

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, Lynn, Gara, Tuck, Tarr, Guttenberg, Josephson, Isaacson, Millett, Stoltze

SENATORS Fairclough, Gardner, Bishop, McGuire, Coghill, Giessel, Stedman, Egan, French, Stevens, Dunleavy, Micciche, Ellis, Wielechowski, Dyson

A RESOLUTION

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

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

5 **WHEREAS**, during the Vietnam War, the United States military sprayed over
6 19,000,000 gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover
7 and crops used by the enemy; those herbicides contained dioxin, which has since been
8 identified as carcinogenic and has been linked with numerous serious and disabling diseases
9 affecting thousands of veterans; and

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

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

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

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

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

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

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

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

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

1 Navy Vietnam Veterans Act of 2013; and

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

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

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

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

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