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H. R. 9977

To direct the Administrator of the United States Agency for International Development, 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

OCTOBER 11, 2024

Ms. LEE of California (for herself, Mr. POCAN, Mr. GRIJALVA, Mr. GARCÍA of Illinois, Mr. COHEN, Mr. CARSON, Ms. GARCIA of Texas, Ms. OMAR, 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 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 Administrator of the United States Agency for International Development, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Victims of Agent Or-
3 ange Relief Act of 2024”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) From 1961 to 1971, approximately
8 19,000,000 gallons of 15 different herbicides were
9 sprayed over the southern region of Vietnam by the
10 United States military.

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

22 (3) Between 1968 and 1971, a total of 6,500
23 spraying missions were carried out in an area of
24 about 1,500,000 hectares, which represented about
25 12 percent of South Vietnam and portions of Laos
26 and Cambodia.

1 (4) Studies have found that between 2,100,000
2 and 4,800,000 Vietnamese, Lao, and Cambodian
3 people and tens of thousands of Americans were ex-
4 posed to Agent Orange during the spraying oper-
5 ations. Many other Vietnamese people were or con-
6 tinue to be exposed to Agent Orange through con-
7 tact with the environment and food that was con-
8 taminated. Many offspring of those who were ex-
9 posed have birth defects, developmental disabilities,
10 and other diseases.

11 (5) Today, there are still dozens of herbicide
12 hotspots that continue to contaminate the food, soil,
13 sediment, livestock, and wildlife with Agent Orange.
14 Concentrations of TCDD as high as 1,000 mg/kg
15 have been found in soil and sediment samples more
16 than 50 years after Agent Orange was sprayed in
17 Vietnam.

18 (6) Since 2007, the United States has provided
19 assistance to Vietnam in remediating Agent Orange
20 contamination at the largest of these hotspots, which
21 are the airbases that handled the spray missions.
22 The contamination at the Da Nang Airport has been
23 fully cleaned up, and the United States has com-
24 mitted funds to contribute to cleaning up the Bien
25 Hoa Airbase, which has the most wide-spread herbi-

1 cide contamination in Vietnam. There are at least
2 two dozen other smaller hotspots scattered through-
3 out southern and central Vietnam that also must be
4 remediated, since they continue to expose local popu-
5 lations to dioxin and arsenic.

6 (7) Agent Orange exposure continues to nega-
7 tively affect the lives of veterans of the United
8 States Armed Forces, Vietnamese people, Viet-
9 namese Americans, and their children. The lives of
10 many victims are cut short, and others live with dis-
11 ease, disabilities, and pain, which are often un-
12 treated or unrecognized.

13 (8) The Department of Veterans Affairs recog-
14 nizes 19 illnesses and diseases, including AL amyloi-
15 dosis, bladder cancer, chronic B- cell leukemia,
16 chloracne, diabetes mellitus type 2, high blood pres-
17 sure (hypertension), Hodgkin's disease,
18 hypothyroidism, ischemic heart disease, monoclonal
19 gammopathy of undetermined significance (MGUS),
20 multiple myeloma, non-Hodgkin's Lymphoma, Par-
21 kinson's disease, Parkinsonism, acute and sub-acute
22 peripheral neuropathy, porphyria cutanea tarda,
23 prostate cancer, respiratory cancers, and soft-tissue
24 sarcomas associated with the spraying and use of

1 Agent Orange by the United States Armed Forces
2 during the Vietnam era.

3 (9) No similar recognition has been given to af-
4 fected Vietnamese or Vietnamese Americans.

5 (10) The Department of Veterans Affairs pro-
6 vides compensation for many severe birth defects
7 among the children of United States women veterans
8 who served in Vietnam. The list of birth defects cov-
9 ered includes achondroplasia, cleft lip, cleft palate,
10 congenital heart disease, congenital talipes
11 equinovarus (clubfoot), esophageal and intestinal
12 atresia, Hallerman-Streiff syndrome, hip dysplasia,
13 Hirschsprung's disease (congenital megacolon), hy-
14 drocephalus due to aqueductal stenosis, hypospadias,
15 imperforate anus, neural tube defects, Poland syn-
16 drome, pyloric stenosis, syndactyly (fused digits),
17 tracheoesophageal fistula, undescended testes, and
18 Williams syndrome. Affected children of these
19 women veterans receive medical care and other bene-
20 fits. However, the care and compensation provided
21 by the Department of Veterans Affairs to the cov-
22 ered children of United States veterans is insuffi-
23 cient to meet their needs related to Agent Orange.

24 (11) The only birth defect recognized for the
25 children of male American veterans is spina bifida

1 (but not occulta). However, many children of male
2 Vietnam war veterans have the same range of birth
3 defects and diseases as seen in the children of fe-
4 male Vietnam war veterans. This discrepancy results
5 in most Agent Orange affected children of United
6 States veterans receiving no care or benefits.

7 (12) No assistance has been given to the chil-
8 dren of male or female Vietnamese or Vietnamese
9 Americans connected with their exposure, or their
10 parents' or grandparents' exposure.

11 (13) The Institute of Medicine for the past sev-
12 eral years has noted that "it is considerably more
13 plausible than previously believed that exposure to
14 the herbicides sprayed in Vietnam might have
15 caused paternally mediated transgenerational effects
16 attributable to the TCCD contaminant in Agent Or-
17 ange". In recent years, scientific studies have identi-
18 fied likely epigenetic links between exposure to tox-
19 ins and birth defects and developmental disorders in
20 subsequent generations. Some of the children and
21 grandchildren of exposed persons (Americans, Viet-
22 nameese, and Vietnamese Americans) who were in
23 southern Vietnam during the Vietnam war era likely
24 suffer from disorders, birth defects, and illnesses re-
25 lated to Agent Orange.

1 (14) The assistance that the United States has
2 provided for environmental remediation of contami-
3 nation at the Da Nang and Bien Hoa airports has,
4 in recent years, included funds for public health and
5 disabilities activities for individuals residing in some
6 affected areas.

7 (15) Laos and Cambodia were also sprayed
8 with Agent Orange during the Vietnam war era. At
9 least 527,000 gallons of Agent Orange were sprayed
10 in Laos and significant amounts were also sprayed
11 in Cambodia. Affected Lao and Cambodian people
12 over several generations suffer from medical condi-
13 tions, birth defects, and disabilities similar to those
14 seen in Vietnam and the United States. The United
15 States has the responsibility to take action to miti-
16 gate and provide compensation for those effects.
17 Further action will be needed to ascertain and effec-
18 tively address this legacy of the Vietnam war.

19 (b) PURPOSE.—It is the purpose of this Act to ad-
20 dress and remediate the ongoing damage that arose or will
21 continue to arise from the use of Agent Orange during
22 the Vietnam war.

1 **SEC. 3. ASSISTANCE FOR INDIVIDUALS AFFECTED BY**
2 **HEALTH ISSUES RELATED TO EXPOSURE TO**
3 **AGENT ORANGE.**

4 (a) **FOR COVERED INDIVIDUALS.**—The Adminis-
5 trator of the United States Agency for International De-
6 velopment, in coordination with the heads of other appro-
7 priate Federal agencies and nongovernmental organiza-
8 tions, shall provide assistance to address the health care
9 needs of covered individuals. Such assistance may include
10 the provision of medical and chronic care services, nursing
11 services, vocational employment training, and medical
12 equipment.

13 (b) **FOR CAREGIVERS.**—The Administrator of the
14 United States Agency for International Development, in
15 coordination with the heads of other appropriate Federal
16 agencies and nongovernmental organizations, shall provide
17 assistance to institutions in Vietnam that provide health
18 care for covered individuals. Such assistance may in-
19 clude—

- 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 and physical rehabilitation, and
25 counseling services and equipment for illnesses and

1 deformities associated with exposure to Agent Or-
2 ange; and

3 (5) reconstructive surgical programs.

4 (c) FOR HOUSING AND POVERTY REDUCTION.—The
5 Administrator of the United States Agency for Inter-
6 national Development, in coordination with the heads of
7 other appropriate Federal agencies and nongovernmental
8 organizations shall provide—

9 (1) assistance to institutions in Vietnam that
10 repair and rebuild substandard homes in Vietnam
11 for covered individuals and the families of covered
12 individuals; and

13 (2) micro grants and loans to facilitate subsist-
14 ence payments and poverty reduction for covered in-
15 dividuals and families of covered individuals.

16 (d) FOR ENVIRONMENTAL REMEDIATION.—

17 (1) IN GENERAL.—, The Administrator of the
18 United States Agency for International Develop-
19 ment, in coordination with the heads of other appro-
20 priate Federal agencies and nongovernmental orga-
21 nizations shall provide assistance to remediate those
22 geographic areas of Vietnam that the Secretary de-
23 termines contain high levels of Agent Orange.

24 (2) PRIORITY.—In providing assistance under
25 this subsection, the Administrator shall give priority

1 to heavily sprayed areas, including areas that served
2 as military bases where Agent Orange was handled,
3 and areas where heavy spraying, spills, or air crash-
4 es resulted in harmful deposits of Agent Orange.

5 (e) ADMINISTRATIVE AUTHORITIES.—The Adminis-
6 trator shall—

7 (1) provide assistance under this section (other
8 than assistance under subsection (d)) through ap-
9 propriate Vietnamese community and nongovern-
10 mental organizations and Vietnamese public agen-
11 cies;

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

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

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

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

1 (1) is a resident of Vietnam; and

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

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

12 **SEC. 4. PUBLIC RESEARCH.**

13 (a) SUPPORT FOR RESEARCH.—The Secretary of
14 Veterans Affairs, in coordination with the heads of other
15 appropriate Federal agencies and nongovernmental orga-
16 nizations, shall identify and provide assistance to support
17 research relating to health issues of individuals affected
18 by Agent Orange. Such research should include rec-
19 ommended focus provided by the United States Institute
20 of Medicine as identified in their biennial Veterans and
21 Agent Orange Update and supported by the active involve-
22 ment of schools of public health and medicine located in
23 the United States, Vietnam, and other interested coun-
24 tries.

1 (b) SURVEY.—The Secretary of Veterans Affairs
2 shall conduct a survey of children of veterans who were
3 exposed to Agent Orange and have received health care
4 under subchapter II of chapter 18 of title 38, United
5 States Code. The survey shall be designed to determine
6 the extent to which such children are receiving adequate
7 treatment for their medical conditions and disabilities.
8 The Secretary shall make recommendations based on the
9 survey as to any actions necessary to remedy any defi-
10 ciencies identified pursuant to the survey.

11 **SEC. 5. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

12 **HEALTH ASSESSMENT AND ASSISTANCE FOR**

13 **VIETNAMESE AMERICANS.**

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

22 (b) ASSISTANCE.—The Secretary of Health and
23 Human Services shall establish centers in locations in the
24 United States where large populations of Vietnamese
25 Americans reside for the purpose of providing assessment,

1 counseling, and treatment for conditions related to expo-
2 sure to Agent Orange. The Secretary may carry out this
3 subsection through appropriate community and non-
4 governmental organizations or other suitable organiza-
5 tions, as determined by the Secretary.

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

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

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

13 (2) by striking “women Vietnam veterans” each
14 place it appears and inserting “Vietnam veterans”;
15 and

16 (3) in the heading of such subchapter, by strik-
17 ing “**Woman**”.

18 (b) ACCESS TO RECORDS FOR RESEARCH PUR-
19 POSES.—Section 1813 of title 38, United States Code, is
20 amended—

21 (1) by redesignating subsection (c) as sub-
22 section (d); and

23 (2) by inserting after subsection (b) the fol-
24 lowing:

1 “(c) ACCESS TO RECORDS FOR RESEARCH PUR-
2 POSES.—(1) The Secretary shall require any health care
3 provider with whom the Secretary enters into a contract
4 under this subsection to provide access to the medical
5 records of individuals who receive health care under this
6 section to the Department of Veterans Affairs for the pur-
7 pose of conducting research or providing support for re-
8 search into the intergenerational effects of Agent Orange
9 exposure.

10 “(2) In this subsection, the term ‘Agent Orange’ in-
11 cludes any chemical compound which became part, either
12 by design or through impurities, of an herbicide agent
13 used in support of the United States and allied military
14 operations in the Republic of Vietnam.”.

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

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

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

22 **SEC. 7. DEADLINE FOR IMPLEMENTATION.**

23 Not later than 180 days after the date of enactment
24 of this Act, the Administrator of the United States Agency

1 for International Development, the Secretary of Health
2 and Human Services, and the Secretary of Veterans Af-
3 fairs shall each complete a plan for the implementation
4 of the provisions of this Act, and the amendments made
5 by this Act, that are applicable to such Secretary and shall
6 issue a request for proposals, if applicable. The Adminis-
7 trator of the United States Agency for International De-
8 velopment, the Secretary of Health and Human Services,
9 and the Secretary of Veterans Affairs shall each imple-
10 ment the applicable provisions of this Act by not later than
11 18 months after the date of enactment of this Act.

12 **SEC. 8. QUARTERLY REPORTS.**

13 Not later than 30 days after the last day of each fis-
14 cal quarter beginning on or after 18 months after the date
15 of enactment of this Act, the Administrator of the United
16 States Agency for International Development, the Sec-
17 retary of Health and Human Services, and the Secretary
18 of Veterans Affairs shall each submit to Congress a report
19 on the implementation of the provisions of this Act appli-
20 cable to such Secretary during the immediately preceding
21 fiscal quarter.

22 **SEC. 9. DEFINITION.**

23 For purposes of this Act, the term “Agent Orange”
24 includes any chemical compound which became part, ei-
25 ther by design or through impurities, of an herbicide agent

- 1 used in support of the United States and allied military
- 2 operations in the Republic of Vietnam.

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