

1 SJR11
2 116000-1
3 By Senators Dixon, Barron, Beason, Bedford, Benefield, Bishop,
4 Brooks, Butler, Coleman, Denton, Dunn, Erwin, Figures, French,
5 Glover, Holley, Keahey, Little (T), Little (Z), Marsh, Means,
6 Mitchell, Mitchem, Orr, Penn, Pittman, Poole, Preuitt, Ross,
7 Sanders, Sanford, Singleton, Smith, Smitherman and Waggoner
8 RFD:
9 First Read: 12-JAN-10

2
3
4
5
6
7
8 URGING THE U.S. CONGRESS TO EXTEND THE PRESUMPTION
9 OF A SERVICE CONNECTION FOR AGENT ORANGE EXPOSURE TO NAVY AND
10 AIR FORCE VETERANS WHO SERVED IN THE REPUBLIC OF VIETNAM OR
11 ITS CONTIGUOUS WATERS, AIRSPACE, OR CONTIGUOUS COUNTRIES.
12

13 WHEREAS, during the Vietnam War, the United States
14 military sprayed more than 19 million gallons of Agent Orange
15 and other herbicides over Vietnam to reduce forest cover and
16 crops used by the enemy; these herbicides contained dioxin,
17 which has since been identified as carcinogenic and has been
18 linked with a number of serious and disabling illnesses now
19 affecting thousands of veterans; and

20 WHEREAS, the U.S. Congress passed the Agent Orange
21 Act of 1991 to address the plight of veterans exposed to
22 herbicides while serving in the Republic of Vietnam; the Act
23 amended Title 38 of the United States Code to presumptively
24 recognize as service-connected certain diseases among military
25 personnel who served in Vietnam between 1962 and 1975; this
26 presumption has provided access to appropriate disability

1 compensation and medical care for veterans diagnosed with such
2 illnesses as Type II diabetes, Hodgkin's disease, Parkinson's
3 disease, ischemic heart disease, B-cell leukemia,
4 non-Hodgkin's lymphoma, chronic lymphocytic leukemia, multiple
5 myeloma, prostate cancer, respiratory cancers, and soft-tissue
6 sarcomas; and

7 WHEREAS, pursuant to a 2001 directive, United States
8 Department of Veterans Affairs policy has denied the
9 presumption of a service connection for herbicide-related
10 illnesses to Vietnam veterans who could not furnish written
11 documentation that they had "boots on the ground" in-country
12 service, making it virtually impossible for countless Navy and
13 Air Force veterans to pursue their claims for benefits; many
14 who had landed on Vietnam soil could not produce proof due to
15 incomplete or missing military records; moreover, personnel
16 who had served on ships in the "Blue Water Navy" in Vietnamese
17 territorial waters were, in fact, exposed to dangerous
18 airborne toxins, which not only drifted offshore but also
19 washed into streams and rivers draining into the South China
20 Sea; and

21 WHEREAS, warships positioned off the Vietnamese
22 shore routinely distilled seawater to obtain potable water; a
23 2002 Australian study found that the distillation process,
24 rather than removing toxins, in fact concentrated dioxin in
25 water used for drinking, cooking, and washing; this study was
26 conducted by the Australian Department of Veteran Affairs

1 after it found that Vietnam veterans of the Royal Australian
2 Navy had a higher rate of mortality from Agent
3 Orange-associated diseases than did Vietnam veterans from
4 other branches of the military; when the U.S. Centers for
5 Disease Control and Prevention studied specific cancers among
6 Vietnam veterans, it found a higher risk of cancer among Navy
7 veterans; and

8 WHEREAS, Agent Orange did not discriminate between
9 soldiers on the ground and sailors on ships offshore, and
10 legislation to recognize this tragic fact and extend
11 eligibility for compensation and medical care to Navy and Air
12 Force veterans who sacrificed their health for their country
13 is critical; and

14 WHEREAS, when the Agent Orange Act passed in 1991
15 with no dissenting votes, Congressional leaders stressed the
16 importance of responding to the health concerns of Vietnam
17 veterans and ending the bitterness and anxiety that had
18 surrounded the issue of herbicide exposure; Congress should
19 reaffirm the nation's commitment to the well-being of all of
20 its veterans and direct the United States Department of
21 Veterans Affairs to administer the Agent Orange Act under the
22 presumption that herbicide exposure in the Republic of Vietnam
23 includes the country's inland waterways, offshore waters, and
24 airspace and countries with bases that provided direct support
25 to daily air and ground operations in Vietnam; now therefore,

1 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
2 HOUSES THEREOF CONCURRING, That we respectfully urge the U.S.
3 Congress to extend the presumption of a service connection for
4 Agent Orange exposure to Navy and Air Force veterans who
5 served on the inland waterways, territorial waters, and in the
6 airspace of the Republic of Vietnam, and countries with bases
7 that supported the daily air and ground operations in Vietnam
8 and direct that a copy of this resolution be sent to each
9 member of the Alabama Congressional Delegation that they may
10 know of our deep concerns in this matter.