

**NINETY-SIXTH NATIONAL CONVENTION  
OF  
THE AMERICAN LEGION  
Charlotte, North Carolina  
August 26, 27, 28, 2014**

**Resolution No. 137: Radiation Exposure**

**Origin: Maryland**

**Submitted by: Convention Committee on Veterans Affairs & Rehabilitation**

WHEREAS, Title 38, United States Code (USC), section 1112, lists various diseases which will be presumed to be service-connected in radiation-exposed veterans; and

WHEREAS, The term “radiation-exposed veteran” is defined as a veteran who participated in a radiation-risk activity while on active duty or inactive duty for training; and

WHEREAS, The term, “radiation-risk activity” is defined as involving onsite participation in an atmospheric nuclear weapons test, or the occupation of Hiroshima or Nagasaki during the period beginning on August 6, 1945, and ending on July 1, 1946, or internment as a POW in Japan during WWII which resulted in an opportunity for radiation exposure, or participation in underground nuclear tests at Amchitka Island, Alaska prior to January 1, 1974, or service at gaseous diffusion plants at Paducah, Kentucky, Portsmouth, Ohio, or Oak Ridge, Tennessee; and

WHEREAS, Radiogenic diseases recognized as being presumed to be related to veteran’s exposure to radiation in service-listed in title 38, Code Of Federal Regulation (CFR), section 3.309 - include various cancers that may manifest decades after exposure; and

WHEREAS, Title 38, CFR, section 3.311, requires The Department of Veterans Affairs (VA) to consider the circumstances of the veteran’s service and make a determination of whether the veteran’s disease resulted from the claimed exposure; and

WHEREAS, Such determinations are based heavily on an estimate of the veteran’s probable dose exposure; and

WHEREAS, It is well documented that because thousands of veterans who participated in the atmospheric nuclear weapons tests and various other radiation-risk activities did not have dosimetry badges, and record-keeping by the military and other Federal agencies concerning individual and group exposures was poor, current radiation dose estimates have been arbitrary, unreliable, and inaccurate; and

WHEREAS, The VA’s continued use of questionable radiation dose estimates has caused the claims of thousands of radiation-exposed veterans to be denied; and

WHEREAS, Congress expressed concern about this problem in a provision of Public Law (PL) 106-419 requiring VA to conduct a two-year study of the radiation dose estimate program and report back to Congress; and

WHEREAS, Based on the lack of credible historic data as to the amount of radiation atomic veterans were actually exposed to, The American Legion believes this requirement in the regulations should be eliminated; and

WHEREAS, PL 106-398 included provisions amending the Radiation Compensation Act of 1990 to include workers in Department of Energy (DOE) nuclear weapons-related programs who were exposed to radiation, beryllium, or silica; and

WHEREAS, Over the years, thousands of veterans have been assigned duty at various DOE nuclear weapons development, testing and manufacturing facilities, such as Hanford, Washington, Oak Ridge, Tennessee and others, and would have been similarly at risk of exposure to radiation, beryllium, or silica; and

WHEREAS, The claim for a radiogenic disease or a disease related to beryllium, or silica by such veterans would be denied by VA, because their military duty does not meet the current definition of a radiation-risk activity in title 38 USC and proof of such exposure for direct service connection would be difficult if not impossible to obtain, nor do these veterans meet the eligibility criteria for benefits under the Radiation Compensation Act of 1990 as amended; now, therefore, be it

**RESOLVED, By The American Legion in National Convention assembled in Charlotte, North Carolina, August 26, 27, 28, 2014, That The American Legion seek legislation to eliminate the radiation dose estimate requirement in claims of veterans who were exposed to ionizing radiation during their military service; and, be it further**

**RESOLVED, That The American Legion seek legislation to recognize military duty at all Department of Energy nuclear weapons development, testing and manufacturing facilities as a “radiation-risk activity”; and, be it finally**

**RESOLVED, That The American Legion seek legislation it include title 38, United States Code, those diseases recognized for benefit purposes under the Radiation Compensation Act of 1990 as amended, including those resulting from exposure to beryllium and silica.**