

**LIST
OF
FILES**

HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS,
2013-2014 (SCOMM 180)

MEMBERS:

REPRESENTATIVE FOSTER, CO-CHAIR
REPRESENTATIVE LEDOUX, CO-CHAIR
REPRESENTATIVE HIGGINS
REPRESENTATIVE REINBOLD
REPRESENTATIVE SADDLER
REPRESENTATIVE GRUENBERG

Established by HR 4, 2013

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SJR 24

02/28/13
Overview:
Veterans'
Transportation
Project

<TARGET><BILL></BILL><SUBJECT>02-28-13 Overview Veterans
Transportation Project</SUBJECT><COMM>HMLV28</COMM></TARGET>



Alaska Mobility Coalition's Veterans Transportation Project Update



**Presentation to the State House
Committee on Military and
Veterans Affairs – February 28, 2013**



Alaska
MOBILITY COALITION

- ❑ Alaska Mobility Coalition (AMC) is a private, non-profit member organization
 - 128 members from Alaska, Canada and the lower 48 states.
 - Represents public, private and community transit providers in Alaska .
 - Provides technical assistance to new and emerging Alaskan transit providers.



Veterans Transportation Project Beginnings



VTP/Voices from the Community

- ❑ Governor's Coordinated Transportation Task Force testimony from around the State stressed veterans' transportation needs
- ❑ Transportation Community
 - Military and transportation communities need to share information so that future transit grant proposals will better meet the needs of military and veterans
 - Transit providers need a way of being reimbursed for providing reduced fares to veterans
- ❑ Alaska VA
 - Eligibility rules make transportation unavailable to some veterans
 - Need partnership with public and private agencies to help those that are not eligible through VA

VTP/Voices from the Community

Communication across cultures

- Military organizational culture – “take care of our own”
- Members not accustomed to asking for help
- Military family information channels are not known/available to transportation providers

Demographic

- High percentage of vets are from rural areas infrequently served by transit systems

Funding

- Transportation providers pursue grant opportunities, historically not offered by DOD or VA
- VA-funded transportation services restrict sharing rides with non-veterans

Veterans Transportation Advisory Group

Statewide Members



Veterans Transportation Advisory Group

- + **TRANSIT PROVIDERS** -Vrides, People Mover Anchorage, and Capital Transit Juneau
- **GOVERNMENT AGENCIES** -Alaska Department of Military and Veterans Affairs and Alaska VA Healthcare system
- **STATE OF ALASKA** Alaska Department of Transportation and Public Facilities and the Alaska Department of Labor, Employment Security
- **PRIVATE VETERANS ORGANIZATIONS** Armed Forces YMCA, Vets helping Vets and Alaska Veterans Foundation

Veterans Transportation Advisory Group

Activities and Progress To Date



Activities and Progress to Date

- ❑ **August, 2012:** VTAG members met with Alaska VA and national representatives from the Veterans' Transportation Service (VTS) Program
- ❑ **October, 2012:** VTAG Sub-committee presented a Roundtable Discussion at Alaska Community Transit Conference
- ❑ **February, 2013:** Teleconference presentation on Operation Vets in Public Transportation by Kristen Joyner from South West Transit Association

Alaska Mobility Coalition's Veterans Transportation Project Grants: Getting Alaskan Veterans to Work

“

Access to reliable and affordable transportation is an essential ingredient to empower today's service members, veterans, and their families to participate fully and successfully in their communities and achieve economic stability.

*-Ray LaHood,
Secretary of Transportation*

- ❑ RFP released in December with deadline of Jan. 25th
- ❑ With funding provided by the Alaska DOTPF, AMC offered grants to provide public transportation for Alaskan veterans, active military and their families to assist them in getting to work
- ❑ Targeted applicants were eligible transit systems, military and veteran organizations
- ❑ Work to be completed by June 12, 2013
- ❑ One grant awarded to Alaska Department of Labor, Employment Security Division
 - Will provide bus passes and travel vouchers for work-related trips to unemployed veterans who rely on public transportation
 - AMC is leveraging additional funding for future grants

HB

59

<TARGET><BILL>HB 59</BILL><SUBJECT>HB
59</SUBJECT><COMM>HMLV28</COMM></TARGET>

**Alaska State Legislature
House of Representatives**



**Representative Max F. Gruenberg, Jr.
House District 14
Anchorage (Russian Jack, College Gate, Nunaka Valley)
House Democratic Floor Leader**

Interim:
716 W 4th Avenue, Rm 350
Anchorage, Alaska 99501-2133
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Email:
Rep.Max.Gruenberg@legis.state.ak.us

Member:

Judiciary
Rules
Legislative Council
Military & Veterans Affairs

**TO: Rep. Gabrielle LeDoux, Co-Chair
House Military and Veterans' Affairs**

Rep. Neal Foster, Co-Chair
House Military and Veterans' Affairs

FROM: Rep. Max Gruenberg 

DATE: February 18, 2013

RE: HB 59 Hearing Request

.....
Please consider this memorandum as a request for House Bill 59 to be heard in the House Military and Veterans Affairs Committee. Accompanying this memo are the following documents:

- Sponsor Statement
- HB 59 (28-LS0260\U)
- HB 59 (28-LS0260\A)
- Supporting Documents
 - Letter Chief Tom Clemons, AACP
 - Letter John Lucking, Jr., APOA
 - Letter Ken Helander, AARP
 - Silver Alert State Breakdown List

Thank you for considering my request for a hearing on HB 59. Please contact my legislative aide, Miles Brookes, at 465-4940 with any questions.



Alaska Association of Chiefs of Police

February 2, 2013

The Honorable Max Gruenberg
Alaska State House of Representatives
State Capitol, Rm. 110
120 4th Street, Mail Stop 3100
Juneau AK 99801-1182

Dear Representative Gruenberg,

In my capacity as President of the Alaska Association of Chiefs of Police, I am writing to express our enthusiastic support of House Bill 59, "An Act relating to missing vulnerable adult prompt response and notification plans". Our Association is comprised of more than 100 law enforcement executives from all across Alaska, and we applaud your effort to help agencies work together more easily in the protection of vulnerable adults.

When vulnerable individuals of any age are missing, time is of the essence, and HB 59 provides additional measures that will speed the actions of involved agencies and hopefully improve the rate of successful recovery, much as the Amber Alert system has done for missing children.

We look forward to working with you to insure that HB 45 is passed, and encourage you to contact our Executive Director, Kalle Klaysmat, at 907-394-5426 or by email at kalle.klaysmat@aacop.org should there be some way we can be of assistance in that regard.

Respectfully,

Chief Tom Clemons, President



February 12, 2013

Business Manager

Katie Bell
Anchorage

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Wrangell Chapter
Wrangell

The Honorable Max Gruenberg
Alaska State House of Representatives
State Capitol, Rm. 110
120 4th Street, Mail Stop 3100
Juneau AK 99801-1182

Dear Representative Gruenberg:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 59, "An act relating to missing vulnerable adult prompt response and notification plans".

The APOA Board of Directors recently reviewed this proposed legislation and unanimously supports this bill in its current form. We applaud your effort to further cooperation between the Department of the Military and Veterans' Affairs and the Department of Public Safety through this legislation.

Please contact the APOA office in Anchorage at 277-0515, if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

John Lucking, Jr.
State President

PO Box 240106
Anchorage AK 99524

t 907 277 0515
f 907 272 5355

Making A Difference In The Last Frontier





AARP Alaska
3601 C Street
Suite 1420
Anchorage, AK 99503

T 1-866-227-7447
F 907-341-2270
www.aarp.org/ak

February 11, 2013

The Honorable Max Gruenberg
Alaska Capitol, Room 110
Juneau, AK 99801-1182

Re: HB 59 Missing Vulnerable Adult Response Plan - Support

Dear Representative Gruenberg,

On behalf of the 94,000 members of AARP Alaska, I am grateful for your sponsorship of this important legislation to create an emergency response plan to assist in locating a missing vulnerable adult. We offer our support for the passage of this bill.

Just reading through the bill stirs up many memories and emotions of what I often recall as the worst night of my life. As the director of an adult day center in Anchorage, I was responsible for the safety of one of our members who left the building unnoticed in mid-October not many years ago, and went missing. As a center that specialized in caring for persons with dementia, it was not unusual for our members to wander and occasionally try to leave the premises. We had what we believed were good procedures in place to ensure no one left the campus and if they did, how we would find them. It had always been sufficient before...until this particular incident.

When the member was noted missing, and an immediate search of the facility, campus, and neighborhood failed to locate him, we exceeded the limits of any prior planning and began to improvise our response. Throughout the evening we summoned more and more help, including family members, law enforcement, media, and every available staff and volunteer. At midnight the search was called off without success. The weather was chilly and damp. The only available night vision device (at the time) was out in the Mat-Su Valley and couldn't arrive before morning. After the longest night of my life, the next morning at first light the search resumed, and the member was finally found lying in the grass within less than a mile of the center. He was unharmed, though wet and very disoriented.

It is not just professional experience that convinces me of the need for a formulated plan of response. It also happened to my father in Colorado. He walked over a mile and a half away from his assisted living home along and across very busy thoroughfares, and ended up at a Subway Sandwich Shop with no idea where he lived or how he'd gotten there. That incident precipitated his placement into a locked "memory care" unit where he remained for the rest of his life.

The vulnerability of frail elders, especially when there is cognitive impairment, poses too great a risk to not have a plan. The experience of community, public safety and law enforcement, media, and military support all working together with defined and efficient roles when a child is missing, shows us the benefits of a coordinated response. Indeed, in states where "silver alert" procedures are in place, the successful safe return of vulnerable adults to their home has improved significantly.

With the projected demographic tidal wave of numbers of older people, and consequently those with significant physical or cognitive impairment, it is urgent that plans are in place to quickly act

and prevent needless tragedy. "Vulnerable adult" has a legal definition, but it also represents a mother or father, a husband or a wife. No family member should have to endure any more time of uncertainty and anxiety for a loved one's safe return than absolutely necessary. The development of a response plan as your bill suggests will make sure of that.

Thank you for your consideration and sponsorship of this important legislation. Should you have any questions regarding AARP Alaska's support for HB 59, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Ken Helander". The signature is written in a cursive style with a long horizontal stroke at the end.

Ken Helander
Advocacy Director
907-762-3314

khelander@aarp.org

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 59
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB059-DPS-DET-02-21-13
Title: MISSING VULNERABLE ADULT RESPONSE
PLAN
Sponsor: GRUENBERG
Requester: House Military and Veterans Affairs

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska State Trooper Detachments
OMB Component Number: 2325

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES	FY 2014	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Lieutenant Rodney Dial	Phone:	(907)254-1284
Division:	Alaska State Troopers	Date:	02/21/2013 06:36 PM
Approved By:	Joseph A. Masters, Commissioner	Date:	02/21/13
	Department of Public Safety		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB059

Analysis

This bill amends AS 44.35.020 by adding a new paragraph requiring the Department of Military and Veterans Affairs (DMVA), in cooperation with the Department of Public Safety (DPS), to develop and implement missing vulnerable adult response and notification plans under proposed AS 44.41.060.

This bill also amends AS 44.41 by adding a new section requiring that DPS, in cooperation with DMVA and using statewide and local radio and television broadcasters and newspaper publishers, develop and implement plans for use by law enforcement agencies to locate a vulnerable adult who is missing and specifying what that plan shall include.

It is expected that DPS will develop the missing vulnerable adult response and notification plan within existing resources. Therefore, a zero fiscal note is being submitted.

28-LS0260U
Strasbaugh
2/14/13

CS FOR HOUSE BILL NO. 59()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE GRUENBERG

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to missing vulnerable adult prompt response and notification plans."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 44.35.020(a) is amended to read:**

- 4 (a) The Department of Military and Veterans' Affairs shall
- 5 (1) conduct the military affairs of the state as prescribed by the
- 6 Military Code;
- 7 (2) cooperate with the federal government in matters of mutual
- 8 concern pertaining to the welfare of Alaskan veterans, including establishing,
- 9 extending, or strengthening services for veterans in the state; **[AND]**
- 10 (3) annually, not later than February 1, make available a report to the
- 11 legislature, through the governor, outlining the department's activities during the
- 12 previous calendar year; the department shall notify the legislature that the report is
- 13 available; and
- 14 (4) cooperate with the Department of Public Safety to develop and
- 15 implement missing vulnerable adult prompt response and notification plans

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under AS 44.41.060.

* Sec. 2. AS 44.41 is amended by adding a new section to read:

Sec. 44.41.060. Missing vulnerable adult prompt response and notification plans. (a) The Department of Public Safety, in cooperation with the Department of Military and Veterans' Affairs shall, using statewide and local radio and television broadcasts, newspapers, and other communications media, develop and implement missing vulnerable adult prompt response and notification plans for use by law enforcement agencies, groups, and persons to locate a vulnerable adult who is missing and coordinate the use of those plans. The plans must at least include standards for

(1) determining when it is appropriate to implement a plan; standards developed under this paragraph must at least address

(A) when a vulnerable adult will be considered missing; and

(B) the format, contents, and distribution of reports prepared by participating law enforcement agencies and others searching for a missing vulnerable adult;

(2) determining where to implement the plan;

(3) the voluntary participation of radio and television broadcasters, newspaper publishers, and owners and operators of other communications media in the plan.

(b) Notwithstanding another provision of law, a radio or television broadcaster, a newspaper publisher, or an owner or operator of other communications media is not civilly liable for participating in a missing vulnerable adult prompt response and notification plan or for participating in the actual implementation of a plan if the broadcaster, publisher, or owner or operator has verified the authenticity of that implementation with the law enforcement agency.

(c) In this section, "vulnerable adult" has the meaning given in AS 47.24.900.

L



Silver Alert



Modeled after the Amber Alert, the Silver Alert is an emergency system in which law enforcement can broadcast regional or statewide alerts for missing seniors and/or other adults with Alzheimer's or other cognitive disorders.

A growing number of states are enacting laws that call for the development of the Silver Alert program and some have implemented their own notification systems.

Activation criteria varies from state to state, see list below for information on the Silver Alert program in your state.

Alabama	
Effective Date	March 25, 2009 AKA "Missing Senior Citizen Alert"
Administered By	Department of Public Safety
Age Requirement	Not specified
Phone	contact your local law enforcement agency or (800) 228-7688
Website	http://dps.alabama.gov/Home/wfContent.aspx?ID=20&PLH1=olhAlerts-MissingSenior
Other	House Bill 33

Alaska	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	Alaska State Troopers Bureau of Investigation, Missing Person's Clearinghouse
Age Requirement	All ages, children and adults
Phone	907-269-5497
Website	http://www.dps.state.ak.us/ast/abi/missingpersons.aspx
Other	

Arizona	
Effective Date	October 2008 AKA "Endangered Person Alert"
Administered By	Department of Public Safety
Age Requirement	Must be age 18 or older
Phone	contact your local law enforcement agency or (602) 223-2212
Website	http://www.azag.gov/EndangeredPerson/
Other	

Arkansas	
Effective Date	April 2009
Administered By	The Arkansas State Police, working with the Arkansas Sheriffs' Association and Arkansas Association of Chiefs of Police
Age Requirement	Adults with Alzheimer's or other cognitive disorders
Phone	contact your local law enforcement agency

	Arkansas State Police: 501-618-8000
Website	https://www.ark.org/asp/alerts/mnaa/silver.php
Other	

California	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	California Department of Justice Missing and Unidentified Persons Unit
Age Requirement	All ages, children and adults
Phone	916-227-3290
Website	http://naa.ca.gov/missing
Other	

Colorado	
Effective Date	February 2007
Administered By	Colorado Department of Public Safety, Bureau of Investigation (CBI)
Age Requirement	Must be age 60 or older
Phone	contact your local law enforcement agency
Website	None
Other	House Bill 07-1005

Connecticut	
Effective Date	July 1, 2009
Administered By	Department of Public Safety
Age Requirement	(1) anyone 65 or over and (2) anyone 18 or over who has a mental impairment
Phone	contact your local law enforcement agency
Website	http://www.ct.gov/agingservices/cwp/view.asp?a=25138g=442724
Other	Senate Bill 451

Delaware	
Effective Date	July 2008 AKA "Gold Alert Program"
Administered By	The initial decision to issue a local Gold Alert is at the discretion of the investigating law-enforcement agency.
Age Requirement	Must be age 60 or older
Phone	contact your local law enforcement agency
Website	http://delcode.delaware.gov/title11/c085/sc07/index.shtml
Other	CHAPTER 85. STATE BUREAU OF IDENTIFICATION, Subchapter VII. <u>Gold Alert Program for Certain Missing Persons</u>

Florida	
Effective Date	October 8, 2008
Administered By	Florida Department of Law Enforcement
Age Requirement	Must be age 60 or older
Phone	contact your local law enforcement agency
Website	http://www.fdle.state.fl.us/Content/getdoc/4d9614f1-822a-411f-9bdd-1556a04f05fa/Silver-Alert-Plan.aspx
Other	House Bill HM 753

Georgia	
Effective Date	April 2006 AKA "Mattie's Call"
Administered By	Georgia Bureau of Investigation
Age Requirement	Missing disabled adults
Phone	contact your local law enforcement agency
Website	http://alerts.gbi.georgia.gov/00/channel_modifieddate/0.2096.67865199_74426401.00.html
Other	House Bill 728

Hawaii	

Effective Date	No Official Alert Program Implemented at this Time
Administered By	Missing Persons Center Hawaii Department of the Attorney General
Age Requirement	All ages, children and adults
Phone	808-586-1449
Website	http://hawaii.gov/ao/mcch/main/missingchild/missingchild_pcs
Other	

Idaho	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	Idaho State Police Special Programs Unit Missing Person's Clearinghouse
Age Requirement	All ages, children and adults
Phone	888-777-3922
Website	http://isp.idaho.gov/identification/missing/
Other	

Illinois	
Effective Date	January 1, 2010 AKA "Endangered Missing Person Advisory Program"
Administered By	The Illinois Department on Aging (IDoA), in coordination with the Illinois State Police
Age Requirement	Older adults
Phone	contact your local law enforcement agency
Website	http://www.state.il.us/aging/1news_pubs/news/2009-1230.htm http://www.illinois.gov/PressReleases/ShowPressRelease.cfm?SubjectID=1&RecNum=8136
Other	Senate Bill 0027

Indiana	
Effective Date	July 2009
Administered By	Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults
Age Requirement	Must be age 18 or older
Phone	contact your local law enforcement agency or 800-831-8953
Website	http://www.in.gov/silveralert/index.htm http://www.in.gov/silveralert/2331.htm
Other	Senate Bill 307

Iowa	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	Iowa Missing Person Information Clearinghouse
Age Requirement	All ages
Phone	515-725-6036
Website	http://www.iowaonline.state.ia.us/mpic/ http://www.iowaonline.state.ia.us/mpic/Controller.aspx?cmd=missinglinks
Other	

Kansas	
Effective Date	July 30, 2009
Administered By	Kansas Bureau of Investigation Communications
Age Requirement	Must be age 65 or older
Phone	contact your local law enforcement agency
Website	http://ag.ks.gov/public-safety/missing-persons/silver-alerts
Other	SHL Resolution No. 2506

Kentucky	
Effective Date	July 2008 AKA "Golden Alert"
Administered By	Kentucky Division of Emergency Management
Age Requirement	Must be age 18 or older

Phone	Contact your local law enforcement agency or (502) 607-1638
Website	none
Other	Senate Bill 125

Louisiana	
Effective Date	July 2008
Administered By	Department of Public Safety and Corrections
Age Requirement	Must be age 60 or older
Phone	Contact your local law enforcement agency
Website	none
Other	House Bill 1378

Maine	
Effective Date	April 2010
Administered By	Maine Department of Public Safety
Age Requirement	Must be age 18 or older
Phone	Contact your local law enforcement agency
Website	none
Other	Legislative Documents: HP1138, LD 1610, Item 1

Maryland	
Effective Date	October 2009
Administered By	Maryland State Police
Age Requirement	Anyone who may have a cognitive disorder
Phone	Contact your local law enforcement agency or (410)486-3101
Website	http://www.mdsp.org/Organization/MissingPersons/SilverAlert.aspx
Other	House Bill 192 Press Release

Massachusetts	
Effective Date	August 2010
Administered By	
Age Requirement	
Phone	508-820-2300
Website	http://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6A/Section18I
Other	

Michigan	
Effective Date	May 2012 AKA "Mozelle senior or vulnerable adult medical alert act"
Administered By	
Age Requirement	At least 60 years of age
Phone	Contact your local law enforcement agency
Website	http://www.legislature.mi.gov/documents/2011-2012/billconcurrent/Senate/pdf/2011-SCB-0466.pdf
Other	

Minnesota	
Effective Date	July 2009 AKA "Brandon's Law"
Administered By	Bureau of Criminal Apprehension
Age Requirement	All ages
Phone	Contact your local law enforcement agency
Website	https://www.revisor.mn.gov/bills/bill.php?bill=H3531.0.html&session=1s86
Other	S.F. No. 1146 (Minnesota Missing Person's Act)

Mississippi	

Effective Date	July 1, 2010 "Mississippi Silver Alert System Act of 2010."
Administered By	Mississippi Department of Public Safety
Age Requirement	Must be age 18 or older
Phone	Contact your local law enforcement agency
Website	http://www.dps.state.ms.us/crime-investigation/bureau-of-investigation/silver-alert/
Other	House Bill 664, House Bill 664 Amended

Missouri	
Effective Date	"Endangered Silver Advisory"
Administered By	Department of Public Safety
Age Requirement	Must be age 18 or older
Phone	Contact your local law enforcement agency or (573) 751-1000
Website	http://www.mshp.dps.mo.gov/MSHPWeb/PatrolDivisions/DDCC/EndangeredSilverAdvisory
Other	House Bill 1119

Montana	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	Montana Missing Person's Clearinghouse
Age Requirement	All ages
Phone	406-444-1526
Website	https://dps.mt.gov/missing-persons/
Other	

Nebraska	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	Nebraska State Patrol Missing Persons Clearinghouse
Age Requirement	All ages, children and adults
Phone	877-441-5678
Website	http://statepatrol.nebraska.gov/MissPerClearing.aspx
Other	

Nevada	
Effective Date	
Administered By	Nevada Department of Public Safety
Age Requirement	60 years or older
Phone	775-684-7412
Website	http://dps.nv.gov/uploadedFiles/dpsnv.gov/content/forms/NevadaSilverAlertSystem.pdf
Other	

New Hampshire	
Effective Date	Approved July 29, 2009, Effective on July 1, 2010 AKA "Missing Senior Citizen Alert"
Administered By	New Hampshire Department of Safety
Age Requirement	Must be age 55 or older
Phone	Contact your local law enforcement agency
Website	None
Other	House Bill 279

New Jersey	
Effective Date	December 23, 2009 law signed into effect
Administered By	State Police
Age Requirement	Must be age 65 or older
Phone	Contact your local law enforcement agency
Website	http://www.nileg.state.nj.us/2008/Bills/A3000/2844_11.HTM
Other	Assembly No. 2844 Senate Bill 1551 and Senate Bill 1844

New York	
Effective Date	July 25, 2012
Administered By	State Police
Age Requirement	Must be age 18 or older
Phone	Contact your local law enforcement agency
Website	None, but a list of missing persons is available online. web link
Other	Bills A05783, S04307, A5544-2011

New Mexico	
Effective Date	The New Mexico Missing Persons Clearinghouse issues a "Endanger Person Advisory"
Administered By	Department of Public Safety
Age Requirement	All ages
Phone	Contact your local law enforcement agency or (505) 827-9297
Website	http://missingpersons.dps.state.nm.us/
Other	

North Carolina	
Effective Date	Approved June 19, 2009
Administered By	Department of Crime Control and Public Safety
Age Requirement	All ages
Phone	Contact your local law enforcement agency
Website	http://www.nccrimecontrol.org/Index2.cfm?a=000003.000005.000081.001670 http://www.nccrimecontrol.org/div/ale/missingpersons/SilverAlertBrochure3c.pdf
Other	General Statute 5 143B-499.8

North Dakota	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	North Dakota Bureau of Criminal Investigation
Age Requirement	All ages, children and adults
Phone	800-472-2185
Website	http://www.ag.state.nd.us/bci/MissingPersonPolicy.pdf
Other	

Oklahoma	
Effective Date	November 1, 2009, passed Senate April 16, 2009
Administered By	Department of Public Safety - Commissioner of Public Safety
Age Requirement	Must be age 60 or older
Phone	Contact your local law enforcement agency
Website	none
Other	House Bill 2030, 63 O.S. §1-1990.2

Ohio	
Effective Date	June 20, 2008 AKA "Missing Adult Alert"
Administered By	Ohio Emergency Management Agency
Age Requirement	Must be age 65 or older
Phone	Contact your local law enforcement agency or 866-693-9171
Website	http://www.missingadults.ohio.gov/OhioMAA/Home.aspx
Other	Senate Bill 87, Sec. 5502.522

Oregon	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	Oregon State Police - Missing Children and Adults
Age Requirement	All ages, children and adults
Phone	503-934-0188

Website	http://www.oregonlaws.org/ors/181.505
Other	

Pennsylvania	
Effective Date	September 1, 2009 (based on HB276, although no program confirmation can be found)
Administered By	State Police
Age Requirement	Must be age 65 or older
Phone	Contact your local law enforcement agency
Website	none
Other	House Bill 2558 (2008). House Bill 726 (2009)

Rhode Island	
Effective Date	January 3, 2008 AKA "Missing Senior Citizen Alert Program"
Administered By	State Police
Age Requirement	Must be age 60 or older
Phone	Contact your local law enforcement agency
Website	none
Other	S7048 and H7048

South Carolina	
Effective Date	May 2010 AKA "The Endangered Person Notification System"
Administered By	South Carolina Law Enforcement Division Missing Persons - Missing Person Information Center
Age Requirement	All ages
Phone	Contact your local law enforcement agency or 803-737-9000
Website	http://scsilveralert.com/
Other	Article 5, Chapter 3, Title 23 of the 1976 Code is amended by adding Section 23-3-330, January 13, 2009. House Bill 3817 introduced on March 24, 2009. A192, R240, H3719 General Bill.

South Dakota	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	South Dakota Attorney General's Office, Division of Criminal Investigation
Age Requirement	All ages, children and adults
Phone	605-773-3331
Website	http://dci.sd.gov/Operations/MissingPersons.aspx
Other	

Tennessee	
Effective Date	August 4, 2009 AKA "The Tennessee Senior Alert Act"
Administered By	Tennessee Bureau of Investigation
Age Requirement	Must be age 18 or older
Phone	Contact your local law enforcement agency
Website	http://wapp.capitol.tn.gov/apps/billInfo/BillSummaryArchive.aspx?BillNumber=SB1748&qa=106
Other	House Bill 346

Texas	
Effective Date	Sept 1, 2007
Administered By	Department of Public Safety
Age Requirement	Must be age 65 or older
Phone	Contact your local law enforcement agency or Texas Silver Alert Coordinator (512) 424-2208
Website	http://www.txdps.state.tx.us/dem/Operations/Alerts/index.htm
Other	

Utah	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	Utah Department of Public Safety
Age Requirement	All ages, children and adults
Phone	801-965-4686
Website	http://publicsafety.utah.gov/bci/missingpersons.html
Other	

Vermont	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	Vermont State Clearinghouse of Missing Persons - Vermont State Police
Age Requirement	All ages, children and adults
Phone	802-241-5000
Website	http://vsp.vermont.gov/
Other	

Virginia	
Effective Date	July 2007 AKA "Senior Alert System"
Administered By	Virginia State Police
Age Requirement	Must be age 60 or older
Phone	Contact your local law enforcement agency
Website	http://www.vasenioralert.com/index.htm
Other	§ 52-34.5

Washington	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	Washington State Patrol Missing Person's Unit
Age Requirement	All ages, children and adults
Phone	800-543-5678
Website	http://www.wsp.wa.gov/crime/mou.htm
Other	

West Virginia	
Effective Date	April 22, 2009
Administered By	The State Police
Age Requirement	All ages, children and adults
Phone	Contact your local law enforcement agency
Website	none
Other	House Bill 2504 §15-3B-3

Wisconsin	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	Wisconsin Clearinghouse for Missing and Exploited Children and Adults
Age Requirement	All ages, children and adults
Phone	800-843-4673
Website	http://www.missingpersons.dol.wi.gov
Other	

Wyoming	
Effective Date	No Official Alert Program Implemented at this Time
Administered By	Wyoming Office of the Attorney General Division of Criminal Investigation
Age Requirement	All ages, children and adults
Phone	307-777-7537
Website	http://attorneygeneral.state.wy.us/dci/
Other	

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Alaska State Legislature

House of Representatives



Member:
Judiciary
Rules
Legislative Council
Military & Veterans Affairs

Representative Max F. Gruenberg, Jr.
House District 14
Anchorage (Russian Jack, College Gate, Nunaka Valley)
House Democratic Floor Leader

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Rep.Max.Gruenberg@legis.state.ak.us

List of Expected Testifiers for HB 59

Brad Johnson, Deputy Chief*	Fairbanks Police Dept.	(907) 450-2142
Steve Smith, Deputy Chief*	Anchorage Police Dept.	(907) 786-8553

*Indicates testifiers that need conference call number.

If you have any questions, please contact Representative Max Gruenberg's aide, Miles Brookes at (907) 465-4940.

AGENET

Alaska Geriatric Exchange Network
An Association of Advocates and Service Providers for Older Alaskans

March 1, 2013

Representative Gabrielle LeDoux
Alaska State Capitol, Room 416
Juneau, AK 99801

Dear Representative LeDoux,

Agenet is pleased to write a letter in support of House Bill 59, an act providing for the safety of missing vulnerable adults. House Bill 59 would call on the Department of Military and Veterans Affairs to coordinate with the Department of Public Safety to design and implement an "Amber Alert" type notification system to help locate missing senior citizens and adults with disabilities.

Wandering is one of the most significant personal safety risks faced by individuals with Alzheimer's disease. Nearly 60% of people with Alzheimer's disease wander at some point during the course of their disease. Approximately half of all wanderings result in personal injury if the person is not found within 24 hours (Alzheimer's Association 2011). For an older person, being outside unprotected during the wintertime even for a short time, wandering can have life and death consequences.

A *Silver Alert* system would make use of the public broadcasting system to send out an immediate bulletin when a vulnerable older person is missing. Through public awareness, the *Silver Alert* program would substantially increase the chances of finding a vulnerable adult within the crucial 24-hour period from when he or she first goes missing. House Bill 59 would not present additional costs to the state, yet it would save local public safety departments valuable resources with shorter, more successful missing person searches.

The majority of states have established Silver Alert-type systems. Considering Alaska has the fastest growing senior population in the country, I encourage the State of Alaska to do the same. Members of the Alaska Geriatric Exchange Network (Agenet) are experienced senior service providers from across Alaska and we ask you to support House Bill 59.

Sincerely,



Marianne Mills
President

Cc: Representative Max Gruenberg

Mailing Address: c/o President Marianne Mills, SESS, 419 Sixth Street, Juneau, Alaska 99801

Alaska State Legislature

House of Representatives



Member:
Judiciary
Rules
Legislative Council
Military & Veterans Affairs

Representative Max F. Gruenberg, Jr.
House District 14
Anchorage (Russian Jack, College Gate, Nunaka Valley)
House Democratic Floor Leader

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Analysis of Changes to HB 59 Between Versions N and O

1. Page 2, lines 7-20; provide clarification for the Department of Military and Veterans' Affairs and the Department of Public Safety to design the missing vulnerable adult plans. Changes include;

- A. Subsection requiring the development and implementation of missing vulnerable adult response and notification plans.
- B. Subsections outlining minimum standards for the plans including, determining where and when to implement the plan, when a vulnerable adult will be considered missing, and the format, contents, and distribution of reports of the plan.

These changes give flexibility to the involved departments in planning and implementing the plans.

2. Page 2, lines 27-29; adopts the prior definition of "vulnerable adult" used in AS 47.24.900 prior to its amendment (CHAPTER 71 SLA 12) for the purpose of this section of law. A "vulnerable adult", for the purposes of this bill, will be defined as;

"a person 18 years of age or older who, because of physical or mental impairment, is unable to meet the persons own needs or to seek help without assistance"

The definition of "vulnerable adult" will not be changed in AS 47.24.900 or affect the term "vulnerable adult" in any statute outside of HB 59.

If you have any questions, please contact Representative Gruenberg's aide, Miles Brookes at (907) 465-4949.



School of Social Work
UNIVERSITY of ALASKA ANCHORAGE

3211 Providence Drive
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T 907.786.6900 • F 907.786.6912
socialwork.uaa.alaska.edu

March 4, 2013

Representative Max Gruenberg
State Capitol Room 110
Juneau AK, 99801

Dear Representative Gruenberg,

Thank you for introducing HB 59, creating a safety plan for vulnerable adults who are missing and at risk in Alaska. It is very timely given the rise in the number of vulnerable adults in Alaska. Other states have created a Silver Alert program that targets only senior citizens, whereas your bill extends the protection to all vulnerable adults.

Usually seniors are considered, but there are adults with physical and intellectual disabilities, persons with mental illness who may be distraught and suicidal, and soldiers and veterans who suffer from traumatic brain injuries who may become disoriented and in need of assistance.

The School of Social Work at the University of Alaska Anchorage graduates professional social workers who provide a variety of services to vulnerable populations throughout Alaska and this alert program will be of great benefit to them should one of their clients become at risk.

I strongly support this legislation and am hopeful that it will become law this Legislative session.

Sincerely yours,

A handwritten signature in cursive script that reads "Patrick M. Cunningham".

Patrick M. Cunningham, MSW, DSW
Associate Professor of Social Work

28-LS0260\O
Strasbaugh
3/6/13

CS FOR HOUSE BILL NO. 59()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GRUENBERG, Tarr

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to missing vulnerable adult prompt response and notification plans."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 44.35.020(a) is amended to read:**

4 **(a) The Department of Military and Veterans' Affairs shall**

5 **(1) conduct the military affairs of the state as prescribed by the**
6 **Military Code;**

7 **(2) cooperate with the federal government in matters of mutual**
8 **concern pertaining to the welfare of Alaskan veterans, including establishing,**
9 **extending, or strengthening services for veterans in the state; [AND]**

10 **(3) annually, not later than February 1, make available a report to the**
11 **legislature, through the governor, outlining the department's activities during the**
12 **previous calendar year; the department shall notify the legislature that the report is**
13 **available; and**

14 **(4) cooperate with the Department of Public Safety to develop and**
15 **implement missing vulnerable adult prompt response and notification plans**

1 under AS 44.41.060.

2 * Sec. 2. AS 44.41 is amended by adding a new section to read:

3 **Sec. 44.41.060. Missing vulnerable adult prompt response and notification**
4 **plans.** (a) The Department of Public Safety, in cooperation with the Department of
5 Military and Veterans' Affairs, shall, using statewide and local radio and television
6 broadcasts, newspapers, and other communications media,

7 (1) develop and implement missing vulnerable adult prompt response
8 and notification plans for use by law enforcement agencies, groups, and persons to
9 locate a vulnerable adult who is missing; and

10 (2) coordinate the use of those plans.

11 (b) The plans required by (a) of this section must at least include standards for

12 (1) determining when and where to implement a plan; standards
13 developed under this paragraph must at least address

14 (A) when a vulnerable adult will be considered missing; and

15 (B) the format, contents, and distribution of reports prepared by
16 participating law enforcement agencies and others searching for a missing
17 vulnerable adult; and

18 (2) voluntary participation in the plan by radio and television
19 broadcasters, newspaper publishers, and owners and operators of other
20 communications media.

21 (c) Notwithstanding another provision of law, a radio or television
22 broadcaster, a newspaper publisher, or an owner or operator of other communications
23 media is not civilly liable for participating in a missing vulnerable adult prompt
24 response and notification plan or for participating in the actual implementation of a
25 plan if the broadcaster, publisher, or owner or operator has verified the authenticity of
26 the plan's implementation with the law enforcement agency.

27 (d) In this section, "vulnerable adult" means a person 18 years of age or older
28 who, because of physical or mental impairment, is unable to meet the person's own
29 needs or to seek help without assistance.

HB

67

<TARGET><BILL>HB 67</BILL><SUBJECT>HB
67</SUBJECT><COMM>HMLV28</COMM></TARGET>

ALASKA STATE LEGISLATURE



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REPRESENTATIVE STEVE THOMPSON

Sponsor Statement HB 67

"An Act establishing March 29th of each year as Vietnam Veterans Day"

In 2012, the United States Senate and the President designated March 29, as Vietnam Veterans Day. It marked the 38th anniversary of the withdrawal of U.S. combat and combat-support units from Vietnam.

On March 29, 1973, all U.S. troops withdrew from Vietnam, marking an end of the 10 year United States military involvement. Upon their return, Vietnam Veterans were not greeted with parades or triumphant speeches such as the ones delivered at the end of each of the World Wars. Instead, Vietnam veterans returned home to silence, and in some cases, to abuse for having served their country during a controversial war.

House Bill 67 would dedicate March 29th of each year as Vietnam Veterans Day in Alaska to commemorate the military service of American men and women in Vietnam. The day may be observed by suitable observances and exercises by civic groups and the public.

I would appreciate your support for House Bill 67.

ALASKA STATE LEGISLATURE

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REPRESENTATIVE STEVE THOMPSON

HB 67 "Vietnam Veterans Day"

Why March 29th and instead of March 30th?

March 30th - day and month when the opposition on numerous occasions violated the Peace Treaty and continued to kill American men and women as well as US allies

- March 30, 1972 - NVA Eastertide attack across the DMZ and on Quang Tri
- March 30, 1975 - Da Nang falls

March 29th

- March 29th, 1973 is identified with the official withdrawal of combat troops from Vietnam ordered by President Nixon.
- March 29th, 1974 was established by President Nixon as Vietnam Veterans Day

Proclamation 4270 - Vietnam Veterans Day

February 26, 1974

By the President of the United States Of America - **Richard Nixon**
A Proclamation

As America enters its second year of peace after a decade of conflict, it is highly appropriate for us to acknowledge the debt we owe to those veterans who served in the Armed Forces during the conflict in Southeast Asia. The untiring devotion that characterized our Armed Forces during this trying conflict is a tribute to the national character.

There are over six and one-half million Vietnam-era veterans, of whom more than two and one-half million served in Vietnam. Despite significant disruptions in their lives and other personal sacrifices, they answered the call of their country and served with great distinction.

As a Nation, we have acknowledged our deep respect and admiration by setting aside March 29, 1974, as Vietnam Veterans Day to remember that the honorable peace America achieved came through great sacrifice. Those who served, those who gave their lives, those who were disabled, and those who are still missing in Southeast Asia--and whose full accounting we shall continue to seek--deserve the profound gratitude of their countrymen. For this purpose, the Congress has authorized and requested me to issue a proclamation designating March 29, 1974, as Vietnam Veterans Day.

Now, Therefore, I, Richard M. Nixon, President of the United States of America, urge the people of this Nation to join in commemorating Friday, March 29, 1974, as Vietnam Veterans Day with suitable observances.

I direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on that day; and I request officials of Federal, State, and local Governments, and civic and patriotic organizations, to give their enthusiastic support to appropriate ceremonies and observances throughout the Nation.

I urge all citizens of every age to participate in the events of this day as one means of honoring those men and women who served their country faithfully and courageously during the Vietnam conflict.

In Witness Whereof, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.



RICHARD NIXON

The White House -President Barack Obama

The White House
Office of the Press Secretary
For Immediate Release
March 29, 2012

Presidential Proclamation -- Vietnam Veterans Day

VIETNAM VETERANS DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

On January 12, 1962, United States Army pilots lifted more than 1,000 South Vietnamese service members over jungle and underbrush to capture a National Liberation Front stronghold near Saigon. Operation Chopper marked America's first combat mission against the Viet Cong, and the beginning of one of our longest and most challenging wars. Through more than a decade of conflict that tested the fabric of our Nation, the service of our men and women in uniform stood true. Fifty years after that fateful mission, we honor the more than 3 million Americans who served, we pay tribute to those we have laid to rest, and we reaffirm our dedication to showing a generation of veterans the respect and support of a grateful Nation.

The Vietnam War is a story of service members of different backgrounds, colors, and creeds who came together to complete a daunting mission. It is a story of Americans from every corner of our Nation who left the warmth of family to serve the country they loved. It is a story of patriots who braved the line of fire, who cast themselves into harm's way to save a friend, who fought hour after hour, day after day to preserve the liberties we hold dear. From Ia Drang to Hue, they won every major battle of the war and upheld the highest traditions of our Armed Forces.

Eleven years of combat left their imprint on a generation. Thousands returned home bearing shrapnel and scars; still more were burdened by the invisible wounds of post-traumatic stress, of Agent Orange, of memories that would never fade. More than 58,000 laid down their lives in service to our Nation. Now and forever, their names are etched into two faces of black granite, a lasting memorial to those who bore conflict's greatest cost.

Our veterans answered our country's call and served with honor, and on March 29, 1973, the last of our troops left Vietnam. Yet, in one of the war's most profound tragedies, many of these men and women came home to be shunned or neglected -- to face treatment unbefitting their courage and a welcome unworthy of their example. We must never let this happen again. Today, we reaffirm one of our most fundamental obligations: to show all who have worn the uniform of the United States the respect and dignity they deserve, and to honor their sacrifice by serving them as well as they served us. Half a century after those helicopters swept off the ground and into the annals of history, we pay tribute to the fallen, the missing, the wounded, the millions who served, and the millions more who awaited their return. Our Nation stands stronger for their service, and on Vietnam Veterans Day, we honor their proud legacy with our deepest gratitude.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 29, 2012, as Vietnam Veterans Day. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities that commemorate the 50 year anniversary of the Vietnam War.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord two thousand twelve, and of the Independence of the United States of America the two hundred and thirty-sixth.

BARACK OBAMA

112TH CONGRESS
1ST SESSION

S. RES. 55

Expressing support for designation of a “Welcome Home Vietnam Veterans Day”.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2011

Mr. BURR (for himself, Mr. INHOFE, Mr. BOOZMAN, Mr. COCHRAN, Mr. ISAKSON, and Mr. JOHANNES) submitted the following resolution; which was referred to the Committee on Veterans’ Affairs

MARCH 7, 2011

Committee discharged; considered and agreed to

RESOLUTION

Expressing support for designation of a “Welcome Home Vietnam Veterans Day”.

Whereas the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of the Republic of Vietnam;

Whereas the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing Communist threat from North Vietnam;

Whereas members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961;

Whereas, as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capitol of South Vietnam, effectively placing South Vietnam under Communist control;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those

members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by 4 presidential administrations in the United States;

Whereas the establishment of a “Welcome Home Vietnam Veterans Day” would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

Whereas March 30, 2011, would be an appropriate day to establish as “Welcome Home Vietnam Veterans Day”:
Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) honors and recognizes the contributions of
3 veterans who served in the United States Armed
4 Forces in Vietnam during war and during peace;

5 (2) encourages States and local governments to
6 also establish “Welcome Home Vietnam Veterans
7 Day”; and

1 (3) encourages the people of the United States
2 to observe “Welcome Home Vietnam Veterans Day”
3 with appropriate ceremonies and activities that—

4 (A) provide the appreciation Vietnam War
5 veterans deserve, but did not receive upon re-
6 turning home from the war;

7 (B) demonstrate the resolve that never
8 again shall the Nation disregard and denigrate
9 a generation of veterans;

10 (C) promote awareness of the faithful serv-
11 ice and contributions of such veterans during
12 their military service as well as to their commu-
13 nities since returning home;

14 (D) promote awareness of the importance
15 of entire communities empowering veterans and
16 the families of veterans to readjust to civilian
17 life after military service; and

18 (E) promote opportunities for such vet-
19 erans to assist younger veterans returning from
20 the wars in Iraq and Afghanistan in rehabilita-
21 tion from wounds, both seen and unseen, and to
22 support the reintegration of younger veterans
23 into civilian life.

○

HB

164

<TARGET><BILL>HB 164</BILL><SUBJECT>HB
164</SUBJECT><COMM>HMLV28</COMM></TARGET>

**Alaska Legislature
Representative Charisse Millett**

Session:
State Capitol Building, Room 403
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Fax (907) 465-2069



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MEMORANDUM

Charisse Millett

To: Co-chairs Gabrielle LeDoux and Neil Foster, House Military and Veterans Affairs Committee
From: Rep. Charisse Millett
Subject: HB 164 Hearing Request
Date: Thursday, March 14, 2013

Please schedule a hearing on House Bill 164 at your earliest convenience. The legislation allows municipalities to grant a property tax exemption to the widow or widower of a person killed while in military service to the United States.

The necessary documents are included with this hearing request.

Jeff Turner is the staffer assigned to this legislation and he can be reached at (907) 465-6588.

###

Alaska Legislature

Representative Charisse Millett

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District 24

Version: 28-LS0635\A

Sponsor Statement – HB 164

"An Act authorizing municipalities to exempt from taxation, by ordinance approved by the voters in the municipality, the real property that is the primary residence of a resident who is at least 60 years of age and the widow or widower of a person who was killed while in the military service of the United States; and providing for an effective date."

The death of an active duty military member killed in service is devastating to the family left behind and the community of all Alaskans. The surviving spouse quickly discovers that the subsequent loss of income places the family home in jeopardy.

House Bill 164 will provide a measure of financial relief by allowing voters in a municipality the ability to grant a property tax exemption on the first \$150,000 of assessed value. The home must be the primary residence of the surviving spouse and occupied no less than 185 days each year. When the surviving spouse remarries the exemption expires.

Military families contribute in countless ways to the social fabric of our state but the high cost of living here forces military families to sell their home or even move away. By granting a moderate amount of tax relief they have the financial ability to stay and remain a part of the community.

HB 164 will be considered by the House Military and Veterans Affairs and Community and Regional Affairs Committees.

Prepared on March 14, 2013

HOUSE BILL NO. 164

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MILLETT

Introduced: 3/13/13

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act authorizing municipalities to exempt from taxation, by ordinance approved by**
2 **the voters in the municipality, the real property that is the primary residence of a**
3 **resident who is at least 60 years of age and the widow or widower of a person who was**
4 **killed while in the military service of the United States; and providing for an effective**
5 **date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 29.45.030(e) is amended to read:

8 (e) The real property owned and occupied as the primary residence and
9 permanent place of abode by a resident who is (1) 65 years of age or older; (2) a
10 disabled veteran; or (3) at least 60 years of age and the widow or widower of a person
11 who qualified for an exemption under (1) or (2) of this subsection is exempt from
12 taxation on the first \$150,000 of the assessed value of the real property. A
13 municipality may by ordinance approved by the voters grant the exemption under this

1 subsection to the widow or widower under 60 years of age of a person who qualified
2 for an exemption under (2) of this subsection or to a resident who is at least 60 years
3 of age and the widow or widower of a person who was killed while in the military
4 service of the United States. A municipality may, in case of hardship, provide for
5 exemption beyond the first \$150,000 of assessed value in accordance with regulations
6 of the department. Only one exemption may be granted for the same property, and, if
7 two or more persons are eligible for an exemption for the same property, the parties
8 shall decide between or among themselves who is to receive the benefit of the
9 exemption. Real property may not be exempted under this subsection if the assessor
10 determines, after notice and hearing to the parties, that the property was conveyed to
11 the applicant primarily for the purpose of obtaining the exemption. The determination
12 of the assessor may be appealed under AS 44.62.560 - 44.62.570.

13 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **RETROACTIVITY.** Section 1 of this Act is retroactive to January 1, 2013.

16 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

ENERGY CO-CHAIR
CHARISSE MILLETT

R - ANCHORAGE (HD24)

HOUSEMAJORITY.ORG/MILLETT



PRESS RELEASE

CAPITOL ROOM 403

JUNEAU: 465-3879
ANCHORAGE: 269-0222

NEW BILL WILL HELP MILITARY WIDOWS STAY IN THEIR HOMES
HB 164 creates tax exemption for spouses of fallen military members

Wednesday, March 13, 2013, Juneau, Alaska – Families of military members killed during service to their country will find it easier to keep their home with legislation introduced today by Rep. Charisse Millett, R-Anchorage.

"This is the least we can do for the family of a fallen military member," Millett said. "The spouse left behind not only deals with the grief of losing their loved one, but due to the loss of income he or she also struggles to keep the family home. This legislation eases the financial burden during that difficult time."

House Bill 164 allows local governments to grant a partial property tax exemption on a home owned by the widow of a military member. Last year the voters in the Municipality of Anchorage widely approved a ballot proposition granting the exemption on the first \$150,000 of assessed value.

The legislation only applies to the primary residence. The surviving spouse must be at least 60 years old, an Alaska resident for at least one year before receiving the exemption and be living in the home for a minimum of 185 days per year. It expires once the surviving spouse remarries. If passed, the bill will be retroactive to January 1, 2013.

Without the legislation, some military families would have to leave Alaska. HB 164 gives them the opportunity to stay and remain a valued part of our community.

HB 164 has been referred to the House Military and Veterans' Affairs committee and the Community and Regional Affairs committee for review.

###

For more information, contact Representative Millett at 465-3879.

From: Theresa M Dayton
Sent: Thursday, March 14, 2013 11:09 AM
Subject: Re: HB 164 Letter of Support

As the widow of the late SMSgt Thomas E. Cicardo, Alaska Air National Guard, who died 28, July 2010, my world was turned upside down. Besides the death of my beloved husband, the 2nd greatest impact was financial. I whole-heartedly support HB 164 as there is a need to assist those who are the surviving spouses.

Of the 5 widows created from the 2 Military air craft crashed in 2010, 2 widows have permanently moved away from Alaska. I know that for one it was partially due to the cost of living here.

Most Military are families, the death of the Military spouse, in the Line of Duty, leaves this terrible, sudden emotional & financial impact that as much as we think we are prepared for it is still greater that you can imagine.

For a few years the Military puts you in a Survivor status, & your benefits pretty much don't change but at the end of the 3rd year, after the spouse's death, you are put in Retired Status & the out of pocket cost for the same benefits increases by as much as 300%. Yet the pension payments from DFAS only increase by \$10 a month/year & eventually those payments stop.

By passing this Bill, Alaska would saying to the families of the Fallen, thank you for sacrifice & we are here & would like you to make Alaska your home!

Sincerely,
Theresa M. Dayton

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 164
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB164-DCCED-DCRA-03-15-13
Title: PROPERTY TAX EXEMPTION/MILITARY
WIDOW(ER)
Sponsor: MILLETT
Requester: House Military and Veterans Affairs

Department: Department of Commerce, Community and
Economic Development
Appropriation: Community and Regional Affairs
Allocation: Community and Regional Affairs
OMB Component Number: 2879

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES	FY 2014	FY 2014					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: <u>Scott Ruby, Director</u>	Phone: <u>(907)269-4569</u>
Division: <u>Community and Regional Affairs</u>	Date: <u>03/15/2013 10:30 PM</u>
Approved By: <u>JoEllen Hanrahan, Director</u>	Date: <u>03/16/13</u>
<u>Administrative Services Division</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB164

Analysis

This bill would amend existing statutes regarding mandatory exemptions for senior citizens and disabled veterans by adding widows or widowers of a person who was killed while in the military service of the United States as eligible participants.

Existing statutes require the state to reimburse a borough or city for the real property tax revenues lost to it by the implementation of tax exemptions. If passed, this additional exemption would also be reimbursable by the state. However, statutes provide that if appropriations are not sufficient to fully fund reimbursements the amount available shall be distributed pro-rata among eligible municipalities. The state in the past has not fully funded reimbursement for existing municipal tax exemptions.

There is no anticipated fiscal impact to the Division of Community and Regional Affairs from this bill.

HB

180

<TARGET><BILL>HB 180</BILL><SUBJECT>HB
180</SUBJECT><COMM>HMLV28</COMM></TARGET>

**Alaska State Legislature
House of Representatives
Representative Tammie Wilson**

Interim
1292 Sadler Way Ste. 308
Fairbanks, Alaska 99701
Phone - (907) 451-2723
Fax - (907) 452-3430



Rep.Tammie.Wilson@akleg.gov

Session
State Capitol
Juneau, AK 99801
Phone - (907) 465-4797
Fax - (907) 465-3884

House Bill 180 - Sectional Analysis

Section 1— replaces the word “challenge” with “military” in the statute the directs school districts to report the names of high school drop-outs to the director of the AMYA

Section 2— establishes the Alaska Military Youth Academy in statute

Section 3—repeals the old BSA-based funding formula

Section 4—changes all statute referencing “Alaska Youth Challenge Academy” to “Alaska Military Youth Academy”

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 180
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB180-DMVA-AMVA-03-22-13
Title: MILITARY YOUTH ACADEMY
Sponsor: T.WILSON
Requester: (H) Spec. Comm. on Military and Veterans' Affairs

Department: Department of Military and Veterans' Affairs
Appropriation: Military and Veterans' Affairs
Allocation: Alaska Military Youth Academy
OMB Component Number: 1969

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES	FY 2014	FY 2014					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: McHugh Pierre, Deputy Commissioner
Division: Office of the Commissioner, DMVA
Approved By: Major General Thomas H. Katkus, Commissioner
Office of the Commissioner, DMVA

Phone: (907)428-6003
Date: 03/22/2013 12:30 PM
Date: 03/22/13

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB 180

Analysis

This bill 1) changes the name of the Alaska Challenge Youth Academy to the Alaska Military Youth Academy under AS 14.30.745, 2) allows the Department of Military and Veterans' Affairs (DMVA) to establish and operate the Alaska Military Youth Academy under AS 44.35.020, 3) repeals the funding formula prescribed under AS 14.30.740, and 4) establishes an effective date of January 1, 2014.

There is no fiscal impact to DMVA for this bill.

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 180
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB180-EED-K12-3-21-13
Title: MILITARY YOUTH ACADEMY
Sponsor: T.WILSON
Requester: House Military & Veterans' Affairs

Department: Department of Education and Early Development
Appropriation: K-12 Support
Allocation: Alaska Challenge Youth Academy
OMB Component Number: 2837

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By:	Elizabeth Nudelman, Director	Phone:	(907)465-8697
Division	School Finance & Facilities	Date:	03/21/2013 09:30 AM
Approved By:	Mike Hanley	Date:	03/21/13
	Commissioner		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB180

Analysis

The legislation amends AS 14.30.745 by changing the name of the Alaska Challenge Youth Academy to the Alaska Military Youth Academy (AMYA).

The legislation adds a new subsection, AS 44.35.020, that authorizes the Department of Military and Veterans' Affairs to operate the AMYA as part of the National Guard Youth Challenge Program established under 32 U.S.C 509.

Finally, the legislation repeals AS 14.30.740, which provided the calculation for funding the Alaska Challenge Youth Academy and authorized the Department of Education & Early Development (DEED) to allocate those funds to the program.

The legislation would take effect January 1, 2014.

With an effective date of January 1, 2014, the K-12 Alaska Challenge Youth Academy component allocation of \$4,791,400 in DEED's FY2014 operating budget would have already been paid and would result in a zero fiscal note.

AMENDMENT TO House Bill 180 (28-LS0684\A)

BY REPRESENTATIVE Greenberg

Page 2, line 4

Delete "may"

Insert "shall"

**Alaska State Legislature
House of Representatives
Representative Tammie Wilson**

Interim
1292 Sadler Way Ste. 308
Fairbanks, Alaska 99701
Phone - (907) 451-2723
Fax - (907) 452-3430



Session
State Capitol
Juneau, AK 99801
Phone - (907) 465-4797
Fax - (907) 465-3884

Rep Tammie.Wilson@akleg.gov

House Bill 180

"An Act relating to the Alaska Challenge Youth Academy; and providing for an effective date."

The Alaska Military Youth Academy has seen unparalleled success in serving Alaska's at-risk youth. A military-style 24-hour school, the AMYA serves only high school drop-outs between the ages of 16 and 19.

In almost 20 years of operation, the AMYA has graduated more than 4,000 cadets. Like any program, the AMYA started out small and has grown to graduating about 300 cadets each year.

The funding formula that currently serves the AMYA is outdated and must be changed. It was designed to protect a fledgling program from the budget cuts associated with \$9-barrel oil prices. The AMYA has weathered the storm and proven itself as a successful program that can stand on its own merits.

With this proven track record, it is time to move the Academy to a direct appropriation based on the number of cadets that graduate.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of Military and
Veterans Affairs**

Office of the Commissioner

P.O. Box 5800
JBER, AK 99505-0800
Main: 907.428.6003
Fax: 907.428.6019

March 26, 2013

Representative Tammie Wilson
State Capitol Room 412
Juneau, AK 99801

Rep. Wilson:

HB 180 is critical legislation that allows the Alaska Military Youth Academy to achieve the next level of success. It will set an even greater number of high school dropouts back on a fruitful path and provide the opportunity for a rewarding and productive life.

Historically, our funding formula protected a fledgling Youth Academy before the establishment of its current record of accomplishment. With over 4,000 graduates, the Academy has attained an incredible reputation for helping teens get a second chance.

In establishing the Department of Military and Veterans Affairs budget, I strive to address the needs of the division directors to meet our organizational goals. The current AMYA funding formula does not allow a results-oriented budgeting process. We fall short of our true potential.

The academy staff aspires to build and develop our at risk youth. The staff is part of an institution recognized as one of the top National Guard Youth ChalleNGe programs in the country. With a direct appropriation to the division, we will step-up our current high level of accomplishment and provide an even greater number of teens the ability to find success in life.

Thank you for sponsoring HB 180. I encourage all of your colleagues to support this bill and take fast action to make it law.

Sincerely,

A handwritten signature in cursive script that reads "Thomas H. Katkus".

MG Thomas H. Katkus
Commissioner



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Military and
Veterans Affairs

Alaska Military Youth Academy

P.O. Box 5727
JBER, AK 99505-0727
Main: 907.428.6003
Fax: 907.384.6007

March 22, 2013

Representative Tammie Wilson
State Capitol
Juneau, AK 99801-1182

Subj: House Bill 180

Representative Wilson:

In 1994, the Alaska National Guard Youth Corps (renamed the Alaska Military Youth Academy in 1999) was founded as a pilot program with the aim to help reclaim the lives of at-risk youth and produce program graduates with the values, skills, education and self-discipline to succeed as adults. The program's quasi-military structure has matured into one of the most successful programs of its type in the United States. The national program and other state programs regularly look to Alaska for suggestions on best practices and successful integration of process and techniques.

Previous state support has been outstanding and integral to the ability of the Academy to lead the way in developing a superior product that addresses individual, familial and community issues in a way which provides a focused, values-based training and education environment for those individuals who have volunteered to enter and finish a tough but rewarding environment. The Academy has now graduated almost 4,000 cadets who have received certification and/or been redirected successfully to high school, college, the military or a productive work environment.

We support formal establishment and operation of the program as a mature component of the Department of Military and Veterans Affairs. As a staff, we at the Academy are also very appreciative of the continued support by both the Department of Education and Early Development and school districts across the State for providing contact information for young Alaskans. This helps us ensure awareness of this valuable program and we look forward to continuing teamwork in this area. As we teach our graduates, there are always challenges ahead and we believe that this program has greater vistas ahead to support the great citizenry of a great state. On behalf of the entire staff at AMYA, we offer both our thanks and full support for House Bill 180.

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde T. Burton".

Clyde T. Burton
Director

HB

212

<TARGET><BILL>HB 212</BILL><SUBJECT>HB
212</SUBJECT><COMM>HMLV28</COMM></TARGET>

Alaska State Legislature House of Representatives

Rep.Doug.Isaacson@akleg.gov

Representative Doug Isaacson

Interim

301 Santa Claus Lane
North Pole, AK 99705

Session

State Capitol
Juneau, AK 99801
Phone - (907) 465.4427
Fax - (907) 465.2197



Sectional Analysis of HB 212-Driver's Licensing Exemption: Military

“An Act relating to an exemption from driver licensing requirements for spouses of members of the armed forces of the United States.”

This bill amends AS28.1.021 to additionally exempt spouses from obtaining an Alaska driver's license if they hold a valid license in another state where they declare permanent residency.

Page 1 line 14 and Page 2 lines 1-3

Section 1. Subsection (3) adds **or, if the member's spouse is 18 years of age or older, the spouse of a member of the armed forces of the United States** who has a valid driver's license issued by another jurisdiction when the permanent residence of the member **or spouse** is maintained in that jurisdiction.

By making the law relevant to spouses 18 or over, it removes the potential conflict arising from Alaska's graduated licensing program requirements. The driving skill level of a 16-18 year old in Alaska's unique terrain and climate should still be taken into consideration when weighing if a license issued in another state would equate to the same level of skill and knowledge needed to drive in Alaska. 16-18 year olds should take the opportunity to study and learn more about the driving conditions in Alaska and would therefore still be required to seek a license from Alaska within 90 days.

Alaska State Legislature House of Representatives

Rep.Doug.Isaacson@akleg.gov

Representative Doug Isaacson

Session

State Capitol

Juneau, AK 99801

Phone - (907) 465.4527

Interim

301 Santa Claus Lane
North Pole, AK 99705



SPONSOR STATEMENT FOR HB 212

Our military members come from all over the United States to serve in defense of our country. Alaska requires all residents who wish to operate a motor vehicle in this state to obtain an Alaskan driver's license within 90 days of entering the state with some exceptions, including if they are active military.

Many members of the armed forces choose to maintain permanent residency in another state, thus allowing them to vote in their home state elections and retain their home state driver's license while serving in Alaska. This is already state law. (A.S. 28.15.021(3))

Unfortunately, we do not currently extend those same benefits to the spouse which can pose an unnecessary burden on the military family. HB 212 corrects that imbalance and strengthens the harmony of the family unit.

Staff contact: Brenda Hewitt (907) 465-2847

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 212
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB212-DOA-DMV-01-31-2014
Title: DRIVER'S LICENSING EXEMPTION: MILITARY
Sponsor: ** ISAACSON, HUGHES
Requester: House Military and Veterans Affairs

Department: Department of Administration
Appropriation: Motor Vehicles
Allocation: Motor Vehicles
OMB Component Number: 2348

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated **SUPPLEMENTAL (FY2014)** cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY2015)** cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **Yes**
If yes, by what date are the regulations to be adopted, amended or repealed? **01/01/16**

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: <u>Amy Erickson, Director</u>	Phone: <u>(907)269-5574</u>
Division: <u>Motor Vehicles</u>	Date: <u>01/31/2014 04:36 PM</u>
Approved By: <u>Curtis Thayer, Commissioner</u>	Date: <u>01/31/14</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 212

Analysis

With enactment of this legislation, the spouse of a member of the armed services would not be required to obtain an Alaska driver's license. Currently, under AS 28.15.021, one must surrender his/her license and acquire an Alaska license within 90 days of moving to the state.

Revenue loss

DMV has no way to determine which new residents of the State of Alaska are spouses of members of the armed services, and, thus, eligible for this exemption. Therefore, DMV is unable to quantify the loss of revenue should the measure be implemented.

In the absence of reliable information DMV believes the impact to be de minimis and therefore a zero fiscal note is submitted.

Heidi Redmond

From: TnC Randolph <randolph91@acsalaska.net>
Sent: Monday, January 27, 2014 12:59 PM
To: Rep. Doug Isaacson
Subject: Military Spouse Residency Relief Act

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Isaacson,

I just wanted to add my voice in support of the Military Spouse Residency Relief Act. I am married to a 20 year member of the United States Air Force. My husband is planning on a 25 year career as he has recently been promoted to E-9, Chief Master Sgt. He is currently stationed out of Eielson AFB as the Deputy Fire Chief.

We have lived in Nebraska, Missouri, New Mexico, Virginia, Alaska and Germany. The ability to maintain our driver's license is helpful to us for two reasons. One is residency. Many of us maintain homes in the various states we have been stationed in. Many of us plan on returning to one of these states after retirement. Is it hard to get a new driver's license? No, of course not. But when one is away from home, is it "just" a driver's license or is it a connection to our "home" state while we are away?

The second isn't a reason for the individual, but rather the state that issued the license. I would think a state that wishes to retain its citizens would think on that point. In our travels, it is not uncommon to find we identify with one state over another, the ability to maintain the state identity is a touch of home and in return, helps reinforce where a citizen needs to be when they have parted ways with active duty. Far easier a decision is made when one has seen themselves as, for example, "Alaskan" since they lived there.

While I am not one of those people who feel that a driver's license is the map to where my heart lies and again, it's really not that hard to get a new one but I do recognize for others there is a slight advantage to both the State and the Individual for this act to pass.

Cathy Randolph

"Always be yourself, unless you can be a dragon.
Then always be a dragon." -unknown

Heidi Redmond

From: Kim Nahom <kdnahom@gmail.com>
Sent: Monday, January 27, 2014 9:38 PM
To: Rep. Doug Isaacson; Rep. Gabrielle LeDoux; Rep. Shelley Hughes
Subject: HB 212

Representatives,

I am a military spouse living on Joint Base Elmendorf-Richardson in Anchorage. It was just brought to my attention that you are the sponsors of HB 212. Thank you very much for sponsoring this Bill. I am very much in support of it and sincerely hope it passes. I have been married to my active duty spouse for 18 years and have moved 10 times during our marriage. We are Florida residents and vote in that state. I was surprised when I moved to AK and was told that spouses weren't exempt from the requirement to get an AK drivers' license, as our active duty spouses are. It is very difficult every time we move to obtain the required licenses required to drive and work in a new state. The passing of HB 212 would be a great benefit to military spouses here! I find that AK is very supportive of the military and it would be nice to support their spouses as well. Thanks again for sponsoring this issue.

Kim Nahom

February 4, 2014

Rep. Doug Isaacson
State Capitol Room 13
120 Fourth St
Juneau, AK 99801

Rep. Doug Isaacson,

Thank you for your time and effort to help military spouses living and working in Alaska. While many military spouses will undoubtedly become Alaska residents, many of us would like to remain residence of our home states. Voting and Tax purposes are two examples of how the Military Spouses Residency Relief Act would make our lives a lot easier when we move from state to state. I have lived in 4 states in the past 6 years. It's time consuming changing many documents each and every time we move across state lines. Also, it would be helpful to keep our home state drivers license. I am asking you to consider enacting the Military Spouses Relief Act in the state of Alaska by passing House Bill 212.

Thank you for your consideration,

Tanya Kelly
1 Eielson Place
Eielson AFB, AK 99702
907-372-1262

Tanya Kelly

Heidi Redmond

From: Shannon & Dave Sieve <gatorsx3@gci.net>
Sent: Friday, January 31, 2014 6:19 PM
To: Rep. Doug Isaacson
Subject: Bill 212

Follow Up Flag: Flag for follow up
Flag Status: Flagged

January 31, 2014

To Whom It May Concern,

My husband has been an active duty officer in the United States Air Force for 20 years and he is currently stationed at Eielson Air Force Base, Alaska. We are approaching 17 years of marriage and have lived a mobile military lifestyle, moving on average every 2 years. Although "home" has been wherever the Air Force sent us, we are also allowed a "home of record" for tax purposes. Likewise, due to the Military Spouse Residency Relief Act, I have been able to maintain my driver's license in that state as well. It has recently come to my attention that Alaska does not recognize this as law.

Simply said, "We serve too!", and whatever you could do to make our mobile military lifestyle and an already stressful relocation process (to and from) less troublesome would be the right thing to do. Please pass Bill 212 that would change Alaska's current position and allow dependent spouses to keep out-of-state driver's licenses.

Thank you for your time and attention to this matter.

Sincerely,

A Concerned Air Force Spouse

Eielson Air Force Base, Alaska

DRIVER'S LICENSE INFORMATION

39 states

For Active Duty Members:

	This is my Home State. Will It Extend My Driver's License Past Its Expiration Date If I Am Stationed Out Of State?	This Is My Home State. How Long Is My Driver's License Valid And How May I Extend Or Renew It?	This Is The State Where I Am Stationed. Is My Home State Driver's License Valid Here?	Where Can I Get More Information?
Alabama	No	Member and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Motor Vehicle Division (334) 242-4433
Alaska	No	Member and family members may renew by mail	No, current license only honored for 90 days; member and family members must obtain state license Yes, valid home state license honored for active duty military until 90 days after discharge.	Motor Vehicle Division (907) 465-4363
Arizona	Yes	Extended to six months after discharge; members and family members may renew by mail	Yes, valid home state license honored; family members must obtain state license if employed or have children enrolled in school	Motor Vehicle Division (602) 255-8071 Driver's License Office (602) 255-8121
Arkansas	No	Extended on application (by mail, if necessary), not to exceed six years, if member is in first tour of duty; member and family members may renew by mail	Yes, valid home state license honored; family members must obtain state license	Motor Vehicle Division (501) 682-3333
California	Yes	Extended to 30 days after discharge; member and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Department of Motor Vehicles (916) 657-7669
Colorado	Yes	Extended to 3 years after expiration date or 90 days after return to state, whichever comes first; may renew by mail; same rule applies to family members	Yes, valid home state license honored; same rule applies to family members	Motor Vehicle Division (303) 623-9463
Connecticut	No	Member and family members may renew by mail; free license issued during active duty service	Yes, valid home state license honored; same rule applies to family members	Department of Motor Vehicles (203) 566-4710

Delaware	No	Member and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Division of Motor Vehicles (302) 739-2500
District of Columbia	No	Extended, on application (by mail, if necessary) to six years after expiration date; must apply for extension every four years; members and family members may renew by mail, one time only	Yes, valid home state license honored; same rule applies to family members	Bureau of Motor Vehicle Services (202) 727-6680
Florida	No	License not valid for operation after expired; but, member may renew (by mail, if necessary) without penalty through 90 days after discharge or return to state, whichever comes first; similar provision for family members	Yes, valid home state license honored; same rule applies to family members	Division of Motor Vehicles (904) 488-3405
Georgia	No	Members may request a deferral of expiration if stationed outside the state for less than four years; may renew by mail; same rules apply to family members	Yes, valid home state license honored; same rule applies to family members	Department of Public Safety (404) 657-9300
Hawaii	No	May renew by mail (license issued prior to Jan 1, 1968 is valid until 30 days after discharge or return to state, whichever comes first)	Yes, valid home state license honored	Division of Motor Vehicles and Licensing (808) 532-7730
Idaho	No	Members are allowed a four year extension; may renew by mail; same rules apply to family members	Yes, valid home state license honored; same rule applies to family members	Transportation Department, Motor Vehicles (208) 334-8663
Illinois	Yes	Members serving in the U.S. may request an extension to 45 days after discharge; for members serving overseas, license is extended to 45 days following return to U.S.; member and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Department of Vehicle Services 217-782-2720
Indiana	No	May renew by mail; same rule applies to family members	Yes, valid home state license honored; same rule applies to family members	Bureau of Motor Vehicles (317) 232-2861
Iowa	Yes	Extended to six months after discharge; only member may renew by mail; family member's license extended to five years past expiration	Yes, valid home state license honored; same rule applies to family members	Office of Vehicle Services (515) 237-3110
Kansas	No	Member and family members may renew by mail	Yes, valid home state license honored provided home state registration is also maintained; same rule applies to family members	Division of Vehicles (913) 296-3963

Kentucky	No	Member and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Department of Motor Vehicle Licensing (502) 564-6800
Louisiana	Yes	Extended to 60 days after discharge; may renew by mail; no extension or renewal by mail for family members	Yes, valid home state license honored; family members must obtain state license	Motor Vehicle Division (504) 922-2821
Maine	Yes	Member may apply (by mail, if necessary) to extend to 30 days after discharge; upon request, member may be licensed without payment of fee; member and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Motor Vehicle Division (207) 287-3856
Maryland	Yes	Extended to 30 days after discharge or reassignment to state, whichever comes first; may renew by mail; same rules apply to family members	Yes, valid home state license honored, if home state registration is maintained; same rule applies to family members	Motor Vehicle Administration (410) 768-7000
Massachusetts	Yes	Member may apply to extend to 60 days after discharge; no extension for family members; may not renew by mail	Yes, valid home state license honored; same rule applies to family members	Registry of Motor Vehicles (617) 351-4500
Michigan	Yes	Extended to 30 days after first military leave of absence or discharge; member or family members may renew by mail	Yes, valid home state license honored	Division of Driver and Vehicle Records (517) 322-1166
Minnesota	Yes	Extended to 90 days after discharge, if state is notified prior to expiration; members and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Driver and Vehicle Services Division (612) 296-6911
Mississippi	Yes	Extended to 90 days after discharge; members and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	State Tax Commission (601) 987-1212
Missouri	No	May renew by mail; same rule applies to adult members	Yes, valid home state license honored; same rule applies to family members	Motor Vehicle Bureau (314) 751-4450
Montana	Yes	Extended to 30 days after discharge; member and family members may renew by mail	No, license must be secured within 90 days; same rule applies to family members	Motor Vehicle Division (406) 444-3292
Nebraska	Yes	Extended to 60 days after discharge; may renew by mail; same rules apply to spouse	Yes, valid home state license honored; same rule applies to family members	Department of Motor Vehicles (402) 471-2281

Nevada	No	Member and family members may renew by mail	Yes, valid home state license honored provided home state registration is also maintained; same rule applies to family members	Department of Motor Vehicles (702) 687-5373
New Hampshire	No	Members and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Division of Motor Vehicles (603) 271-2251
New Jersey	No	Members and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Motor Vehicle Services (609) 292-6500
New Mexico	No	Members and family members may renew by mail	Yes, valid home state license honored; family members must obtain state license	Motor Vehicle Division (505) 827-2294
New York	Yes	Extended to six months after discharge; however, member must notify NY Commissioner of Motor Vehicles within 60 days of entry into service; members and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Department of Motor Vehicles (518) 473-5595
North Carolina	No	May renew by mail with endorsement from Commanding Officer; family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Division of Motor Vehicles (919) 733-5110
North Dakota	Yes	Extended to 30 days after discharge or return to state, whichever comes first; member may renew by mail	Yes, valid home state license honored; same rule applies to family members	Motor Vehicle Division (701) 328-2725
Ohio	No	Member and family members may renew by mail	Yes, valid home state license honored; family members must obtain state license	Bureau of Motor Vehicles (614) 752-7500
Oklahoma	No	Members and family members may renew by mail; for members serving overseas, is extended automatically to 60 days after returning to the U.S.	Yes, valid home state license honored; vehicle must be registered in state or home state; same rule applies to family members	Motor Vehicle Division (405) 425-2424
Oregon	No	Member and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Driver and Motor Vehicle Services (503) 945-5000
Pennsylvania	Yes	Extended to 45 days after discharge or return to state, whichever occurs first; may renew by mail; same rules applies to family members	Yes, valid home state license honored; same rule applies to family members	Bureau of Motor Vehicles (717) 787-3130

Rhode Island	Yes	Members may apply (by mail, if necessary) for a special license that is good to 30 days after discharge; members and family members may renew by mail	Yes, valid home state license honored if home state registration is maintained; same rule applies to family members	Department of Motor Vehicles (401) 277-2970
South Carolina	No	Member and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Division of Motor Vehicles (803) 251-2940
South Dakota	Yes	Extended to 30 days after discharge; member and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Division of Motor Vehicles (605) 773-3541
Tennessee	Yes	Extended to 60 days after discharge or return to state, whichever comes first, (if desired, members may apply for a special license which shows the extension); members and family members may renew by mail	Yes, valid home state license honored if home state registration is also maintained; same rule applies to family members	Motor Vehicle Division (615) 251-5254
Texas	Yes	Extended to 90 days after discharge or return to state, whichever comes first; members and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Department of Public Safety (512) 465-2000
Utah	Yes	Extended to 90 days after discharge; may renew by mail; same rules apply to family members	Yes, valid home state license honored; family members must obtain state license if employed in the state	Motor Vehicle Customer Service Division (801) 965-4437
Vermont	Yes	Extended to four years after date of expiration; members and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Department of Motor Vehicles (802) 828-2000
Virginia	Yes	Extended to six months after discharge, but not to exceed five years from the date of expiration; member and family member may renew by mail	Yes, valid home state license honored; family members must obtain state license if employed in the state	Department of Motor Vehicles (804) 367-6614
Washington	Yes	Member may apply (by mail, if necessary) to extend to 90 days after discharge; family members may not renew by mail, but can request a 90 day extension allowing time to renew in person	Yes, valid home state license honored; vehicle must be registered in state or home state; same rule applies to family members	Department of Licensing (360)902-4050
West Virginia	Yes	Extended to six months after discharge; member and family members may renew by mail	Yes, valid home state license honored if home state registration is also maintained	Department of Motor Vehicles (304) 558-3900

Wisconsin	No	Member and family members may renew by mail	Yes, valid home state license honored; same rule applies to family members	Department of Motor Vehicles (608) 266-2325
Wyoming	No	Members may apply (by mail, if necessary) to extend license for four years after the expiration date, one time only; may renew by mail; same rule applies for family members	Yes, valid home state license honored; same rule applies to family members	Motor Vehicle Licensing and Titling (307) 777-4834

For Dependents:

State	Spouse/Dependents specifically addressed?	Rule
Alabama	No	Code of Ala. @ 32-6-2 (1997) The following persons when driving a motor vehicle under the following conditions are exempt from a license hereunder: 3) A nonresident who is at least 16 years of age and who has in his immediate possession a valid driver's license issued in his home state or country . . .
Alaska	Yes	Alaska Statutes (AS) 28.15.021(2): The following persons are exempt from driver licensing under this chapter... (2) a nonresident who is at least 16 years of age and who has a valid driver's license issued by another jurisdiction; however, an Alaska driver's license must be obtained by the end of a 90-day period after entry into the state..." Members of the armed forces are exempt if their "permanent residence" is in another jurisdiction and their license is from that other jurisdiction, but their dependents fall under the above rule (i.e. they have to get one within 90 days).
Arizona	No	A.R.S. @ 28-3152 (1997) A . . . [T]he following persons are exempt from licensing under this chapter: 3. A person who is a nonresident, who is at least sixteen years of age and who has in the person's immediate possession a valid driver license issued to the person in the person's home state or country while the person is operating a motor vehicle requiring a class D license.
Arkansas	No	Ark. Stat. Ann. @ 27-16-603 (1997) The following persons are exempt from licensing under this act: (3) A nonresident who is at least sixteen (16) years of age and who has in his immediate possession a valid noncommercial driver's license issued to him in his home state or country may operate a motor vehicle in this state only as a noncommercial driver;
California	Yes	Driver License

HB

286

<TARGET><BILL>HB 286</BILL><SUBJECT>HB
286</SUBJECT><COMM>HMLV28</COMM></TARGET>

STATE CAPITOL
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Governor Sean Parnell
STATE OF ALASKA

January 28, 2014

The Honorable Mike Chenault
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Chenault,

With over 74,000 veterans calling Alaska home, our state has more veterans per capita than any other state, comprising 15 percent of Alaska's population. Together, we strongly support and honor our veterans and military families.

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill relating to the Teachers' Retirement System, the Judicial Retirement System, and the Public Employees' Retirement System for qualified military service; and relating to the definition of "veteran" for purposes of housing, eligibility for veterans' loans, and preferences in State employment hiring.

Under Alaska law, veterans are eligible for special loan, housing, and employment preferences. However, the current statutory language limits these preferences to veterans of foreign wars up to and including the Vietnam War, and the State is currently unable to extend these preferences to veterans of recent conflicts. In recognition of our servicemen and women, this bill amends preference eligibility statutes to reflect updated periods of service in order to include veterans of more recent wars and conflicts extending eligibility for veterans' preferences to veterans of the 1991 Gulf War, veterans who served on active duty during Operation Iraqi Freedom, and includes provisions should future conflicts arise.

The bill will also ensure that military families receive full survivor benefits for fallen soldiers by implementing provisions of Heroes Earnings Assistance and Relief Tax Act (HEART Act) as they apply to the State PERS, TERS, and JERS retirement plans. Under the HEART Act, employers are required to treat workers as if they were rehired the day before they died, ensuring that the worker is covered by the retirement plan at the time of death. The Act also addresses differential wage payments, compensation that a service member would have received from the employer during the service member's period of active duty had the employee not been called to active duty, to be treated as compensation for purpose of IRS reporting.

The Honorable Mike Chenault

January 28, 2014

Page 2

In addition to our many veterans, Alaska is privileged to have nearly 25,000 active military members and their families in our state. We are honored to have these forces call Alaska home, and we remain committed to supporting them and encouraging them to be an active part of our state for years after their military service ends.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Parnell". The signature is written in a cursive, flowing style.

Sean Parnell
Governor

Enclosure

HB 286 Sectional Analysis

Department of Administration

Section 1: Amends Teachers' Retirement System statute AS 14.25.195 to add new subsections.

Subsection (b) provides that in the event a member dies while performing qualified military service, the survivors can have access to additional benefits that would have been provided had the member resumed employment and then terminated on account of death. Benefits include accelerated vesting, ancillary life insurance benefits, and benefits that are contingent on the member being actually employed at the time of death (does not include duplicative credited service accrual).

Subsection (c) provides that differential wage payments (these are payments that some employers pay for employees called to military service—they are the difference between what the military pays, and what the employer paid) shall be treated as compensation (not benefits) for purposes of retirement plan qualification. This statute pertains to the TRS defined benefit plan.

Section 2: Amends TRS statute AS 14.25.582 to add the same subsections as section 1. This statute pertains to the TRS defined contribution plan.

Section 3: Amends AS 18.55.470(4) to also include a veteran having served between August 2, 1990, and January 2, 1992; September 11, 2001 and ending on the day prescribed by presidential proclamation or by law as the last date of Operation Iraqi Freedom; or any of the time periods listed in federal code 5 U.S.C. 2108(1). This will bring the Alaska Statute referring to the “veterans” definition into alignment with the federal definition.

Section 4: Amends Judicial Retirement System statute AS 22.25.110 to add the same subsections as section 1. JRS is only a defined benefit plan.

Section 5: Amends AS 26.15.130(a) relating to eligibility for veterans' loans in the Department of Commerce, Community, and Economic Development.

Section 6: Amends AS 26.15.160 extending the chapter to members of the United States Armed forces, removing references to specific conflicts, and updating qualifying dates of service.

Section 7: Amends AS 39.25.159(f)(5) to include the more recent range of service dates, including the 1991 Gulf War and Operation Iraqi Freedom, and incorporate by reference the corresponding federal statute related to veterans' preferences (5 U.S.C. 2108) so that the state statutes will not need further updating when future service dates arise.

Section 8: Amends Public Employees Retirement System statute 39.35.677 to add the same subsections as section 1.

Section 9: Amends PERS statute AS 39.35.972 to add the same subsections as section 2. This statute pertains to the PERS defined contribution plan.

Section 10: This section provides for retroactive effect of the HEART Act sections of the bill (1, 2, 4, 8, 9). The sections that pertain to providing survivor access to benefits had the employee resumed service are retroactive to January 1, 2007 [AS 14.25.195 (b), AS 14.42.582 (b), AS 22.25.110 (b), AS 39.35.677 (b), and AS 39.35.972 (b)]. The sections that pertain to the impact of differential wage payments on plan qualification are retroactive to January 1, 2009 [AS 14.25.195 (c), AS 14.25.582 (c), AS 22.25.110 (c), AS 39.35.677(c) and AS 39.35.972 (c)].



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Administration

CURTIS W. THAYER, COMMISSIONER

10th Fl. State Office Building
PO Box 110200
Juneau, Alaska 99811
Main: 907.465.2200
Fax: 907.465.2135
www.doa.alaska.gov

January 29, 2014

The Honorable Neal Foster, Co-Chair
The Honorable Gabrielle LeDoux Co-Chair
House Military and Veterans' Affairs Special Committee
Alaska State Capitol, 120
Juneau, AK 99801

Dear Representatives Foster and LeDoux:

The Department of Administration respectfully requests a hearing to be scheduled on House Bill 286, *"An Act relating to the Teachers' Retirement System, the Judicial Retirement System, and the Public Employees' Retirement System for qualified military service; relating to the definition of 'veteran' for purposes of housing, eligibility for veterans' loans, and preferences in state employment hiring; and providing for an effective date."* at the committees earliest convenience.

If you should need any additional information please contact 465-2200 and ask for:

Andy Mills, Special Asst. to the Commissioner – andy.mills@alaska.gov

Cheri Lowenstein, Administrative Services Director – cheryl.lowenstein@alaska.gov

Thank you in advance for prompt attention to this bill at the start of another year's legislative session.

Sincerely,

A handwritten signature in black ink, appearing to read "C. W. Thayer".

Curtis W. Thayer
Commissioner

cc: House Military and Veterans' Affairs Special Committee members
Governor's Legislative Office

HB 286 Talking Points

Department of Administration

Veteran's Hiring Preference Sections

- Alaska statute currently defines the veteran's preference for hiring as applying to those that have served up to the end of the Korean and Vietnam wars.
- To ensure our veterans who have served in 1991 Gulf War, Operation Iraqi Freedom and conflicts arising after September 11, 2001 can benefit from that hiring preference, the bill extends a hiring preference to veterans who have served since the Vietnam War.
- Additionally the bill changes Alaska statutes to reference the federally established definitions so that our veterans of current and future conflicts can benefit from the preference without delay.
- It is anticipated that with expanded consideration of veteran applicants that these applicants will have a greater opportunity to gain employment with the State of Alaska, who will in turn attract talented services members to further public service.
- Currently if you are a disabled veteran or were a prisoner of war, you are guaranteed an interview for positions when you apply for and meet minimum qualifications.
- If you are a veteran but not a disabled veteran or prisoner of war, you are entitled to be given complete consideration for positions when you apply and meet minimum qualifications.
- The veteran's preference only applies to positions within the State of Alaska, classified service.

Veteran's Housing Preference Sections

- For Alaska Housing Finance Corporation the bill provides state statutory alignment with the federal definitions already used for public housing and mortgage loans.
- This bill will bring current the definition of 'veteran' as it applies to loan programs through the Division of Economic Development. While there are no programs currently funded that will be impacted by this bill, changing the definition to include veterans of recent and current conflicts is necessary should new loan programs be introduced, or existing programs funded.

HEART Act Sections

- The Heroes Earnings Assistance and Relief Tax Act (HEART Act) was signed into law in June 2008, to provide additional tax and pension benefits to individuals who are absent from work due to duty in the uniformed military service.
- All private and governmental employers must comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA), which provides special employment and benefit rights to individuals who leave employment to perform qualified military service.
- "Qualified military service" is service in the uniformed services while on active or inactive duty, including training periods. "Uniformed services" include the Army, Navy, Air Force, Marines, Coast Guard, Reserves, Army and Air National Guard, the commissioned corps of the Public Health Service, and any other persons designated by the President.

- The HEART Act clarified and expanded on some of the Uniformed Services Employment and Reemployment Rights Act (USERRA) requirements that apply to employer-sponsored retirement programs.
- Participants in the Alaska Public Employees Retirement System (PERS), Teachers Retirement System (TRS) or Judicial Retirement System (JRS) pension plans who die on or after January 1, 2007, while performing qualified military service, will be treated as first having been reemployed and then dying, to allow for the distribution of those survivor benefits that require the participant's termination of employment due to death.
- This ensures that the families of our military members who gave everything in service to this country and state receive our support.
- Some employers make differential wage payments to their employees who are called to active duty in the uniformed services. "Differential wage payments" (or "differential pay") are typically the difference between the individual's normal pay from the employer and his military pay. Employers are not required to make these wage payments, but for those that do, the HEART Act changed their tax treatment.
- Under the HEART Act, differential wage payments are considered W-2 wages. As a result, individuals receiving such payments are considered to be active employees of the employer.
- As required under the Internal Revenue Code ("Code"), the draft bill includes differential pay for purposes of applying the Annual Additions and Annual Benefit limits under Section 415 of the Code.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 286
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB286-DCCED-DED-01-17-14
Title: VETS'
RETIREMENT/LOANS/HOUSING/EMPLOYMENT
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Governor

Department: Department of Commerce, Community and
Economic Development
Appropriation: Economic Development
Allocation: Economic Development
OMB Component Number: 2743

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: <u>Joseph Jacobson, Division Director</u>	Phone: <u>(907)465-2625</u>
Division: <u>Economic Development</u>	Date: <u>01/17/2014 03:11 PM</u>
Approved By: <u>Jeanne Mungle, Director</u>	Date: <u>01/17/14</u>
Agency: <u>Administrative Services</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 286

Analysis

This legislation expands the definition of 'veteran' to include military members who have served in recent conflicts. The Veteran's Loan Program is currently inactive. Therefore, this proposed legislation creates no additional work for the Division of Economic Development and no fiscal impact over the next six years.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 286
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB286-DOA-DOP-01-20-14
Title: VETS'
RETIREMENT/LOANS/HOUSING/EMPLOYMENT
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Governor

Department: Department of Administration
Appropriation: Centralized Administrative Services
Allocation: Finance
OMB Component Number: 59

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: <u>Nicki Neal, Director</u>	Phone: <u>(907)465-3794</u>
Division: <u>Division of Personnel and Labor Relations</u>	Date: <u>01/14/2014 11:45 AM</u>
Approved By: <u>Curtis Thayer, Commissioner</u>	Date: <u>01/20/14</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 286

Analysis

AS 39.25.159 is titled "Employment preference for veterans and former prisoners of war." Within this statute is a definition of "veteran" which includes dates of war or conflict in which a person who has served is considered a veteran. At present, only veterans serving in conflicts up to the end of the Vietnam War are eligible for employment preferences. The bill would extend the employment preferences to veterans of the 1991 Gulf War and veterans who served on active duty beginning September 11, 2001, and ending on the date determined under federal law as the last date of Operation Iraqi Freedom. The bill would amend the relevant Alaska Statutes (AS 39.25.159) to include these more recent conflicts and incorporate by reference the corresponding federal statute related to veterans' preferences so that the state statutes would not need further updating when future conflicts arise.

It is anticipated that there will be a de minimis increase in productive work hours as a result of additional interviews that will be required as a result of expanding the date range for employment preferences for veterans. Therefore DOPLR submits a zero fiscal note.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 286
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB286-DOA-DRB-01-20-14
Title: VETS'
RETIREMENT/LOANS/HOUSING/EMPLOYMENT
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Governor

Department: Department of Administration
Appropriation: Centralized Administrative Services
Allocation: Retirement and Benefits
OMB Component Number: 64

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Michael Barnhill, Deputy Commissioner
Division: Retirement and Benefits
Approved By: Curtis Thayer, Commissioner
Agency: Department of Administration

Phone: (907)465-2200
Date: 01/14/2014 12:00 AM
Date: 01/20/2014

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 286

Analysis

Sections 1-2, 4, 8-11 of this bill allows the survivors of members who die while performing qualified military service access to benefits they would have been provided had the member resumed employment and then died. This bill also subjects differential wage payments (any wages paid by the employer to a service member while on active duty) to the Internal Revenue Service (IRS) maximum contribution limits under IRS code 415(c).

Since the HEART Act inception in 2009 the PERS, TRS and JRS have had no members die while performing qualified military service. This bill has no fiscal impact on the funding or administration of the plans and therefore DRB submits a zero fiscal note.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 286
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB286-DOR-AHFC-1-21-14
Title: VETS'
RETIREMENT/LOANS/HOUSING/EMPLOYMENT
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Governor

Department: Department of Revenue
Appropriation: Alaska Housing Finance Corporation
Allocation: AHFC Operations
OMB Component Number: 110

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
---------------------------	--	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By:	Les Campbell, Budget Director	Phone:	(907)330-8356
Division:	Alaska Housing Finance Corporation	Date:	01/13/2014 09:00 AM
Approved By:	Bryan Butcher, CEO	Date:	01/13/14
Agency:	Alaska Housing Finance Corporation		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 286

Analysis

The bill relates to the definition of "veteran" across a number of state statutes.

The bill would extend the definition of "veteran" to include veterans of the 1991 Gulf War and veterans who served on active duty beginning on September 11, 2001, and ending on the date determined under federal law as the last date of Operation Iraqi Freedom. The bill would amend relevant Alaska Statutes to include these more recent conflicts and incorporate by reference the corresponding federal statute related to veterans' preferences (5 U.S.C. 2108) so that the state statutes would not need further updating when future conflicts arise.

With passage of the bill, the statute referencing AHFC which is AS 18.55.470 will include the expanded definition of "veteran" The change would have no significant impact on AHFC programs and operations.

AHFC does not foresee any additional significant cost impacts resulting from this bill.

December 12, 2013

VIA EMAIL

Ms. Kathy Lea
Deputy Director
Division of Retirement and Benefits
Department of Administration
State of Alaska
333 Willoughby Avenue
6th Floor State Office Building
Juneau, AK 99811-0208

RE: HEART Act Survivor Benefits in the Alaska Retirement Systems Actuarial Valuations

Dear Kathy:

As requested, we are providing you this letter to document our correspondence regarding the application of the 2008 HEART Act in the actuarial valuations of the State of Alaska. Specifically, you have asked how we are treating retirement system members who are called to active duty and die while performing qualified military service. Under the requirements of the HEART Act, the eligible survivors would be eligible for death benefits under the retirement system as if the member had resumed employment and plan membership the day before death.

As you have confirmed, according to your records, no employees have died in this manner since 2009. In addition, our mortality assumptions are updated every four years to reflect actual death experience of members that are eligible to receive death benefits under the retirement systems. On the basis of your experience and our experience analysis, we expect any future impact on the retirement systems to be de minimus for actuarial valuation purposes. If in performing a future actuarial experience analysis we find that this mortality experience is not de minimus, we will recommend adjusting our mortality assumptions and request specific member data to capture and recognize expected future liability of these survivor benefits.

Please let us know if you need any further information.

Sincerely,



David H. Sliskinsky, F.C.A., A.S.A., E.A.
Principal and Consulting Actuary

c: Mr. Mike Barnhill, State of Alaska
Mr. Jim Puckett, State of Alaska
Ms. Rebecca Williams, Buck Consultants

HB

313

<TARGET><BILL>HB 313</BILL><SUBJECT>HB
313</SUBJECT><COMM>HMLV28</COMM></TARGET>

REPRESENTATIVE LES GARA

(907) 465-2647 | State Capitol Building, Room 400 | <http://www.replesgara.com>

HB313

 [Statement PDF](#) | [Sponsor's BILL Listing](#)



Sponsor

Statement

House Bill 313 "Mitigating Factor: Combat-Related PTSD"

"Creating a Mitigating Factor Related to Combat-Related Post-Traumatic Stress Disorder and Traumatic Brain Injury"

Many veterans have served honorably under extreme hardship, and our nation has a long tradition of according honor to veterans in recognition of their service, especially for those who fought on the front lines. Upon being discharged, and after returning home, many former soldiers begin to suffer the symptoms of combat-related post-traumatic stress disorder (PTSD), including nightmares, hyper-vigilance, the inability to sleep, and depression, as well as combat-related traumatic brain injury (TBI). The symptoms of PTSD are pervasive and cause disruption in many phases of life. The condition can last for years unless treated.

Under Alaska's sentencing statute, a judge considering a sentence for a person convicted of a felony is allowed to consider certain statutorily-created mitigating factors to reduce a sentence below a mandatory or minimum required sentence. House Bill 313 would create a new mitigating factor allowing a judge to consider whether the offender's conduct was related to combat-related PTSD or combat-related traumatic brain injury. The offender would have the burden of proving that he or she suffers from combat-related PTSD or combat-related traumatic brain injury resulting from combat with an enemy of the United States while on active duty as a member of the armed forces. The mitigator specifically excludes cases that are crimes of serious injury, so it would not apply to assaultive conduct or sexual crimes.

Combat-related PTSD and substance abuse often go hand in hand. These soldiers sometimes self-medicate by abusing drugs. Many of them should be treated with anti-anxiety medications, but they rarely disclose that they are suffering. Many former soldiers who have committed offenses after serving overseas had no prior criminal record and no substance abuse problems prior to their service. Jail conditions exacerbate the symptoms of PTSD. The soldier becomes even more hyper-vigilant in a jail setting and his or her sleep becomes even more impaired. Thus, jail actively makes the soldier worse, and any rehabilitative function of a jail sentence tends to be ineffective. Allowing the offender to prove that his or her criminal conduct was related to PTSD or traumatic brain injury as a result of service while a member of the United States Armed Forces, would give the sentencing judge the flexibility to fashion a sentence that could require specific treatment for this specific condition.

A handwritten signature in black ink, appearing to read "Les Gara".

REPRESENTATIVE LES GARA



February 21, 2014

Representative Les Gara
Alaska State House
REF: HB 313

Les,

I was very pleased to receive your bill, HB 313 An Act relating to mitigation at sentencing in a criminal case for a defendant found by the court to have been affected by combat-related post-traumatic stress disorder or combat-related traumatic brain injury.

This is the first I've heard of this notion and I'm very pleased to support it.

As most of you know we have been researching the problem of veteran homelessness now for six years in our effort to end veteran homelessness in Anchorage and then Alaska. Believe me, lots to read and think about. One of the determining factors significantly contributing to veteran homelessness is combat related PTSD and minor TBI. I make a specific note to "minor" TBI as serious TBI is usually very obvious and severely disabling. But we are just beginning to understand, and technology is just beginning to help see minor TBI and how it changes behavior.

In addition to PTSD and minor TBI the abrupt separation of a service member from the camaraderie they experienced in service, often for the first time in their lives, and very much so in a combat theatre, the transition back into civil society is very difficult especially when you don't have family or friends as your support group. This often manifests itself in anger and violent behavior towards others and themselves. Often not out of malice but out of a sense of survival under stress.

The best work on combat PTSD is *Once a Warrior Always a Warrior* written by the Department of Defense colonel responsible for understanding this challenge. Anyone who works with combat veterans must read this book if they are to truly understand the challenge. This is not a curable it is only a treatable, but we are making significant progress in that area.

Allowing a judge and hopefully a prosecutor to consider combat related PTSD and minor TBI in relationship to a violent act that may be criminal is an important step in helping these men and women navigate their way home – even with missteps. Thank you. This is truly a compassionate consideration.

We at the Alaska Veterans Foundation, Inc. are strongly in support of this bill. We have forwarded it to 49 other states through the National Conference of State Council Presidents of Vietnam Veterans of America in hope that other states will consider similar legislation.

If I or our team can be of any further assistance in looking at this legislation or similar bills of concern, please call.

Again, thank you. It is an honor.


Ric Davidge, Chairman

**Cynthia Strout
Attorney at Law
745 West Fourth Ave. Suite 250
Anchorage, Alaska 99501
(907) 276-0377**

February 21st, 2014

Member of the House Military
and Veterans Affairs Committee of the
Alaska Legislature

Dear Committee Members:

I am writing to urge you to support HB 313, which would create a new statutory sentencing mitigator relating to former soldiers suffering from combat-related Post Traumatic Stress Syndrome who have committed non-violent crimes. Under Alaska's sentencing statute, a judge considering a sentence for a persons convicted of a felony is allowed to consider certain statutorily created mitigating factors to reduce a sentence below a mandatory or minimum required sentence. HB 313 would create a new mitigator allowing a judge to consider whether the offender's conduct was related to combat created PTSD. The offender would have the burden of proving that he or she suffers from combat related PTSD resulting from combat with an enemy of the Unites States while on active duty as a member of the armed forces.

I am a criminal defense attorney based in Anchorage. I have been practicing primarily criminal defense for over thirty years. In the last several years

I have both represented former soldiers who have committed drug offenses after serving in Iraq, and consulted on similar cases. These clients had no prior criminal record and no substance abuse problems prior to their service. The client I have had most experience with served in Fallujah as a medic when he was 19 and 20 years old. His experiences were horrific. He saw children blown up. His best friend, also a medic, was killed in a Humvee-IED explosion and my client picked up his body parts. He had men die in his arms and saw men who had been blown to pieces.

This client was honorably discharged; when he came home he began to suffer the symptoms of combat-related PTSD—nightmares; hyper-vigilance, the inability to sleep, depression and intruding thoughts regarding his experiences. Until I began to educate myself about PTSD, I believed it was a condition that caused some nightmares but that people quickly recovered with the passage of a little time. This not true, especially for combat-related PTSD. The symptoms are pervasive and cause disruption in all phases of life functioning; the condition lasts for years unless treated.

Combat PTSD and substance abuse go hand in hand. It is rare to see a PTSD case where drugs or alcohol are not also involved. These soldiers self-medicate by abusing drugs. Many of them should legitimately be treated with anti-anxiety medications. But they rarely disclose that they are suffering; it seems

almost symptomatic that they do not want to talk about their experiences or burden their loved ones with their suffering.

The proposed mitigator would allow a sentencing judge to consider whether the offender's non-violent criminal behavior was related to combat-related PTSD. The mitigator specifically excludes cases that are crimes of violence, so it would not apply to assaultive conduct or sexual crimes. It is my belief that the primary application of the mitigator would be for drug-related offenses, and would permit a sentencing judge to reduce jail time for certain offenders and substitute treatment instead. For example, currently a first offender charged with possessing any amount of heroin with the intention of giving it to someone else would face a required sentence of five to eight years in jail. A soldier with combat-related PTSD who trades with someone to obtain the drug to ease his symptoms could be guilty of this offense and face this sentence. If the legislature adopts this mitigator, a judge could instead suspend some of this jail time and require the offender to get treatment.

The experts I have consulted regarding PTSD tell me that jail conditions exacerbate the symptoms of PTSD—the soldier becomes even more hyper-vigilant in a jail setting, his sleep becomes even more impaired etc. Thus, jail actively makes the soldier worse, and any rehabilitative function of a jail sentence doesn't really work. Allowing the offender to prove that his criminal conduct was related

to his PTSD would give the sentencing judge the flexibility to fashion a sentence that could require specific treatment for this specific condition.

In handling these types of cases I once had a district attorney ask me why these soldiers should be treated differently than any other offenders. My response is that these young people served their country at great physical and emotional risk of harm and that when they are harmed we, as a society, should recognize that they do deserve special treatment. They went to war for us; they were damaged while protecting us and we should treat them differently. There is a difference between a young person with no record who serves his country and is traumatized and the drug dealer who is just out on the streets making money. Right now our soldiers and these drug dealers are treated exactly the same. This is not right. HB 313 will allow a court to recognize and adjust for these soldiers. I urge to you adopt the bill. I would be happy to speak further with any of your regarding this issue.

Sincerely,

Cynthia Strout

Cynthia Strout



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PTSD: National Center for PTSD

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PTSD and Substance Abuse in Veterans

Some people try to cope with their Posttraumatic Stress Disorder (PTSD) symptoms by drinking heavily, using drugs, or smoking too much. People with PTSD have more problems with drugs and alcohol both before and after getting PTSD. Also, even if someone does not have a problem with alcohol before a traumatic event, getting PTSD increases the risk that he or she will develop a drinking or drug problem.

Eventually, the overuse of these substances can develop into Substance Use Disorder (SUD), and treatment should be given for both PTSD and SUD to lead to successful recovery. The good news is that treatment of co-occurring (happening at the same time) PTSD and SUD works.

How common is co-occurring PTSD and SUD in Veterans?

Studies show that there is a strong relationship between PTSD and SUD. In both civilian and military populations, as well as for both men and women.

Specific to Veterans:

- More than 2 of 10 Veterans with PTSD also have SUD
- War Veterans with PTSD and alcohol problems tend to be binge drinkers. Binges may be in response to bad memories of combat trauma.
- Almost 1 out of every 3 Veterans seeking treatment for SUD also has PTSD
- The number of Veterans who smoke (nicotine) is almost double for those with PTSD (about 6 of 10) versus those without a PTSD diagnosis (3 of 10).
- In the wars in Iraq and Afghanistan, about 1 in 10 returning soldiers seen in VA have a problem with alcohol or other drugs

How can co-occurring PTSD and SUD create problems?

If someone has both PTSD and SUD, it is likely that he or she also has other health problems (such as physical pain), relationship problems (with family and/or friends), or problems in functioning (like keeping a job or staying in school). Using drugs and/or alcohol can make PTSD symptoms worse.

For example:

- PTSD may create sleep problems (trouble falling asleep or waking up during the night). You might "medicate" yourself with alcohol or drugs because you think it helps your sleep, but drugs and alcohol change the quality of your sleep and make you feel less refreshed.
- PTSD makes you feel "numb," like being cut off from others, angry and irritable, or depressed. PTSD also makes you feel like you are always "on guard." All of these feelings can get worse when you use drugs and alcohol.
- Drug and alcohol use allows you to continue the cycle of "avoidance" found in PTSD. Avoiding bad memories and dreams or people and places can actually make PTSD last longer. You cannot make as much progress in treatment if you avoid your problems.

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GET HELP FOR PTSD



- You may drink or use drugs because it distracts you from your problems for a short time, but drugs and alcohol make it harder to concentrate, be productive, and enjoy all parts of your life.

VA has made it easier to get help. It is important to know that treatment can help and you are not alone.

What treatments are offered for co-occurring PTSD and SUD?

Evidence shows that in general people have improved PTSD and SUD symptoms when they are provided treatment that addresses both conditions. This can involve any of the following (alone or together):

- Individual or group cognitive behavioral treatments (CBT)
- Specific psychological treatments for PTSD, such as Cognitive Processing Therapy (CPT) (en Español) or Prolonged Exposure (PE) (en Español)
- Behavioral couples therapy with your spouse or significant other
- Medications that may help you manage the PTSD or SUD symptoms

Talk with your provider about treatment for specific symptoms like pain, anger, or sleep problems.

What should I do if I think I have co-occurring PTSD and SUD?

The first step is to talk to a health professional and ask for more information about treatment options. Each VA medical center has an SUD-PTSD Specialist trained in treating both conditions to reach the best health outcomes. If there are signals you are at risk for both disorders, you will be encouraged to talk with a provider about how to best support your recovery. There are treatment resources at every VA medical center. The VA wants you to have the best possible care for co-occurring PTSD and SUD.

- Find a VA PTSD Program
- Find a VA SUD Program

If you continue to be troubled or distracted by your experiences for more than three months or have questions about your drinking or drug use, learn more about treatment options. Life can be better! Talk to a VA or other health professional to discuss choices for getting started.

Data this content was last updated is at the bottom of the page.

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The National Center for PTSD does not provide direct clinical care, individual referrals or benefits information.

For help please see:

Where to Get Help for PTSD or
Get Help with VA PTSD Care, Benefits, or Claims

For Web site help: Web Policies

PTSD Information Voice Mail
(802) 296-6300

Contact Us: ncptsd@va.gov
Also see: VA Mental Health

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Traumatic Brain Injury and PTSD

E. Lanier Summerall, MD, MPH

Background Information

The conflicts in Iraq and Afghanistan have resulted in increased numbers of Veterans who have experienced traumatic brain injuries (TBI). The Department of Defense and the Defense and Veteran's Brain Injury Center estimate that 22% of all combat casualties from these conflicts are brain injuries, compared to 12% of Vietnam related combat casualties. 60% to 80% of soldiers who have other blast injuries may also have traumatic brain injuries. This fact sheet provides information on the classification and natural history of traumatic brain injury; comorbidities in the Veteran population; challenges in the diagnosis and treatment of these disorders; and special issues for families living with traumatic brain injury.

Classification and Natural History of Traumatic Brain Injuries (TBI)

Severity

Many patients and clinicians assume that the terms mild, moderate and severe TBI refer to the severity of symptoms associated with the injury. In fact these terms refer to the nature of the injury itself. Here are the accepted definitions:

- Mild traumatic brain injury is defined as a loss or alteration of consciousness < 30 minutes, post-traumatic amnesia < 24 hours, focal neurologic deficits that may or may not be transient, and/or Glasgow Coma Score (GCS) of 13-15.
- Moderate traumatic brain injuries entail loss of consciousness > 30 minutes, post-traumatic amnesia > 24 hours, and an initial GCS 9-12.
- Severe brain injuries entail all of the moderate criteria listed above, but with a GCS < 9.

Mild TBI

About 80% of all TBI's in the civilian population are mild traumatic brain injuries (mTBI). The primary causes of TBI's in the civilian population are falls, motor vehicle accidents, being struck by an object, and assaults. Immediately subsequent to the initial insult, 80% to 100% of patients with mTBI will experience one or more symptoms related to their injury, such as headache, dizziness, insomnia, impaired memory and/or lowered tolerance for noise and light. In most cases of mTBI the patient returns to their previous level of function within three to six months, and it is important to reassure patients about this fact. However, some 10% to 15% of patients may go on to develop chronic post-concussive symptoms. These symptoms can be grouped into three categories: somatic (headache, tinnitus, insomnia, etc.), cognitive (memory, attention and concentration difficulties and emotional/behavioral (irritability, depression, anxiety, behavioral dyscontrol). Patients who have experienced mTBI are also at increased risk for psychiatric disorders compared to the general population, including depression and PTSD.

In the military population, the emerging picture is somewhat different. The primary causes of TBI in Veterans of Iraq and Afghanistan are blasts, blast plus motor vehicle accidents (MVA's), MVA's alone, and gunshot wounds. Exposure

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to blasts is unlike other causes of mTBI and may produce different symptoms and natural history. For example, Veterans seem to experience the post-concussive symptoms described above for longer than the civilian population; some studies show most will still have residual symptoms 18-24 months after the injury. In addition, many Veterans have multiple medical problems. The comorbidity of PTSD, history of mild TBI, chronic pain and substance abuse is common and may complicate recovery from any single diagnosis. Given these special considerations, it is especially important to reassure Veterans that their symptoms are time-limited and, with appropriate treatment and healthy behaviors, likely to improve.

Moderate and Severe TBI

Patients with moderate and severe brain injuries often have focal deficits and occasionally profound brain damage. However, it should be noted that the severity of the initial injury does not correlate in a linear fashion with the severity of the brain damage, and that some of these patients can make remarkable recoveries. They may need ongoing cognitive and vocational rehabilitation, case management, and pharmacological intervention to return to their highest level of function.

Diagnosis

The diagnosis of TBI, associated post-concussive symptoms and other comorbidities such as PTSD, presents unique challenges for diagnosticians. No screening instruments available can reliably make the diagnosis; the gold standard remains an interview by a skilled clinician. The current VA screening tool is intended to initiate the evaluation process, not to definitively make a diagnosis.

Details of the original injury can be elusive. Patients with moderate and severe brain injuries often, though not always, have unequivocal evidence of the relationship of their symptoms to their injury. Patients who have experienced mTBI can be more difficult to diagnose. The brevity of the initial alteration of consciousness may cause the initial injury to go unnoticed and the patient may present some time after the original injury when details are unclear. Another factor is that these injuries can occur in chaotic circumstances, such as combat, and may be ignored in the heat of events. Clinicians may be presented with vague concerns and little relevant detail about the original injury; whenever possible, clinicians and patients should attempt to obtain supporting documentation. At minimum clinicians should elicit as detailed an injury history as possible.

Once the injury history has been established, the patient's course of recovery and remaining post-concussive symptoms should be documented. Because of the considerable symptom overlap between post-concussive symptoms and symptoms of many psychiatric and neurologic disorders, this process can be challenging. Clinicians should have a low threshold to consult available expertise when making these diagnoses.

Patients with TBI often meet criteria for PTSD on screening instruments for TBI and vice versa. Some of these positive screens may represent false positives, but many OEF/OIF Veterans have experience a mild traumatic brain injury AND ALSO have PTSD related to their combat experience.

Treatment

To manage this new injury profile, the VA has initiated the Polytrauma System of Care, which treats patients with traumatic brain injury who also have experienced musculoskeletal, neurologic and psychological trauma. Many of the most severely injured Polytrauma patients are already receiving treatment at one of the 4 Polytrauma Rehabilitation Centers or one of the 21 Polytrauma Network Sites. Patients with milder injuries may present for treatment at other locales, including their local VA's or in their communities. Regardless of where a patient engages in treatment initially, there is no "wrong door" for treatment and the VA is working to ensure that any barriers to access are minimized.

Randomized controlled trials have demonstrated that education for the patient and family early in the course of recovery can improve outcomes in patients with TBI and help to prevent the development of other psychological problems.

Unfortunately, for reasons outlined above, many patients and their families do not receive education early in the course of illness and may require intervention after symptoms have become well established. Currently, the VA encourages a recovery message when prognosis is discussed, and inclusion of the family in treatment planning.

Treatments for PTSD, mTBI and other comorbidities should be symptom-focused and evidence based in concurrence with current practice guidelines (available at VA/DoD Clinical Practice Guidelines). For example, early data shows that the treatments that have worked well in Veterans with PTSD alone, such as cognitive processing therapy, prolonged exposure or SSRIs, can also work well for Veterans who have suffered a mild traumatic brain injury as well as emotional trauma. Memory aids can also be useful in this population. Patients can also benefit from occupational rehabilitation and case management, depending on the severity of their injuries. Patient should be referred to consultants, such as neurologists, neuropsychologists, and substance abuse or other specialized treatment as needed.

Given the complexity of treatment plans for these Veterans, careful collaboration and coordination of care between all providers is a critical element of treatment success. The VA is exploring ways to enhance this collaboration, particularly in more community-based outpatient clinics and more rural environments.

Family Issues

TBI of any severity can disrupt families, in no small part because of family members' changing roles in response to the patient's difficulties, even if these problems ultimately improve. Immediate family involvement and education about the course of illness is crucial, and ongoing attention should be paid to family needs as time passes. Supporting families can improve outcomes by ensuring that the patient's recovery is not hampered by a deteriorating family situation. Many providers will not have the time or expertise to include families in all phases of treatment, again, clinicians should not hesitate to seek out available expertise and support groups early in the course of illness.

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What Is PTSD?

PTSD

Posttraumatic stress disorder, or PTSD, can occur after someone goes through, sees, or learns about a traumatic event like:

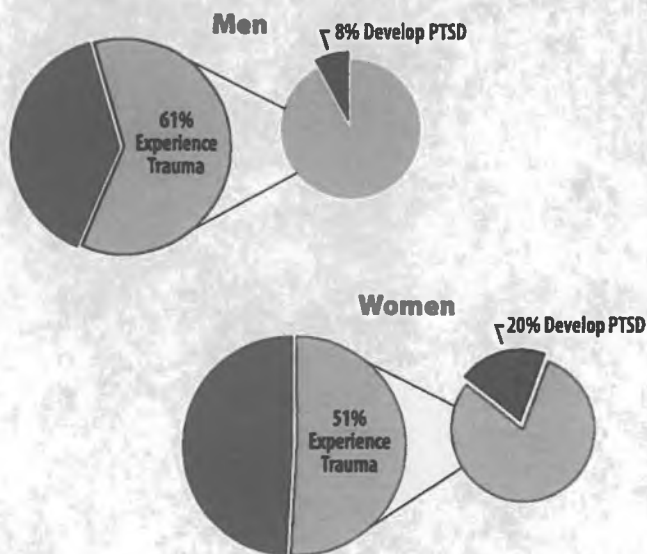
- Combat exposure
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- Terrorist attack
- Sexual/physical assault
- Serious accident
- Natural disaster

Most people have some stress-related reactions after a traumatic event. If your reactions don't go away over time and they disrupt your life, you may have PTSD.

See the next few pages for common reactions to trauma and PTSD symptoms.

How Common Is PTSD?

Many Americans have had a trauma. About 60% of men and 50% of women experience at least one traumatic event. Of those who do, about 8% of men and 20% of women will develop PTSD. For some events, like combat and sexual assault, more people develop PTSD.



What Are Some Common Stress Reactions after a Trauma?

It is normal to have stress reactions after a traumatic event. Your emotions and behavior can change in ways that are troubling to you.

Fear or anxiety

In moments of danger, our bodies prepare to fight our enemy, flee the situation, or freeze in the hope that the danger will move past us. But those feelings of alertness may stay even after the danger has passed. You may:

- feel tense or afraid
- be agitated and jumpy
- feel on alert

Sadness or depression

Sadness after a trauma may come from a sense of loss—of a loved one, of trust in the world, faith, or a previous way of life. You may:

- have crying spells
- lose interest in things you used to enjoy
- want to be alone all the time
- feel tired, empty, and numb

Guilt and shame

You may feel guilty that you did not do more to prevent the trauma. You may feel ashamed because during the trauma you acted in ways that you would not otherwise have done. You may:

- feel responsible for what happened
- feel guilty because others were injured or killed and you survived

Anger and irritability

Anger may result from feeling you have been unfairly treated. Anger can make you feel irritated and cause you to be easily set off. You may:

- lash out at your partner or spouse
- have less patience with your children
- overreact to small misunderstandings

Behavior changes

You may act in unhealthy ways. You may:

- drink, use drugs, or smoke too much
- drive aggressively
- neglect your health
- avoid certain people or situations

Most people will have some of these reactions at first, but they will get better at some time. If symptoms last longer than three months, cause you great distress, or disrupt your work or home life, you should seek help.



Real Stories: Frank



“It was nice to know there was a reason for what I was doing.”

Frank served our country in Vietnam. Before the war, he had been a happy person, but he rarely smiled once he came home.

For many years, Frank didn't talk about Vietnam, thinking he would spare people. He started drinking more. He had a short temper, and had to have his back to the wall in restaurants because he kept thinking someone was after him. He couldn't hold a job or have a successful relationship. He just felt that something was wrong. Frank didn't realize it, but he was having many of the symptoms of PTSD.

Frank went to the VA, where he was diagnosed with PTSD and given treatment and support. He's doing much better now.

“I would definitely recommend any Veteran go and get help.”

What Other Problems Do People with PTSD Experience?

People with PTSD may feel hopelessness, shame, or despair. Employment and relationship problems are also common. Depression, anxiety, and alcohol or drug use often occur at the same time as PTSD. In many cases, the PTSD treatments described in the Getting Help section will also help these other disorders, because the problems are often related and the coping skills you learn work for all of them.

How Likely Is a Person to Develop PTSD after a Trauma?

How likely you are to get PTSD can depend on things like:

- How intense the trauma was or how long it lasted
- If you lost someone you were close to or if you were hurt
- How close you were to the event
- How strong your reaction was
- How much you felt in control of events
- How much help and support you got after the event

Some groups of people may be more likely than others to develop PTSD. You are more likely to develop PTSD if you:

- Are female or a minority
- Have little education
- Had an earlier life-threatening event or trauma
- Have another mental health problem
- Have family members who have had mental health problems
- Have little support from family and friends
- Have had recent, stressful life changes

FISCAL NOTE

STATE OF ALASKA
2014 LEGISLATIVE SESSION

Bill Version HB 313
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) HB313-LAW-CRIM-03-10-14 Dept. Affected LAW
Title MITIGATING FACTOR: COMBAT-RELATED PTSD Appropriation Criminal Division
Allocation Criminal Justice Litigation
Sponsor REP(S) GARA, LEDOUX
Requester HOUSE MILITARY AND VETERAN'S AFFAIRS OMB Component Number 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY15 Appropriation Requested	Included in Governor's FY15 Request	Out-Year Cost Estimates					
			FY15	FY16	FY17	FY18	FY19	FY20
OPERATING EXPENDITURES								
Personal Services	***	***	***	***	***	***	***	***
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	***	0.0	***	***	***	***	***	***

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1007	I/A Rcpts (Other)							
1156	Rcpt Svcs (DGF)							
		***	0.0	***	***	***	***	***

POSITIONS								
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES								
--------------------	--	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY14) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY15) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? _____ No
If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version, not applicable.

Prepared by Loretta Withington, Division Operations Manager
Division Department of Law
Approved by Michael C. Geraghty, Attorney General
Division Department of Law

Phone 465-5427
Date/Time 3/7/14 12:00 AM
Date 3/10/2014

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 313

Analysis

HB 313 would add a new mitigating factor for sentencing persons convicted of a felony. It would allow a mitigator if the defendant was affected by a combat-related post-traumatic stress disorder or combat-related traumatic brain injury that substantially affected the defendant's behavior. If proven, the court would have discretion to reduce the term of imprisonment below the presumptive range.

The proposed new factor would not apply to persons convicted of crimes against a person (AS 11.41) or arson in the first degree (AS 11.46.400). The fiscal impact for the Department of Law is indeterminate because it will require expert testimony on the issue of whether the person suffers from such a disorder and if so, did it substantially affect his or her behavior.

FISCAL NOTE

STATE OF ALASKA
2014 LEGISLATIVE SESSION

Bill Version HB 313
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB313-DOC-OC-03-07-14 Dept. Affected Corrections
 Title MITIGATING FACTOR: COMBAT-RELATED PTSD Appropriation Admin and Support
 Allocation Office of the Commissioner
 Sponsor GARA
 Requester House Military and Veterans Affairs OMB Component Number 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY15 Appropriation Requested	Included in Governor's FY15 Request	Out-Year Cost Estimates				
			FY16	FY17	FY18	FY19	FY20
OPERATING EXPENDITURES	FY15	FY15	FY16	FY17	FY18	FY19	FY20
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1156	Rcpt Svcs (DGF)						
		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
---------------------------	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY14) operating costs 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY15) costs 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

This is the original version of the bill.

Prepared by April Wilkerson, Director
 Division Administrative Services - Department of Corrections
 Approved by Leslie Houston, Deputy Commissioner
 Division Department of Corrections

Phone 907-465-3460
 Date/Time 3/7/14 11:00 AM
 Date 3/7/2014

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 313

Analysis

This legislation provides for a mitigator at sentencing if, at the time of the offense, the defendant suffered from combat-related post-traumatic stress disorder or combat-related traumatic brain injury which significantly affected the defendant's behavior. This mitigator only applies to non-violent crimes.

This legislation could impact a number of offenders incarcerated for non-violent crimes. However, at this time, data is not available for the Department to calculate the number of defendants who would be able to take advantage of this mitigator. The Department will continue to monitor the potential impacts of this legislation.

FISCAL NOTE

STATE OF ALASKA
2014 LEGISLATIVE SESSION

Bill Version HB 313
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) HB313-DOA-PDA-03-07-14 Dept. Affected Administration
Title Mitigating Factor: Combat Related PTSD Appropriation Legal and Advocacy Services
Allocation Public Defender Agency
Sponsor Representative Gara
Requester House Military and Veterans Affairs OMB Component Number 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY15	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY15 Request	FY16	FY17	FY18	FY19	FY20
OPERATING EXPENDITURES	FY15	FY15	FY16	FY17	FY18	FY19	FY20
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1156	Rcpt Svcs (DGF)						
		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
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Estimated **SUPPLEMENTAL (FY14) operating costs** 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY15) costs** 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by Quinlan Steiner, Public Defender
Division Public Defender Agency
Approved by Curtis Thayer, Commissioner
Division Department of Administration

Phone 907-334-4414
Date/Time 3/6/14 3:00 PM
Date 3/7/2014

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 313

Analysis

HB313 creates a new mitigating factor that allows for a sentencing court to mitigate an offender's sentence upon finding that the offense was committed while the offender suffered from combat-related brain injury or Post-traumatic Stress Disorder, while on active duty with the U.S. armed forces.

HB313 is not expected to have a fiscal impact on the Public Defender Agency; the agency, therefore, submits a zero fiscal note.

FISCAL NOTE

STATE OF ALASKA
2014 LEGISLATIVE SESSION

Bill Version HB 313
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB313-DOA-OPA-03-07-2014 Dept. Affected Administration
 Title Mitigating Factor: Combat Related PTSD Appropriation Legal and Advocacy Services
 Allocation Office of Public Advocacy
 Sponsor Representative Gara
 Requester House Military and Veterans Affairs OMB Component Number 43

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY15 Appropriation Requested	Included in Governor's FY15 Request	Out-Year Cost Estimates				
			FY16	FY17	FY18	FY19	FY20
OPERATING EXPENDITURES	FY15	FY15	FY16	FY17	FY18	FY19	FY20
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1007	I/A Rcpts (Other)							
1156	Rcpt Svcs (DGF)							
		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES

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Estimated SUPPLEMENTAL (FY14) operating costs 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY15) costs 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by Richard Allen, Director
 Division Office of Public Advocacy
 Approved by Curtis Thayer, Commissioner
 Division Department of Administration

Phone 907-269-3504
 Date/Time 03-06-14 12:05 P.M.
 Date 3/7/2014

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 313

Analysis

HB313 would amend AS 12.55.155(d), concerning mitigating factors in sentencing for criminal offenses, by adding a new mitigating factor, at new paragraph (22). The new mitigator would allow for a sentencing court to mitigate an offender's sentence upon finding that the offense was committed while the offender suffered from combat-related brain injury or Post-traumatic Stress Disorder, while on active duty with the U.S. armed forces.

Therefore, OPA submits a zero fiscal note.

HB

318

<TARGET><BILL>HB 318</BILL><SUBJECT>HB
318</SUBJECT><COMM>HMLV28</COMM></TARGET>

ALASKA STATE LEGISLATURE

Session:
State Capitol
Juneau, AK 99801-1182
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REPRESENTATIVE DAN SADDLER

SPONSOR STATEMENT

House Bill 318

“An Act relating to public school reports of students whose parents are members of the active duty military service.”

Military families in Alaska face special challenges. Many must move every three or four years. One or more parents may deploy for up to a year or more on overseas duty. Students must transfer into and out of school districts from different states – maybe even different nations. Students must adjust to different graduation criteria. And they face the social dislocations and the necessity of making new friends. All this can make it a challenge for students to make normal progress toward graduation.

While the impacts of these stresses on a child’s educational progress may be clear to the parents of these students, they are hidden from our local school districts, the state, and the federal government.

HB 318 seeks to capture information on the academic performance statistics of students of active-duty military families. HB 318 requires local school districts to gather information on the number, attendance and performance of students enrolled in the school whose parents or guardians are on active duty in the armed forces of the United States, the United States Coast Guard, the Alaska National Guard, the Alaska Naval Militia, or the Alaska State Defense Force.

The reports of this information will provide both the local school districts, and the state Department of Education and Early Development, with information on which schools are best meeting the challenges of working with military students. Further, the reports required under HB 318 will also provide the Department of Defense with information it needs to develop policies and procedures – and to identify and provide necessary resources -- to help military families achieve better educational outcomes.

Currently the U.S. Department of Education Impact Aid Program collects data on military-connected students by school district. However, this data does not include the academic performance of the students or the specific schools they attend. By providing the Department of Defense with this specific performance and attendance data, the Department will be better able to develop policy and procedures to better prioritize funding needs and ensure our military members’ families receive the utmost support.

Alaska is home to over 23,400 active duty military members and 35,200 active duty dependents; over 3,924 National Guard and Reserve; and 1,850 active duty Coast Guard and 2,564 dependents – making up a large percentage of the student population in Alaska.

There is no reliable data on military children and the impacts of the challenges of military life. By collecting and tracking data, educators and school districts could more effectively prepare transitioning students. Parents will have more information about the educational choices for their child. Federal, state and local entities will have the information they need to provide or adjust resources where it is most needed.

Many organizations connected with military students support and endorse identifying and tracking the performance of these students, and are working to identify successful practices that can be replicated. The data will help achieve educational continuity and minimize disruptions for those children that experience frequent school moves and deployments.

FISCAL NOTE

STATE OF ALASKA
2014 LEGISLATIVE SESSION

Bill Version HB318
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) HB318-EED-TLS-3-8-14 Dept. Affected Education & Early Development
Title Annual School Report: Military Families Appropriation Teaching and Learning Support
Allocation Student and School Achievement
Sponsor Representative Saddler
Requester House Education Committee OMB Component Number 2796

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY15 Appropriation Requested	Included in Governor's FY15 Request	Out-Year Cost Estimates					
			FY15	FY16	FY17	FY18	FY19	FY20
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	80.0		10.0	10.0	10.0			
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	80.0	0.0	10.0	10.0	10.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF	80.0	10.0	10.0	10.0			
1005	GF/Prgm (DGF)							
1007	I/A Rcpts (Other)							
1156	Rcpt Svcs (DGF)							
		80.0	0.0	10.0	10.0	10.0	0.0	0.0

POSITIONS

Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES

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Estimated **SUPPLEMENTAL (FY14) operating costs** _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY15) costs** _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended, or repealed? 9/30/2014 Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version

Prepared by Paul Prussing, Deputy Director Phone 465-8686
Division Teaching and Learning Support Date/Time 3/8/14 6:24 PM
Approved by Mike Hanley Date 3/8/2014
Division Commissioner

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB318

Analysis

Sec. 1. AS 14.03.120(d) The Student Report Manager software system, to gather data reliably, is \$35.0 to modify. Handbook modifications and initial year district technical assistance on new reporting requirement is estimated at \$45.0. Technical assistance for districts with military personnel to establishing reliable data gathering methods around these elements for three subsequent years is \$10.0.

HCR

2

<TARGET><BILL>HCR 2</BILL><SUBJECT>HCR
2</SUBJECT><COMM>HMLV28</COMM></TARGET>

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HCR 2
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HCR2-LEG-SESS-02-25-13
Title: PURPLE HEART STATE
Sponsor: HUGHES
Requester: Rep Hughes

Department: Alaska Legislature
Appropriation: Legislative Operating Budget
Allocation: Session Expenses
OMB Component Number: 782

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By:	Jessica Geary, Finance Manager	Phone:	(907)465-6626
Division	Legislative Affairs Agency	Date:	02/25/2013 03:12 PM
Approved By:	Pamela Varni, Executive Director	Date:	02/25/13
	Legislative Affairs Agency		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HCR 2

Analysis

This Legislation has zero fiscal impact on the Legislative Affairs Agency.

REPRESENTATIVE
SHELLEY HUGHES

Economic Development
Trade & Tourism Committee
Chairman
Energy Committee
State Affairs Committee
Military & Veterans' Affairs Committee
University Subcommittee
Fish & Game Subcommittee

Alaska State Legislature



House of Representatives District 8 ~ Greater Palmer

Session:
State Capitol, Room 409
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February 21, 2013

Honorable Representative Neal Foster Co-Chair
Honorable Representative Gabrielle LeDoux Co-Chair
House Special Committee on Military and Veterans' Affairs
Room 120, State Capitol
Juneau AK 99801

Dear Representatives Foster and LeDoux:

I respectfully request a February 28 hearing date for House Concurrent Resolution 2 to be considered in the House Special Committee on Military & Veterans' Affairs.

Please provide teleconferencing capabilities so Purple Heart recipients can call in to testify. We know of testifiers in Anchorage, Fairbanks, Bethel, Wasilla and Juneau. We will also need to provide an off net number for testifiers in Metlakatla and Ester.

I look forward to presenting HCR 2 to the committee.

If you have any concerns with regard to scheduling the bill, please contact Virginia Smiley at 465-5025.

Sincerely,

V. Smiley for S. Hughes

Shelley Hughes
Representative
District 8~Greater Palmer

ALASKA STATE LEGISLATURE

SESSION:

Alaska State Capitol
Juneau Alaska 99801
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Rep.Shelley.Hughes@akleg.gov

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600 E Railroad Avenue
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Fax: 907-376-4768

Representative Shelley Hughes
House District 8 ~ Greater Palmer

Honorable Representative Neal Foster Co-Chair
Honorable Representative Gabrielle LeDoux Co-Chair
House Military and Veterans Affairs
Room 120, State Capitol
Juneau AK 99801

HCR NO. 2 Purple Heart State

Sponsor Statement

February 6, 2013

HCR 2 proclaims Alaska as a Purple Heart State, honoring the service and sacrifices of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

Veterans have paid the high price of freedom by leaving their families and placing themselves in harm's way for the good of all; and the people of the State of Alaska have a great admiration and the utmost gratitude for all men and women who have selflessly served their country and this state in the Armed Forces.

The resolution finds that many citizens of our state have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, which is recognized as a singularly meritorious act of essential service; and, other men and women in uniform from Alaska gave their lives while serving our country.

As the home state to these heroes who have valiantly served our nation, it is fitting that Alaska become a Purple Heart State.

Wasilla: City with a (purple) heart By GREG JOHNSON Frontiersman.com

Posted on July 7, 2012

WASILLA — It's an exclusive club that boasts a reluctant membership. Most pray they never become eligible for entry, while those who do are proud for the honor.

They're Purple Heart Medal recipients.

Now those who have been wounded in combat defending freedom and the United States will know they're welcome in Wasilla.

That's the message city council and Mayor Verne Rupright sent recently when Wasilla became Alaska's first Purple Heart City, a designation certified by the Military Order of the Purple Heart, a national service organization chartered by Congress in 1958 to recognize Purple Heart recipients and their families.

Locally, Ken Ross is the MOPH commander for Chapter 663. The Wasilla resident is a former U.S. Marine and said he's proud his city is the state's first to receive the designation.

"I'm glad the mayor did it. It's recognition for those who are combat wounded," Ross said. "I know what they're going through and I know what I'm going through."

Rupright said the city has already ordered road signs proclaiming Wasilla the "First Alaska Purple Heart City." As a veteran, Rupright said he knows many Purple Heart recipients. Being a Purple Heart City lets veterans know that in Wasilla they're remembered and appreciated.

"I'm behind this 100 percent," he said. "They picked Wasilla because we have so many veterans and we have the beautiful honor garden. I was honored to get behind it. It shows we recognize your time, your service and your sacrifice. We hold these things to be self-evident and dear to our hearts. ... We care. We give a damn. That (message) is huge to me and I think it's huge to most people."

For James Hastings, he said seeing that sign will be emotional. Retired military himself, Hastings is now the local director for Alaska's Healing Hearts. Those who have Purple Hearts need to be acknowledged for their sacrifices, he said.

“It’s the only club in the world that doesn’t have an invitation list,” he said of medal recipients. “This is one you’re forced into, and most people don’t want to be in it.”

Attending a rodeo in southern Alaska through Alaska’s Healing Hearts, Hastings said a curious little boy came up to him and asked, “How do you get a Purple Heart?”

The Purple Heart designation for municipalities is a growing trend. On the heels of Wasilla’s proclamation, the Mat-Su Borough last week became the first in the state to become a Purple Heart Borough, Mat-Su Borough Mayor Larry DeVilbiss said.

“The city of Wasilla took the lead on that, and I’ve got to thank Mr. Ross and Mayor Rupright for drawing it to our attention,” DeVilbiss said. “I’m always glad to honor the people who have given for our freedom. This borough is very patriotic. We’re very willing to sacrifice for our values. It would be a sad day if it went back to what our Vietnam vets had to endure (upon returning from the war).”

Wasilla apparently unleashed a wave of appreciation for Purple Heart recipients, Ross said. Along with the borough’s designation, the cities of Palmer and Houston also have similar proclamations on their agendas this month. The next step from there is a push for the Legislature to pass a bill proclaiming Alaska a Purple Heart State. Currently, only California has that designation.

For at least with one Valley lawmaker, that won’t be a hard sell. In a statement, Sen. Linda Menard says she’s pleased with the measures Wasilla and the borough have taken.

“I’m so proud that the city of Wasilla has become the first Purple Heart City in the state of Alaska, and that our Mat-Su Borough will be the first in our state to become a Purple Heart Borough,” she said. “It is only fitting and right to honor those distinguished men and women who have sacrificed for our country with this designation.”

Contact reporter Greg Johnson at greg.johnson@frontiersman.com or 352-2269.



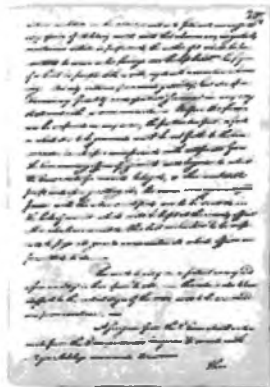
U.S. Department of Veterans Affairs
Washington, D.C. 20420

CELEBRATING AMERICA'S FREEDOMS

The Purple Heart

It is one of the most recognized and respected medals awarded to members of the U.S. armed forces. Introduced as the "Badge of Military Merit" by General George Washington in 1782, the Purple Heart is also the nation's oldest military award. In military terms, the award had "broken service," as it was ignored for nearly 150 years until it was re-introduced on February 22, 1932, on the 200th anniversary of George Washington's birth. The medal's plain inscription "FOR MILITARY MERIT" barely expresses its significance.

On August 7, 1782, from his headquarters in Newburgh, New York, General George Washington wrote:



Gen. George Washington's instructions for the Badge of Military Merit

"The General ever desirous to cherish virtuous ambition in his soldiers, as well as to foster and encourage every species of Military merit, directs that whenever any singularly meritorious action is performed, the author of it shall be permitted to wear on his facings over the left breast, the figure of a heart in purple cloth, or silk, edged with narrow lace or binding. Not only instances of unusual gallantry, but also of extraordinary fidelity and essential service in any way shall meet with a due reward. Before this favour can be conferred on any man, the particular fact,

or facts, on which it is to be grounded must be set forth to the Commander in chief accompanied with certificates from the Commanding officers of the regiment and brigade to which the Candidate for reward belonged, or other incontestable proofs, and upon granting it, the name and regiment of the person with the action so certified are to be enrolled in the book of merit which will be kept at the orderly office. Men who have merited this last distinction to be suffered to pass all guards and sentinels which officers are permitted to do.

The road to glory in a patriot army and a free country is thus open to all. This order is also to have retrospect to the earliest stages of the war, and to be considered as a permanent one."

Only three soldiers are known to have received the original honor badge: Sergeant Daniel Bissell of the 2d Connecticut Regiment of the Continental Line; Sergeant William Brown of the 5th Connecticut Regiment of the Continental Line, and Sergeant Elijah Churchill of the 2d Continental Dragoons, also a Connecticut regiment.

For unknown reasons, the medal apparently was not awarded again. In fact, it was not until October 1927, after World War I, that General Charles Summerall proposed that a bill be submitted to Congress to revive the "Badge of Military Merit." In January, 1928, the Army's Office of The Adjutant General was instructed to file the materials concerning the proposed medal. Among those materials was a rough drawing of a circular medal disc with a concave center on which a raised heart was visible. Engraved on the back of the medal was "For Military Merit."

In January 1931, General Douglas MacArthur, Summerall's successor as Army Chief of Staff, resurrected the idea for the medal. Miss Elizabeth Will, an Army heraldic specialist in the Office of the Quartermaster General, was assigned the task of designing the medal according to some general guidelines provided to her. The Commission of Fine Arts obtained plaster models from three sculptors and, in May 1931, selected the model produced by John Sinnock of the Philadelphia Mint.

On February 22, 1932 -- the 200th anniversary of George Washington's birth -- the War Department (predecessor to the Department of Defense) announced the establishment of the Purple Heart award in General Order No. 3:

By order of the President of the United States, the Purple Heart established by General George Washington at Newburgh, August 7, 1782, during the War of the Revolution, is hereby revived out of respect to his memory and military achievements.

By Order of the Secretary War

Douglas MacArthur
General
Chief of Staff



Purple Heart (obverse)



Purple Heart (reverse)

Army regulations specified the design of the medal as an enamel heart, purple in color and showing a relief profile of George Washington in Continental Army uniform within a quarter-inch bronze border. Above the enameled heart is Washington's family coat of arms between two sprays of leaves. On the reverse side, below the shield and leaves, is a raised bronze heart without enamel bearing the inscription "For Military Merit." The 1 11/16 inch medal is suspended by a purple cloth, 1 3/8 inches in length by 1 3/8 inches in width with 1/8-inch white edges.

Army regulations' eligibility criteria for the award included:

- Those in possession of a Meritorious Service Citation Certificate issued by the Commander-in-Chief of the American Expeditionary Forces in World War I. (The Certificates had to be exchanged for the Purple Heart.)
- Those authorized by Army regulations to wear wound chevrons. (These men also had to apply for the new award.)

The newly reintroduced Purple Heart was not intended primarily as an award for those wounded in action -- the "wound chevron" worn by a soldier on his sleeve already fulfilled that purpose. Establishing the Meritorious Service Citation as a qualification for receiving the Purple Heart was very much in keeping with General Washington's original intent for the award.

However, authorizing the award in exchange for "wound chevrons" established the now familiar association of the award with injuries sustained in battle. This was reinforced by Army regulations, which stated that the award required a "singularly meritorious act of extraordinary fidelity service" and that "a wound which necessitates treatment by a medical officer and which is received in action with an enemy, may, in the judgment of the commander authorized to make the award, be construed as resulting from a singularly meritorious act of essential service."

Until Executive Order 9277 by President Franklin D. Roosevelt in December 1942 authorized award of the Purple Heart to personnel from all of the military services (retroactive to December 7, 1941), the medal was exclusively an Army award. The Executive Order also stated that the Purple Heart was to be awarded to persons who "are wounded in action against an enemy of the United States, or as a result of an act of such enemy, provided such would necessitate treatment by a medical officer."

In November 1952, President Harry S. Truman issued an Executive Order extending eligibility for the award to April 5, 1917, to coincide with the eligibility dates for Army personnel.

President John F. Kennedy issued Executive Order 11016 in April 1962 that further extended eligibility to "any civilian national of the United States, who while serving under competent authority in any capacity with an armed force..., has been, or may hereafter be, wounded" and authorized posthumous award of the medal.

Executive Order 12464 signed by President Ronald Reagan in February 1984, authorized award of the Purple Heart as a result of terrorist attacks or while serving as part of a peacekeeping force subsequent to March 28, 1973. The 1998 National Defense Authorization Act removed civilians from the list of personnel eligible for the medal.

The Purple Heart is ranked immediately behind the bronze star and ahead of the Defense Meritorious Service Medal in order of precedence.

Possession of the Purple Heart medal does not by itself qualify veterans for Department of Veterans Affairs (VA) disability compensation. However, since November 1999, Purple Heart recipients have been placed in VA's enrollment priority group 3, unless eligible for the higher priority groups (1 or 2) based on service-connected disabilities. Recipients are also exempt from co-payments for VA hospital care and medical outpatient care, but not from pharmacy co-payments for medications prescribed for non-service connected conditions.

February 8, 2013

Subject, HCR 2 Declaring Alaska as a Purple Heart State

I wish to address the Alaska legislature with the goal of having Alaska join other states to declare Alaska, the largest state in the nation, as a Purple Heart State.

California declared itself as a Purple Heart State on April 16, 2012

Ohio declared itself as a Purple Heart State on May 23, 2012

Kentucky declared itself as a Purple Heart state on June 28, 2012

Other states are taking action to join in this growing program as a means to thank and publicly acknowledge the harsh sacrifice that has been endured by those who have been awarded the Purple Heart.

Alaska has an admirable and proven record of honoring and caring for the many veterans who have served this great nation and have freely chosen to call Alaska home. There can be no doubt that Alaska has and will continue to benefit in numerous ways as a result of this segment of Alaskans.

The military affected the award of the Purple Heart Medal. When the wounded veteran leaves military service the memory of the incident that brought about the award lingers strong in the mind of the recipient. I submit that the public who benefited from that service owes ongoing gratitude for what that service member endured. The pain and terror of what occurred cannot be felt by those who were not there, but the ongoing honor can indeed have an appreciated impact on all Purple Heart recipients.

Our nation has numerous Purple Heart cities and many Purple Heart Counties, Alaska has some Purple Heart Cities and a Purple Heart Borough. The number of Purple Heart states will continue to grow nationally. Currently California is the largest Purple Heart State. Alaska can and should be the largest Purple Heart State. When Alaska legislative action to do so is complete Alaska will forever be the largest Purple Heart State.

It is for these and other reasons that I respectfully ask the Alaska legislative body to unanimously declare Alaska as a Purple Heart State.

Ron Siebels

Ron Siebels; Anchorage, AK

MOPH, National Senior Vice Commander



BRUCE MCKENTY
COMMANDER

RON SIEBELS
SR. VICE COMMANDER

PATRICK LITTLE
JR. VICE COMMANDER

JOHN P. LEONARD
ADJUTANT

FRANK VAN HOY
NATIONAL SERVICE
DIRECTOR

MILITARY ORDER OF THE PURPLE HEART FACT SHEET AUGUST, 2012

The National Headquarters of the Military Order of the Purple Heart (MOPH) is located in Springfield, Virginia. The Order now includes about 45,300 total members, organized into 6 geographical Regions, 50 State Departments, and 478 Chapters. The Order's annual operating budget is approximately \$9.7 million of which nearly \$6.4 million goes to support the Service Program. The majority of the funding is received from the MOPH Service Foundation through either restricted or unrestricted grants. The Service Foundation receives their money through various fundraising activities, such as thrift stores and a vehicle donation program. The Order has a number of national programs which are described below.

NATIONAL SERVICE PROGRAM

- The NSP operates a nation-wide network of 78 service offices in 43 states and 2 territories from Guam to Puerto Rico. Over 73,800 veterans and dependents receive expert assistance in obtaining well deserved benefits from the VA from MOPH's service staff comprised of 137 trained and accredited National Service Officers (NSO's), managers, and assistants. In addition to its paid staff, the Order has a dedicated corps of volunteer Department and Chapter Service Officers who also provide assistance to veterans
- In FY 2012, MOPH NSO's obtained over \$298 million in VA benefits for their clients, submitted over 26,500 claims to the VA, processed 272 appeals, appeared at 169 hearings, and made 1,340 outreach visits to Vet Centers, Hospitals, and MOPH chapters. These numbers do not reflect the contacts and visits made by MOPH volunteer Department and Chapter Service Officers.
- The MOPH Service Program also provides expert legal opinions and representation for veterans before the Board of Veterans Appeals (BVA) and the Court of Appeals for Veterans Claims (CAVC). And only MOPH represents any veteran regardless of membership or affiliation. The MOPH does not accept government funds for any case brought to appeal.
- When not assisting veterans directly, MOPH National Service Officers are required to attend local VA training, successfully complete an on-the-job Training Program, and one week of annual training in order to maintain their accreditation.
- The MOPH is proud of its NSO designated veterans case management system (VCMS). Its web-based client database, automated VA forms, and reports provide for rapid client response and excellent case oversight.

VETERAN AFFAIRS VOLUNTARY SERVICES (VAVS)

- A centerpiece of MOPH funded activities is our superb VAVS program, assisting veterans in VA facilities and State Veteran operated Homes. The MOPH Service Foundation provides each Department with VAVS grants to provide clothing, personal hygiene items, etc. to veterans in need.
- The Order has volunteers serving our hospitalized veterans throughout the country who donate their time freely at VA facilities and State Veterans' Homes. In 2011, some 1,151 members of the Order logged in more than 126,000 hours at over 85 sites; the equivalent of more than 3150 full time VA employees (FTE), saving the VA over \$2,898,000 in salaries.
- MOPH has just completed awarding the fifth year of our youth volunteers' scholarships. These youth come from all walks of life and are very sincere in wanting to assist veterans. Working closely with our local Chapters and Patriots, they bring new ideas and boundless energy to our program.

AMERICANISM

- MOPH provides materials and volunteers to visit classrooms and civic organizations nationwide wherein our Members tell of their experiences in the US Armed Forces, providing historical perspective to world events.
- Employment opportunities for veterans is made through our Job Fairs. In conjunction with the VA, the Department of Labor, and the Small Business Administration, MOPH assisted in numerous Job Fairs in 2011 which led to the hiring of a number of OIF/OEF Veterans.
- In 2012, the MOPH Scholarship Program awarded 83 scholarships, valued at more than \$250,000. These grants went to recent Purple Heart recipients, their spouses, and to children and grandchildren of MOPH Members, including those who were Killed in Action (KIA),

LEGISLATIVE

- The Order maintains a constant presence on Capitol Hill voicing its position on numerous legislative issues concerning Veterans and the Military. The Order maintains membership in many Veterans' coalitions that represent 5.5 million active duty, reserve, retired, veterans and their families that help bring forth a united stance on important legislative issues that affect veterans and the defense of our nation.
- The Order is a member of the coalition of veteran organizations that led the successful effort to obtain legislation that provided advance funding for the VA Health Care System.

FOR FURTHER
INFORMATION CONTACT

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PUBLIC RELATIONS DIR.

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5314B BACKLICK RD.
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Testifiers (all Purple Heart Recipients)

Francis Boisseau – Fairbanks
456-4238 (between 8am-4pm)

Timothy Armstrong – Juneau
789-8452; 723-8533 (cell)

Johnny L. White – Anchorage
764-3523

Paul H. Beal – Ester
479-6553

Solomon Atkinson – Metlakatla
886-1175; 617-2894 (cell)

Henry Hunter Sr. – Bethel
543-2949; 543-7963

Kenneth Ross – Wasilla
841-8762

HCR

4

<TARGET><BILL>HCR 4</BILL><SUBJECT>HCR
4</SUBJECT><COMM>HMLV28</COMM></TARGET>

ALASKA STATE LEGISLATURE

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REPRESENTATIVE GABRIELLE LEDOUX
WWW.GABRIELLELEDoux.COM

February 26, 2013

Honorable Representative Neal Foster, Co-Chair
House Military and Veterans' Affairs Committee

Dear Representative Foster,

I respectfully request House Concurrent Resolution 4 "An Act Proclaiming May 15 to be Hmong-American Veterans Memorial Day" be heard in the House Military and Veterans' Affairs Committee at your earliest convenience.

Attached you will find the following documents:

1. A Current Version of Resolution.
2. Sponsor Statement.
3. Back up Documents

If you have any questions or need additional information, please contact Dirk Moffatt at his direct line at 465-2906 or on his cell at 229-3918.

Sincerely,

A handwritten signature in cursive script that reads "Gabrielle LeDoux".

Gabrielle LeDoux
Representative
District 13
Muldoon, Elmendorf AFB and Creekside Park

ALASKA STATE LEGISLATURE

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REPRESENTATIVE GABRIELLE LEDOUX
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HCR 4 Sponsor Statement

“Proclaiming May 15 to be Hmong-American Veterans Memorial Day.”

House Concurrent Resolution 4 would recognize and honor Hmong veterans who fought in support of United States (US) military operations in the Kingdom of Laos between February 28, 1961, and May 15, 1975, by proclaiming May 15 to be Hmong-American Veterans Memorial Day.

Hmong were called "damned good fighters" by the CIA. They fought bravely in what was called the U.S. "Secret War" in Laos against some of the toughest North Vietnamese and Lao troops for 13 years and suffered casualty rates five times higher than the rate experienced by U.S. soldiers.

The most conservative estimated numbers during the U.S. involvement in the Vietnam War are 35,000-40,000 brave young Hmong killed in combat; 50,000-58,000 wounded; and 3,000 missing in action. After the US withdrawal from Southeast Asia, thousands more Hmong were killed during genocide carried out by communist forces during the Hmong attempt to flee to neighboring Thailand.

“Every (Hmong) that died, that was an American back home that didn’t die, or one that was injured that wasn’t injured. Somebody in nearly every Hmong family was either fighting or died from fighting...They became refugees because we (United States Government)...encouraged them to fight for us. I promised them myself, ‘Have no fear, we will take care of you’.” - Edgar Buell, Senior US Aid/CIA official working with the Hmong army, “60 Minutes”, March 4, 1979

The most recent numbers set the US Hmong population between 200,000-300,000; with the Alaska population at almost 4,700 and rising. Many Hmong have immigrated here following the Vietnam conflict after persecution for supporting the US.

The “Secret War” is no longer a secret and the recognition of these brave fighting men is long overdue. That is why I urge the passage of HCR 4 and by doing so commemorating the service of these forgotten warriors.



LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
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State Capitol, Juneau, AK 99801

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Research Brief

TO: Representative Gabrielle LeDoux
FROM: Susan Haymes, Legislative Analyst
DATE: March 7, 2013
RE: Background Information on the Hmong People
LRS Report 13.254

You asked for background information on the Hmong population. Specifically, you wished to know the estimated number of Hmong people killed in Laos during the Vietnam War and its aftermath. Additionally you wished to know the population of the Hmong in the United States and Alaska. You also asked how many states have adopted a Hmong-American Veterans Memorial Day and the significance of the date May 15th.

The Hmong are an Asian ethnic group from the mountainous regions of China, Laos, Thailand, and Vietnam. For thousands of years, the Hmong have maintained a distinctive culture, including dress, oral traditions, and religion. They are a strongly independent people and highly value their autonomy. In pre-war Laos the Hmong lived high in the mountains practicing subsistence agriculture and had little contact with other people. As an ethnic minority in most areas where they have lived, the Hmong have often held a relatively low social status.¹

The Hmong and the Vietnam War

The Hmong generally supported the French occupation of Indochina from 1945-1954 because under the French the Hmong were a protected minority, and were mostly left alone to live their lives.² When the French withdrew in 1954, the Hmong found themselves under attack from the lowland Lao and from both the North and South Vietnamese. The United States, fearing a communist victory in Vietnam, had supported the French during the First Indochina War, and when the French withdrew supported South Vietnam.³ As the Vietnam conflict intensified in the early 1960s, the United States discovered that communist forces had entered Laos.⁴ In response, the Central Intelligence Agency (CIA) sent in agents to recruit the Hmong to help in the fight. The Hmong, who saw communism as a threat to their land and their autonomy, agreed to help. The CIA established an air base at Long Cheng in northern Laos and selected Vang Pao to command the Hmong forces. This CIA-covert operation in Laos became known as the Secret War.

The United States relied heavily on Hmong soldiers from 1960-1975 to engage in direct combat, direct air strikes, rescue downed American flyers, fight behind enemy lines, and gather intelligence on the movements of North Vietnamese troops. More than 35,000 Hmong soldiers, representing about 12 percent of the population, lost their lives and many more were

¹ Rashaan Meneses, "Hmong: An Endangered People," UCLA International Institute, July 7, 2004. The article can be accessed at www.international.ucla.edu/article.asp?parentid=12590.

² French Indochina included the current states of Vietnam, Laos, and Cambodia. After World War I a nationalist movement had formed in Vietnam led by Ho Chi Minh. Ho formed a liberation movement known as the Viet Minh and battled first the Japanese during World War II and then the French until 1954. The war during the French occupation is known as the First Indochina War. Negotiations to end the conflict, known as the 1954 Geneva Accords, divided Vietnam at the 17th parallel. The territory north of the line was led by Ho Chi Minh with Hanoi as its capital and the southern part was led by Ngo Dinh Diem with Saigon as its capital. North Vietnam became a communist regime and Ho created a new band of guerilla fighters in the South known as the Viet Cong.

³ The United States subscribed to the domino theory, which posited that a communist victory in Vietnam might lead to communist victories in Laos, Cambodia, Thailand, Malaysia, and Indonesia.

⁴ The Laos communists were known as the Pathet Lao. At the time, Laos had been declared neutral, but with a growing communist presence, the CIA saw it as the next front.

seriously injured and disabled.⁵ Overall, Hmong soldiers died at a rate ten times that of American soldiers in Vietnam. Most of the dead, however, were Hmong civilians who perished by the tens of thousands. Some estimates put the total number of Hmong lost during the Secret War at nearly 100,000, but given the circumstances of the Secret War, it is nearly impossible to know the exact number of Hmong killed.

In a report from 1969, then director of the CIA Richard Helms wrote that the Hmong had “borne a major share of the active fighting” against the Communists in Laos. After eight years of constant warfare, General Vang Pao had “been forced to use 13 and 14-year old children to replace his casualties.”⁶ Nevertheless, the Hmong continued to fight beside the U.S. for another six years. Mr. Helms and others note that the tenacity and effectiveness of the Hmong saved thousands of American lives.⁷ The Hmong, however, suffered heavy losses during the 15-year war and faced even greater hardship when the war ended and the United States withdrew its forces.

The Hmong in the Aftermath of the Vietnam War

The end came in May 1975.⁸ The U.S. had no coherent evacuation plan after 15 years of secret missions and had only enough aircraft to take the Hmong officers and their family members. The Pathet Lao overran the CIA’s mountain air base at Long Tieng, killing thousands of the 50,000 Hmong who had been left behind in retribution for having assisted the Americans during the Secret War.⁹ The CIA military records that had been left behind helped the new government track down Hmong soldiers who had fought with the Americans. Many of the Hmong with resources were able to escape to Thailand; however, most of the poor and uneducated stayed in Laos.

In 1977, the Lao government organized a massive troop movement against the Hmong, driving them from their homes. Hmong villages were burned, crops destroyed, and livestock killed. Tens of thousands of Hmong fled into the jungles and wound up as refugees in Thailand. It is believed that as many as a third of the Hmong population fled to Thailand at that time. During the exodus, countless people drowned in the Mekong River and hundreds of others died from starvation and disease. For example, by one account, one group of some 8,000 people began the journey to Thailand, but only 2,500 arrived. The Lao military used conventional and chemical weapons against the Hmong, as well as terror bombing and mass rape. Of the Hmong that were captured, tens of thousands were sent to reeducation camps, which were more like prisons and torture facilities. Many thousands died in these camps, as a result of torture, starvation, and illness. All told, between 1975 and 1978, about 50,000 Hmong were killed.¹⁰

Several thousand of the Hmong, primarily soldiers and their families, who escaped into the jungle took up arms against the Laos government. Although some of their raids were initially successful, the Lao military retaliated with heavy bombing and chemical weapons. Today perhaps 1,000 are still on the run in the jungles of Laos according to journalists and human rights

⁵ The Hmong population in Laos numbered between 300,000 and 400,000 before the war, with most estimates putting the total closer to 400,000.

⁶ Tim Weiner, “Gen. Vang Po’s Last War,” *New York Times*, May 11, 2008. The article can be accessed at www.nytimes.com/2008/05/11/magazine/11pao-t.html?pagewanted=all.

⁷ Lionel Rosenblatt, president emeritus of Refugees International, who has followed the plight of the Hmong for 30 years, notes that “The U.S. put the Hmong into this meat grinder, mostly to save U.S. soldiers from fighting and dying there. The U.S had no compunction about putting Hmong into this role, which saved thousands of American lives.”

⁸ In 1973, the U.S. and North Vietnam signed an agreement in Paris to withdraw their military forces from Cambodia, Laos, and South Vietnam. To gain citizen’s support, the Pathet Lao in 1974 prepared an 18-point policy called the Program for Achieving Peace, Independence, Neutrality, Democracy, Unification, and Prosperity of the Kingdom of Lao. In 1975, the Pathet Lao took over Laos.

⁹ As a result of this systemic eradication of the Hmong people, the government of Laos has been accused of committing genocide.

¹⁰ Mai Xiong, Ed. D., “Hmong Journey for Freedom,” Hmong Studies, Delta College, Stockton, CA. The article can be accessed at www.hmongstudies.org/HmongJourneyforFreedom.html.

activists who have recently traveled to the area. The jungle Hmong are believed to have staged occasional hit-and-run attacks, but according to Amnesty International their military capacity is all but depleted. The Hmong, however, are still being hunted and killed by Lao military units.¹¹ Several hundred thousand Hmong live in Laos today in cities and small villages, but essentially the Hmong have lost their land and their way of life.

Since 1975, many Hmong have been resettled in the United States, Australia, and other countries. According to the 2010 U.S. Census, the Hmong population in the U.S. numbers 260,076. The Hmong mostly live in California, Minnesota, and Wisconsin. Alaska also has a sizeable Hmong population. According to the 2010 Census, 3,534 Hmong live in Alaska, primarily in Anchorage.¹²

Hmong-American Veterans Memorial Day

The U.S. government kept the Secret War in Laos confidential until 1997. On May 15, 1997, the U.S. government publically acknowledged that it had supported a prolonged air and ground campaign against the North Vietnamese Army and Viet Cong from Laos, and in honor of the Hmong and other combat veterans from the Secret War, dedicated the Laos Memorial on the grounds of Arlington National Cemetery. As a result, May 15th has become an historic date for Hmong veterans, since it represents the first time that the United States government officially and publicly recognized the contributions of these soldiers who fought alongside the Americans during the Vietnam War.¹³

According to the National Conference of State Legislatures (NCSL), California is the only state to have adopted a Hmong-American Veterans Memorial Day (ACR 182, 2003).¹⁴ In 2001 Congress passed a resolution urging the President to proclaim a National Lao-Hmong Recognition Day (HCR 88). The resolution finds that a number of states and cities have adopted July 22nd as Lao-Hmong Recognition Day, a day to remember and honor the Lao Hmong people for their service and sacrifices in the Secret War.¹⁵

In addition, Senator Lisa Murkowski (R-AK) recently introduced legislation that would allow 6,900 former Hmong soldiers living in the United States the right to be buried in national cemeteries (S. 200). In 2012, Senator Murkowski unsuccessfully attempted to similarly amend a defense bill that would have authorized the burial in a national cemetery of any U.S. citizen or legal resident who served in support of U.S. forces (S.3254). Similar legislation was introduced in the House in 2011 by Representative Jim Costa (D-CA), but never made it to the floor.

We hope this is helpful. If you have questions or need additional information, please let us know.

¹¹ Tim Weiner, "Gen. Vang Po's Last War," *New York Times*, May 11, 2008.

¹² *Hmong Studies Journal*, Census Special Issue, Volume 13, Issue 2, 2010. The Journal can be accessed at www.hmongstudiesjournal.org/hsj-volume-1322012-2010-census-special-issue.html.

¹³ We include the proclamation from the ceremony at Arlington National Cemetery as Attachment A. More information can be accessed at www.arlingtoncemetery.net/laosmem.htm.

¹⁴ Angela Andrews, NCSL, can be reached at angela.andrews@ncsl.org.

¹⁵ The states of Minnesota and Pennsylvania, and the cities of St. Paul, MN, and Golden, CO, have adopted a Lao-Hmong Recognition Day on July 22nd.

**DEDICATED TO
THE U.S. SECRET ARMY
IN THE KINGDOM OF LAOS
1961 – 1973**

The story of this Memorial is a story of sacrifice and patriotic valor by American Advisors and Hmong and Lao combat soldiers in the jungles of Southeast Asia during the Vietnam War.

Hmong General Vang Pao's army, once considered among the best of U.S. allies, helped the Administrations of U.S. Presidents Kennedy, Johnson and Nixon in the "secret" Lao Theater. The United States in its effort to combat communist insurgency in Laos, recruited, armed, and trained ethnic minorities. Advised by the U.S. Central Intelligence Agency (CIA), General Vang Pao's army of Hmong, Kmhamu, and Lao, gathered military intelligence, rescued downed U.S. air crews, protected U.S. Air Force navigational sites in Laos, and fought North Vietnamese General Vo Nguyen Giap's ever increasing forces to a standstill in Laos for a decade.

When, after the fall of Laos, the communists took control, they launched a genocidal campaign to punish or eliminate those who allied with the United States, particularly those who had served in the U.S. Secret Army. Tens of thousands of Hmong escaped across the Mekong River to Thailand and refugee camps. From there, former soldiers and their families eventually were resettled in the United States. Once here, the Hmong adjustment proved difficult, but few Americans knew of their historical alliance with the U.S. adding to their resettlement problems.

Because the campaigns waged by General Vang Pao and General Giap were secret, most Americans knew little, if anything, of the secret war in Laos. Not until almost 20 years after falling to the communists did U.S. Government officials publicly admit the existence and role of the "U.S. Secret Army" in the "secret" Lao Theater of Operation of the Vietnam War. Appearing before Congress, in 1994, the Honorable William E. Colby, former Director of the Central Intelligence Agency, talked of the "heroism and effectiveness of the Hmong struggle" and the critical role and sacrifice of the Secret Army.

In part, Colby said:

"For 10 years, Vang Pao's soldiers held the growing North Vietnamese forces to approximately the same battlelines they held in 1962. And significantly for Americans, the 70,000 North Vietnamese engaged in Laos were not available to add to the forces fighting Americans and South Vietnamese in South Vietnam."

After Ambassador Colby's acknowledgment, a handful of Americans who knew well the Hmong alliance with the U.S. felt it timely to seek official U.S. recognition for the soldiers of the Secret Army and their American Advisors who died in Laos. Mr. Grant McClure, a former U.S. Army Advisor to the Montagnards, became the moving force behind the idea of a permanent Memorial at Arlington to nationally and publicly honor the uncommon sacrifices of the Secret Army. Mr. McClure's efforts brought together in common cause former CIA Station Chiefs, Vietnam Veterans, Members of Congress, and others who served in civilian and military roles, as well as Lieutenant Colonel Wangyee Vang, founder of Lao Veterans of America, Inc.

Finally, after discussions with officials of the U.S. Government and the Lao Veterans of America, whose members number some 55,000 former soldiers and their families of the Secret Army, agreement on a Living Memorial at Arlington National Cemetery was reached.

On May 15, 1997, some 3,000 veterans of General Vang Pao's army – Hmong and Lao – dressed in jungle camouflage fatigues, flight suits, nurses uniforms stood at attention on the Mall in Washington, D.C. near the Vietnam Wall. Facing them were current Members of Congress, former U.S. Ambassadors, and the CIA Station Chiefs under whom they had served during the time of the "secret war" in Laos. A Congressional citation was read. CIA Station Chiefs paid tribute to the extraordinary contributions of General Vang Pao and his brave forces in the fight for freedom in Southeast Asia and assisted in handing out the Vietnam Veterans National Medal.

The next day, General Vang Pao and the remnants of his army, again wearing camouflage fatigues, assembled at Arlington National Cemetery. Six deep, they stood at attention for the dedication of the Memorial Monument – a small stone topped with a copper plaque, acknowledging the "secret war" in Laos – and the Hmong, Lao, and American Advisors who valiantly served freedom's cause in the jungles of Southeast Asia and, in so doing, died in the Lao Theater in the Vietnam War. They will now be forever known and remembered.

Contributed in Loving Respect, September 1999 by Dr. Jane Hamilton-Merritt,
Nobel Peace Prize Nominee, Author of Traagic Mountains: The Hmong,
The Americans, and the Secret Wars for Laos 1942 – 1992.

In Memory of Legions Lost and the Soldiers of the Secret War in Laos.

**We stand in tribute of forgotten men...for their sacrifice, courage
valor and honor. We honor them by this living memorial...starkly
beautiful in its simplicity, for it stands defiantly alone, as did those
soldiers in their seasons of death. It will serve as a poignant reminder
of our battlefield allies, and is a tribute long overdue to proud Human
endeavor...courage and valor in a long war lost in the unfulfilled hopes
for Southeast Asia.**

*As the fallen leaves of Autumn
in unregimented ranks,
Countless unremembered soldiers
rest...eternally.
Let us now praise forgotten men...
and some there be,
Which have no memorial;*

*Who have perished, as though
They had never been.
But they served, they died;
for cause and by happenstance...
Expended in the hopes for Southeast Asia,
and will forever be remembered,
Mourned for their sacrifice.*

*If by weeping I could change
the course of events,
My tears would pour down ceaselessly
for a thousand Autumns.*

**Thursday, May 15, 1997
Salute to Lao/Hmong Patriots
& their American Advisors
Arlington National Cemetery**

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HMONG AND THE VIETNAM WAR

■ From 1959 to 1973, the CIA trained Hmong tribesmen to fight against Communist insurgencies in Laos. Many of the first recruits were Hmong guerillas who fought under the charismatic leader Vang Pao and had worked earlier with the French. The Hmong have traditionally occupied the strategic highlands in Laos overlooking North Vietnam and have traditionally been enemies of the lowland Vietnamese. They entered the conflict against Vietnamese first as scouts for the French and later as guerrillas for the Americans.

■ Under the guidance of the CIA and American special forces the Hmong rescued American pilots, identified targets for American bombs, fought Lao and Vietnamese communist forces, manned strategic mountain and jungle areas used by U.S. forces, disrupted and sabotaged supply lines, gathered critical intelligence and defended navigational sites in Laos that allowed precise, all-weather U.S. air strikes against enemy targets in northern Laos and North Vietnam." .

■ About 35,000 Hmong were recruited for the war effort. About 30,000 of them were They were key in thwarting attempts by the Vietnamese army to make major inroads into northern Laos and slowing the movement of supplies on the Ho Chi Minh Trail. The Hmong had problems with helicopters though. American pilots usually kept the motor running when they landed and Hmong who had never seen them before walked right into them. More than twenty Hmong died this way in a twelve year period.

■ Hmong were called "damned good fighters" by the CIA. They fought bravely against some of the toughest North Vietnamese and Lao troops for 13 years and suffered from casualty rate five times higher than the rate experienced by U.S. soldiers. Over time so many Hmong were killed that by the end of the campaign many of the fighters were Thai troops recruited to take their place. But that time the war had been overtaken by a conventional war and the Hmong had outlived their usefulness.

■ As many as 20,000 Hmong soldiers died during the Vietnam War. Hmong civilians, who numbered about 300,000 before the war, perished by the tens of thousands.

Rescue of an American Pilot by the Hmong

■ Marc Kaufman wrote in Smithsonian magazine: "In a mountaintop guardpost near the village of Ban Va in central Laos, Hmong soldiers watched the American pilot eject from his burning plane. It was December 1964, early in the Vietnam War, and the pilot was on a bombing run. The Hmong, part of a secret army backed by the CIA, hoped to reach him before North Vietnamese troops in the area did. [Source: Marc Kaufman, Smithsonian magazine, September 2004]

■ The leader of this cadre of ragtag Hmong soldiers, Nou Yee Yang, recalls that he and his men walked for hours before reaching a field where they spotted a parachute. They found the pilot hiding in some bushes. "He was sweating and very scared because he didn't know who we were," Yang says. Phoumi, the Hmong soldiers said to the pilot, referring to a Laotian leader supported by the United States. The Hmong, who spoke no English, hoped the pilot would recognize the name and understand they were on the American side.

■ Yang says the airman was still uncertain whether the Hmong soldiers were friend or foe as they led him to another hilltop village. Their American-donated radios weren't working, so they put the pilot's helmet on a long stick and waved it to signal U.S. search planes. A U.S. helicopter arrived the next morning. The pilot "was smiling so much and waving his arms goodbye when he left," Yang recalls, adding that the American presented his rescuers with his pistol as a token of gratitude.

■ Bill Lair, a CIA official based in Laos at the time, who directed the agency's operations there, says Hmong soldiers risked their own lives to lead many U.S. pilots to safety. The total number of American airmen rescued by the Hmong was, according to agency spokesman Mark Mansfield, never tallied by the CIA. Yang, now 65, fled Laos after the communist takeover in 1975 and has lived in Milwaukee since 1979. He still speaks no English and has found little work in the United States other than odd jobs. Nonetheless, he says, he feels connected to this country, in part because of that pilot he rescued four decades ago. Yang never did learn the man's name. "I wish that someday I could meet him again," he says through an interpreter.

■ Another Hmong veteran in Milwaukee, Xay Dang Xiong, 61, says he commanded Hmong forces protecting a secret American radar installation on a Laotian mountaintop. Like Yang, Xiong fled Laos in 1975. Today, he works with Lao Family Community, a Hmong social service agency in Milwaukee "When we fought alongside the Americans in Laos, it was called the secret war," he says. "Hmong

people did so many dangerous things to help, but people here still don't know that. It's still like a secret."

Hmong After the Vietnam War

■ During the war the Hmong in Laos had been sharply divided, with some factions supporting the royalists, some supporting the opposition and some remaining neutral. About the only thing that unified them was their opposition to the Communists. In Thailand, ironically, many Hmong supported the Communist Party of Thailand in their struggle with the Thai government in the 1960s and 70s. In both Laos and Thailand the Hmong ended up on the losing side and suffered as a result.

■ After the Americans left Laos in 1975 and the Communist Pathet Lao gained control of the country, the Hmong were quickly overrun by Communist forces, who later launched a campaign to eliminate minorities—particularly the Hmong—who had assisted the Americans during the war. Hmong villages were burned and by some estimates thousands were massacred. The new pro-Vietnam Communist government in Laos used Soviet artillery, napalm and chemical weapons against the Hmong. An estimated 10 to 25 percent of all Hmong in Laos were killed during and after the Vietnam war. By one count there were 400,000 Hmong in Laos at the beginning of the Vietnam war and only 300,000 when it was over.

■ "In 1975, the current communist government came to power," says Jane Hamilton-Merritt, author of *Tragic Mountains*, a history of the Vietnam-era conflict in Laos. "It announced publicly that it intended to 'wipe out' the Hmong who had allied themselves with the Royal Lao Government and the United States and therefore opposed the communist Pathet Lao soldiers and the North Vietnamese military forces operating in Laos. . . . Wiping out the targeted Hmong began in earnest in early 1976 and continues in 2004." [Source: Marc Kaufman, *Smithsonian* magazine, September 2004]

■ The Hmong were reportedly the targets of chemical weapon attacks. According to witnesses yellow powder was dropped from airplanes on Hmong villages, causing villagers to go into convulsions and vomit blood. Thousands reportedly died from the "Yellow Rain," which was allegedly released by the Soviets or Vietnamese. No firm physical evidence was ever found to confirm the reports. A yellow toxic powder was discovered in area, but tests showed later that it could have been bee droppings.

■ Intense fighting continued until 1980. One Hmong man told the *Washington Post* that his parents and two sisters and were ambushed and killed by what they believe were government soldiers in 1978.

Hmong in Thailand After the Vietnam War

■ At the end of the Vietnam War in the early 1970s as many as a third of the Hmong population left Laos and fled across the Mekong River to Thailand. In Thailand, the Hmong were housed in a series of refugee camps. About 130,000 made their way to United States. Another 50,000 to 100,000 stayed in Thailand. About 400,000 remained in Laos.

■ Hmong recruited by the CIA to fight on behalf of a pro-American government during the Vietnam War were all but abandoned in Laos after their communist enemies won a long civil war and began single-party rule in Laos. Many managed to flee into Thailand and later resettled in the United States and elsewhere, but thousands stayed behind, some adjusting to the new regime and others staying in the jungle, where they faced continuing attacks by the government.

■ On the relation between Hmong who fled Laos for America and the Laotian government, Marc Kaufman wrote in Smithsonian magazine, “Although there are Hmong-Americans who do return regularly to Laos, relations between the Hmong-American community and Laos are strained. As it happens, Vang’s house in St. Paul was torched five months after his father had called for normal trade relations with the Laotian government and its president, Khamtai Siphandon, and negotiating an end to the 30-year-long jungle warfare. The U.S. State Department currently advocates normal trade relations with Laos. In September 2003, the two countries took an important step when they signed a trade agreement. It is awaiting Congressional approval. [Source: Marc Kaufman, Smithsonian magazine, September 2004]

■ Many of the Hmong in the United States are outspoken in their calls for the overthrow of the Laotian Communist government. The leader of the Hmong resistance movement against the Lao government was Gen. Vang Pao, once a close American ally. He lived in California for many years and died in January 2011. In the 2000s he was criticized by the American government for his support of the armed resistance movement against the Lao government and was charged in a U.S. court for his involvement in Lao coup plot.

Hmong After the Vietnam War and the United States

■ The U.S. promised to “take care” of the Hmong. Some veterans and widows of the secret war were airlifted by CIA-operated Air America. But, when the war was over, and U.S. forces left Vietnam, the Hmong still in Laos were largely left to fend for themselves.

■ Many felt the United States betrayed the Hmong in the worst way. One State Department official who helped resettle some of them said, “They fought with us and they paid they highest price. They’re deserving as the last human element in terms of us taking care of our allies. If the Hmong were good enough to fight and die for us, they have to be good enough to resettle.”

■ U.S. Government agencies did not acknowledge the role played the Hmong until the 1990s. Veterans led by the former Hmong leader Vang Po want recognition and benefits from the United States government. Marc Kaufman wrote in Smithsonian magazine, “Their sacrifice was virtually unknown to most Americans until 1997, when efforts by Hmong veterans and their advocates resulted in the installation at Arlington National Cemetery of a commemorative plaque. “In memory of the Hmong and Lao combat veterans and their American advisors who served freedom’s cause in Southeast Asia,” reads the memorial, one of a handful honoring foreign soldiers in the cemetery. “Their patriotic valor and loyalty in the defense of liberty and democracy will never be forgotten.” [Source: Marc Kaufman, Smithsonian magazine, September 2004]

■ “The Hmong in Laos may be considered the last victims of the Vietnam War. Today, as many as 17,000 of them who fled into the jungle 30 years ago are said to remain in hiding, fearing for their lives and conducting sporadic guerrilla incursions against the still-communist Laotian government. Reports suggest that hundreds of Hmong have recently begun to emerge from the jungle, lured by the prospect of amnesty. Douglas Hartwick, U.S. ambassador to Laos, says that his goal has been to “reconcile Hmong insurgents and the Lao government.” However, many of those who have left their mountain redoubts have reportedly met with retaliation instead, perhaps facing imprisonment or execution. The Laotian government denies this. Hartwick says only: “We have been unable to substantiate these reports or repudiate them.” [Ibid]

HMONG IN LAOS

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Hmong Insurgencies in Northern Laos

- The last, almost forgotten conflict of the Indochina war may still be continuing in northern Laos. Most of the fighters are ethnic Hmong, who are descendants of Hmong fighters enlisted by the CIA in America's "secret war" in Laos at the time of the Vietnam War and were abandoned when that war came to an end and continued fighting. The Laos government has refused to admit that a Hmong insurgency exists.
- Several insurgencies operate or operated in northern jungles of northern Laos, some of them around the former Ho Chi Minh Trail. It is not often clear what they are fighting for. Some want more autonomy for the Hmong regions. Others just seem to be out to get revenge for the awful things the Communist regime did to them. The largest group, the Ethnic Liberation Organization of Laos (ELOL) may have several thousand fighters but probably has few hundred.
- Most of the insurgent groups were small a little more than militias. Some remained loyal to the Lao National Liberation Front (LNFL) of Vang Pao, the leader of the CIA-funded Hmong army, even though he had been living in California and Minnesota since 1975. One diplomat told the Washington Post, "These groups don't seem to get along very well. They don't like each other, and they often seem to work at cross purposes."

■ In the 1970s and 80s, the Lao army with massive help from the Vietnamese military largely eliminated these groups but was unable to get rid of them completely. Some insurgents lived like wild men in the jungle with families because they were afraid if they emerged they would be imprisoned or killed by Laotian security forces. As of 2004, around 17,000 Hmong were still believed to be living in the jungles.

Revival of Hmong Insurgencies in Northern Laos

■ In the late 1990s and early 2000s, Hmong insurgents became active again in Xianghoang and Oudomxai northern Laos. A government spokesman said, "There is no security threat in Xiang Khuang province just a few isolated acts of banditry in which hardly anybody was killed."

■ The fact that there was evidence of an insurgency despite the best efforts by the Lao government to hide it was given a proof that insurgency was fairly large spread. One diplomat told AFP, "The intensification of the attacks is beginning to create a siege mentality among the population...Despite the secrecy maintained by authorities here, the casualties being suffered the army can no longer be hidden from a population in which relatives are being killed...As well as troop losses, a large number of government officials in northern villages have been killed by rebels."

■ The Hmong have little incentive to attack foreign, particularly Americans, because many Hmong now live in the United States and many of them were once fighters themselves and they continue to support insurgencies in Laos.

Attacks by Hmong Insurgencies in Northern Laos

■ The Hmong insurgents ambushed army convoys, burned houses and tried to defend families that were involuntarily being resettled in the lowlands.

■ Caryle A. Thayer, an Australian expert on Southeast Asia, told the New York Times, "Hmong armed groups have been giving the Lao Army hell. They've raided and grabbed weapons. They've ambushed columns and shot down a helicopter. The groups have received an influx of weapons smuggled into Laos from Thailand by Hmong émigrés from the United States."

■ The fighting was heaviest in Xiangkhouang Province. Five people were killed, including two children, 14 were wounded and buildings were wrecked in a night time raid in Muang Khoun, a former royal capital in Xiang Khuong, residents there said. One resident told AFP, "Around 30 of them came into town firing their guns in the air and shouting...We all just ran out and hid while they ransacked and burned our homes."

Fighting the Insurgencies

■ In an effort to win the hearts and minds of Hmong insurgents and their sympathizers, the Laotian government quietly allowed them to enter civilian life and provided them with some assistance to start new lives in return for laying down their weapons.

■ In the early 2000s, Vietnamese security forces became active again on Laos, at least in a supporting role, after the increase in insurgency activity. Analysts estimated that there were between 500 and 1,000 Vietnamese soldiers fighting with the Lao Army.

■ The government denied that any Vietnamese forces were involved but suspicions about this claim were raised in 1998 when a plane carrying top Vietnamese officials crashed in Xiangkhiang, killing everyone on board.

Is the Hmong Insurgency in Laos Still Fighting

■ Little reliable information about fate of the Hmong insurgents emerged until late 2002, when two Western journalists working for Time magazine made contact with one of the Hmong groups and came out with startling photographs and stories of their desperate existence.

■ Roger Warner wrote in the The Nation in 2007: “We looked into claims that Hmong are still fighting against their old enemies in Laos. We found those reports true on a small scale. Scattered bands of ragged fighters subsist off wild plants, trying to evade the Laotian army and almost every day, the leaders of these Hmong bands talk on satellite phones with their Hmong-American relatives. [Source: Roger Warner, The Nation (Thailand), June 28, 2007]

■ “There is no doubt that some Hmong-Americans have been up to their eyeballs in supporting and guiding the Hmong resistance in Laos, but there are different ways of interpreting this fact. Some might say it is heroic and steadfast for old allies to continue the fight for years after the US forces went home. (After all, which of our Iraqi and Afghan allies will do that?) Others might say that the old Hmong-American leaders are like exiled White Russians in Paris after World War I, plotting and scheming to return to power and not doing a good job of it. [Ibid]

■ Human-rights workers have another angle: go to the Amnesty International Website, they say, search under "Hmong" and start reading about all the violence done against tribespeople by the Lao regime, which adds up to borderline genocide. You can frame the arguments any way you want, but for me, the more I learn about the Hmong resistance in Laos, the more I find it ambiguous and troubling. There's a cycle of violence in the boondocks of Laos, and all sides are keeping it going. I put the blame first and foremost on the Lao People's Democratic Republic, which is doing the actual killing; the Hmong-Americans rank a distant second. [Ibid]

Hmong Tribes Surrender after Years on the Run

■ In 2005, AP reported: Nearly 200 members of a Hmong hill tribe surrendered to authorities early today after decades on the run in Laotian jungles, a move that heralds a possible end to a tragic legacy of the Vietnam War. U.S. sympathizers traveling with the 170 women, children and old men said they were received warmly when they arrived around dawn in Laos. The group emerged at the village of Chong Thuang, said Ed Szendrey, a pro-Hmong activist from the United States who met up with them in hopes of helping ensure their safety. [Source: AP, June 04, 2005]

■ If all proceeds peacefully, those who surrendered today are expected to be followed by several thousand others, from various Hmong bands in hiding around Laos, said Szendrey, who 's with the U.S.-based Fact Finding Commission. Szendrey said the initial official reception for those surrendering was warm and relaxed and that the police chief said the military had been told to stand down. “It looks like the government is prepared to handle it on the local level and not get the military involved,” said Szendrey. “It looks like the Lao government is actually handling it pretty well.”

HMONG IN THAILAND

- As of the early 1990s around 40,000 of the 200,000 Hmong that fled Laos after the Vietnam War, remained in refugee camps in Thailand, too frightened to return to Laos. Some stayed in Thailand despite having the opportunity to go to the United States because they heard about the problems suffered by Hmong living abroad. Others wanted to continue fighting the Laotian Communists and stay close to where the action was, Many Hmong wanted to become Thai citizens but the Thai government wouldn't allow it. They worried if they were sent back to Laos they would be persecuted or even killed.
- Thailand considers the Hmong refugees illegal immigrants and suspected some of them of illegal drug trafficking and helping Hmong exile groups stage attacks against neighboring Laos, harming bilateral relations. In the 1990s, the Thai government stepped up its effort to improve relations with the Laos government. The Hmong in Thailand, still regarded as enemies of the Laos government, were an obstacle to these efforts and the Thai government wanted to get rid of them.
- In November 2004, 150 Hmong, about half of them children, were detained for entering Thailand illegally from Laos. They had hoped to eventually make it to the United States. In July 2005, Thailand urged Laos to repatriate more than 6,000 ethnic Hmong migrants. Thai authorities said many were from Petchabun Province in Laos and had been duped into leaving Laos by human traffickers who promised they would be resettled in the United States. In August about 150 Hmong, including 90 children, went on a hunger strike, at a detention center in Thailand, saying they would rather die than be repatriated to Laos.

Efforts to Repatriate Laotian Hmong in Thailand Back to Laos

- After an agreement was signed between Thailand, Laos and the United Commission for Refugees in 1991, the U.S. has insisted that it was safe for the Hmong to go back to Laos, and many were repatriated at the expense of U.S. taxpayers. Many Hmong felt it wasn't safe. More than 15,000 of them fled the refugee camps to avoid repatriation.
- In the mid 1990s, the United Nations closed its refugee office in Laos and the United States said it had no further plans to resettle any more Hmong. The Hmong that remained in Thailand remained stranded and were largely forgotten. The final group from the last official refugee camp for Hmong from Laos, at Ban Napho in northeastern Thailand, went home in 1999.
- The Lao Human Rights Council has asserted that refugees in Thai camps were denied food in an attempt to repatriate them to Laos. According to the U.S. State Department, Laos is a "most repressive state." Representative Patricia Schroeder from Colorado recently wrote a letter to the king of Thailand, stating that the Hmong should not be returned to Laos because of "the ongoing bloody civil war in Laos...well-documented cases of mandatory [forced] repatriation of Hmong to Laos...and gross violations of human rights by the Lao government, which closed Laos to all monitoring by independent human rights organizations."

Hmong at Wat Tham Krabok

in Thailand

- More than 12,000 Hmong sought refuge in Wat Tham Krabok, a Buddhist temple 60 miles north of Bangkok. Eventually a refugee camp sprung around the temple. By the early 2000s, their numbers had

grown to 15,000, with three out of four born in Thailand. They made a meager living producing handicrafts, working as farm laborers, and performing dangerous rock quarry jobs that the Thais avoided. Some dealt and used drugs. The Laotian government regarded the refugees as a source of funding for Hmong insurgents in Laos.

- According to estimates by the Thai and U.S. governments, between 30,000 and 100,000 additional Laotian Hmong refugees live in Thailand outside Wat Tham Krabok.
- About 15,000 Hmong at Wat Tham Krabok were repatriated to the United States. The United States said was willing to take about half of the 15,000 refugees, provided they were registered as residents of the camp. By July 2005 about 10,000 Wat Tham Krabok refugees were settled in the United States. Another 5,300 were supposed to resettle there by September 2005.
- In August 2004, the Thai government detained 1,500 refugees at Wat Tham Krabok refugee camp because they had failed to meet the registration deadline to move to the United States. In May 2005, the camp at Wat Tham Krabok was closed.

Hmong Forced Out Of Homes In Thailand

- Reporting from Huay Nam Khao, Thailand, Rungrawee C. Pinyorat of Associated Press wrote: "Soaked by rain, thousands of poor ethnic Hmong refugees from Laos were living without shelter in northern Thailand, forced from their homes under a Thai campaign to pressure them to return to their native land. Landlords in this village said the government set a deadline for them to evict the estimated 6,500 refugees from their bamboo shelters, threatening locals with prison or fines of up to \$1,200 for sheltering the Hmong, considered by Thailand to be illegal immigrants. [Source: Rungrawee C. Pinyorat, Associated Press, July 6, October 1, 2005]"
- The 6,500 refugees have been scattered along the roadside near Huay Nam Khao village. At first, they huddled under umbrellas and trees. Then they constructed bamboo huts and plastic lean-tos. Many have retreated to hillsides that provide more space and safety from possible flooding. A baby girl who died after she and her parents spent a shelterless day and night in the rain. The mother of the two-month-old girl said the baby had a high fever and had diarrhea after spending an afternoon in the rain. "She was shaking and crying for a long time. When she stopped crying, she was dead."
- Medical care was cut off to the Hmong. Thai officials also instructed vendors not to sell food to the refugees, including children, camped out since by the roadside in Huay Nam Khao, village leaders said. "They have no place to stay, no place to cook. How can they stand the heat and rain?" asked Sawai Leeprecha, a Thai-Hmong village leader. Some of the Hmong demonstrated outside a government office near the village, located in Phetchabun province about 185 miles north of the Thai capital, Bangkok. But most clustered in groups along the road carrying reed mats and plastic sheeting. "The Hmong would like to call for the United Nations to help us survive," said Jongli Saeloh, 43. "I would rather die here than be sent back to Laos." A sign on a fence read: "Please help, we're very hungry."
- The refugees had appealed to the United Nations to treat them as political asylum seekers and help find them a new home. Although pressure on the Hmong has eased, military operations against small bands of Hmong insurgents in Laos continue and tensions persist. Displaying a crease in his flesh from a bullet wound in his left leg, 64-year-old Jer Saechong told AP he had been an officer for the CIA-backed "Secret Army," but made his peace after 1975, settling down to farm north of the Laotian capital, Vientiane. Then, in 2004, "many former CIA soldiers were arrested and never returned,

including five from my village," he said. "I was very frightened and decided to travel across the border," said Jer, who slipped into Thailand with his wife and five children a little over a year ago. Chongmi Saelee, 37, said her husband — whose father also fought for the CIA — disappeared two years ago after coming back from a visit to the United States with money given him by his relatives. When she went to the police for help, she said, "they told me that they would also kill me if I continued to search for him."

- Many of the migrants here in Phetchabun province, however, are not so clearly fleeing persecution, and Thai officials are trying to sort them out. "These people have entered the country illegally and will be sent back according to the law," Gov. Direk Thungfang said. Some of the Hmong acknowledge bribing Laotian and Thai officials to get them into Thailand...using small bars of silver worth about \$100 that are the traditional way of holding wealth

- In December 2006, Some of the Hmong were repatriated back to Laos while U.S. President George Bush was visiting Thailand.

Hmong Forced to Go Back to Laos

- Seth Mydans wrote in the New York Times, "In a quick, one-day operation, Thai soldiers with riot shields and clubs evicted more than 4,000 Hmong asylum seekers from a holding center and forcibly repatriated them to Laos, where they say they face retribution from their government. Thailand acted despite protests from the United Nations and human rights groups. Even as the soldiers were trucking the Hmong over the Mekong River into Laos, the United States government was calling on the Thai government to stop. Prime Minister Abhisit Vejjajiva said Thailand had received assurances that the returnees would be well treated and "that these Hmong will have a better life." [Source: Seth Mydans, New York Times, December 28 and 29, 2009]

- "Close to 5,000 troops and security officers entered the Hmong encampment in Phetchabun Province, about 200 miles north of Bangkok, at 5:30 a.m. and opened the operation by rounding up "potential troublemakers," said Sunai Pasuk, the Thailand representative of Human Rights Watch. The Hmong were processed at a military headquarters, then bused across the Mekong River into Laos. "This forced repatriation would place the refugees in serious danger of persecution at the hands of the Lao authorities, who to this day have not forgiven the Hmong for being dedicated allies of the United States during the Vietnam War," Joel R. Charny, acting president of Refugees International, an advocacy group in Washington, said in a statement. [Ibid]

- Col. Thana Charuwat told AP that no weapons were used and the Hmong offered no resistance "In advance of the eviction, the military removed residents' mobile telephones and halted medical services and food provided by aid groups, apparently "to physically and mentally break their resistance to their deportation," Mr. Sunai said. "Such coercive, intimidating and brutal measures are clearly the opposite of the concept of 'voluntary repatriation,'" he said. Refugee experts say the camp residents are a mix of refugees who fear persecution and economic migrants who have left Laos over the past few years. They have included dozens who display what appear to be battle scars, as well as some older refugees who fought on the American side during the war. [Ibid]

- "Mr. Panitan said Laos had said that the returnees would be treated well and that the United Nations could interview them within 30 days of arrival to determine if any were eligible for resettlement elsewhere. "There is no reason to believe that they will be harmed," he said. "We have been repatriating Laotian Hmong in the past few years," he said. "I think this is the 19th time, and they seem to be fine. Their living conditions seem to be better when they return."

Image Sources: Wikimedia Commons

Text Sources: *Encyclopedia of World Cultures: East and Southeast Asia*, edited by Paul Hockings (C.K. Hall & Company); New York Times, Washington Post, Los Angeles Times, Times of London, The Guardian, National Geographic, The New Yorker, Time, Newsweek, Reuters, AP, AFP, Wall Street Journal, The Atlantic Monthly, The Economist, Global Viewpoint (Christian Science Monitor), Foreign Policy, Wikipedia, BBC, CNN, NBC News, Fox News and various books and other publications.

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Last updated November 2012

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MINNPOST

This content is made possible by the generous sponsorship support of The Minneapolis Foundation.

Minnesota's Hmong veterans seek recognition for Vietnam War service

By Cynthia Boyd | 11/28/12



MinnPost photo by Cynthia Boyd

Zachor Lee and Neng Moua fought with American soldiers in Laos during the Vietnam War. They hold a photo of a friend who died in military action.

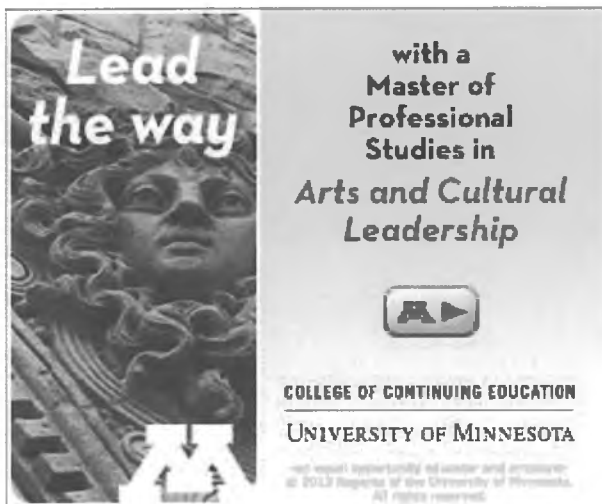
For most of us the Vietnam War has taken its place in U.S. history books.

Yet for about 400 older Hmong Minnesotans who fought with U.S. troops during the war in northern Laos, there is a wound still unhealed.

These fighters are not recognized as veterans of the U.S. military nor entitled to the benefits of having served, a fact they sorely remember this time each year as the nation observes Veteran's Day and Pearl Harbor Remembrance Day.

U.S. law prohibits them from being buried in national or state veteran's cemeteries. They receive no medical or pension benefits. Their names are absent from the Vietnam Veterans' Memorial in Washington, D.C.

Among them are men in their 60s and 70s who gather regularly at a down-at-the-heels clapboard building on Arcade Street on St. Paul's East Side to retell war stories of the covert operation conducted by the CIA, stories about retrieving bodies of American pilots whose helicopters had crashed, of serving as medics, fighters, translators, radio operators, and, then, after the war, suffering devastating consequences.



They gather to share some of their history, a gallery of photographs of men in Vietnam-era uniform lining a wall.

Youa Thoa Vue, was recruited by the CIA at age 12, "too young to pull the pin on a grenade," he says.

Neng Moua, medical assistant, mission officer, translator, fought and was wounded when Communists shot up the helicopter he was riding in.

"In 1975 we lost the war and the Americans left us behind. I was captured by the Lao Communists and was POW," Moua tells translator Cassandra Lo, a young staffer with the group, called the SGU (that's Special Guerilla Units) Veterans and Families organization.

Fighting for the Americans, Yang Dang Chang stepped on a land mine and lost part of his left leg.

Once the Americans pulled out, Communists enslaved many in prison camps, setting up work gangs.

Za Chor Lee, 75 and vice president of the SGU St. Paul Chapter, who held the rank of captain with the Americans, was forced by his captors after the war to eat rice and leaves mixed with sand. They wanted them to die slowly, translates Lo.

But Lee's greatest sorrow was the death of his 18-year-old son, he tells me through Lo, tears pooling at the corners of his eyes. The boy was forced to clear away unexploded bombs and died in an explosion.

Though there have been numerous efforts to award these men military status, including a bill in the 2012 Minnesota House, the efforts have been unsuccessful.

Arguments against include fears that granting this group the rights of veterans would set a precedent and would have to be offered to other soldiers fighting on the American side, including Vietnamese, Iraqis, Afghans and Somalis.

Other opponents argue there would be difficulties in substantiating Hmong veterans' claims of military service, that extending benefits would be extremely costly and crowd cemeteries.

Still, the United States opened its borders to these Hmong veterans and their families, offering opportunity, a better life and sometimes Social Security disability payments. More than 60,000 Hmong live in the state.

For all that, they are thankful. What they lack, says Chang, is recognition of their military past, their service to this country.

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Cynthia Boyd, MinnPost's Community Sketchbook reporter, covers poverty, homelessness, mental health, and other topics related to the social and economic challenges facing communities. Community Sketchbook is sponsored by The Minneapolis Foundation. Email Cynthia at cboyd@minnpost.com.

COMMENTS (5)

An unpaid debt

SUBMITTED BY MARK WALLEK ON NOVEMBER 28, 2012 - 10:57AM.

We can never repay the Hmong for what they did for us during the war. They deserve recognition and support on par with their enlisted counterparts. This should be a given. But then, when you observe how many vets have to effort to get their needs met, regardless of the endless promises out of the mouths of pols, you have to wonder if there will ever be more than lip service given to the Hmong sacrifice, which was a sacrifice of their entire culture. All I know is that I like my Hmong neighbors allot, and I am aware of why they are my neighbors, and that they would not be if we'd not gone off to an unnecessary war.

Recognition hardly its about money

SUBMITTED BY ROB KEYS ON NOVEMBER 28, 2012 - 6:05PM.

They fought beside US Armed forces in their country. Just like the thousands British, French and many others in Europe as well as at least a dozen countries in the South Pacific did in past wars. Did we have to give them the recognition and MONEY Yes we did we saved them as well as saving the Hmong and allowing them to move to the USA and become citizens immediatly. But now they feel entitled and the US has to pay them for their support...This is why the country is in trouble.

The Hmong's deserve a thank you but that's all.

give it up

SUBMITTED BY MARK WALLEK ON NOVEMBER 29, 2012 - 12:10AM.

when you lose everything rob, because people came, illegally, into your area and you helped them accomplish their objectives, and when you go to another place very different from your padded american existence because you'll be obliterated if you stay behind,I'll throw you a couple bucks and I will heartily thank you as well.

they are nothing but a group of rebels

SUBMITTED BY DAVID CHALEARNSOUK ON NOVEMBER 29, 2012 - 3:46PM.

just like the taliban that the us cia supports. nothing more. we dnt recognized terrorists group

Hmong veterans

SUBMITTED BY PAO THAO ON NOVEMBER 29, 2012 - 10:55PM.

To David, we're not terrorist group... we haven't blown up anyone, killing our american solidders, or turn our back on any CIA, or any civilians, except rescued down pilot and helping the americans. You should check your facts before badmouth or labelled the Hmong as terrorist in this post.

Why Are the Hmong in America?

Essay by Jeff Lindsay, Appleton, Wisconsin
(Published in *FutureHmong Magazine*, June 2002, pp. 14-15.)

Like their American counterparts, many Hmong people in the United States do not really understand why the Hmong are here. Most Hmong young people know that they are here because of fighting that occurred in Laos, but do they really understand the monumental sacrifice their people made to help the United States? And do non-Hmong Americans understand their debt of gratitude to the Hmong people? Given the misunderstandings I have seen on both sides, I think it would be helpful to review a little history.

In the late 1950s, southeast Asia, including Laos, was viewed as an important region to the West. With the fall of China to communism and the rise of Communist rebellion in Vietnam, the US sent elite soldiers, the Green Berets, to train Hmong guerrillas to oppose the Vietnamese and the Pathet Lao communists of Laos. Though the Hmong had no desire to play political roles for other nations, they loved freedom and know that there would be little freedom under Communism. They were threatened by the intrusion of North Vietnamese troops into Laos, so the U.S. then encouraged them to fight and provided training and weapons. With CIA assistance, General Vang Pao became the leader of a secret army of 9,000 Hmong men in 1961. Laos was officially neutral as the Vietnam War broke out, and the US had signed an international agreement, the Geneva Accords, intended to keep Laos neutral and prevent fighting there. In reality, this agreement gave the Communists the upper hand, for they flagrantly violated the agreement. Responding to the presence of active North Vietnamese troops in Laos, the US tried to oppose them without appearing to violate the Geneva Accords by secretly recruiting freedom-loving locals to fight the Communist -- and these freedom-loving locals were the Hmong.

Most Americans thought that Laos was not part of the Vietnam War, but Laos played a critical role, especially since supplies from North Vietnam to its warring troops primarily moved along the Ho Chi Minh trail that passed through Laos. Much fighting occurred along this trail and the surrounding regions in Laos. But our military efforts there were not publicized to avoid international criticism. So we pretended that nothing was happening in Laos, while North

Vietnamese troops were actively helping the Pathet Lao take over the country, and while thousands of poorly-equipped Hmong were fighting a war against terrible odds. Many Hmong lives would be lost in the unpublicized battles of Laos.

The Hmong apparently were told that they could bravely fight for the U.S. because the United States would always be there to protect them should local communists turn on the Hmong. It was a relationship of trust, but Hmong trust in the US would be sadly misplaced.

In 1963 the Kennedy Administration had the CIA increase the secret Hmong army in Laos to 20,000 soldiers. Significant battles occurred as the North Vietnamese and Pathet Lao occupied major areas in northern Laos in 1964. Meanwhile, the US began a secret air war in Laos. By 1968, US pilots would be doing 300 dangerous sorties a day to battle many thousands of Communist troops. Hmong soldiers rescued many American pilots who were shot down. Sometimes dozens of Hmong would die in order to rescue one American pilot. Over 100 Hmong pilots were recruited and trained by the US, and they ran mission after mission until they were all killed. Hmong courage seemed to know no bounds in the fight for freedom. But sadly, much of the fighting seems to have been in vain.

Years after the war, when the infamous "Pentagon Papers" were published, shocked Americans and Hmong patriots would learn that much of the war was fought by the United States under secret rules that we agreed to that almost guaranteed the fall of South Vietnam to the Communists. Just as the Hmong were told to only fight defensively and not to take steps that could directly throw the North Vietnamese out of their country, so too were U.S. actions continually hampered by rules of engagement, apparently orchestrated by Robert S. McNamara, the US Secretary of Defense at the time. For example, US pilots were not allowed to attack Viet Cong anti-aircraft installations until they were fully functional. Though hotly debated, many are convinced that the war could have been won by cutting off supplies to the North Vietnamese and hitting them in the regions where they were most vulnerable -- something that was forbidden by our rules of engagement. Instead, American soldiers died unnecessarily in jungle skirmishes that gave an upper hand to those familiar with the territory.

The loss of 60,000 American lives for a no-win war in Vietnam was a tragedy to the huge nation of America, but it was a relatively small percentage of the nation compared to the loss the Hmong people suffered. In 1969, at the time when Congress first learned of our secret war in Laos, about 18,000 Hmong soldiers had already been killed in battle, and many women and children had died as well. The Hmong were taking a great risk in boldly fighting for the United States, trusting that we would stand by them. But in 1973, the U.S. began to pull out of Laos, leaving the Hmong on their own to fight thousands of North Vietnamese troops in Laos. By 1975, Laos had fallen completely into Communist hands, and the lives of all Hmong people who helped fight the Communists were in jeopardy. More than 100,000 Hmong fled to Thai refugee camps. Many would be killed along the way, especially when crossing the Mekong River to get to Thailand. An estimated 30,000 Hmong would be killed by Communist forces while trying to reach Thailand. Over 100,000 Hmong people died as a result of the war, and today nearly every Hmong family in the US has terrible tales of loss and tragedy relating to the war.

After taking over Laos in 1975, the Pathet Lao Communists stated that they would wipe out the Hmong. A Vietnamese broadcast apparently called for genocide against them. From 1976 to 1979, there were credible reports of chemical warfare used against Hmong villages. The world tried to ignore these reports, and some influential voices in the United States tried to discredit the evidence, claiming that the "yellow rain" that had been used to kill Hmong people was just natural bee feces, not a chemical toxin. By the time overwhelming evidence had been gathered to shatter the "bee feces" theory, the media no longer seemed interested in exploring charges of genocide by Communist forces.

The United States, recognizing the sacrifice made by Hmong soldiers to fight for the U.S., began accepting Hmong refugees into the United States in December of 1975. By 1990, about 100,000 refugees had entered the United States. Today approximately 250,000 Hmong are in the U.S., and a similar number still live in Laos. Over 5 million Hmong people are in Southern China, also under Communist rule.

Writing to an American who was confused about the Hmong people, Jack Austin Smith, a Vietnam Veteran and a retired career soldier, wrote the following in 1996 (quoted from his e-mail to me, with permission):

The war in Vietnam was fought on several fronts and I served in two them. The main American battle ground was in the Southern end of South Vietnam. In order for the North Vietnamese forces to fight us there, it was necessary for their supplies and troops to go through Laos and Cambodia on the Ho Chi Minh Trail, and Laos was controlled by a Pro-Communist Government at that time. Therefore America was not allowed to have any forces on the ground, although we were allowed to bomb and attack North Vietnamese troops with our aerial forces. About 99% of the combat forces on the ground were Hmong irregulars who were persuaded by Americans to forget about being neutral, and to fight the N. Vietnamese regulars (not relatively poorly trained Viet Cong guerrilla forces). We supplied air cover, but every combat trooper knows aircraft can't take and hold ground. We depended on the Hmongs to do this. Without modern arms, without medical help.

After the fall of Saigon we pulled out of Southeast Asia and left the Hmongs to continue the fight without air support. When we left, the Hmong had to fight both the Laotians and the N. Vietnamese. They could not fight tanks, heavy artillery and aircraft with rifles. A great many Hmongs were slaughtered in their villages. Many were slaughtered at airfields where they waited for evacuation planes that never came. A few were able to fight every foot of the way across Laos and cross the Mekong River into refugee camps in Thailand where they were further mistreated by rather corrupt UN and Thai officials. Out of a estimated 3,000,000 prewar Hmong population less than 200,000 made it to safety. One other ill informed or stupid writer said "they were all gone" meaning, I guess, that the combat Hmongs were all dead, they are wrong. Most of the survivors are in Australia, France and here among us.

Now I don't know about those heroes who have never heard a shot fired in anger, but I am embarrassed that my country so mislead these people. The Hmongs gave up literally everything for us: their country, their homes, their peaceful way of life, most of their families, everything that we would cherish. We promised them our continued support and then we bugged out.

You mentioned having relatives who fought in Vietnam and I hope they all survived. However their chances would have been much less if the Hmongs hadn't intercepted over 50% of the N. Vietnamese troops and supplies. If you truly loved your relatives, you should be grateful for the Hmongs' sacrifices.

The Vietnam War and subsequent genocidal actions shattered so many lives and families. Every Hmong family in the United States was violated in some way, often with the tragic loss of loved ones. I have heard so many stories of sorrow and loss, the stories of desperate parents trying to hide their children from murderous soldiers, sometimes overdosing their children with opium to keep them from crying and revealing their hiding place. I have heard stories of trying to cross the Mekong River and having loved ones drown or be shot. For those who escaped torture and death in Laos, there would yet be tales of gruesome life in neglected refugee camps, tales of families split up by careless bureaucrats, and tales of shock and confusion as penniless refugees are dropped off in the strange world of America, where the citizens have no idea who the Hmong people were and sometimes viewed them as enemies. I can understand the sorrow of the old people, who sometimes stare out the window and seem immobilized by the tragedy of their loss, yearning for the once peaceful and happy days in the hills of northern Laos. But I cannot understand the ignorance of many Americans, who have not bothered to learn who these people are and why they deserved to be brought to the United States. They bled and died for us. They saved hundreds of American lives at great loss to them and their families.

We used the Hmong people and their freedom-loving courage, and suddenly abandoned them to genocidal tyrants, keeping their sacrifices largely secret from the American people. Ours is a debt of gratitude that remains incompletely expressed. And for today's Hmong-Americans, yours is a legacy of courage and valor that I hope will inspire you to stand for the highest of human values and bring further honor to your people and your ancestors.

Lao Veterans of America (LaoVeterans.com)

"We cannot let Laos fall to the Communists even if we have to fight."

President Dwight D. Eisenhower, December 31, 1960.

"About 9,000 Hmong tribesmen have been equipped for guerrilla operations, which they are now conducting with considerable effectiveness in Communist-dominated territory in Laos... As men leave food-raising duties to serve as guerrillas, a problem is growing over the care and feeding of non-combat Hmong. The CIA has given some rice and clothing to relieve this problem."

Memo from Brig. General Edward Landsdale, July 1961. Published in the Pentagon Papers.

"The problem of Laos is the refusal of the communist forces to honor the Geneva Accords."

President Lyndon B. Johnson, January 18, 1965.

"A measure of the heroism and effectiveness of the Hmong struggle can be seen in the fact that the North Vietnamese forces arrayed against them increased over the years from the original 7,000 to 70,000, including several of North Vietnam's best divisions. The battle became increasingly conventional."

Ambassador William Colby, former CIA Director, Congressional Testimony before the House Subcommittee on Asia and The Pacific, April 26, 1994.

"We have been providing logistical support and some training for the neutralist government in order to avoid Laos falling under communist domination. As far as American manpower in Laos is concerned, no American manpower is there at the present time on a combat basis... Laos relates very much to Vietnam because the Ho Chi Minh Trail runs through Laos. It is necessary, under those circumstances, that the United States takes cognizance of that, and we do have air reconnaissance. We do have, perhaps, some other activities. I won't discuss those other activities at this time."

President Richard Nixon, (Press conference comments) September 26, 1960.

The most conservative estimated number that during the United States' involvement in the Vietnam War, 35,000 to 40,000 young brave Hmong were killed in combat; 50,000 to 58,000 were wounded; and 2,500 to 3,000 were missing in action. When the United States withdrew from Southeast Asia, genocide followed the Hmong--thousands of

Hmong were murdered by the communists when they tried to flee to neighboring Thailand.

"Everyone of them that died (Hmong), that was an American back home that didn't die, or one that was injured that wasn't injured. Somebody in nearly every Hmong family was either fighting or died from fighting... They became refugees because we (United States Government)... encouraged them to fight for us. I promised them myself: "Have no fear, we will take care of you".

Edgar Buell, senior U.S.AID/CIA official working with the Hmong "Secret Army" During the war years, quoted on 60 minutes, March 4, 1979.

Some source said: There was about 100,000 North Vietnamese soldiers fought in Laos: 70,000 of this number including several of North Vietnam's best divisions fought directly against the Hmong soldiers, and about 30,000 were fighting with the U.S. SOF and Hmong soldiers along the Ho Chi Minh Trail.

About April 1975, the United States withdrew its troops from Indochina. During May 12-14, 1975, the CIA/Air America evacuated about 2,500 Hmong officers and their families from the secret base at Long Cheng in Laos (Headquarters of General Vang Pao--the combined base for the Hmong, CIA, Air America, and U.S. Air Force "Ravens"). They were evacuated to the U.S. former air base in Namphong, Khonekene, Thailand. The rest of the Secret Army (Special Guerrilla Units {SGU} and other special units) who were left behind began to walk to the Mekong River and attempted to cross into Thailand. The Communists killed thousands of these soldiers and their families. During the evacuation, and in subsequent years, thousands of Hmong and Lao veterans and their families were killed by communists North Vietnamese and Pathet Lao security forces. Thousand died of starvation as they fled toward the security and freedom on the other shore of the Mekong River. Thousands drowned in the river before reaching the Thai border. Even today, despite official denials at senior levels of the Pathet Lao government, the communist regime in Laos continues to persecute and discriminate against Hmong because of their role in the U.S. Secret Army.

The Vietnam War ended in 1975, genocide and persecution of the Hmong followed. This Stalinist regime arrested King, Queen, Crown Prince, members of the Royal Lao Family, and its high ranking officials in the Royal Lao government about 46,000 to put in the re-education camps, and also used chemical warfare "Yellow Rain" to eliminate members of the U.S. Secret Army and their families. From the period of 1975 to 1980, the Stalinist regime in Laos killed about 30,000 Hmong men, women, and children in the former 2nd Military Region of Laos where the major of the CIA operations took place, especially, around the foothills of Phou Bia Mountain. This is the Lao People's Democratic Republic's (LPDR) "ethnic cleansing" policy against the Hmong people. Today, LPDR government still continues systematically to persecute the Hmong people in that part of the world.

In addition to a devastating loss of life, the war resulted in a loss of our homeland, and we had to become countryless people and political refugees in a third country such as America, Argentina, Australia, Canada, China, France, Japan, and New Zealand.

Later in 1975, the Hmong and Lao soldiers and families began to take refuge in the United States. Their exodus continues to the present period. Many of those are still separated from their families and are finding reunification difficult. This, they have organized "Lao Veterans of America" as a Non-Profit organization. Its home office is in Fresno, California where it will be a central communication to all Lao veterans, which are scattered throughout the world.

The Lao Veterans of America, Inc. (LVA), like the American Legion and the Veterans of Foreign Wars (VFW), represents veterans who served the United States honorably. It is among the largest veteran organizations of its kind in the United States and includes tens of thousands of Hmong and Lao veterans and their families who played a key role in the U.S. covert war in Laos during the Vietnam War. It is a non-profit corporation--with chapters organized throughout the United States in states such as Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Nebraska, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin. We also have members in Australia, Canada, and France. The LVA membership includes significant numbers of women who served in combat and combat support roles.

Members of Congress as well as current and former U.S. military and intelligence officials have honored the LVA and its work. Members of the LVA have been awarded the U.S. Vietnam Service, Vietnam Veterans National, Vietnam Campaign, and Purple Heart medals. The LVA has received bipartisan support on Capitol Hill for its efforts. It has been singled out with Congressional awards and citations as well as being honored in Congressional Records statements and in Congressional letters. The LVA also has received state and community recognition. California, Iowa, Kansas, Louisiana, Massachusetts, Minnesota, and Wisconsin have recently passed a Joint Resolution and Proclamation in recognition of Hmong and Lao veterans and asked the Congress and President of the United States to grant those veterans and their families full U.S. citizenship. During recent years, former CIA Director William Colby and Dr. Jane Hamilton-Merritt have also cited the Hmong and Lao veterans--and their leadership--in Congressional Hearing testimony. LVA also have over twenty (20) U.S. veterans group writing letters of support to the Hmong Veterans Naturalization Act.

In recent years, with the declassification of secret information in U.S. intelligence and Defense Department files, military histories of the Hmong veteran's service have finally appeared in books. Examples of such books are: *Tragic Mountains, The Americans and the Secret Wars for Laos, 1942-1992*, by Dr. Jane Hamilton-Merritt; *War in Laos 1954-1975*, by Kenneth Conboy; *The War in Laos 1960-75*, by Kenneth Conboy; *Shadow War: The CIA's Secret War in Laos*, by Kenneth Conboy and James Morrison; and *Across the Mekong*, by Charles O. Davis.

WELCOME TO THE LOS VETERANS OF AMERICA INSTITUTE (LVAI)

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Laos

“Secret Warriors”

In 1961, when the Vietnam War officially started, another war also waged. This war was known as the Secret War and took place in Laos. Like its name the Secret War was a total secret. The countries involved in the Secret War were the U.S., Thailand, Laos, and North Vietnam. The preludes to the Secret War were differing opinions by political parties on the governmental structure that would reign in Vietnam. This war caused havoc and grief to the people that occupied the territories that became the battlegrounds. In 1961 North Vietnam began advancing into South Vietnam, using military forces, with the intentions of establishing communist type government in Laos. The Pathet Lao, the communist Laos party, allied with North Vietnam while the Royal Laotian party, party in power in Laos, allied with Thailand and the U.S.

Thailand perceived the threat in having Laos, its neighbor, being overtaken by the a communist regime. They knew that if Laos lost, then the natural progression would be for them to be the next target for conquest. The United States of America (U.S.A.) was/is considered the champions of democracy and joined the alliance because they did not want communism to gain strength and spread. These three countries came together and took on the task of stopping the spread of communism into Laos. This war between communist Vietnam and the alliance was known as the Secret War.

Look for Cold War Policies and the Domino Theory

The Geneva Accords of 1954, was the first world country to send soldiers into third world countries thus the U.S.A. needed find a way to help the fight against communism. Thus, they recruited the Hmong and trained, paid, and provided military weapons to them; for the purpose of engagement in guerrilla warfare against the North Vietnamese.



(Image from book: War in Laos)

Here is a picture of one of the first U.S. training groups.



(Image from book: War in Laos)

Here is a picture of Hmong guerillas getting briefing before.

Hmong soldiers rescued downed American pilots from enemy territories and defended American outposts in Laos. One such outpost was an airport by the name of Luang Prabang. Whole groups of Hmong soldiers risked and lost their lives to save one American pilot. They also attacked many North Vietnamese convoy that were using the Ho Chi Minh trail, which cross Northern Laos from North Vietnam into South Vietnam. By attacking these supplies thousands of U.S. soldiers did not die in South Vietnam. The Hmong adult male population was decimated toward the end of the war and to make up the difference, children were recruited, trained in the same tactics and strategies of war and sent to combat. Thailand's also trained Hmongs, formed them into guerrilla groups, and provided air support for them when in combat. They valiantly fought for their cause through out the entire Secret War.

When the U.S. withdrew its troops from South Vietnam in 1975, they also withdrew the training teams, military weapons, and financial support from Laos and the Hmong. This action weakened the Laotian government and Hmong guerillas army that depended on that support. The Pathet Lao communist party eventually took over Laos and the Hmong that were left behind were seen as a threat and persecuted. Deserted by their U.S. allies, the Hmong had to flee to Thailand for refuge. The Secret War ended in the same year as the Vietnam War—1975. The Hmong did not feel this finality, for to this day they still are persecuted

"The Secret War"



General Vang Pao led the CIA's "Secret War" in Laos.

In the early 1960s, the U.S. Central Intelligence Agency's (CIA) Special Activities Division began to recruit, train and lead the indigenous Hmong people in Laos to fight against North Vietnamese Army intruders into Laos during the Vietnam War. It became a Special Guerrilla Unit led by General Vang Pao. About 60% of the Hmong men in Laos were assisted by the CIA to join fighting for the "Secret War" in Laos.^{[29][30]} The CIA used the Special Guerrilla Unit as

the counter attack unit to block the Ho Chi Minh Trail, the main military supply route from the north to the south. Hmong soldiers served against the NVA and the Pathet Lao, helping block the Hanoi's Ho Chi Minh trail inside Laos and rescuing downed American pilots. Between 1967 and 1971, a total of 3,772 Hmong soldiers were killed; another 5,426 were wounded.^[31] Between 1962 and 1975, some 12,000 Hmong also died fighting against Communist Pathet Lao troops.^[32]

General Vang Pao led the Region II (MR2) defense against NVA incursion from his headquarters in Long Cheng, also known as Lima Site 20 Alternate (LS 20A).^[33] At the height of its activity, Long Cheng became the second largest city in Laos. Long Cheng was a micro-nation operational site with its own bank, airport, school system, officials, and many other facilities and services in addition to its military units. Before the end of the Secret War, Long Cheng would fall in and out of General Vang Pao's control.

The Secret War began about the time the United States became actively involved in the Vietnam War. Two years after the U.S. withdrawal from South Vietnam, the Kingdom of Laos was overthrown by communist troops supported by the North Vietnamese Army. The Hmong people immediately became targets of retaliation and persecution. While some Hmong returned to their villages and attempted to resume life under the new regime, thousands more made the trek across the Mekong River into Thailand, often under attack. This marked the beginning of a mass exodus of Hmong from Laos. Those who reached Thailand were kept in squalid United Nations refugee camps until they could be resettled. Nearly 20 years later, in the 1990s, a major international debate ensued over whether Hmong refugees remaining in Thailand should be forcibly repatriated to Laos, where they were still subject to persecution, or should be allowed to emigrate to the United States and other Western nations.

(From "Memories of the Secret War")

HCR

5

<TARGET><BILL>HCR 5</BILL><SUBJECT>HCR
5</SUBJECT><COMM>HMLV28</COMM></TARGET>

HOUSE CONCURRENT RESOLUTION NO. 5
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SADDLER

Introduced: 2/27/13

Referred:

A RESOLUTION

1 **Relating to awarding the Alaska Decoration of Honor to certain members of the**
2 **military.**

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

4 **WHEREAS** the Alaska Decoration of Honor was established in AS 26.05.342 to
5 honor individuals who were killed in action on or after the date Alaska achieved statehood
6 while serving in the Alaska National Guard, the United States military reserves, or the regular
7 United States armed forces and who were residents of the state or stationed in the state; and

8 **WHEREAS** Dustin P. Napier, Jeffrey L. White, Jr., Thomas K. Fogarty, Brian L.
9 Walker, Richard L. McNulty, Vincent J. Ellis, Nathan T. Davis, Carl E. Hammar, and Ethan J.
10 Martin meet the criteria for award of the Alaska Decoration of Honor;

11 **BE IT RESOLVED** by the Alaska State Legislature that the Alaska Decoration of
12 Honor is awarded to Dustin P. Napier, Jeffrey L. White, Jr., Thomas K. Fogarty, Brian L.
13 Walker, Richard L. McNulty, Vincent J. Ellis, Nathan T. Davis, Carl E. Hammar, and Ethan J.
14 Martin.

ALASKA STATE LEGISLATURE

Session:
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Juneau, AK 99801-1182
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REPRESENTATIVE DAN SADDLER

Sponsor Statement

HCR 5

This resolution awards the Alaska Decoration of Honor to 9 individuals who were killed in the line of duty while honorably serving our state and country in 2012.

Established in 2007 in House Bill 244, the Alaska Decoration of Honor is awarded to military service members from Alaska, or those service members deployed while stationed in Alaska, who were killed in action or in support of combat action.

The Legislature must authorize the award by resolution, so the decoration can be presented to the recipients' survivors. In 2008, the Legislature awarded the medal to 171 individuals dating back to statehood. In 2009 through 2011, it authorized the award for another 61 individuals.

Passage of HCR 5 will allow the families of these 9 individuals to receive the decoration in honor of their loved ones' sacrifice. While it is our fervent hope that all those in uniform will return home from their service safely, the reality is that a few will not. It is our obligation, and our privilege, to authorize this decoration in their honor.

I respectfully request favorable support of House Concurrent Resolution 5.

Thank you.

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HCR 5
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HCR5-LEG-SESS-03-05-13
Title: DECORATION OF HONOR
Sponsor: SADDLER
Requester: Hse Spec Comm on Military & Veterans Affairs

Department: Alaska Legislature
Appropriation: Legislative Operating Budget
Allocation: Session Expenses
OMB Component Number: 782

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
---------------------------	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By: <u>Jessica Geary, Finance Manager</u>	Phone: <u>(907)465-6626</u>
Division: <u>Legislative Affairs Agency</u>	Date: <u>03/05/2013 08:07 AM</u>
Approved By: <u>Pamela Varni, Executive Director</u>	Date: <u>03/05/13</u>
<u>Legislative Affairs Agency</u>	

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2013 LEGISLATIVE SESSION**

BILL NO. HCR5

Analysis

This Legislation has zero fiscal impact on the Legislative Affairs Agency.

HJR

11

<TARGET><BILL>HJR 11</BILL><SUBJECT>HJR
11</SUBJECT><COMM>HMLV28</COMM></TARGET>

ALASKA STATE LEGISLATURE

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REPRESENTATIVE DAN SADDLER

MEMORANDUM

TO: Representative Gabriel LeDoux, Co-Chair
Representative Neal Foster, Co-Chair
House Military and Veterans' Affairs Committee

FROM: Representative Dan Saddler

A handwritten signature in cursive script that reads "Dan Saddler".

DATE: March 13, 2013

RE: Scheduling HJR 11, Commemorating Anniversary of Reagan SDI Speech

I respectfully request a hearing for HJR 11, Commemorating the Anniversary of Reagan SDI Speech, in the House Military and Veterans' Affairs Committee. Attached you will find the required information.

If you need any additional information, please contact Kim Skipper at 465-6598

Thank you for your consideration.

HOUSE JOINT RESOLUTION NO. 11

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SADDLER

Introduced: 3/13/13

Referred:

A RESOLUTION

1 **Commemorating the 30th anniversary of President Ronald Reagan's address to the**
2 **nation concerning the Strategic Defense Initiative, recognizing the strategic importance**
3 **of Alaska in the missile interceptor defense system, and urging the United States to**
4 **deploy the number of ground-based interceptors originally intended at Fort Greely.**

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

6 **WHEREAS**, on March 23, 1983, President Ronald Reagan delivered a televised
7 address to the nation regarding the nuclear and ballistic missile threat posed by the Soviet
8 Union and appealed to the American people to support the development of new technologies
9 to counter this threat; and

10 **WHEREAS** March 23, 2013, marks the 30th anniversary of this landmark address;
11 and

12 **WHEREAS** President Reagan believed the nation's security to be based on
13 preparedness and a national willingness to meet all threats and supported military strength as
14 a means of deterring aggression and preserving peace; and

15 **WHEREAS** President Reagan envisioned a defensive, non-nuclear capability to

1 intercept and destroy strategic nuclear missiles before the missiles could reach the United
2 States or allies of the United States; and

3 **WHEREAS** President Reagan envisioned the missile defense system as a way to
4 significantly reduce incentives an adversary might have to threaten or attack the United States
5 or an ally of the United States; and

6 **WHEREAS**, through the efforts of dedicated Americans and allies who have
7 championed the pursuit of peace through strength and who have surmounted the immense
8 technical hurdles to develop ballistic missile defense technologies and systems to protect our
9 nation, our allies, and our vital overseas interests, President Reagan's vision has been realized;
10 and

11 **WHEREAS** Alaska possesses abundant natural assets, including energy, minerals,
12 and human resources, vital to the prosperity and national security of the United States; and

13 **WHEREAS**, in 1997, the Alaska State Legislature respectfully requested President
14 Clinton to include Alaska and Hawaii in every national intelligence estimate of missile threats
15 to the United States and urged the president to ensure that Alaska be protected from and be
16 able to defend against missile attacks with the same degree of assurance provided to all other
17 states; and

18 **WHEREAS** the Ground-Based Midcourse Defense System and its effective Ground-
19 Based Interceptor missile currently deployed at Fort Greely, Alaska, and Vandenberg Air
20 Force Base, California, together with the Missile Defense Integration and Operations Center
21 in Colorado Springs, Colorado, function as key components of the integrated United States
22 Ballistic Missile Defense System; and

23 **WHEREAS** the Ground-Based Midcourse Defense System serves to defend the
24 United States, including Hawaii and Alaska, against long-range ballistic missiles; and

25 **WHEREAS** the Alaska National Guard's 49th Missile Defense Battalion, as the first
26 line of defense in the missile interceptor defense system, protects the nation against a North
27 Korean missile attack; and

28 **WHEREAS** the nation's missile defenses were successfully put on alert in response to
29 the July 2006 and other North Korean missile launches, including in December 2012; and

30 **WHEREAS** our nation's integrated ballistic missile defense system represents a key
31 element of our national defense, provides a vital deterrent against aggression, and preserves

1 freedom and peace;

2 **BE IT RESOLVED** that the Alaska State Legislature recognizes the unique vision
3 and tireless efforts of President Ronald Reagan to promote peace and security; and be it

4 **FURTHER RESOLVED** that the Alaska State Legislature recognizes the immense
5 value of the research, development, and investment inspired by President Reagan in his
6 March 23, 1983, appeal to the American people to change the course of human history by
7 pursuing the robust capabilities necessary to protect and preserve our way of life; and be it

8 **FURTHER RESOLVED** that the Alaska State Legislature recognizes and expresses
9 support for President Reagan's refusal to accept the vulnerability of the United States to
10 missile attack, his unfailing commitment to ensuring the United States would achieve its
11 national security and foreign policy goals from a position of strength, and his firm belief that
12 the United States would never be secure if the nation's enemies were able to attack from
13 space; and be it

14 **FURTHER RESOLVED** that the Alaska State Legislature recognizes the strategic
15 role Alaska and Alaskans play in the missile interceptor defense system as a first line of
16 defense, and especially the role played by the Alaska National Guard's 49th Missile Defense
17 Battalion; and be it

18 **FURTHER RESOLVED** that the Alaska State Legislature commemorates the 30th
19 anniversary of President Reagan's address to the nation on the subject of the Strategic Defense
20 Initiative; and be it

21 **FURTHER RESOLVED** that the Alaska State legislature urges the United States to
22 deploy the number of ground-based interceptors originally intended at Fort Greely and to
23 complete research, development, and deployment of complementary theater-based missile
24 defenses and to deploy the strategic ground, sea, air, and space-based systems envisioned by
25 President Reagan in his March 23, 1983, address to deter current missile threats.

26 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
27 the United States; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S.
28 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
29 delegation in Congress; all other members of the 113th United States Congress; the presiding
30 officers of the legislatures for each of the other 49 states; General Charles H. Jacoby, Jr.,
31 Commander of the North American Aerospace Defense Command; and Major General

- 1 Thomas Katkus, Adjutant General of the Alaska National Guard and commissioner of military
- 2 and veterans' affairs.

HJR

21

<TARGET><BILL>HJR 21</BILL><SUBJECT>HJR
21</SUBJECT><COMM>HMLV28</COMM></TARGET>

Alaska State Legislature



Chairman
State Affairs Committee

Vice-Chair
Judiciary Committee

Vice-Chair
Veterans' Caucus

Member
Transportation Committee
Joint Armed Services Special Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans' Affairs

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Fax: (907) 269-0207

A Communication From
REPRESENTATIVE BOB LYNN
District 23 Anchorage

January 29, 2014

TO: Representatives Neal Foster and Gabrielle LeDoux, Co-Chairs – Military and Veterans' Affairs Committee

FR: Representative Bob Lynn

RE: HJR 021 A Resolution to Restore Military Benefits

Please schedule HJR 021 to be heard in the House Military and Veterans' Affairs Committee at your earliest convenience. HJR 021 urges the President of the United States and the United States Congress to repeal the COLA benefit reduction. The resolution was filed because the public should honor the promises made to our veterans. Thank you.

Sincerely Yours,

Representative Bob Lynn

Attached Documents

- HJR 021 Sponsor Statement
- HJR 021 ver U
- HJR 021 Supporting Documents-Article FOX BUSINESS NEWS
- HJR 021 Supporting Documents-Article MILITARY TIMES

Alaska State Legislature



Chairman
State Affairs Committee

Vice-Chair
Judiciary Committee

Vice-Chair
Veterans' Caucus

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A Communication From
REPRESENTATIVE BOB LYNN
District 23 Anchorage

SPONSOR STATEMENT

HRJ 21

RESOLUTION TO RESTORE MILITARY BENEFITS

HJR 21 calls on the U.S. Congress and President Barack Obama to repeal legislation which reduces military retirement benefits.

Congress has no shortage of ways to reduce our nation's budget. It is unconscionable to do so by stripping promised retirement benefits from America's military retirees, including wounded warriors who have suffered loss of limbs and other grievous injustices on the battlefield. Without redress, military retirees could lose more than \$100,000.00, individually over the course of retirement, depending on the length of service and rank.

Military retirement benefits are a *de facto* contract: offer of military benefits, acceptance of military services including risk of life and limb, and consideration of military benefits including promised retirement pay.

America should honor its obligations.



'A Promise Broken': Budget Deal Hits Military Retirees' Pensions

by Christina Scotti

Published January 10, 2014 | FOXBusiness

Last month's congressional budget deal delivered a particularly hard hit to military retirees with at least 20 years of service, cutting their cost-of-living (COLA) adjustments by 1 percent a year until age 62.

Veterans' groups say the cut could amount to an average cash loss of \$80,000 or more for each affected retiree -- and a loss of confidence in the U.S. government's word.

The cut, meant to save an estimated \$6 billion over the next decade, does not take effect until 2015, but the battle over the provision has already started.

"The U.S. government has broken their promise and for someone who has committed themselves -- commitments that can be extremely grueling on a family -- and are pulling 15, 20 years or more, this is a fundamental loss of trust and has unquestionably hurt morale for active members," said retired Vice Admiral Norbert Ryan, president and CEO of the Military Officers Association of America (MOAA), a non-profit focused on military advocacy.

The typical 20-year retiree -- a 40-year-old sergeant first class in the Army (in the E7 pay grade) -- will receive \$23,000 in initial annuities. If the real cost of living climbs 3 percent in the first year the cuts go into effect, that retiree would lose \$230. By age 61, it's estimated that the same retiree would lose \$7,960 a year because of the 1 percent compounding factor, which adds up to an estimated \$82,982 in total losses, an average of \$3,771 a year, according to MOAA.

Ryan said that the long-term COLA impact isn't getting enough attention and that the provision, a small piece of the bipartisan budget deal Sen. Patty Murray (D-Wash.) and Rep. Paul Ryan (R-Wis.) negotiated, was part of a backroom deal that doesn't grandfather in people currently serving in the military who have been promised certain retirement benefits.

Vice-Adm. Ryan also pointed to a 2011 statement by then-Secretary of Defense Leon Panetta, who told a public hearing: "... we cannot break faith with those that have served and deployed time and time again and were promised the benefits of this retirement program. Those benefits are going to be protected under any circumstance."

Lawrence Korb, a former assistant secretary of defense during the Reagan administration and now a senior fellow at the Center for American Progress, a center-left public policy research group, defends the cuts.

"This is a good first step and provides [added money] for training for lives on the line. And if you put this into context, people [veterans] are not getting a bad deal," said Korb, who also served as a naval flight officer.

"For retirees who enlisted between 1986 and 2001, they are making out better," Korb added. "Between those years retirees received 40 percent of their base salary after 20 years of service. In 2001, it was reversed back to 50 percent of base, which was the commitment prior to 1986."

Ryan said the reason the Pentagon decided to go back to the 50 percent rate is simple: retention-rate problems.

"You need something beside patriotism to pull in high-quality officers for 20 years," he said. "Of course these people want to serve their country, but life is hard for many, going away for a year and then a year home. And many people often want to go and live their lives." According to MOAA, only 17 percent of the military force stays on as a career.

Korb also pointed out that 40 percent of all service members have never seen combat, but Ryan said that has absolutely nothing to do with collecting their military pension.

"All of these people have signed up to give their life and will go or not go, depending on where they are ordered," he said. "You don't have a choice."

Former Commander Mike Barron, deputy director of government relations at MOAA and a retiree directly affected by the provision, said the COLA reduction is not small, as it has been described.

"To make this politically palatable, what they lay this out as is a 1 percent reduction, and they only talk about the first year, which is a small amount," he said. "But they purposefully do not talk about the compounding factor and the real lost retirement pay that will happen."

Barron said it's all about context. The House Budget Committee estimates that for an 18-year-old enlistee who serves 20 years, the lifetime retirement pay would decline from \$1.734 million to \$1.626 million. That doesn't sound so bad, he admitted. But he pointed out it's meant to seem like a minimal reduction.

"They are giving you a half-truth," said Barron, who added that those large-sounding numbers are not the real dollars and cents a military veteran actually sees. "These are people who, after 20 years of service, had a base pay of under \$50,000 and are now losing around \$83,000."

The Committee for a Responsible Federal Budget agreed with Korb and said the "tiny military cut" is a positive move, pointing out that both the Washington Post and The Wall Street Journal editorial boards defended the provision.

Secretary of Defense Chuck Hagel warned publicly last year that the Pentagon can no longer put off looking into ballooning military compensation. A recent study by the Center for Strategic and Budgetary Assessments showed yearly compensation for active-duty members increased 57% between 2001 and 2012. (The number was adjusted for inflation.)

Secretary Hagel has spoken out against hitting disabled retirees with this provision but has not commented on the rest of the veterans affected.

"Secretary Hagel has said that the Administration wants reversed the unintended reduction in the cost-of-living adjustment for working-age military retirees with service-related disabilities and looks forward to working with the Congress to address other compensation-related provisions," said a Pentagon spokesman.

In Congress, there are Democrats and Republicans on both sides of the issue.

Senate Armed Services Committee Chairman Carl Levin (D-Mich.) said his committee would review the provision before the cuts take effect next year. Others are taking a swifter approach. Several proposals are on the table to overturn the COLA cuts in favor of other possible savings and there is vocal bipartisan Senate support from everyone from Sens. Mark Pryor (D-Ark.) and Kay Hagan (D-N.C.) to Sens. John McCain (R-Ariz.) and Kelly Ayotte (R-N.H.).

"Singling out our hardworking military members and their families wouldn't just be unfair, it'd be wrong," said Senator Pryor in a statement in December. "That's why I called on my colleagues to join me in supporting common-sense provisions to restore full retirement pay for our military retirees."

Vice Admiral Ryan concurs.

"Unlike civilian life, we need to grow these people from within and keep high-quality people there," he said. "Anyone who knows the economy right now knows that \$23,000 a year for a family of four is below the poverty level. So when they do leave the service, of course [retirees] will need to go out and start a new career. They are not retiring on \$23,000 dollars a year -- but they do depend on the government keeping its word on what they're owed."

<http://www.foxbusiness.com/personal-finance/2014/01/10/promise-broken-budget-deal-hits-military-retirees-pensions/>

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Top enlisted retirees push back on COLA cuts

By Patricia Kime Staff writer

Jan. 27, 2014 - 08:07PM |

militarytimes.com



Kent and Campa MWM 20130109

**Top row: Carlton Kent, Charles Bowen, Joe Campa.
Bottom row: Jack Tilley, Jim Roy, Vince Patton (Staff
and file photos)**

Chip Hoynes retired from the Coast Guard in 2007, landing a high-paying job with a defense contractor in the same field he worked in on active duty.

But several years later, the company went bankrupt, and Hoynes, a former chief operations specialist, found himself jobless. After a few stints doing defense contracting work, he joined Home Depot, but the entry-level position didn't match the 22-year veteran's expectations for responsibility,

challenge or remuneration.

He left the big-box store and has been job-hunting ever since.

Hoynes and his wife, who live in Dawsonville, Ga., rely on his \$1,600-a-month military retirement pay (after taxes, health care and insurance payments) and her small retail salary to pay the bills.

But in a town where the median home price is more than \$200,000 and a gallon of propane heating fuel shot up this year from \$1.90 to \$3.25 a gallon, the buying power of Hoynes' pension doesn't go far.

"We definitely aren't living high on the hog here," Hoynes said.

If the cost-of-living adjustment reduction to military retired pay included in the Bipartisan Budget Act goes into effect in December 2015, the retired chief, now 50, stands to lose as much as \$55,000 in retirement pay over his lifetime.

The forfeiture doesn't sit well with Hoynes or many of the more than 840,000 working-age retirees who will see a 1-percentage-point cut to their annual retirement pay increases starting in 2016.

It also doesn't impress six retired sergeants major, master chiefs and chief master sergeants who spoke to Military Times on behalf of those who will be affected if the cuts are not repealed by Congress. They are:

Retired Chief Master Sergeant of the Air Force James Roy

Retired Sergeant Major of the Marine Corps Carlton Kent

Retired Master Chief Petty Officer of the Navy (SW/FMF) Joe Campa

Retired Sergeant Major of the Army Jack Tilley

Retired Master Chief Petty Officer of the Coast Guard Charles "Skip" Bowen

Retired Master Chief Petty Officer of the Coast Guard Vince Patton

"You don't join the military to get rich. There are a lot of sacrifices. There are PCS moves. There are bullets flying overhead. We're still fighting a war, and now we are talking about reducing the COLA? I don't get it," recently retired Chief Master Sergeant of the Air Force James Roy said.

In interviews, Roy and the others denounced the reductions, calling them unfair to the average enlisted troops who often struggle to find decent-paying jobs when they leave the service.

The six senior enlisted leaders said they decided to speak out after four retired generals and flag officers issued a statement Jan. 13 voicing support for the cuts.

Writing for the Bipartisan Policy Center, retired Marine Gen. James L. Jones, retired Marine Maj. Gen. Arnold Punaro, retired Air Force Gen. Chuck Wald and retired Navy Adm. Greg Johnson said the planned reduction, which they later described in an op-ed piece in The Hill newspaper as "modest and reasonable reform," is "an important first step in tackling" rising military personnel costs.

"Very generous health care and pension benefits for able-bodied, working age (38-62) military retirees — benefits that have no parallel in either the private or public sectors — cannot remain the same without causing damage to our war-fighting ability in an era of constrained resources," they wrote in the editorial.

But the senior enlisted advisers said the pending changes are an assault on what they consider a benefit they've already earned — the promise of retirement pay that will keep up with inflation.

"I've been in and out of Afghanistan 16 times ... and was fighting in the streets of Saigon when I was 18 years old. When you have people like myself who have dedicated our lives to the military and then they want to start cutting on benefits, it's sort of unfair," Tilley said.

"I think people inside the [Capital] Beltway forget that most military retirees are not making huge amounts of money," Bowen said. "They are working day-to-day jobs just to get by."

The enlisted leaders argue that the changes to retirement have shaken the foundation of those currently serving and worry the legislation could damage readiness and retention.

Without people, they said, there would be no one to run the hardware the Pentagon wrangles to fund or fight wars.

"The mission is always going to be first, but you can't complete a mission without taking care of your people first. There's many places they can cut the budget vice going after military personnel," Kent said.

According to Military Times calculations, a service member who retires as an E-7 with 22 years of service would see an average loss of \$100,000 by the time he or she reached age 62, while an O-5 stands to lose \$121,000.

Of the enlisted leaders who spoke out, Tilley would be unaffected by the cuts because of his age. Kent and Patton would face two to three years of COLA reductions while Bowen, Roy and Campa would all see

at least five years of COLA cuts.

None of the flag officers who spoke in favor of the cuts would be affected by the reductions. The three four-stars will earn, combined, more than \$560,800 in retirement pay in 2014.

Yet the senior enlisted group said they don't take issue with those or any other officers' retirement pay. Instead, they believe someone needs to let lawmakers know that many retired service members do not have high-paying second careers and lack the education or experience to get one.

"God bless 'em," Patton said, referring to the general officers. "They've earned what they get, and we're not knocking them. But we served with an agreement that our retirement pay would keep up with inflation, and to use a COLA to control defense spending is ridiculous. I think we've already paid at the office."

Members of the Joint Chiefs of Staff, including Army Gen. Ray Odierno, were surprised when news of the COLA reduction emerged during debate on the budget act, co-authored by Rep. Paul Ryan, R-Wis., and Sen. Patty Murray, D-Wash.

But Defense Secretary Chuck Hagel said the move opens a dialogue with Congress to "realign priorities and address needed reforms."

The Military Compensation and Retirement Modernization Commission is in the process of reviewing the current pay and benefits packages and is expected to make recommendations on reform by 2015. Meanwhile, military support and veterans organizations are pressing for repeal of the COLA reductions.

President Obama signed the omnibus spending bill, which included a provision to overturn the cuts for medically retired personnel and survivors receiving annuities under the Survivor Benefits Plan. And several lawmakers have proposed legislation that would undo the cuts for all retirees.

The Senate Armed Services Committee will conduct a hearing Tuesday on the impact that the reductions, which are expected to save the federal government \$6 billion, would have on retirees.

Campa said he will watch the legislation closely.

"I've heard people say it's not a big deal — it's not that much money. But if it's not a lot, don't do it, because the cost of doing this is too high a price to pay."



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FISCAL NOTE

STATE OF ALASKA
2014 LEGISLATIVE SESSION

Bill Version SJR 24
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) _____ Dept. Affected _____
 Title SJR 24 VETERANS HEALTH ADMINISTRATION POLICIES Appropriation _____
 Allocation _____
 Sponsor Senator Huggins
 Requester (S) State Affairs OMB Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY15 Appropriation Requested	Included in Governor's FY15 Request	Out-Year Cost Estimates				
			FY16	FY17	FY18	FY19	FY20
OPERATING EXPENDITURES	FY15	FY15	FY16	FY17	FY18	FY19	FY20
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1156	Rcpt Svcs (DGF)						
		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
---------------------------	--	--	--	--	--	--	--

Estimated **SUPPLEMENTAL (FY14) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY15) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? _____
 If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by (S) State Affairs
 Division _____
 Approved by Senator Dyson, Chair
 Division _____

Phone 465-2199
 Date/Time 3/10/14 1:45 PM
 Date 3/10/2014

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SJR 24

Analysis

A large, empty rectangular box with a thin black border, occupying the majority of the page. It is intended for the analysis content.

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 24(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:
Referred:**

Sponsor(s): SENATORS HUGGINS, McGuire, Micciche, Kelly, Bishop, Giessel, Meyer, Dunleavy

A RESOLUTION

1 **Relating to certain holiday practices at federal Veterans Health Administration**
2 **facilities.**

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

4 **WHEREAS**, in December 2013, federal Veterans Health Administration facilities in
5 Texas, Georgia, Iowa, and Alabama violated the religious freedom rights of convalescing
6 veterans in their care; and

7 **WHEREAS** a Veterans Health Administration hospital in Dallas, Texas, did not
8 distribute to the veterans in its care holiday cards that used certain language, including "Merry
9 Christmas" and "God bless you"; and

10 **WHEREAS** a Veterans Health Administration hospital in Augusta, Georgia, denied
11 Christmas carolers from the local high school the opportunity to sing in public areas of the
12 hospital; and

13 **WHEREAS** two other Veterans Health Administration facilities in Iowa and Alabama
14 prohibited the distribution of Christmas gifts and Christmas gift bags; and

15 **WHEREAS** a Veterans Health Administration official cited the policy of the Veterans

1 Health Administration for the nondistribution of the holiday cards; and

2 **WHEREAS** the Veterans Health Administration official stated that, in order to
3 respect veterans' religious beliefs, all donated holiday cards are reviewed by a
4 multidisciplinary team of staff led by the chaplaincy services to determine whether the cards
5 are appropriate and can be freely distributed to patients; and

6 **WHEREAS** the Veterans Health Administration official stated that the process for
7 reviewing holiday cards was not fully explained to the particular group involved and
8 apologized for any misunderstanding; and

9 **WHEREAS** the officials at the Veterans Health Administration facilities described in
10 this resolution ignored the policies established by the United States Secretary of Veterans
11 Affairs regarding holiday practices at the facilities; and

12 **WHEREAS** those holiday cards, gifts, and presentations came from caring citizens,
13 including young children, who took the time to recognize the heroic actions of men and
14 women who have sacrificed so much in the service of their country in times of both peace and
15 war; and

16 **WHEREAS**, although Christmas Day has origins in religious beliefs, it is recognized
17 as a civic holiday for federal employees; and

18 **WHEREAS** the Veterans Health Administration violates the right to religious
19 freedom of the veterans in its care by not allowing them to receive certain holiday cards and
20 gifts and to attend certain presentations;

21 **BE IT RESOLVED** that the Alaska State Legislature condemns the actions of the
22 Veterans Health Administration officials that prohibited religious holiday messages and gifts
23 from being conveyed to veterans at Veterans Health Administration facilities and respectfully
24 requests that the United States Secretary of Veterans Affairs ensure that the violations of
25 veterans' rights described in this resolution do not occur again; and be it

26 **FURTHER RESOLVED** that the Alaska State Legislature finds it unconscionable
27 that the established policies of the United States Secretary of Veterans Affairs on holiday
28 practices at Veterans Health Administration facilities are being ignored and respectfully
29 requests that the United States Secretary of Veterans Affairs follow the established policies on
30 holiday practices at Veterans Health Administration facilities and train personnel on those
31 policies so that the violations of veterans' rights described in this resolution do not occur

1 again; and be it

2 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests that
3 the United States Secretary of Veterans Affairs provide each member of the Alaska State
4 Legislature with a written assurance that the actions of the Veterans Health Administration
5 officials described in this resolution do not reflect the policies on holiday practices at
6 Veterans Health Administration facilities.

7 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
8 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
9 President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of
10 Representatives; the Honorable Nancy Pelosi, Minority Leader of the U.S. House of
11 Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the
12 Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Bernie
13 Sanders, Chair, U.S. Senate Committee on Veterans' Affairs; the Honorable Richard Burr,
14 Ranking Member, U.S. Senate Committee on Veterans' Affairs; the Honorable Eric K.
15 Shinseki, United States Secretary of Veterans Affairs; Verdie Bowen, Director, Office of
16 Veterans Affairs, Department of Military and Veterans' Affairs; and the Honorable Lisa
17 Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young,
18 U.S. Representative, members of the Alaska delegation in Congress; and all other members of
19 the 113th United States Congress.



December 24, 2013

The Honorable Eric K. Shinseki
Secretary of Veterans Affairs
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420
Fax: (202) 495-5463
Eric.Shineski@va.gov
Via certified mail RRR and email

Jeffery L. Milligan
Director, VA North Texas Health System
4500 S. Lancaster Rd.
Dallas, TX 75216
Fax: 214-857-1171
Jeffery.Milligan@va.gov

Via certified mail RRR and email

Re: Unlawful Viewpoint Discrimination in Denying School Children's Christmas Cards to Veterans

Dear Secretary Shinseki and Mr. Milligan:

Susan Chapman retained Liberty Institute in connection with the unlawful viewpoint discrimination in the denial by your representatives of school children's Christmas cards to veterans at VA facilities based upon the policies of and enforced by the Department of Veterans Affairs (the "Department") and the Dallas VA Medical Center, Dallas, Texas (the "Medical Center"). The purpose of this letter is to inform the Department and the Medical Center of the relevant law and provide them the opportunity to immediately take the necessary steps to avoid litigation. Please direct any further communications regarding this matter to me.

Mrs. Chapman is a teacher at Grace Academy of North Texas in Prosper, Texas, and the wife of a military veteran. For the 2013 Christmas season, she and her students created Christmas cards to give to bedridden veterans at the Medical Center. Predictably, most or all of the cards included the phrase "Merry Christmas." On Monday, December 23, 2013, however, the Medical Center refused to accept the cards. Mrs. Chapman was told by the Medical Center that it would not accept holiday cards that contained the phrase "Merry Christmas," "God Bless You," or any other religious references. A spokesman for the Department later reported that under the official policy of the Department such cards are subjected to a government-sanctioned censorship process, while cards with "secular" messages are freely distributed to all VA patients.

The messages on the cards clearly are the private speech of Mrs. Chapman and her students. See *Johanns v. Livestock Mktg. Ass'n*, 544 U.S. 550 (2005); *Pounds v. Katy Indep. Sch. Dist.*, 730 F. Supp. 2d 636 (S.D. Tex. 2010). Such viewpoint discrimination is unlawful even in non-public forums for speech. See *Cornelius v. NAACP Legal Def. & Educ. Fund*, 473 U.S. 788 (1985). By refusing to accept the cards offered by Mrs. Chapman and her students the Department and the Medical Center committed unlawful viewpoint discrimination in violation of the First Amendment to the U.S. Constitution. Likewise, the holiday card policies of the Department of Veterans Affairs and the Medical Center constitute unlawful religious viewpoint discrimination in violation of the First Amendment to the U.S. Constitution. The actions and

policies of the Department and the Medical Center were and are also violations of the Religious Freedom Restoration Act.

These events are particularly troubling considering the September 22, 2011 consent decree signed by U.S. District Court Judge Lynn Hughes in *Rainey v. U.S. Dept. of Veterans Affairs*, No. 4:11-cv-01992 (S.D. Tex. Oct. 19, 2011). That consent decree ordered the Department “not to ban religious speech or words, such as ‘God’ and ‘Jesus,’ in condolence cards or similar documents given by non-VAVS volunteer[s].” It also ordered the Department “not to ban, regulate, or otherwise interfere with the giving of gifts, including gifts that contain a religious message or viewpoint.” The consent decree remains in full force and effect until the year 2026.

Mrs. Chapman respectfully requests that the Department and the Medical Center immediately rescind its discriminatory policy and allow her and her students (as well as others) to distribute holiday cards that contain the phrase “Merry Christmas,” “God Bless You,” or that contain other religious references to veterans at the Medical Center and all other VA hospitals and medical centers, and that the Department and the Medical Center bring their holiday card policies in line with applicable law by removing from them all aspects of unlawful religious viewpoint discrimination. Please advise me in writing by noon on Friday, December 27 that Mrs. Chapman and her students may distribute cards that contain the phrase “Merry Christmas,” “God Bless You,” or that contain other religious references to veterans at the Medical Center and at all other VA hospitals, and that the holiday card policies of the Department and the Medical Center have brought in line with applicable law.

While we are confident that these violations can and will be remedied without resorting to litigation, unless I hear from you by the above time Liberty Institute will be forced to seek redress in federal court. This will include the recovery of attorney’s fees, court costs and other reasonable expenses incurred in bringing the action. Liberty Institute will pursue all legal remedies, to include seeking permanent injunctive relief and suing any government officials in their individual capacities.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Mateer', with a long horizontal flourish extending to the right.

Jeff Mateer
General Counsel



DEPARTMENT OF VETERANS AFFAIRS
North Texas Health Care System

December 27, 2013

In Reply Refer:549/00

Jeff Mateer
Liberty Institute
2001 West Plano Parkway, Suite 1600
Plano, TX 75075

Dear Mr. Mateer:

In response to your letter of December 24, 2013, the Department of Veterans Affairs also hopes that this dispute can be remedied without resorting to litigation.

We regret that Ms. Chapman was incorrectly informed by a Department of Veterans Affairs (VA) employee that VA could not accept a donation of holiday cards with a religious theme on behalf of Veterans. That was an incorrect statement of VA policy. VA North Texas Health Care System accepts religious cards and distributes them to Veterans on a regular basis throughout the year. We understand that Ms. Chapman has been contacted by hospital staff and informed that the donation of cards is welcome.

The Chaplaincy Service is charged with the duty of distribution of donated cards. The Chaplaincy distributes the cards consistent with VA policy as promulgated in Veterans Health Administration Handbook 1111.02. One of their primary responsibilities is to ensure that religion is not imposed on any patient either overtly or subtly. As a practical matter, Chaplaincy Service fulfills that duty by reviewing holiday cards and determining if the cards contain religious material within them and in the event they do, our Chaplains distribute them by asking patients on an individual basis if they will accept a holiday card with religious references.

We submit this is a reasonable balance of the interests of the students to express their religious views, and the interests of patients to choose to participate in a particular religious expression. We regret that a misunderstanding of policy was communicated and we will work towards ensuring no one is told that their religious cards for Veterans are not welcome.

Sincerely,


Jennifer L. Milligan
Director

Corporate Office: Dallas Veterans Affairs Medical Center, 4500 South Lancaster Road, Dallas, TX 75216
Sam Rayburn Memorial Veterans Center, 1201 East Ninth Street, Bonham, TX 75418
Fort Worth Outpatient Clinic, 2201 Southeast Loop 820, Fort Worth, TX 76119
Tyler VA Primary Care Clinic, 3414 Golden Road, Tyler, TX 75701

Brooke Daly

From: Cain, Jason <Jason.Cain@va.gov>
Sent: Thursday, April 10, 2014 8:39 AM
To: Rep. Neal Foster
Cc: Gough, James
Subject: VA Christmas Card Policy

Representative Foster,

In response to a recent call to the Dallas VA Medical Center by members of your staff I would like to provide you with some background information on an unfortunate miscommunication that garnered some media attention late last year.

VA greatly appreciates holiday donations and volunteerism by students and organizations on behalf of Veterans of all faiths and backgrounds. We continue to accept religious cards and Christmas carols for our patients who celebrate Christmas, as we do for Veterans who celebrate religious holidays of all faiths.

Veterans entered the military to protect our freedoms, including the freedom to practice a religion of our choice. At VA, it is our duty to uphold and respect the honor and sacrifice of all Veterans, from all faiths and backgrounds.

VA North Texas Health Care System, and all VA medical centers, accepts all donations from students and organizations willing to extend kind gestures to our Veterans, including Christmas cards. VA North Texas Health Care System regrets any miscommunication regarding the acceptance of Christmas cards, and we thank the students who took time during the holiday season to write Christmas cards for the Veterans we serve.

If you have any questions or concerns please do not hesitate to contact me.

All the best,

Jason Cain

Director of Intergovernmental Affairs

U.S. Department of Veterans Affairs

202-461-7388

SPIRITUAL AND PASTORAL CARE PROCEDURES

1. REASON FOR ISSUE. This Veterans Health Administration (VHA) Handbook provides the procedures for ensuring the availability of spiritual care for all persons receiving Department of Veterans Affairs (VA) care.

2. SUMMARY OF MAJOR CHANGES. Major changes include the following:

a. Subparagraph 7a(1). The use of all other spiritual screening instruments currently being used as part of the patient admission process is to be discontinued.

b. Paragraph 20. A limited exception to chapel policy is created for historic facilities.

c. Subparagraph 25a. Information regarding spiritual and pastoral care may be posted on Veterans Integrated Service Network (VISN) and facility Intranet websites only after it has been reviewed and approved by the National Chaplain Center staff. VISN and medical centers are not to post information regarding spiritual and pastoral care on their Internet websites.

3. RELATED DOCUMENTS. VHA Directive 1111 and VHA Directive 4721.

4. RESPONSIBLE OFFICE. The Office of Patient Care Services, Chaplain Service (111C), is responsible for the contents of this Handbook. Questions may be addressed to (757) 728-3180.

5. RESCISSIONS. VHA Handbook 1111.2, dated March 3, 2005, is rescinded.

6. RECERTIFICATION. This VHA Handbook is scheduled for recertification on or before the last working day of July 2013.

Michael J. Kussman, MD, MS, MACP
Under Secretary for Health

DISTRIBUTION: CO: E-mailed 7/21/2008
FLD: VISN, MA, DO, OC, OCRO, and 200 – E-mail 7/21/2008

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SPIRITUAL AND PASTORAL CARE PROCEDURES

1. PURPOSE

This Veterans Health Administration (VHA) Handbook provides the procedures for ensuring the availability of spiritual care of all persons receiving Department of Veterans Affairs (VA) care. Chaplains work with the Veterans Benefits Administration (VBA) and the National Cemetery Administration (NCA) to ensure that veterans who need medical care (including counseling for their religious and spiritual needs) are referred to VHA.

NOTE: Nothing in this Handbook is intended, nor should be construed, to suggest or direct any policy, practice, or action that is contrary to the doctrine or practice of any faith group. Nevertheless, VHA's mission to care for veterans is paramount, and VHA may restrict or prohibit any practice that it deems detrimental to the health or safety of patients. The choice to receive spiritual or pastoral care, the choice to complete a spiritual assessment, and the choice to participate in a religious or spiritually-based treatment program always remains the private choice of the veteran.

2. BACKGROUND

a. The official title for VA clergy is "Chaplain." In official capacities the clergy person is addressed as "Chaplain," and must use this designation in signing official communications.

b. Chaplains provide religious, spiritual and pastoral care to veterans and, in limited situations, their families in accordance with VHA policy.

c. The mission of the National Chaplain Center (NCC) is to empower VA chaplains to achieve excellence in meeting any religious or spiritual care needs of VA patients in all inpatient and outpatient settings.

3. DEFINITIONS

a. **Spiritual and Pastoral Care.** VHA spiritual and pastoral care is the total program of assessment and care, administered and overseen by chaplains, which identifies patients' religious and spiritual needs and desires, addresses spiritual injuries, and enhances patients' spiritual health, utilizing the full spectrum of interventions.

b. **Patient.** A patient is an individual who is receiving VHA care.

c. **Chaplain.** A VA chaplain is an individual meeting the qualification requirements of VA Handbook 5005, Part II, appendix F1, who is employed (including those with fee basis appointments), or appropriately works under contract, to provide spiritual and pastoral care and counseling in VA.

d. **Clinical Chaplain.** A clinical chaplain is an individual who meets all VA qualification requirements for chaplain, whose spiritual and pastoral care and counseling is characterized by in-depth assessment, evaluation, and treatment of patients; a high degree of integration into the

total care and treatment program of a health care facility; and close working relationships with staff members of other professional health care disciplines.

e. **Spiritual.** "Spiritual" has to do with that which is related to the "Spirit of Life." Spirituality may be used in a general sense to refer to that which gives meaning and purpose in life, or the term may be used more specifically to refer to the practice of a philosophy, religion, or way of living. The word "spiritual" is derived from the old Latin word "spiritus." The English words "inspire," meaning to breathe in and "expire" meaning to breathe out, come from the same Latin root. The concept of breathing captures the meaning of the word "spiritual" in relation to that which is or is not "life giving." Therefore, spirituality may positively or negatively affect one's overall health and quality of life.

f. **Pastoral.** "Pastoral" is an adjective derived from the image of the shepherd and is used to describe a relationship characterized by expressions of compassionate care, including spiritual counseling, guidance, consolation, empathetic listening, and encouragement. Describing care as pastoral may refer to the motivation or attitude of the caregiver. In VA, pastoral care refers to care provided by a chaplain, professionally-educated and endorsed by a particular faith tradition to provide such care.

g. **Holistic Care.** "Holistic care" is whole-person care tailored for the individual patient's needs and requests, which emphasizes the balance of the physical, environmental, mental, emotional, social, and spiritual aspects of human experience.

h. **Proselytize.** To proselytize is to attempt to influence or change an individual's beliefs about religion or religious expression.

i. **Religious Expression.** Religious expression refers to all types of worship, sacrament, ceremonies, prayer, meditation, traditional observances, etc., by which individuals carry out their religious beliefs or through which they maintain or enhance their relationship with the focus of their religion. This includes wearing religiously significant clothing or jewelry, dietary customs, and carrying or displaying religious artifacts, symbols, pictures, or scripture.

j. **Spiritual Screening.** Spiritual screening consists of a question designed to be answered voluntarily by the patient for the purpose of determining whether the patient has spiritual concerns that affect their health care, has needs for accommodation of free exercise of religion, or desires immediate spiritual care. At any time the patient may request spiritual or pastoral care, and the facility chaplain must be notified immediately.

k. **Spiritual Assessment Instrument.** A spiritual assessment instrument is a set of questions designed to comply with The Joint Commission (TJC) Accreditation Standards and to be answered voluntarily by the patient for the purpose of determining:

(1) Whether a patient wishes to receive spiritual and pastoral care, and

(2) If spiritual and pastoral care is desired, to obtain the information necessary to determine the patient's needs, hopes, spiritual resources, or spiritual injuries for the purpose of planning care (see par. 7).

l. **Spiritual Assessment.** Spiritual assessment is:

(1) An ongoing evaluation responded to voluntarily by the patient, performed by a clinical chaplain, based on information commonly obtained by use of a spiritual assessment instrument that defines a patient's desires, needs, hopes, spiritual resources or spiritual injuries for the purpose of planning care. This evaluation may be conducted by a pastoral conversation.

(2) The process of administering a Spiritual Assessment Instrument, or of evaluating the patient's answers along with other available information.

m. **Spiritual Injury.** A "Spiritual Injury" may occur as a result of an event caused by self, or an event beyond a person's control that damages one's relationship with self, others, or God (for persons of faith), and alienates one from that which gives meaning to life.

n. **Ecclesiastical Endorsement.** An ecclesiastical endorsement is a written official statement, by the official national endorsing agent of the religious faith group, certifying that an individual is in good standing with that individual's religious faith group, and stating that the individual is, in the opinion of the endorsing agent, qualified to perform the full range of ministry required in the VA pluralistic setting (see VA HK 5005, Pt. II, App. F1).

o. **Official National Endorsing Agent.** The Official National Endorsing Agent is the individual designated by an ecclesiastical endorsing organization to issue official ecclesiastical endorsements to VA of individuals within that particular religious faith group.

p. **Ecclesiastical Endorsing Organization.** An ecclesiastical endorsing organization is a religious faith group, which has properly designated an ecclesiastical endorser for VA in accordance with VHA policy (see VHA Handbook 1111.1).

4. SCOPE

a. VA chaplains have a three-fold responsibility to the patients at every VA facility:

(1) First, to ensure that patients (both inpatients and outpatients) receive appropriate clinical pastoral care, as desired or requested by the patient;

(2) Second, to ensure that hospital, domiciliary, and nursing home patients' constitutional right to free exercise of religion is protected; and

(3) Third, to protect patients from having religion imposed upon them.

b. Because spirituality is an important dimension of health for many patients and their families, it must be addressed in all components of the VHA mission, including patient care, research, emergency preparedness, and health care education. Chaplains provide expertise in health care ethics and meet with, and in limited situations provide care to, the patients' families and loved ones (see subpar. 14d(5) and 14d(6)).

c. Chaplains train VHA health care providers in the importance of spiritual and pastoral care's contributions to the holistic care of veterans.

d. When Chaplain position descriptions are classified the classifier must correctly identify the competitive level to which the position is assigned. Positions which carry responsibility for providing for the complete religious needs of patients of a specific faith group are not to be in the same competitive level with positions that provide for the needs of a different group. (see Title 5 Code of Federal Regulations [CFR] 351.403; VA Handbook 5005, Part IV Chapter 2, Section C; VA Competitive Level Code Handbook, online at: http://vaww1.va.gov/ohrm/Classification/Archives/CLC_Handbook/CLCHandbook.htm)

5. INTEGRATING SPIRITUAL AND PASTORAL CARE IN VA HEALTH CARE

a. VHA recognizes that spiritual and pastoral care must be integrated into the total program of health care provided to veterans and made available to all patients and, in limited circumstances, to their immediate family members (caregivers) who desire such care. The Veterans Integrated Service Network (VISN) Directors and facility Directors are responsible for making available spiritual and pastoral care and counseling to patients. VA chaplains are the professional health care providers on the interdisciplinary teams that are qualified, employed, and endorsed by their faith group endorsers to provide spiritual and pastoral care. VA Chaplains implement the Spiritual and Pastoral Care Program on behalf of the VISN and facility Directors throughout VHA.

b. Voluntariness demonstrated by the patient's desires or requests lies at the heart of each and every aspect of VA's Chaplaincy Program. VA chaplains do not incorporate religious content into either their pastoral care or spiritual counseling unless that is the patient's wish. VA chaplains provide spiritual and pastoral care to both religious and non-religious patients, but only if patients desire such services. The choice to receive such care remains the private choice of the patient.

c. All VHA staff need be sensitive to patients' desires, if any, for spiritual support. VHA interdisciplinary team members provide essential information to clinical chaplains, who provide spiritual care to patients in promotion of health and wellness; however, clinical chaplains are the only health care professionals authorized to conduct official Spiritual Assessments at any VHA facilities.

6. RESPONSIBILITIES OF THE FACILITY DIRECTOR

The facility Director is responsible for ensuring:

a. Facility staff, volunteers, contract personal, fee-basis staff, and without compensation (WOC) employees, do not coerce any patient into religious activity against the patient's desires.

b. The Spiritual Screening Question and Spiritual Assessments are used appropriately (see par. 7).

c. That no chaplain is assigned tasks that may require them to render judgment on the guilt, innocence, or character of an employee or patient. Such duties include, but are not limited to: narcotics inspections, Equal Employment Opportunity (EEO) investigations, and investigations of employee conduct.

d. All new chaplains, including part time, intermittent, fee basis, and contract chaplains complete the Chaplain Orientation Course presented by the NCC Training Center, no later than 90 days from their initial starting date.

(1) The Orientation Course for new chaplains covers the basics all chaplains need to know about VHA regulations, Chaplain Service policies, and appreciation of diversity and pluralism.

(2) Special emphasis is placed on VHA policy prohibiting proselytization and chaplains' responsibility for safeguarding patients' rights.

e. If chaplains are assigned to service or product lines, coordination and continuity of the Spiritual and Pastoral Care Program must be ensured.

f. If the organization does not have a supervisory chaplain, there must be careful, explicit delegation of authority and responsibilities for duties, such as:

(1) Scheduling use of the chapel or worship space;

(2) Contacting community clergy when necessary to meet a specific patient need;

(3) Scheduling on-call coverage;

(4) Coordinating professional Chaplaincy input into facility decisions and policy-making;

(5) Providing expertise on committees such as health care ethics committees; and

(6) Orienting and training staff, students, and volunteers in the Spiritual and Pastoral Care Program.

g. That no information regarding spiritual and pastoral care is to be posted on any Intranet web site without the prior approval of the Director, NCC (see subpar. 25a).

h. Where no chapel exists, but where a room or hall allocated for other purposes is used for religious or spiritual services, every effort is to be made to have this room furnished to provide an atmosphere conducive to the services; and for providing assistance to the chaplains in the rearrangement of this room for services and returning it to its general function afterwards.

7. SPIRITUAL SCREENING AND ASSESSMENT

a. **Spiritual Screening Question.** The facility Director is responsible for ensuring the following spiritual screening question is utilized as a Spiritual Screening Question in the

Computerized Patient Record System (CPRS) Screening Record as part of the patient admission process in compliance with TJC Accreditation Standards:

*"Are there religious practices or spiritual concerns you want the chaplain, your physician, and other health care team members to immediately know about?
Yes or No"*

(1) A "yes" answer will trigger an electronic referral in the CPRS to the chaplain service. The use of all other spiritual screening instruments currently being used as part of the patient admission process is to be discontinued.

(2) A "no" answer allows for routine visitation and follow-up as desired by the patient.

b. **Spiritual Assessments and Spiritual Assessment Instruments.** Only NCC-approved spiritual assessment instruments or procedures are to be used. TJC makes the following statement and gives the following examples of elements that could be, but are not required, in a spiritual assessment directed to the patient or the patient's family:

(1) Spiritual assessment should, at a minimum, determine the patient's denomination, beliefs, and what spiritual practices are important to the patient. This information would assist in determining the impact of spirituality, if any, on the care and services being provided and identifies if any further assessment is needed.

(2) The TJC elements are:

- (a) Who or what provides the patient with strength and hope?
- (b) Does the patient use prayer in the patient's life?
- (c) How does the patient express the patient's spirituality?
- (d) How would the patient describe the patient's philosophy of life?
- (e) What type of spiritual or religious support does the patient desire?
- (f) What is the name of the patient's clergy, minister, chaplain, pastor, priest, rabbi, imam, or traditional practitioner, if any?
- (g) What does suffering mean to the patient?
- (h) What does dying mean to the patient?
- (i) What are the patient's spiritual goals?
- (j) Is there a role of church or synagogue (religious worship) in the patient's life?
- (k) How does faith help the patient cope with illness?
- (l) How does the patient keep going day after day?

(m) What helps the patient get through this health care experience?

(n) How has illness affected the patient and the patient's family?

(3) Although there is no single standardized spiritual assessment instrument required for use throughout VHA, each VHA facility chaplain needs to establish an official spiritual assessment instrument or procedure for patient care. The chaplain may administer the instrument or procedure by documenting the patient's responses to a template of formalized questions or, alternatively, by engaging in and documenting responses to a pastoral conversation that identifies the patient's religious or spiritual concerns.

8. RESPONSIBILITIES OF THE CHIEF CHAPLAIN

The Chief, Chaplain Service, or designee, is responsible for:

a. Planning, developing, and directing a program of spiritual and pastoral care and counseling consistent with the overall mission of health care delivery in VHA.

b. Conducting a periodic (quarterly or annual) evaluation of the spiritual and pastoral care needs of the ever-changing veteran patient population served by the facility. *NOTE: VA Handbook 6310.2, Collection of Information Procedures, should be consulted prior to conducting a survey.*

c. Developing a program of spiritual and pastoral care based on the periodic survey, which must include a plan for offering spiritual assessment, providing care, and evaluating the effectiveness of the care provided. *NOTE: This process of continuous quality improvement of the Spiritual and Pastoral Care Program ensures that veterans' health care incorporates spiritual and pastoral care for those who desire it.*

d. Ensuring chaplains participate in new employee orientation and, as appropriate, in inter-professional education and training.

e. Ensuring the annual report regarding the facility's Spiritual and Pastoral Care Program is prepared and forwarded to the NCC.

f. Ensuring the spiritual assessment instrument or procedure is approved.

(1) Each Chaplain Service is required to submit the spiritual assessment instrument or procedure, desired for use at the facility, for concurrence to their facility Director and then forward it to the NCC for review and approval. Only NCC-approved spiritual assessment instruments or procedures are to be used.

(2) When an approved spiritual assessment instrument or procedure is used, the veteran patient's permission must be obtained prior to the assessment being administered.

(3) The chaplain is responsible for documenting the patient's consent, the spiritual assessment, and the care plan in the patient's electronic health record.

g. Ensuring appropriate documentation is maintained.

(1) Chaplains must follow the guidance of the Decision Support System (DSS) Office and the VISN offices regarding workload documentation. Specific Event Capture Codes have been developed for documenting the Chaplain's spiritual and pastoral care activities.

(2) Chaplains must record spiritual care information, including patient needs and preferences in the computerized patient medical record. *NOTE: This is essential to the interdisciplinary team for patient care.* Communication covered under the religious sacrament of confession must never be recorded in a medical record.

(3) Facility policy regarding the specific format for recording progress notes must be followed.

(4) Documentation of spiritual assessments is required in Extended Care, Long-term Care, Spinal Cord Injury, Hospice and Palliative Care, Medical-Surgical Care, and in Mental Health Care. These are as follows:

(a) Spinal Cord Injury and Extended Care Units within the first 14 days of admission with reassessment every 90 days.

(b) Seriously Ill, Intensive Care, Hospice, and Palliative Care within the first 24 hours with reassessment every 14 days.

(c) In the area of Behavioral Health:

1. Acute and Sub-acute Mental Health within the first 48 hours of admission with reassessment every 14 days

2. Residential care within the first 7 days of admission with reassessment every 28 days.

(d) General Medicine, Surgery, and Outpatient, as needed, based upon the patient's initial response to the spiritual screening question regarding immediate spiritual care needs.

h. Establishing a procedure at the facility to identify and orient visiting clergy. *NOTE: This enables the chaplain staff to provide assistance with directions, personal safety, distribution of literature, and other pertinent concerns.*

i. Ensuring the chaplain position descriptions indicate the major faith group (if any) to which the chaplain provides complete ministry. *NOTE: Chaplain positions must be assigned to competitive levels in accordance with Title 5 Code of Federal Regulations [CFR] 351.403; VA Handbook 5005, Part IV Chapter 2, Section C; VA Competitive Level Code Handbook, online at: http://vaww1.va.gov/ohrm/Classification/Archives/CLC_Handbook/CLCHandbook.htm*

- j. Training and supervising of volunteers assigned by the facility Voluntary Service (see par. 16).
- k. Providing the NCC with current accurate facility data necessary to maintain the NCC database.
- l. Arranging for the comfort of patients in the chapel, or facility's place of worship.

9. RELATIONSHIPS WITH THE NATIONAL CEMETERY ADMINISTRATION (NCA) AND THE VETERANS BENEFITS ADMINISTRATION (VBA)

Health care facility managers are responsible for:

- a. Establishing methods to inform veterans and their families who are served at NCA and VBA locations that VA medical care includes spiritual and pastoral care provided by clinical chaplains who are trained and employed to address patients' spiritual and pastoral needs.
- b. Ensuring that Chaplain Service at each VA health care facility maintains close, continuing relationships with NCA and VBA officials who are responsible for serving veterans in the catchment area conveying awareness of the services provided by chaplains.

***NOTE:** Spiritual and pastoral care provided as part of VHA medical care may be of value to many veterans who seek benefits from VBA and families seeking benefits from NCA. VBA and NCA beneficiaries interested in receiving such care should be referred to VHA for needed care.*

10. FUNERAL AND COMMITTAL SERVICES

- a. VA chaplains may perform funeral or committal services for VA beneficiaries who died while receiving VA care, subject to the availability of chaplains for adequate spiritual care coverage in the facility. When interment is made in a National Cemetery, unless arrangement has been made by the next-of-kin for another clergy person, the chaplain may conduct a committal service. Facility Directors must be notified when a chaplain is performing committal services at a National Cemetery for a deceased veteran who was not receiving VA care at the moment of death. VA chaplains will not displace community clergy at funeral or committal services, but are to coordinate arrangements for the use of facility chapel(s).
- b. Funerals at VHA facilities are permitted only with the approval of the facility Director. VA chaplains may conduct interment services in a National Cemetery. ***NOTE:** United States casket flags are to be folded and presented according to military procedure.*

11. SCOPE OF PRACTICE

Each VA chaplain must work under a written Scope of Practice, which describes pastoral, clinical, and administrative functions the individual can provide by virtue of the individual's professional qualifications. The minimum Scope of Practice reflects the professional education, training, and experience required for employment as a VA chaplain. Each chaplain is responsible for continuing to meet the requirements as established by certification, and other

relevant professional and ethical requirements as specifically applied to chaplains within the VA health care system.

12. STAFFING

a. VA health care facilities must provide adequate staffing to identify and meet the spiritual and pastoral care needs and desires of veterans. Each medical center Director must ensure that:

(1) Clinical chaplains are utilized to plan and oversee the Spiritual and Pastoral Care Program. The Spiritual and Pastoral Care Program includes:

(a) Interconnected responsibilities for planning and overseeing spiritual and pastoral care, typically in a variety of service lines or clinical specialties;

(b) Integrating the program with other disciplines;

(c) Training and orienting interdisciplinary staff; and

(d) Liaison with community organizations.

(2) The total human resources needed to provide high-quality spiritual and pastoral care must be determined based on the following considerations:

(a) The Scope of Practice statements, which clearly define the depth and complexity of a chaplain's involvement with patient care in each clinical setting.

(b) Spiritual assessment and re-assessment, as required by TJC Accreditation Standards for specific clinical settings and patients' requests, are available for all patients.

(c) Spiritual and pastoral care must be available for all patients who desire it including, but not limited to those in nursing homes, domiciliaries, outpatient clinics, vet centers, transitional residences, and hospital-based home care.

(d) Spiritual and pastoral care is available to veterans with specialized health care needs who have unique spiritual needs that require care from clinical chaplains with specialized competencies. For example, patients with post-traumatic stress syndrome may have unique spiritual injuries, as may veterans who have experienced sexual trauma.

(e) Chaplain coverage must be 24 hours-per-day, 7 days-per-week to ensure a chaplain is always available to respond to emergencies.

(f) Utilization of chaplains' expertise to support medical center-wide programs and committees, such as health care ethics, employee assistance, and mediation or alternative dispute resolution.

(g) The amount of travel time between sites of care, the patient turnover rate, and the proximity and activity of a national cemetery.

(h) Orientation of new employees and volunteers.

(3) At least one full-time clinical chaplain is employed to ensure that the preceding responsibilities are assigned and implemented.

(4) Students supplement, but do not perform independently of, or are substituted for, qualified employed chaplains.

b. Educational programs require qualified educational personnel in addition to patient care staff (see par.17). A facility with an accredited Clinical Pastoral Education (CPE) Program must have, in addition to a certified CPE supervisor, a chaplain responsible for the ongoing Spiritual and Pastoral Care Program.

c. Guidelines concerning American Indian and Alaska Native Traditional Practitioners are given in Appendix N to the VHA-Indian Health Service (IHS) Collaboration and Sharing Implementation Guide, which can be found at:

www.ihs.gov/nonmedicalprograms/ihsvha/documents/implementation%20guide.pdf.

13. DIVERSITY

The representation of faith groups in the population of veterans served must be evaluated to determine the appropriate proportion of faith groups in chaplaincy. Although it is impossible for a facility to employ a chaplain of every faith group represented in its patient population, every facility must strive to achieve a workforce representative of the diversity of veterans served. This includes integrating American Indian and Alaska Native spirituality into VHA chaplaincy provision of care (see subpar. 12c).

14. RESPONSIBILITIES OF THE CHAPLAIN

a. Full-time chaplains are not allowed to accept commitments outside of the facility that conflict with their responsibility to provide spiritual and pastoral care duties within the facility.

b. Chaplain responsibilities must not include duties that conflict with their role of pastoral caregiver.

c. Chaplains may conduct inquiries of chaplain-related activities or incidents, may serve as mediators, may serve on EEO and other local and national committees, and may serve as liaisons with VA stakeholders.

d. Chaplains are responsible for:

(1) Upholding the right to free exercise of religion by all medical, domiciliary, and nursing home patients in the health care facility. This includes providing or facilitating appropriate worship opportunities.

(2) Ensuring that religion is not imposed on any patient either overtly or subtly.

(3) Assessing a patient's desire or lack of desire for spiritual and pastoral care as part of the total evaluation of their health care needs.

(4) Visiting seriously ill and pre- and post-operative patients according to the patient's individualized treatment plan.

(5) Being available to meet with immediate relatives and visitors of patients during regular and emergency visits.

(6) Counseling, as appropriate, members of a veteran's immediate family, a veteran's legal guardian, or the individual in whose household the veteran lives or certifies an intention to live, if:

(a) The counseling is essential to the treatment and rehabilitation of a hospitalized veteran or the outpatient treatment of a veteran's service connected disability;

(b) The counseling was initiated during a veteran's hospitalization and its continuation on an outpatient basis is essential to permit the veteran's discharge from the hospital; or

(c) The counseling was being provided at the time of a veteran's unexpected death or a veteran's death while the veteran was participating in VA hospice or similar program and its continuation is provided, as determined by the chaplain, to be reasonable and necessary to assist the individual with the emotional and psychological stress accompanying the veteran's death.

15. VISITING CLERGY

At each facility, the overall responsibility for spiritual and pastoral care rests with the assigned chaplain. However, as a matter of respect and courtesy, arrangements need to be made, with the patient's consent, to allow community clergy to visit members of their church (or parish, congregation, synagogue, temple, mosque, etc.). A facility chaplain must obtain and document the patient's permission before contacting community clergy on the patient's behalf (see VHA Directive 1605 and VHA Handbooks 1605.1 and 1605.2).

a. When no chaplain staff member represents the specific faith group of a patient, with the patient's consent, every effort must be made to canvass the community or draw from organized resources to provide the appropriate clergy, or traditional practitioner, to meet the patient's specific requests or needs. Attention must be given to ensure the community clergy or traditional practitioner has the appropriate credentials of the religious faith community to provide the religious service desired by the patient.

b. Under no circumstances may community clergy be used in lieu of an employed chaplain. All visiting clergy are required to comply with the policies of the facility and by the provisions of this Handbook.

c. Visiting clergy must be informed that patient information must be kept confidential in accordance with the Health Insurance Portability and Accountability Act (HIPAA) and other applicable statutes and policies.

16. VOLUNTEERS

VHA does not authorize “volunteer chaplains” or any volunteer to provide spiritual and pastoral care and counseling activities. Volunteers assist and augment the chaplain staff, but they do not replace them.

a. Volunteers who work on behalf of Chaplain Service must be registered and oriented by the facility’s Voluntary Service. Each volunteer must be screened and trained by the chaplain staff to ensure patients are protected from proselytization. These volunteers must perform their assigned duties in accordance with VHA Handbook 1620.1.

b. Roman Catholic Extraordinary Ministers of Holy Communion, commonly referred to as Eucharistic Ministers, may only perform the duties for which they are commissioned by the Roman Catholic Archdiocese for the Military Services. They may distribute communion to Roman Catholic patients under the supervision of a Roman Catholic VA Chaplain. Roman Catholic Extraordinary Ministers of Holy Communion may not begin work until the NCC verifies that it has received the proper commissioning documents.

17. CONTRACT AND FEE-BASIS PERSONNEL

a. Chaplains may work on a fee-basis appointment or under contract to supplement the full-time and part-time employed chaplain(s) when it is not feasible to obtain the needed services by employment of permanent full-time and part-time staff. When regular on-going participation in patient care is required, fee-basis or contract personnel are not to be used.

b. Before a fee-basis or contract chaplain may perform any work, the fee-basis or contract chaplain's application must be submitted to the facility Director, or designee, who submits it to NCC for verification that such chaplain meets minimum qualification requirements. Extensions of appointments or contracts of previously verified individuals may be approved by the medical center Director, or designee.

c. Fee-basis and contract personnel are appropriate when the work to be performed can be clearly defined as a service that is not compensated on the basis of time and is otherwise not appropriate for full-time or part-time employees. Examples of appropriate (but not required) utilization include:

(1) Providing for on-call coverage;

(2) Covering specific religious needs of patients when a staff chaplain is not available; and

(3) Providing support services, such as: playing music at worship services, leading religious ceremonies or providing sacraments for patients of a specific faith group.

c. A VA-employed chaplain must supervise the work of all fee-basis chaplains, and must monitor the work of all contract chaplains to ensure that professional standards of care are maintained.

d. Native American Traditional Practitioners may work under contract or on a fee-basis to provide spiritual services to patients who request them (see subpar. 12c). Again, application and other credentials must be sent to NCC for verification before making a fee-basis appointment or finalizing a contract.

e. Roman Catholic Deacons may only perform the duties that they are authorized under the faculties given by the Roman Catholic Archdiocese for the Military Services. They are supervised ecclesiastically by the Roman Catholic VA Chaplain. Again, application and other credentials must be sent to NCC for verification before making a fee-basis appointment or finalizing a contract.

f. Roman Catholic Extraordinary Ministers of Holy Communion may serve as chapel volunteers or as contract or fee-basis personnel (see subpar. 17b).

18. USE OF STUDENTS OR TRAINEES

Trainees may supplement the employed staff, but they may not perform independently of, and may not be substituted for, fully-qualified employed chaplains.

a. Trainees (e.g., students or CPE residents) may be assigned to Chaplain Service to further their clinical education and to gain experience in a health care setting, providing they are enrolled in a program accredited by an organization recognized by the United States Department of Education. The trainee must be supervised by an assigned chaplain qualified to assist with the trainee's specialized educational needs, such as health care ethics or another clinical area related to chaplaincy and in accordance with TJC Accreditation Standards.

b. Trainees in CPE programs may provide supervised pastoral care including providing call-back coverage.

c. Trainees may be appointed as either paid or without compensation (WOC) staff. *NOTE: Paid trainees will be based upon the availability of training funds.*

19. CHAPLAIN SERVICE AND ETHICS

a. Chaplains must comply with all standards of ethical conduct for employees of the executive branch; they are not to accept personal gifts or gratuities where such acceptance would violate the Standards of Ethical Conduct for Employees of the Executive Branch (see Title 5 CFR Part 2635). Additional information about the Federal employee standards of conduct may be obtained from the Regional Counsel or the Ethics Staff in the Office of General Counsel, VA Central Office. For example, Federal employees generally may not:

(1) Become personally involved in the business affairs of a patient or ex-patient.

(2) Have custody of the funds of any patient or ex-patient. Chaplains are not to take custody of, or maintain patients' funds.

(3) Become the guardian of any patient or ex-patient or be the conservator of the estate of any patient or ex-patient unless the employee and the patient or ex-patient had a personal relationship that pre-dated their VA contact.

b. Chaplain Service is qualified to offer leadership and guidance to patients and VHA staff regarding health care decisions having ethical implications; therefore, each chaplain needs to stay abreast of health care ethics issues and be familiar with:

(1) Both religious and secular resources, such as those from the facility's local ethics advisory committee and VHA's National Center for Ethics in Health Care.

(2) VHA health care ethics policies, e.g., informed consent, advance directives, end of life care, etc.

(3) The laws, religious beliefs, and practices relative to the types of ethical questions that arise in clinical settings.

c. Each chaplain must be prepared to discuss and give guidance to any staff member, patient, or patient's family requesting information regarding the relationship of ethical issues to their respective religious community's ethical and religious standards.

d. Chaplain Service aids and supports the professional staff in making ethical decisions; when requested, helps formulate and implement standards and criteria; and educates staff in making such decisions in a systematic and consistent manner.

***NOTE:** The Endorsers Conference for Veterans Affairs Chaplaincy (ECVAC) has written the "Covenant and Code of Ethics for Veterans Affairs Chaplains." The "Covenant and Code of Ethics for Veterans Affairs Chaplains" addresses specific ethical issues pertinent to pastoral care in VA, and it promotes pluralistic pastoral care in VA facilities. A copy is provided to each new chaplain.*

20. CHAPELS AND OTHER WORSHIP FACILITIES

The chapel, or a room set aside exclusively for use as a chapel, must be reserved for patients' religious and spiritual activities, such as: worship, prayer, meditation, and quiet contemplation. Such chapels are appointed and maintained as places for meditation and worship, and when VA Chaplains are not providing or facilitating a religious service for a particular faith group, the chapel must be maintained as religiously neutral, reflecting no particular faith tradition. The only exception to the policy on maintaining chapels as religiously neutral are the chapels at VA facilities which were built with permanent religious symbols in the walls or windows before the establishment of the Veterans Administration Chaplain Service in 1945. Only these chapels and those permanent religious symbols that pre-date the Chaplain Service are allowed to remain because of their historical, artistic, and architectural significance. In these cases, the VA Medical Center Director must also designate a room or construct an all faith chapel, which is maintained in accordance with current VHA policy.

a. At the conclusion of a religious worship service, the chaplain, or designee, must prepare the chapel for the succeeding service, if one follows immediately. Otherwise, the chapel is to be arranged for private use by patients, and all sectarian symbols must be removed or covered from view.

b. The construction of a chapel for the exclusive use of a particular religious or spiritual group is prohibited. No permanent (non-moveable) religious symbols are to be incorporated in the construction or renovation of chapels. The design of new chapels and alteration of existing chapel space must be approved in advance by the Director, Chaplain Service, NCC. Existing chapel space is not to be altered without approval of the Director, Chaplain Service at the NCC.

c. When patients' religious needs can not be appropriately met in the chapel, the facility Director may designate, on an as-needed-basis, a small room or space in which to accommodate sacramental or liturgical religious practices; however, this room is not to be identified as a VA Chapel.

d. All spaces to be used for religious or spiritual purposes must be fully accessible to persons with disabilities.

e. The use of candles, lights, draperies, etc., must be in accordance with local safety policies.

21. OFFICES

Office space for chaplains that ensures privacy in counseling patients, families, and staff must be provided (see VA Handbook 7610, Ch. 208).

22. FUNDS

a. **Appropriated Funds.** Each VA facility is responsible for providing appropriated funds for the support of the Spiritual and Pastoral Care Programs.

b. **General Post Funds.** General Post Funds exist, both at the national and local levels, for support of patient care programs. An annual allocation may be distributed to each facility from the national General Post Fund for the benefit of VA patients. Chaplain Service, Voluntary Service, and Recreation Service are authorized to use these funds. Local gifts may also be designated by the contributor for support of a particular spiritual and pastoral care function. General Post Funds may be used to purchase items, such as:

(1) Expendable items for distribution to patients who request it, such as: religious literature, copies of the Scriptures, missals, mass leaflets, prayer books, yarmulkes (skull caps), taleysim (prayer shawls), and other religious articles.

(2) Non-expendable items of equipment that are not normally equipment purchased by other VA funds.

(3) Honoraria for clergy, or musicians who provide services on a non-recurring basis. Payment for such services must be made in accordance with VA contracting policies and procedures.

c. **Donations to the General Post Fund.** VHA Directive 4721 sets forth the policies and procedures for accepting, handling, and using donations to the General Post Fund. It states that:

(1) VA Chief chaplains are authorized to accept gifts and donations on behalf of VA:

- (a) For the benefit of the religious and spiritual needs of the patients at their facility and
- (b) To support all Chaplain Service activities at their facility.

(2) The authority to accept gifts may not be re-delegated by the Chief, Chaplain Service. At VHA facilities that do not have a Chief, Chaplain Service, the facility Director may delegate this authority to the lead or coordinating chaplain.

(3) Chaplains receiving gifts and donations of funds must turn such funds over to the agent cashier as soon as practical for deposit into the General Post Fund.

(a) Chaplains are to instruct the agent cashier for what purpose, if any, the donor intended the funds to be used. Donors may designate that funds be used for patients of a particular faith group. Unless a donor specifically designates the purpose of the gifts and donations, gifts and donations received by chaplains are to be earmarked for support of the activities of the facility's Chaplain Service.

(b) Individuals or groups may make donations to the General Post Fund for the religious needs of VA patients. Funds donated to the General Post Fund for specific use by a particular faith group are to be earmarked as such within the General Post Fund and made available for that faith group's use when requested.

(4) Although it is not acceptable to solicit an offering by passing an offering plate during a religious service, a receptacle may be placed at an appropriate location in the chapel to permit visitors to contribute if they desire. Such funds must be collected immediately after each service, an account made of the collected funds, the funds secured, and deposited on the next working day into a General Post Fund account identified for pastoral and spiritual care of patients.

(5) The facility's Chief, Chaplain Service, may authorize the withdrawal and expenditure of funds in the facility's General Post Fund earmarked for the religious needs of the patients to support Spiritual and Pastoral Care Program activities. At VHA facilities that do not have a Chief, Chaplain Service, the facility Director may delegate this authority to the lead or coordinating chaplain, who is responsible for maintaining appropriate records of expenditures.

(6) Equipment or articles which a VA chaplain procures with General Post Fund monies, except for such items distributed to patients for their personal use, are designated as VA property.

(7) Gifts and donations received for religious purposes are not to be used for the:

- (a) Employment of personnel.

(b) Remuneration of clergy to cover chaplain responsibilities during regular off-duty hours of the employed chaplain.

(c) Personal or private use of any chaplain.

(8) General Post Funds may be used to purchase items to be blessed or consecrated for use in serving the religious needs of veteran patients of a particular faith group or denomination. These items will remain under the custody of the chaplain of the particular faith group or denomination for the purposes of appropriate use, and at the end of their useful life, for appropriate disposition.

23. SUPPLIES

VA is responsible for providing the equipment and supplies necessary to carry out the mission of the Chaplain Service, except for:

a. Religious articles to be used in the Chaplain Service which must be blessed, sanctified, or consecrated according to the regulations of the chaplain's religious faith group, cannot be purchased from appropriated funds except as provided in subparagraph 22c(8).

b. Vestments and ritual garments used by a chaplain. If purchased by the chaplain from personal funds, they remain the chaplain's property.

(1) If vestments and ritual garments used by a chaplain have been donated for the use of the Chaplain Service, and are not to be blessed, sanctified, or consecrated according to the practice of a particular faith group, they are property of VA.

(2) Choir robes may be purchased from appropriated funds and remain the property of VA.

24. ARTICLES ON LOAN FROM AN ECCLESIASTICAL ENDORSING ORGANIZATION

a. All articles used in the Chaplain Service which are on loan from an ecclesiastical endorsing organization are to be listed on a memorandum and forwarded to the Acquisition and Materiel Management Officer.

b. When the chaplain who is the responsible custodian of articles on loan from an ecclesiastical endorsing organization is transferred or separated from service, the Acquisition and Materiel Management Officer is to inventory these articles and provide for their proper security until a new chaplain is assigned responsible custody.

25. INFORMATION RESOURCES MANAGEMENT

a. Information regarding spiritual and pastoral care may be posted on VISN and facility Intranet websites only after it has been reviewed and approved by the NCC staff. VISN and medical centers are not to post information regarding spiritual and pastoral care on their Internet web sites.

b. Chaplains and support staff must be provided with access to the Veterans Health Information System and Technology Architecture (VistA) and the Outlook/Exchange Server in order to:

- (1) Input and retrieve accurate patient care data;
- (2) Facilitate timely responses to local and national reports;
- (3) Participate in continuing education, distance learning, and quality improvement initiatives; and
- (4) Keep abreast of current spiritual and pastoral care standards of accrediting organizations (i.e., TJC, Coalition on Ministry in Specialized Settings (COMISS) Network Commission for the Accreditation of Pastoral Services (CCAPS), Commission on the Accreditation of Rehabilitation Facilities (CARF), Association for Clinical Pastoral Education (ACPE), etc.).

c. Chaplains, their support staff, volunteers, and others will only use veteran or patient information in accordance with VHA Handbook 1605.1, and will only access the minimum amount of information necessary to perform their duties in accordance with VHA Handbook 1605.2.

26. RELIGIOUS LITERATURE

Religious literature may be purchased to benefit the spiritual health of patients.

- a. Various religious denominations offer literature free of charge. The chaplains are responsible for reviewing all donated or purchased religious literature and determining its appropriate distribution.
- b. Upon a patient's request, a chaplain may provide literature that describes a particular religious or denominational viewpoint.
- c. Material must not be distributed that may interfere with patient care, for example: material intended to proselytize, or material that makes offensive or defamatory references to race, gender, or a religious faith group.

27. RESPONSIBILITIES OF THE DIRECTOR, CHAPLAIN SERVICE, NCC

The Director, Chaplain Service is responsible for:

- a. Developing and implementing policy to:
 - (1) Ensure that spiritual and pastoral care is made available to all veterans who desire or request such care.
 - (2) Plan, develop, and direct a Spiritual and Pastoral Care Program consistent with the overall mission of health care delivery in VHA.

(3) Ensure the Spiritual and Pastoral Care Program is integrated into VHA's total care and treatment program of patients who desire or request such care.

(4) Organize, analyze, and improve programs that reflect the distinctive and contributory role of spiritual and pastoral care within VHA.

b. Ensuring the NCC conducts site visits at every VHA medical center and other care facilities at least once every 3 years to ensure compliance with VHA policy regarding the provision of spiritual and pastoral care. Funding is to come from Patient Care Services.

c. Approving, in accordance with Federal regulations and VA policies requests for:

(1) Selective or quality rating factors for examining applicants, and

(2) Passing over or objecting to applicants on certificates.

d. Establishing an affirmative action plan; conducting recruitment efforts to develop diverse applicant pools; and monitoring the representation of underrepresented groups in the VA Chaplaincy Program, increasing their representation where necessary.

e. Ensuring all educational programs for Pastoral Counseling are:

(1) Accredited through the American Association of Pastoral Counselors or the American Association for Marriage and Family Therapy.

(2) Kept current with the accreditation standards for the respective professional training.

f. Issuing Board of Excepted Service Examiners (BESE) certificates (see subpar. 28d).

28. RESPONSIBILITIES OF THE NATIONAL CHAPLAIN CENTER (NCC)

a. **Field Support.** The NCC empowers VHA Chaplains to achieve excellence in meeting the spiritual health needs of veterans receiving health care by:

(1) Facilitating employment of a diverse and quality chaplain workforce.

(2) Providing education and training to chaplains and other providers.

(3) Maintaining liaison with VA Central Office, the Department of Defense (DOD), VISN and VA medical center Directors, Employee Education Service (EES), endorsing organizations, veterans service organizations, and religious communities.

(4) Supporting local chaplain services by:

(a) Developing policies;

(b) Providing guidance regarding standards and criteria;

- (c) Developing management competence;
 - (d) Networking;
 - (e) Promoting, in accordance with VHA policy and the Office of Research and Development, clinical research and communicating relevant research findings to the field; and
 - (f) Providing professional career development opportunities, including mentoring and succession programs.
- (5) Providing the spiritual dimensions of specialized programs, such as:
- (a) Conflict resolution and mediation,
 - (b) Wellness,
 - (c) Suicide prevention,
 - (d) Health care ethics, and
 - (e) Patients rights.
- (6) Providing consultation to the Patient Care Services Officer regarding all spiritual and pastoral needs of patients, families, staff, VISNs, and facilities.
- (7) Supporting field station chaplains, field administrators, and managers. This support is demonstrated by the following functions:
- (a) Facilitation of communication between VA chaplains for the purpose of sharing ideas and opportunities for ministry that enhance the field of spiritual and pastoral care.
 - (b) Provision of a BESE to rate and rank all applicants for chaplain vacancies in VHA facilities in a timely fashion.
 - (c) Dissemination of information to chaplains regarding trends and changes within VHA that may affect their ministry.
 - (d) Guidance on programmatic pastoral care issues and resources related to spiritual care for patients and immediate families.
 - (e) Assignment of an Associate Director of Chaplain Service to work with each of the networks and each facility to coordinate needs and conduct site visits.
 - (f) Consultation with network directors to identify field chaplains from each network to serve on the NCC's Field Leadership Council.

(g) Provision of training opportunities to enhance the knowledge and clinical skills of chaplains. Training opportunities include both on-site and distance learning models.

(h) Guidance regarding documentation of workload and clinical encounters.

(i) Maintenance of the NCC web sites.

(j) Identify, recognize, and promote excellence in chaplains and chaplain programs (contact NCC for further information).

(k) Review and approval of information regarding spiritual and pastoral care prior to a VISN or facility posting such information on their web sites (see subpar. 25a).

b. **Spiritual Health Care Education.** The NCC provides a program of spiritual health care education for chaplains and interdisciplinary health care providers.

(1) These educational programs are designed to:

(a) Promote awareness of the role of religion and spirituality in the personal lives and cultural expression of many veterans; they are resources for coping with illness and suffering, influencing the promotion of health and the prevention of disease.

(b) Promote appreciation of diversity and pluralism among chaplains and the VA workforce.

(c) Educate VHA professionals about TJC, CCAPS, and CARF Standards for Spiritual Care, and the role of the Chaplain on the interdisciplinary health care teams.

(2) The goal of the Spiritual Health Care Education Program is to provide a comprehensive program of spiritual health care education including, but not limited to:

(a) Information regarding health care research in spirituality and religion,

(b) Spiritual care standards,

(c) Ethical decision making in health care,

(d) Mediation and conflict resolution,

(e) Accrediting organization standards,

(f) Pastoral care and counseling for specialized patient populations, and

(g) Alternative Dispute Resolution (ADR).

c. **Orientation and Career Development Classes.** The NCC provides training for newly-employed chaplains and newly-appointed and aspiring Chiefs of Chaplain Service or the health care professionals responsible for supervision of the Spiritual and Pastoral Care Program at VHA facilities.

d. **Recruitment and Examining.** The NCC BESE has sole responsibility for examining and certifying applicants for permanent employment as VA chaplains, in accordance with applicable Human Resources policies (see VA Handbook 5005, Pt. II, Ch. 2).

(1) All selections for permanent appointment as a VA chaplain are made from certificates issued by the BESE.

(2) Based on anticipated staffing needs and administrative efficiency, BESE may elect to issue open, continuous announcements for chaplain positions of various grades or faith groups.

(3) Time-limited and temporary appointments of chaplains may be made by the facility Director without BESE announcement and evaluation of the applicants.

(a) Each individual selected for a time-limited or temporary appointment must be verified as meeting minimum qualification requirements by the BESE prior to appointment. The medical center Director, or designee may approve extensions of previously verified individuals.

(b) Time-limited and temporary appointments are only to be made to accomplish work that is for a project or of a time-limited nature. The principles of veterans preference must be followed to the extent administratively feasible.

(4) Individuals who have completed a 1-year (2080 hours) CPE Program in a VA health care facility and who meet all other VA qualification requirements for chaplain are eligible for appointment without numerical rating and ranking under the authority provided by Title 38 United States Code (U.S.C.) 7403(g) and 5 CFR 213.3102 (a). Veterans preference is applied in accordance with Federal regulations.

NOTE: The BESE is responsible for accepting applications from students, verification of the student's qualifications, and the referral of qualified candidates to VA health care facilities.

e. **Liaison With Religious, Professional, and Veterans Service Organizations (VSOs), and Other Stakeholders.** The NCC maintains contacts with ecclesiastical endorsers, professional certifying organizations, and VSOs. *NOTE: The NCC and VHA chaplains are encouraged to foster positive relationships with all VSOs, coordinating VA chaplain activities with VSOs, as appropriate.*

(1) The non-VA organizations and stakeholders with which NCC maintains liaison include, but are not limited to:

(a) Endorsers Conference for Veterans Affairs Chaplaincy (ECVAC),

(b) Military Chaplains Association (MCA),

(c) Armed Forces Chaplains Board (AFCB),

(d) Association of Professional Chaplains (APC),

- (e) Association for Clinical Pastoral Education (ACPE),
- (f) American Association of Pastoral Counselors (AAPC),
- (g) National Association of Jewish Chaplains (NAJC),
- (h) National Association of Catholic Chaplains (NACC),
- (i) American Indian and Alaska Native Tribes,
- (j) College of Pastoral Supervision and Psychotherapy (CPSP), and
- (k) The Spiritual Care Collaborative.

(2) The NCC maintains liaison with professional groups of chaplains formed solely of VA chaplains, such as, but not limited to the:

- (a) National Association of VA Chaplains (NAVAC).
- (b) Department of Veterans Affairs National Black Chaplains Association (DVANBCA).
- (c) National Conference of VA Catholic Chaplains. (NCVACC).

29. CLINICAL PASTORAL EDUCATION (CPE)

CPE is multi-faith professional education for spiritual and pastoral care providers in health care settings. It is the specialized clinical training required by the Association for Professional Chaplains, the NACC, and the NAJC for clergy and chaplains to become Board Certified Chaplains.

a. CPE programs are established in VHA according to VHA Directive 1400 and VHA Handbook 1400.01 and the annual program announcements for trainee support in associated health professions. **NOTE:** *In VHA, CPE programs may be established at the facility level based upon administration determination of need.*

b. CPE in VHA does not favor any religion, or favor religion over non-religion, but seeks to promote appreciation of diversity and pluralism.

c. CPE residents who have completed a 1-year (2080 hours) CPE Program in a VA health care facility and who meet all other VA qualification requirements for chaplain are eligible for appointment without numerical rating and ranking under the authority provided by 38 U.S.C. 7403(g) and 5 CFR 213.3102(a), for 1 year following completion of their residency.

30. RESEARCH

Field facilities are encouraged to include spiritual and pastoral care as topics for research. Chaplains may serve on facility Research Committees.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**SCOTT RAINEY, VETERANS OF
FOREIGN WARS DISTRICT 4,
AMERICAN LEGION POST 586, THE
NATIONAL MEMORIAL LADIES,
LISA WARD, JAMES HAYCRAFT, and
GERALDINE LAKEY,**

Plaintiffs,

vs.

**UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS, ERIC
SHINSEKI, Secretary of Veterans Affairs,
in his official and individual capacities,
and ARLEEN OCASIO, Director of the
Houston National Cemetery, in her official
and individual capacities,**

Defendants.

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§ **Civil Action No. 4:11-cv-01992**
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§ **Jury Demanded**
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CONSENT DECREE

The parties, Scott Rainey, Veterans of Foreign Wars (“VFW”) District 4, the American Legion Post 586, the National Memorial Ladies (“Memorial Ladies”), Lisa Ward, James Haycraft, and Geraldine Lakey (collectively, “Plaintiffs”) and United States Department of Veterans Affairs (“VA”), Eric Shinseki, Secretary of Veterans Affairs, and Arleen Ocasio (collectively, “Defendants”) jointly announce to the Court that they have agreed to resolve all matters of dispute between them in this action and request entry of this agreed Consent Decree. By entering this Consent Decree, Defendants are not admitting any liability or fault on the part of the United States, its agents, servants, or employees. The Defendants specifically deny that they are liable to the Plaintiffs.

Defendants further assert that certain of the provisions of this Consent Decree are already the policy or practice of the Department. The parties stipulate that the Court has jurisdiction over them and the subject matter of this lawsuit and has the necessary authority to enter the Consent Decree requested herein. The Court shall retain jurisdiction over this action only for a period of fifteen (15) years. In the event the law or circumstances materially change, either party may petition the Court for a modification of this Consent Decree.

Plaintiffs hereby RELEASE, WAIVE, ACQUIT, and FOREVER DISCHARGE Defendants from, and are hereby FOREVER BARRED and PRECLUDED from prosecuting, any and all claims, causes of action, or requests for any injunctive and/or monetary relief, including, but not limited to, damages, costs, attorney's fees, expenses, and/or interest, whether presently known or unknown, that have been or could have been asserted in this case by reason of, with respect to, in connection with, or which arise out of, any matters alleged in the case that the Plaintiffs, or any of them, have against the Defendants, or any of them, save and except the obligations created by this Consent Decree.

NOW, THEREFORE, Plaintiffs and Defendants having requested the Court to enter this Consent Decree,

IT IS HEREBY ORDERED AND DECREED that, solely with regard to the Houston National Cemetery (also referred to hereinafter as the "Cemetery") and the Plaintiffs herein, unless stated otherwise, the Defendants shall:

1. At committal services, agree not to ban, regulate, or otherwise interfere with prayers, recitations, or words of religious expression absent family objection;

2. Allow veterans' families to hold committal services with any religious or secular context as they desire, subject to their compliance with VA security, safety, and law enforcement regulations;
3. Apply existing veteran preferences when hiring cemetery employees;
4. Upon final approval of this Consent Decree, immediately grant requests for decertification by all members of the VFW District 4 and the Memorial Ladies, individually, in regard to their work at the Houston National Cemetery, so that they are no longer VA "without compensation" employees who are part of VA Voluntary Services (VAVS) and, instead, are henceforth considered private citizens who may work independently with funeral homes to coordinate provision of volunteer services at committal services scheduled at the cemetery, upon request of the veterans' families; any decertified individual member may reapply for VAVS certification, however any denial of reapplication shall not be considered as a retaliatory act during the time this Consent Decree is in effect;
5. Allow members of the VFW District 4 and the Memorial Ladies, who become decertified pursuant to this Consent Decree, and members of the American Legion Post 586, who are not currently VAVS volunteers at the Cemetery, to remain certified through VAVS in regards to their volunteer work at VA hospitals, to the extent they so choose and are so certified;
6. Agree not to mandate that members of the VFW District 4 and the Memorial Ladies, who become decertified pursuant to this Consent Decree, and members of the American Legion Post 586, who are not currently VAVS

volunteers at the Cemetery, register with VAVS in order to volunteer at committal services at the request of veterans' families and at other activities as private citizens at the Houston National Cemetery;

7. Delete the second sentence of paragraph 3.k. of National Cemetery Administration (NCA) Directive 3170, and modify paragraph 1.b. of NCA Directive 3170 Appendix C by replacing language that requires special ceremonies and events at VA national ceremonies and speech at such ceremonies and events, including invocations and benedictions, to be "inclusive" and "nonderogatory" with language that will enable NCA to preserve the dignity and solemnity of VA national cemeteries as national shrines and to enforce VA regulations governing security, safety, and law enforcement, and delete paragraph 1.b.(6)(c) of NCA Directive 3170, Appendix D;
8. Agree not to edit, control, or exercise prior restraints on the content of private religious speech and expression by speakers at VA-sponsored or non-VA-sponsored special ceremonies or events at the Cemetery or by Plaintiffs at private committal services at the Cemetery, if requested by the veterans' families to participate in such services, and that Defendants will not condition participation in any such event on the content of religious speech, including prayer;
9. Agree not to condition a speaker's participation in a VA-sponsored or non-VA-sponsored special ceremony or event at the Cemetery on abstaining from religious speech or expression, such as prayer;

10. Rescind paragraph 4.a. of the Houston National Cemetery Honor Guard Guidelines;
11. Agree that when a family requests that non-VAVS volunteer honor guards from the VFW District 4 or the American Legion Post 586 perform military honors at a committal service held at the Houston National Cemetery, this is a private decision by a veteran's family arranged through the private funeral home and that the Defendants will not interfere with the process, decision, content, or presentation of the military honors;
12. Not question the decision of the family of the deceased veteran to have a volunteer honor guard perform military honors at the committal service;
13. Recognize that adaptations or modifications of private military honors provided by non-VAVS volunteer honor guards from the VFW District 4 or the American Legion Post 586 can only be made at the discretion of the non-VAVS volunteer honor guards in consultation with a veteran's family and the arranging funeral home, and not by or at the request of the Defendants;
14. Rescind paragraph 7 of the Houston National Cemetery Honor Guard Guidelines;
15. Agree not to prohibit non-VAVS volunteer honor guards from the VFW District 4 or the American Legion Post 586 who are requested by the family to participate in a committal service from including religious speech or expression in their military honors if a member of the clergy provides religious speech or expression, including but not limited to prayer and reciting scripture, at a committal service;

16. Agree not to restrict the religious content of committal services requested by veterans' families, subject to their compliance with VA security, safety, and law enforcement regulations;
17. Rescind paragraphs 8.a., 8.b., and 8.c. of the Houston National Cemetery Honor Guard Guidelines;
18. Amend paragraphs 1, 2, and 3 of the November 1, 2007, NCA memorandum issued by Under Secretary William F. Tuerk regarding NCA's national policy on the Meaning of Folds of an Honor Guard Funeral Flag, to read as follows:
"1. NCA will allow the reading of "Thirteen Fold" Flag Recitations by VA employees, including volunteer honor guards registered with the VA Voluntary Services ("VAVS volunteer honor guards"), at committal services, unless the deceased veteran's family request otherwise. 2. VAVS volunteer honor guards may, when acting as private citizens, provide their own texts of recitations to the funeral homes for the funeral homes to offer those options to the deceased veteran's survivor(s) for consideration. 3. VA employees, including VAVS volunteer honor guards, will not be selective in determining which recitations on the meaning of the thirteen folds will be read. Subject to paragraph 4, VA employees, including VAVS volunteer honor guards, will accept for reading at committal services on an equal basis recitations requested by the deceased veteran's survivor(s), including those that reflect a particular religious tradition, all religious traditions, or no religious tradition."
Once decertified pursuant to this Consent Decree, members of the VFW District 4, like members of the American Legion Post 586, would not be

subject to the provisions of the November 1, 2007, NCA policy memorandum, as amended pursuant to this Consent Decree, but instead may work independently with funeral homes to coordinate provision of volunteer services at the committal services scheduled at the cemetery, upon request of the veterans' families;

19. Agree that non-VAVS volunteer honor guards from the VFW District 4 or the American Legion Post 586 who are requested by veterans' families to participate at committal services, may communicate freely with the funeral homes, including providing texts of recitations for the funeral homes to provide the veterans' families for consideration, and agree not to interfere with the veterans' families' selection of texts to be read at committal services by such non-VAVS volunteer honor guards because it is a private decision between the veterans' families, the funeral homes as the representatives of veterans' families, and the volunteer honor guards;
20. Allow veterans' families and private funeral homes to plan committal services scheduled at the Cemetery, including but not limited to requesting the participation of non-VAVS volunteer honor guards from the VFW District 4 or the American Legion Post 586, without Defendants interfering, such as requiring that certain speech or requests for certain speech be submitted to Defendants. The scheduling of committal services by veterans or veterans' families and funeral homes will remain subject to VA regulations and NCA's administrative and operational policies;

21. Agree not to ban religious speech or words, such as “God” and “Jesus,” in condolence cards or similar documents given by non-VAVS volunteer Memorial Ladies to veterans’ families at committal services;
22. Agree not to ban religious words, such as “God” and “Jesus,” in the oral communication of Plaintiffs to veterans’ families at committal services;
23. Agree not to ban, regulate, or otherwise interfere with the giving of gifts, including gifts that contain a religious message or viewpoint, by non-VAVS members of VFW District 4, the American Legion Post 586, and the Memorial Ladies to veterans’ families at committal services;
24. Agree that the Memorial Ladies may attend all direct burials of deceased veterans without survivors;
25. Not require permission from Defendants before the non-VAVS volunteer members of the Memorial Ladies may attend committal services except as provided below;
26. Not request that the non-VAVS volunteer members of the Memorial Ladies leave a committal service, unless requested by the family of the deceased except as provided below;
27. Agree that the non-VAVS volunteer Memorial Ladies shall use reasonable efforts to coordinate with funeral homes to obtain information about the veterans’ families, promote their services, and confirm attendance;
28. Permit artificial flowers to be placed on graves until such time that NCA employees must remove the display as necessary for purposes of grounds maintenance and as a safety precaution, in accordance with NCA policy;

29. Agree not to limit the number of members of the Memorial Ladies attending a committal service, unless the family indicates a desire for such a limitation;
30. To the extent VAVS and non-VAVS honor guards are providing military honors for deceased veterans who are given direct burials at the Cemetery, provide such honors to which the veteran is lawfully entitled;
31. Agree that the non-VAVS volunteer Memorial Ladies may use a climate controlled "honor guard room" at the Cemetery in connection with preparation for scheduled committal services;
32. Agree that the non-VAVS volunteer honor guards from the VFW District 4 and the American Legion Post 586 may use a climate controlled "honor guard room" at the Cemetery in connection with preparation for scheduled committal services;
33. Allow members of the VFW District 4, the American Legion Post 586, and the Memorial Ladies to park on cemetery grounds close to cemetery buildings and committal service sites, to the extent spaces are available after first accommodating grieving families;
34. Provide scheduling information for deceased veterans, including name of deceased veteran, name of funeral home, time of committal service, and location of committal shelter, to the President of the Memorial Ladies or her designee the day before the committal services at the Cemetery;
35. Make available each morning to the Memorial Ladies scheduling information detailed above for the day's committal services of veterans, so that the

Memorial Ladies may coordinate with funeral homes to obtain information about the veterans' families;

36. Inform the Memorial Ladies of cancellations or changes in time of any committal service for deceased veterans when such changes are received by the Cemetery within a reasonable period of time;
37. Require only volunteer honor guards and other cemetery volunteers who desire to be registered with VAVS to participate in training that is relevant to the Houston National Cemetery and its operations;
38. Agree that NCA employees will not instruct families or individuals that they are prohibited from donating their personal funds to non-VAVS volunteer honor guards, veterans organizations, or any other individual or group provided that any such donation is lawful and not solicited or exchanged on the grounds of the Houston National Cemetery;
39. Agree not to prevent Plaintiffs and any funeral homes who might engage in the arrangement of committal services at the Cemetery, from informing veterans' families that religious speech and expression and other recitations may be included in committal services;
40. Agree that the Houston National Cemetery chapel (the "Chapel") shall remain open and unlocked during normal operating hours for the use of families and other Houston National Cemetery visitors, to the extent it is available;
41. Allow the use of the Chapel for private committal services for those being interred at the Houston National Cemetery, for prayer, or for reflection, to the extent it is available and subject to regulations governing use of VA facilities;

42. In an attempt to restore the prior status quo, place the legacy Bible, the white cross, and the Star of David that were previously displayed in this Chapel on an open shelf within, but to the side of, the Chapel where they would be accessible and available for use by families;
43. Allow the legacy Bible, the white cross, and the Star of David (to which reference was made in paragraph 42 of this Consent Decree) to be temporarily removed or covered during a private committal service if requested by the deceased's family or the group organizing the private service;
44. Toll the carillon on the regular schedule, to the extent practicable and feasible to do so, and as long as it remains part of the Cemetery's operations; the carillon playlist shall remain within the discretion of NCA employees;
45. Agree not to use the public area of the Chapel for long-term or permanent storage;
46. Generally refer to the Chapel as a "chapel" as opposed to a generic "meeting facility";
47. Agree that a NCA official will issue a letter expressing appreciation for the service of the volunteers at the Houston National Cemetery and expressing NCA's continued commitment to coordinating with the community to serve the burial needs of veterans and their families;
48. Agree not to retaliate or take any adverse action against Plaintiffs for engaging in religious speech and expression, such as prayer, at a special ceremony or event or at a committal service to which a veteran's family requested their

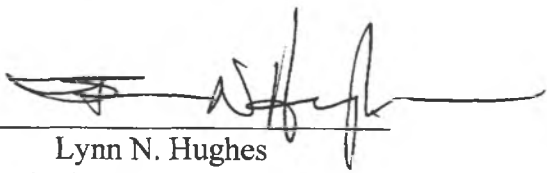
participation, and subject to Plaintiffs' compliance with VA security, safety, and law enforcement regulations;

49. Agree that VA will not retaliate or take any adverse action against Plaintiffs for filing and prosecuting this lawsuit; and

50. Pay Plaintiffs within thirty (30) days of the entry of this Consent Decree their reasonable and necessary attorneys' fees and expenses in the amount of \$215,000.00.

This Consent Decree is final, nonappealable and completely disposes of all issues between the parties.

Entered this 19th day of October, 2011. ~~September~~


Lynn N. Hughes
United States District Judge

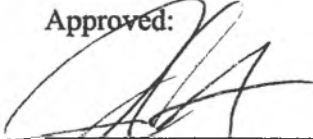
AGREED:



Scott Rainey, Plaintiff

9/21/11

Date

Approved:


Jeffrey C. Mateer
Attorney for Plaintiffs

9/21/11

Date




The Veterans of Foreign Wars ("VFW") District 4

By Incelton A. Conley
Print Name: Incelton A. Conley
Title: Veterans of Foreign Wars
Department of Texas
District 4
Commander

9/21/2011
Date

Approved:



Jeffrey C. Mateer
Attorney for Plaintiffs

9/21/11
Date

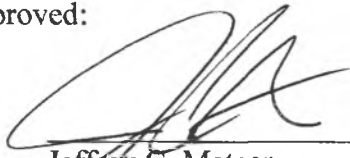


American Legion Post 586

By Willie L Beck
Print Name: WILLIE L. BECK
Title: past command

9-21-11
Date

Approved:

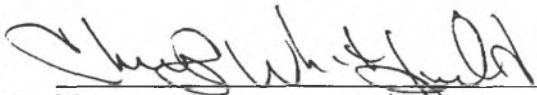


Jeffrey C. Mateer
Attorney for Plaintiffs

9/21/11
Date




The National Memorial Ladies ("Memorial Ladies")

By 
Print Name: Cheryl Whitefield
Title: President

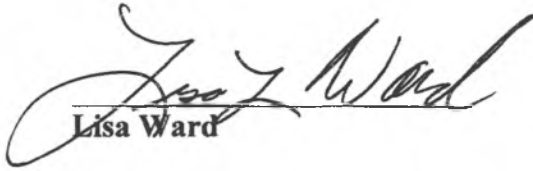
9-21-11
Date

Approved:


Jeffrey C. Mateer
Attorney for Plaintiffs

9/21/11
Date

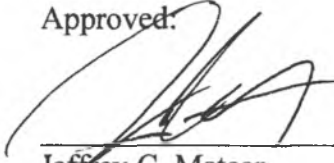




Lisa Ward

9/21/11
Date

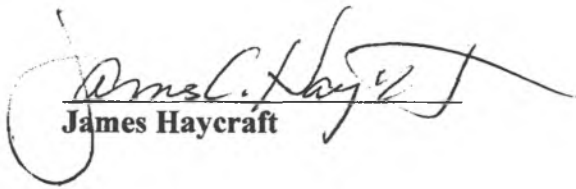
Approved:



Jeffrey C. Mateer
Attorney for Plaintiffs

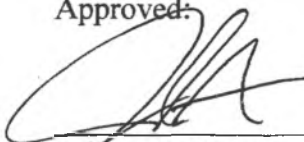
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James Haycraft

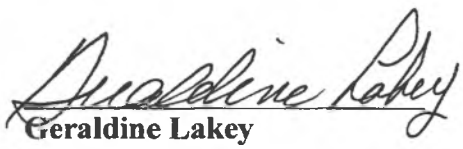
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Approved:


Jeffrey C. Mateer
Attorney for Plaintiffs

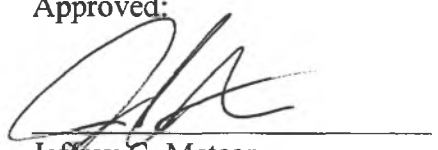
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Geraldine Lakey

9/21/11
Date

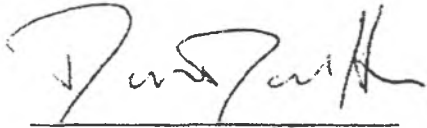
Approved:


Jeffrey C. Mateer
Attorney for Plaintiffs

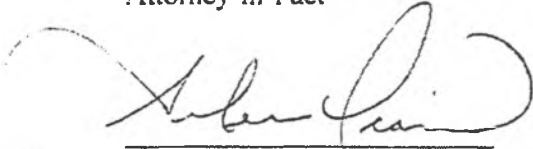
9/21/11
Date



**United States Department of Veterans Affairs ("VA"), and Eric Shinseki,
Secretary of Veterans Affairs**

By 
Fred T. Hinrichs *DAVID D. HU*
Attorney-in-Fact

9-22-2011
Date


Arleen Ocasio

9-22-2011
Date

