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.

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

SECTION 1. SHORT TITLE.

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

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SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

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

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

(3) Today, there are still dozens of environmental hot spots in Vietnam which contaminate the food, soil, sediment, and wildlife and continue to expose the people of Vietnam to dioxin.

(4) Agent Orange exposure continues to negatively affect the lives of men and women in Vietnam and in the United States. The lives of many victims are cut short and others live with disease, disabilities, and pain, often untreated or unrecognized.
(b) PURPOSE.—It is the purpose of this Act to address and remediate the ongoing problems and concerns that arose or will arise from the use of these deadly herbicides, including Agent Orange, during the Vietnam War.

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

(a) For Covered Individuals.—The Secretary of State shall provide assistance to address the health care needs of covered individuals. Such assistance shall include the provision of medical and chronic care services, nursing services, and medical equipment.

(b) For Caregivers.—The Secretary of State shall provide assistance to institutions in Vietnam that provide health care for covered individuals. Such assistance shall include—

(1) medicines and medical equipment;

(2) custodial care, home care, respite care, and daycare programs;

(3) training programs for caregivers;

(4) medical, physical rehabilitation, and counseling services and equipment for illnesses and deformities associated with exposure to Agent Orange; and

(5) reconstructive surgical programs.
(c) For Housing and Poverty Reduction.—The Secretary of State shall provide assistance to repair and rebuild substandard homes in Vietnam for covered individuals and the families of covered individuals. The Secretary of State shall provide micro grants and loans to facilitate subsistence payments and poverty reduction for covered individuals and families of covered individuals.

(d) For Environmental Remediation.—The Secretary of State shall provide assistance to remediate those areas in Vietnam that continue to contain high levels of dioxin, Agent Orange, and other contaminants used during the Vietnam War.

(e) For Public Research.—The Secretary of State shall provide assistance to support research relating to health issues of covered individuals. Such research should include the active involvement of schools of public health and medicine located in the United States, Vietnam, and other interested countries.

(f) Vietnamese Nongovernmental Organizations.—Assistance under this section (other than assistance under subsection (e)) shall be provided through appropriate Vietnamese nongovernmental organizations and other community organizations.

(g) Implementation.—Not later than 180 days after the date of the enactment of this Act, the Secretary
of State shall complete a plan for the implementation of this section. Not later than 180 days after completion of the plan, the Secretary of State shall begin implementing this section.

(h) DEFINITIONS.—In this section—

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

(A) is a resident of Vietnam; and

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

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

SEC. 4. ESTABLISHMENT OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS FOR DESCENDANTS OF VETERANS OF THE VIETNAM ERA.

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

(1) associated with existing university-based medical centers;
(2) equipped to provide access to a full range of state-of-the-art medical care for illnesses, deformities, and developmental problems experienced by the descendants of veterans of the Vietnam era, including diagnostic medicine, rehabilitative medicine, pediatric medicine, psychiatry, and vocational training.

(b) Coordination of Medical Records.—The medical centers established under this section shall coordinate the medical records of patients who receive care at the centers with the Department of Veterans Affairs for the purpose of conducting research or providing support for research into the intergenerational effects of dioxin exposure.

(c) Employment of Specialists.—The Secretary of Veterans Affairs shall employ medical personnel at the medical centers established under this section who are specialists in environmental illnesses and rehabilitative medicine.

(d) Travel and Housing Assistance.—The Secretary of Veterans Affairs shall provide assistance to individuals and families who travel to the medical centers established under this section for diagnostic evaluation and treatment to cover the costs of travel to and from the medical centers and the cost of housing while being evaluated or treated at the centers.
(c) Definition of Vietnam Era.—In this section, the term “Vietnam era” has the meaning given the term in section 101(29) of title 38, United States Code.

SEC. 5. NATIONAL VIETNAM VETERANS READJUSTMENT STUDY.

The Secretary of Veterans Affairs shall ensure that the National Vietnam Veterans Readjustment Study is expanded to include a mortality and morbidity study examining the health outcomes of applicable Vietnam Veterans.

SEC. 6. DEPARTMENT OF VETERANS AFFAIRS HEALTH ASSESSMENT AND ASSISTANCE FOR VIETNAMESE AMERICANS.

(a) Health Assessment.—The Secretary of Veterans Affairs shall make grants to appropriate public health organizations and Vietnamese-American organizations for the purpose of conducting a broad health assessment of Vietnamese-Americans who may have been exposed to Agent Orange and their children to determine the effects to their health of such exposure.

(b) Assistance.—The Secretary shall establish centers in locations in the United States where large populations of Vietnamese-Americans reside for the purpose of providing assessment, counseling, and treatment for conditions related to exposure to Agent Orange. The Secretary may carry out this subsection through appropriate
community and nongovernmental organizations or other suitable organizations, as determined by the Secretary.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) The term “Agent Orange” includes any chemical compound which became part, either by design or through impurities, of an herbicide agent used in support of the United States and allied military operations in the Republic of Vietnam.

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

(3) The term “impacted zone” includes the areas of Southeast Asia known to have been contaminated with Agent Orange, including southern Vietnam (the former South Vietnam), western Cambodia, southern Laos and surrounding airspace and ocean ways.

(4) The term “exposure period” includes—

(A) for a United States veteran, any time from January 9, 1962, through May 7, 1975; and
(B) for a Vietnamese-American, the time period beginning on January 9, 1962, and ending when the person emigrated from Vietnam; and

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

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

SEC. 8. DEADLINE FOR IMPLEMENTATION.

Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of State shall each complete a plan for the implementation of the applicable provisions of this Act and shall issue a request for proposals, if applicable. The Secretary of Veterans Affairs and the Secretary of State shall implement the provisions of this Act by not later than 18 months after the date of the enactment of this Act.

SEC. 9. QUARTERLY REPORTS.

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