



City Council Agenda Bill

20324

Bill Number

Subject: A Resolution Urging the Congress of the United States to Restore the Presumption of a Service Connection For Agent Orange Exposure to the United States Veterans Who Served in the Waters and Airspace of the Combat Zone.

Summary Statement: At its February 10, 2014 meeting, Council directed staff to bring forward for consideration a resolution urging the Congress of the United States to restore the presumption of service connection for agent orange exposure to certain veterans who served in waters and airspace of the Vietnam combat zone.

Previous Council Action: February 10, 2014 direction to bring forward a resolution

Fiscal Impact: None

Funding Source:

Attachments: Resolution

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Council Direction Requested	24-Feb-2014	Provide Direction to Staff	Peter Ruffatto	3 Min.

Council Committee:

Committee of the Whole
Cathy Lehman, Chair

Agenda Bill Contact:
Peter Ruffatto

Reviewed By	Initials	Date
Legal Mayor	<i>DML</i> <i>KL</i>	<i>2-14-14</i> <i>2-18-14</i>

Committee Actions:

Council Action:

RESOLUTION NO. _____

A RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO RESTORE THE PRESUMPTION OF A SERVICE CONNECTION FOR AGENT ORANGE EXPOSURE TO THE UNITED STATES VETERANS WHO SERVED IN THE WATERS AND AIRSPACE OF THE COMBAT ZONE.

WHEREAS, during the Vietnam War, the United States military sprayed 22 million gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops used by the enemy. These herbicides contained dioxin, which has since been identified as carcinogenic and has been linked with a number of serious and disabling illnesses affecting thousands of veterans; and

WHEREAS, the United States Congress passed the Agent Orange Act of 1991, to address the plight of veterans exposed to herbicides while serving in the Republic of Vietnam. The Act amended Title 38 of the United States Code to presumptively recognize as service-connected certain diseases among military personnel who served in Vietnam between 1962 and 1975. This presumption has provided access to appropriate disability compensation and medical care for Vietnam veterans diagnosed with such illnesses as Type II diabetes, Hodgkin's disease, Non-Hodgkin's Lymphoma, Prostate cancer, Parkinsons, Multiple Myeloma, Peripheral Neuropathy, AL Amyloidosis respiratory cancers, and soft tissue sarcomas and others yet to be identified; and

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

WHEREAS, the United States Navy has been excluded ever since. Agent Orange has been verified, through various studies and reports, as a wide spreading chemical that was able to reach Navy ships through the air and waterborne distribution routines; and

WHEREAS, warships positioned off the Vietnamese shore routinely distilled seawater to obtain potable water. A 2002 Australian study found that the distillation process, rather than removing toxins, in fact concentrated dioxin in water used for drinking, cooking, and washing. This study was conducted by the Australian Department of Veterans Affairs after it found that Vietnam veterans of the Royal Australian Navy had a higher rate of mortality from Agent Orange-associated diseases than did Vietnam veterans from other branches of the military. When the United States Centers for Disease Control and Prevention studied specific cancers among Vietnam veterans, it found a higher risk of cancer among United States Navy Veterans; and

WHEREAS, herbicides containing TCDD did not discriminate between soldiers on the ground and sailors on ships offshore, and

WHEREAS, more than 30 Veterans Services Organizations support the Agent Blue Water Navy Vietnam Veterans Act of 2013. By not passing HR 543, a precedent could be set to selectively provide certain groups with injury related medical care while denying other groups without any financial, scientific or consistent reasoning; and

WHEREAS, when the Agent Orange Act passed in 1991 with no dissenting votes, congressional leaders stressed the importance of responding to the health concerns of Vietnam veterans and ending the bitterness and anxiety that had surrounded the issue of herbicide exposure. The Federal Government has also demonstrated its awareness of the hazards of Agent Orange exposure through its involvement in the identification, containment, and mitigation of dioxin "hot spots" in Vietnam; and

WHEREAS, the United States Congress should reaffirm the nation's commitment to the well-being of all of its veterans and direct the United States Department of Veterans Affairs to administer the Agent Orange Act under the presumption that herbicide exposure of the Republic of Vietnam includes the country's inland waterways, offshore waters, and airspace; encompassing the entire combat zone.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM:

That the City of Bellingham hereby respectfully urges the Congress of the United States to restore the presumption of a service connection for Agent Orange exposure to United States Veterans who served in the waters defined by the combat zone, and in the airspace over the combat zone; and

That the City of Bellingham forward official copies of this resolution to the President of the United States, to the President of the Senate, and Speaker of the House of Representatives of the United States Congress with the request that this resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America.

PASSED by the Council this _____ day of _____, 2014.

Council President

APPROVED by me this ____ day of _____, 2014.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney