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SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 25(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/4/14

Referred: Rules

Sponsor(s): REPRESENTATIVES LEDOUX, Gruenberg, Lynn, Gara, Tuck, Tarr, Guttenberg, Josephson, Isaacson, Millett, Stoltze, Pruitt, Saddler

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; and urging the United States**
 4 **Congress to pass the Toxic Exposure Research and Military Family Support Act of 2013**
 5 **and to establish a national center for the diagnosis, treatment, and research of health**
 6 **conditions of descendants of veterans exposed to toxic substances.**

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

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

13 **WHEREAS** the United States Congress passed the Agent Orange Act of 1991 to
 14 address the plight of veterans exposed to herbicides while serving in the Republic of Vietnam;

1 the Act amended Title 38 of the United States Code presumptively to recognize as service-
2 connected certain diseases among military personnel who served in Vietnam between 1962
3 and 1975; that presumption has provided access to appropriate disability compensation and
4 medical care for Vietnam veterans diagnosed with illnesses such as Type II diabetes,
5 Hodgkin's disease, non-Hodgkin's lymphoma, prostate cancer, Parkinson's disease, multiple
6 myeloma, peripheral neuropathy, AL Amyloidosis respiratory cancers, and soft tissue
7 sarcomas, and others yet to be identified; and

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

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

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

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

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

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

4 **WHEREAS** more than 30 Veterans' Service Organizations support the Blue Water
5 Navy Vietnam Veterans Act of 2013; and

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

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

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

21 **WHEREAS** S. 1602 was introduced in the United States Senate on October 29, 2013,
22 by Senator Richard Blumenthal; and

23 **WHEREAS** S. 1602 would establish a national center for the diagnosis, treatment,
24 and research of health conditions of descendants of veterans exposed to toxic substances
25 during service in the armed forces of the United States, provide services to those descendants,
26 and establish an advisory board on exposure to toxic substances;

27 **BE IT RESOLVED** that the Alaska State Legislature urges the United States
28 Congress to restore the presumption of a service connection for Agent Orange exposure to
29 United States Veterans who served in the waters defined by the combat zone and in the
30 airspace over the combat zone; and be it

31 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States

1 Congress to pass S. 1602, the Toxic Exposure Research and Military Family Support Act of
2 2013, and to establish a national center for the diagnosis, treatment, and research of health
3 conditions of descendants of veterans exposed to toxic substances.

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