CS FOR HOUSE JOINT RESOLUTION NO. 25(MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered: 2/19/14
Referred: Rules

Sponsor(s): REPRESENTATIVES LEDOUX, Gruenberg

A RESOLUTION

Urging the United States Congress to restore the presumption of a service connection for Agent Orange exposure to United States Veterans who served in the waters defined by and in the airspace over the combat zone in Vietnam.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS, during the Vietnam War, the United States military sprayed over 19,000,000 gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops used by the enemy; those herbicides contained dioxin, which has since been identified as carcinogenic and has been linked with numerous serious and disabling diseases affecting thousands of veterans; and

WHEREAS the United States Congress passed the Agent Orange Act of 1991 to address the plight of veterans exposed to herbicides while serving in the Republic of Vietnam; the Act amended Title 38 of the United States Code presumptively to recognize as service-connected certain diseases among military personnel who served in Vietnam between 1962 and 1975; that presumption has provided access to appropriate disability compensation and medical care for Vietnam veterans diagnosed with illnesses such as Type II diabetes,

Hodgkin's disease, non-Hodgkin's lymphoma, prostate cancer, Parkinson's disease, multiple myeloma, peripheral neuropathy, AL Amyloidosis respiratory cancers, and soft tissue sarcomas, and others yet to be identified; and

WHEREAS, under a 2001 directive, the United States Department of Veterans Affairs has denied the presumption of a service connection for herbicide-related illnesses to Vietnam veterans who cannot furnish written documentation that they had "boots on the ground" in-country, making it virtually impossible for countless United States Navy, Marine, and Air Force veterans to pursue their claims for benefits; moreover, personnel who served on ships in the "Blue Water Navy" in Vietnamese territorial waters were, in fact, exposed to dangerous airborne toxins, which not only drifted offshore but washed into streams and rivers draining into the South China Sea; and

WHEREAS the United States Navy has been excluded from coverage under the Agent Orange Act of 1991 although Agent Orange has been verified, through various studies and reports, to be a wide-spreading chemical that was able to reach Navy ships through the air and through waterborne distribution routes; and

WHEREAS warships positioned off the Vietnamese coast routinely distilled seawater to obtain potable water; a 2002 Australian study found that the distillation process, rather than removing toxins, in fact concentrated dioxin in water used for drinking, cooking, and washing; the Australian Department of Veterans Affairs conducted that study after it found that Vietnam veterans of the Royal Australian Navy had a higher rate of mortality from diseases associated with Agent Orange than did Vietnam veterans of other branches of the military; and

WHEREAS the United States Centers for Disease Control and Prevention found a higher risk of specific cancers among United States Navy veterans than among veterans of other branches of the military; and

WHEREAS herbicides containing dioxin did not discriminate between soldiers on the ground and sailors on ships offshore; and

WHEREAS Representative Christopher Gibson and 168 cosponsors, including Representative Don Young, introduced the Blue Water Navy Vietnam Veterans Act of 2013; and

WHEREAS more than 30 Veterans' Service Organizations support the Blue Water

Navy Vietnam Veterans Act of 2013; and

WHEREAS, by not passing the Blue Water Navy Vietnam Veterans Act of 2013, a precedent could be set selectively to provide certain groups with injury-related medical care while denying that care to other groups, without any financial, scientific, or consistent reasoning; and

WHEREAS, when the Agent Orange Act of 1991 passed with no dissenting votes, congressional leaders stressed the importance of responding to the health concerns of Vietnam veterans and ending the bitterness and anxiety that had surrounded the issue of herbicide exposure; the federal government has also demonstrated its awareness of the hazards of Agent Orange exposure through its involvement in the identification, containment, and mitigation of dioxin "hot spots" in Vietnam; and

WHEREAS the United States Congress should reaffirm the nation's commitment to the well-being of all of its veterans and direct the United States Department of Veterans Affairs to administer the Agent Orange Act of 1991 under the presumption that herbicide exposure in the Republic of Vietnam included inland waterways, offshore waters, and airspace, encompassing the entire combat zone;

BE IT RESOLVED that the Alaska State Legislature urges the United States Congress to restore the presumption of a service connection for Agent Orange exposure to United States Veterans who served in the waters defined by the combat zone and in the airspace over the combat zone.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Bernie Sanders, Chair, U.S. Senate Committee on Veterans' Affairs; the Honorable Richard Burr, Ranking Member, U.S. Senate Committee on Veterans' Affairs; the Honorable Eric K. Shinseki, United States Secretary of Veterans Affairs; and the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.