Vietnam and in the United States. The United
5 States has the responsibility to take action to miti-
6 gate and provide compensations for those effects.
7 Further action will be needed to ascertain and effec-
8 tively address this legacy of the Vietnam War.

9 (b) PURPOSE.—It is the purpose of this Act to ad-
10 dress and remediate the ongoing damage that arose or will
11 arise from the use of Agent Orange during the Vietnam
12 era.

13 **SEC. 3. ASSISTANCE FOR INDIVIDUALS AFFECTED BY**
14 **HEALTH ISSUES RELATED TO EXPOSURE TO**
15 **AGENT ORANGE.**

16 (a) FOR COVERED INDIVIDUALS.—The Secretary of
17 State shall provide assistance to address the health care
18 needs of covered individuals. Such assistance shall include
19 the provision of medical and chronic care services, nursing
20 services, vocational employment training, and medical
21 equipment.

22 (b) FOR CAREGIVERS.—The Secretary of State shall
23 provide assistance to institutions in Vietnam that provide
24 health care for covered individuals. Such assistance shall
25 include—

- 1 (1) medicines and medical equipment;
- 2 (2) custodial care, home care, respite care, and
- 3 daycare programs;
- 4 (3) training programs for caregivers;
- 5 (4) medical, physical rehabilitation, and coun-
- 6 seling services and equipment for illnesses and de-
- 7 formities associated with exposure to Agent Orange;
- 8 and
- 9 (5) reconstructive surgical programs.

10 (c) FOR HOUSING AND POVERTY REDUCTION.—The
11 Secretary of State shall provide assistance to repair and
12 rebuild substandard homes in Vietnam for covered individ-
13 uals and the families of covered individuals. The Secretary
14 of State shall provide micro grants and loans to facilitate
15 subsistence payments and poverty reduction for covered
16 individuals and families of covered individuals.

17 (d) FOR ENVIRONMENTAL REMEDIATION.—

18 (1) IN GENERAL.—The Secretary of State shall
19 provide assistance to remediate those geographic
20 areas of Vietnam that the Secretary determines con-
21 tain high levels of Agent Orange.

22 (2) PRIORITY.—In providing assistance under
23 this subsection, the Secretary of State shall give pri-
24 ority to heavily sprayed areas, particularly areas
25 that served as military bases where Agent Orange

1 was handled, and areas where heavy spraying and
2 air crashes resulted in harmful deposits of Agent Or-
3 ange.

4 (e) ADMINISTRATIVE AUTHORITIES.—The Secretary
5 of State shall—

6 (1) provide assistance under this section (other
7 than assistance under subsection (d)) through ap-
8 propriate Vietnamese community and nongovern-
9 mental organizations and, where necessary, public
10 agencies;

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

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

17 (4) seek out and actively encourage other bilat-
18 eral donors as well as United States and foreign
19 business enterprises in Vietnam to support the goals
20 of this section through development assistance and
21 corporate philanthropy programs.

22 (f) COVERED INDIVIDUAL DEFINED.—In this sec-
23 tion, the term “covered individual” means an individual
24 who—

25 (1) is a resident of Vietnam; and

1 (2)(A) is affected by health issues related to ex-
2 posure to Agent Orange which took place during the
3 period beginning on January 1, 1961, and ending on
4 May 7, 1975, or who lives or has lived in or near
5 those geographic areas in Vietnam that continue to
6 contain high levels of Agent Orange as described in
7 subsection (d); or

8 (B) is the child or descendant of an individual
9 described in subparagraph (A), and is affected by
10 health issues described in subparagraph (A).

11 **SEC. 4. PUBLIC RESEARCH.**

12 (a) SUPPORT FOR RESEARCH.—The Secretary of
13 State and the Secretary of Veterans Affairs shall identify
14 and provide assistance to support research relating to
15 health issues of individuals affected by Agent Orange.
16 Such research should include recommended focus provided
17 by the United States Institute of Medicine as identified
18 in their biennial Veterans and Agent Orange Update, and
19 supported by the active involvement of schools of public
20 health and medicine located in the United States, Viet-
21 nam, and other interested countries.

22 (b) SURVEY.—The Secretary of Veterans Affairs
23 shall conduct a survey of children of veterans who were
24 exposed to Agent Orange and who have received health
25 care under subchapter II of chapter 18 of title 38, United

1 States Code. The survey shall be designed to determine
2 the extent to which such children are receiving adequate
3 treatment for their medical conditions and disabilities.
4 The Secretary shall make recommendations based on the
5 survey as to any actions necessary to remedy any defi-
6 ciencies identified pursuant to the survey.

7 **SEC. 5. DEPARTMENT OF HEALTH AND HUMAN SERVICES**
8 **HEALTH ASSESSMENT AND ASSISTANCE FOR**
9 **VIETNAMESE AMERICANS.**

10 (a) HEALTH ASSESSMENT.—The Secretary of Health
11 and Human Services shall make grants to appropriate
12 public health organizations and Vietnamese-American or-
13 ganizations for the purpose of conducting a broad health
14 assessment of Vietnamese Americans who may have been
15 exposed to Agent Orange and their children or descend-
16 ants to determine the effects to their health of such expo-
17 sure.

18 (b) ASSISTANCE.—The Secretary of Health and
19 Human Services shall establish centers in locations in the
20 United States where large populations of Vietnamese
21 Americans reside for the purpose of providing assessment,
22 counseling, and treatment for conditions related to expo-
23 sure to Agent Orange. The Secretary may carry out this
24 subsection through appropriate community and non-

1 governmental organizations or other suitable organiza-
2 tions, as determined by the Secretary.

3 **SEC. 6. PROVISION OF BENEFITS FOR CHILDREN OF MALE**
4 **VETERANS WHO SERVED IN VIETNAM WHO**
5 **ARE AFFECTED BY CERTAIN BIRTH DEFECTS.**

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

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

10 (2) by striking “women Vietnam veterans” each
11 place it appears and inserting “Vietnam veterans”;
12 and

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

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

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

19 (2) by adding at the end the following new
20 paragraph:

21 “(2) The Secretary shall require any health care pro-
22 vider with whom the Secretary enters into a contract
23 under this subsection to provide access to the medical
24 records of individuals who receive health care under this
25 section to the Department of Veterans Affairs for the pur-

1 pose of conducting research or providing support for re-
 2 search into the intergenerational effects of Agent Orange
 3 exposure.”.

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

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

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

11 **SEC. 7. DEADLINE FOR IMPLEMENTATION.**

12 Not later than 180 days after the date of the enact-
 13 ment of this Act, the Secretary of State, the Secretary
 14 of Health and Human Services, and the Secretary of Vet-
 15 erans Affairs shall each complete a plan for the implemen-
 16 tation of the provisions of this Act, and the amendments
 17 made by this Act, applicable to such Secretary and shall
 18 issue a request for proposals, if applicable. The Secretary
 19 of State, the Secretary of Health and Human Services,
 20 and the Secretary of Veterans Affairs shall each imple-
 21 ment the provisions of this Act applicable to such Sec-
 22 retary by not later than 18 months after the date of the
 23 enactment of this Act.

1 **SEC. 8. QUARTERLY REPORTS.**

2 Not later than 30 days after the last day of each fis-
3 cal quarter beginning on or after 18 months after the date
4 of the enactment of this Act, the Secretary of State, the
5 Secretary of Health and Human Services, and the Sec-
6 retary of Veterans Affairs shall each submit to Congress
7 a report on the implementation of the provisions of this
8 Act applicable to such Secretary during the immediately
9 preceding fiscal quarter.

10 **SEC. 9. DEFINITION.**

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

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