

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**RESOLUTIONS**

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE AUTHOR REPORT FILED	NOTES
200-36 (LS)	Therese M. Terlaje Sabina Flores Perez	Relative to expressing the support of <i>I Mina'trentai Sais Na Liheslaturan Guåhan</i> for the passage of H.R. 3368, the " <i>Lonnie Kilpatrick Central Pacific Relief Act</i> ," introduced by the Honorable Michael F.Q. San Nicolas in the United States House of Representatives on May 20, 2021, because it seeks to correct injustice, clarify the eligibility of affected veterans, and expedite the processing of veteran claims of health conditions caused by Agent Orange exposure in Guam, and advocating for an amendment to H.R. 3368 that reflects the correct dates of Agent Orange use in Guam.	10/28/21 3:47 p.m.		12/6/21	10/29/21	Author	11/9/21 4:00 p.m.	11/16/21 11:32 a.m.	

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Resolution No. 200-36 (LS)**

As substituted on the Floor.

Introduced by:

Therese M. Terlaje  
Sabina Flores Perez  
Jose “Pedro” Terlaje  
Tina Rose Muña Barnes  
Clynton E. Ridgell  
Telen Cruz Nelson  
Amanda L. Shelton  
Joe S. San Agustin  
Joanne Brown  
Telo T. Taitague  
Mary Camacho Torres  
V. Anthony Ada  
Frank Blas Jr.  
Christopher M. Dueñas  
James C. Moylan

**Relative to expressing the support of *I Mina'trentai Sais Na Liheslaturan Guåhan* for the passage of H.R. 3368, the “*Lonnie Kilpatrick Central Pacific Relief Act*,” introduced by the Honorable Michael F.Q. San Nicolas in the United States House of Representatives on May 20, 2021, because it seeks to correct injustice, clarify the eligibility of affected veterans, and expedite the processing of veteran claims of health conditions caused by Agent Orange exposure in Guam, and advocating for an amendment to H.R. 3368 that reflects the correct dates of Agent Orange use in Guam.**

**BE IT RESOLVED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN*:**

**WHEREAS**, the people of Guam have a long history of distinguished service in the U.S. Armed Forces, and an even longer history of strong support for all of the many

1 veterans of American wars, ranking among the highest enlistment levels in the U.S.,  
2 and having suffered more casualties on a per capita basis than any other territory, state,  
3 or insular area of the United States in both the Korean conflict and the Vietnam War;  
4 and

5 **WHEREAS**, the resources and location of the island of Guam, and the service  
6 of the people of Guam played a critical role in U.S. military strategy during the Korean  
7 War, Vietnam War, and World War II; and

8 **WHEREAS**, it has been confirmed by the Agent Orange Act of 1991, Public  
9 Law 102-4, that there exists a correlation between certain herbicide agents containing  
10 dioxin or 2,4-dichlorophenoxyacetic acid, such as Agent Orange, and diseases later  
11 contracted by veterans of the Vietnam War; and

12 **WHEREAS**, the Agent Orange Act of 1991 defines the scope of eligibility for  
13 compensation, to include all of those who were in active military, naval, or air service  
14 in the Republic of Vietnam during the use of the herbicide Agent Orange, and a veteran  
15 who, during active military, naval, or air service, served in the Republic of Vietnam  
16 during the Vietnam era shall be presumed to have been exposed during such service to  
17 a herbicide agent, unless there is affirmative evidence to establish that the veteran was  
18 not exposed to any such agent during that service. *See* 38 U.S.C. §§ 1116(a) and (f);  
19 and

20 **WHEREAS**, veterans that did not serve in Vietnam were not entitled to a  
21 presumption of service connection for diseases associated with exposure to certain  
22 herbicide agents; however, a veteran may be entitled to service connection for this  
23 disease on a direct basis if the evidence establishes that the veteran's disease is related  
24 to the herbicide exposure; and

25 **WHEREAS**, the U.S. Department of Veterans Affairs (VA) procedures resulted  
26 in withholding of benefits for Blue Water veterans who served at sea, off the coast of

1 Vietnam, and airmen who served in the skies above the Republic of Vietnam, and  
2 civilian workers in staging areas for the Vietnam War, such as Guam, through which  
3 military personnel, equipment, munitions and supplies, including herbicides containing  
4 Agent Orange, were shipped; and

5       **WHEREAS**, on January 29, 2019, the U.S. Court of Appeals for the Federal  
6 Circuit in Washington sided with Blue Water Navy veteran, Alfred Procopio, Jr. in an  
7 appeal filed against Robert Wilkie, Secretary of Veterans Affairs, and reversed “a  
8 decision of the Court of Appeals for Veterans Claims denying service connection for  
9 prostate cancer and diabetes mellitus, as a result of exposure to an herbicide agent,  
10 Agent Orange, during his Vietnam War-era service in the United States Navy.”  
11 *Procopio v. Wilkie*, 913 F.3d 1371, 1373 (Fed. Cir. 2019) (en banc). Accordingly,  
12 thousands of Vietnam War veterans who were stationed offshore during the war and  
13 developed health problems linked to exposure to the toxic herbicide Agent Orange now  
14 are eligible for the same disability benefits as those who put boots on the ground or  
15 patrolled Vietnam’s inland rivers. The 9-to-2 decision reversed a decade-old ruling by  
16 the court and applies to an estimated fifty-two thousand (52,000) veterans nationwide;  
17 and

18       **WHEREAS**, the U.S. Department of Defense continues to deny Agent Orange  
19 was ever used outside of Vietnam and Thailand during the Vietnam War, despite the  
20 veterans coming forth with claims of exposure outside of these areas, including Guam;  
21 and, many of the Guam-based veterans point to studies about Vietnam’s Agent Orange  
22 contamination and say they show that the herbicides sprayed forty (40) years ago still  
23 remain in Guam’s soil, water table, and food chain—just as it does in Vietnam. These  
24 veterans blame the herbicide’s after effects for the diseases associated with exposure to  
25 certain herbicide agents, including miscarriages and birth defects among military  
26 dependents, as well as the civilian population on Guam; and

1       **WHEREAS**, if veterans' diseases or exposure locations fall outside of the  
2 current VA list, the veterans must show an actual connection between the disease and  
3 herbicide exposure during military service. There is no presumption in such cases, and  
4 many claims are denied; and

5       **WHEREAS**, in the August 9, 2007 issue of the Marianas Variety, it was reported  
6 that "At least two (2) successful applications for benefit claims filed by veterans  
7 deployed to Guam constituted the VA's virtual acknowledgement of the use of  
8 defoliants on island. In March of 2007, the VA approved the benefits claim filed by  
9 Robert L. Burgett, a Vietnam War veteran who developed cancer of the larynx,  
10 eventually causing his speech disability, as a result of his direct exposure to Agent  
11 Orange when he was stationed at AAFB between 1968 and 1969. He received a full  
12 grant of benefits"; and

13       **WHEREAS**, the Marianas Variety report went on to state that "In 2005, the U.S.  
14 Court of Appeals for Veterans ruled in favor of an unidentified airman who was  
15 determined to have developed diabetes mellitus as a result of his exposure to defoliants  
16 while he was deployed on duty at AAFB from December 1966 to October 1968"; and

17       **WHEREAS**, in sworn testimony submitted in support of Ralph Stanton, MSgt.  
18 LeRoy Glenn Foster specifies the extent of the spraying both on and off of Andersen  
19 Air Force Base: "My name is MSgt. LeRoy Glenn Foster, USAF, Retired. I am writing  
20 this letter to testify in support of Ralph A. Stanton's exposure to Agent Orange  
21 herbicides which I prepared, mixed and sprayed on Andersen AFB, Guam and all of the  
22 off base fuels facilities, cross country pipelines that spanned the island to the Naval Fuel  
23 Supply Depot underground storage tanks. I sprayed these herbicides in, on, and around  
24 all the places Sgt. Stanton had to work. I prepared, mixed and sprayed these herbicides  
25 to include Agent Orange and Agent Blue herbicides which were packaged in 55 gallon  
26 drum containers identified with colored bands and 50 lb. dry chemical bags with

1 Monsanto on the bags. I was an A IC and a Sgt during the time frame of 1969 and 1970  
2 and 1971. I worked in the 43<sup>rd</sup> Supply Squadron Fuels Division and was assigned to  
3 on and off base fuels facility operations. I used a five ton blue tractor truck and a yellow  
4 750 gallon tank trailer which was an old MK1 oil and Adi trailer to service C124  
5 Globemaster Aircraft which was converted into a herbicide spraying trailer. I often  
6 would have to spray the entire pipe lines, hydrant pump stations on the flight line, the  
7 Quonset huts storing the packaged oil for the B52 bombers, the fuel valve pits, the  
8 security fences surrounding the flight line, the fuel storage facilities at Andy I, Andy II,  
9 the Liquid Oxygen building, the Fuel operations office, the truck refueling hardstands,  
10 the refueling fleet checkout area, all of the off base fuel storage facilities at Potts tank  
11 farm, Naval Air Station Fuel Booster pump station, Tumon Tank Farm and the entire  
12 Cross country pipeline. I also sprayed at the Yigo and Dededo Packaged Oil warehouse  
13 Quonset but where I operated forklifts to load and unload packaged oil for the B52  
14 bombers jet engine oil.”; and

15 **WHEREAS**, on February 1, 2017, Florida Representative Dennis Ross  
16 introduced H.R. 809, the “*Fighting for Orange-Stricken Territories in Eastern Regions*  
17 *Act*” (FOSTER Act), named after MSgt. Foster, who suffered and died on October 23,  
18 2018 from associated diseases and multiple cancers due to his exposure to Agent Orange  
19 in Guam. The FOSTER Act would have provided presumptive Agent Orange exposure  
20 status to Vietnam War-era veterans who served in specific areas, including Guam, the  
21 Commonwealth of the Northern Mariana Islands, and American Samoa, and show  
22 symptoms of medical conditions currently associated with exposure to Agent Orange  
23 so they can receive U.S. Department of Veterans Affairs benefits; but, despite great  
24 effort, H.R. 809 was not moved forward in the 115<sup>th</sup> United States Congress; and

25 **WHEREAS**, the late Lonnie Kilpatrick, a Navy veteran who was stationed on  
26 Guam in 1971 and 1972, working in electronic warfare during the Vietnam War,

1 recalled living near a jungle area on Guam that was sprayed at night and had turned  
2 dead brown by the next morning. Kilpatrick, who had never been stationed in Vietnam,  
3 would later suffer from heart disease, kidney cancer, and skin conditions that he  
4 believed were connected to herbicide exposure while stationed on Guam. The VA  
5 denied Kilpatrick's 2010 and 2018 Agent Orange service connection claims until a  
6 reversal on April 17, 2018 that granted service connection by the VA for "status post  
7 heart transplant, residual of ischemi cardiomyopathy and myocardial infarction (also  
8 claimed as ischemic heart disease) associated with herbicide exposure." According to  
9 the VA, since the initial claim denial, it had received additional service records  
10 confirming Kilpatrick was exposed to Agent Orange while serving on Guam. After  
11 several years of struggling with the VA for service connection benefits and an initial  
12 VA misdiagnosis of his medical condition, Kilpatrick was granted service-connected  
13 compensation, one (1) month before his death on May 5, 2018; and

14       **WHEREAS**, on March 13, 2019, in continued pursuit of VA recognition and in  
15 honor of Navy veteran Lonnie Kilpatrick, H.R. 1713, the "*Lonnie Kilpatrick Central*  
16 *Pacific Relief Act*," was introduced into the 116<sup>th</sup> House of Representatives by Guam  
17 Congressman Michael F.Q. San Nicolas; and

18       **WHEREAS**, on May 20, 2021, the "*Lonnie Kilpatrick Central Pacific Relief*  
19 *Act*," was re-introduced in the 117<sup>th</sup> House of Representatives by Guam Delegate  
20 Michael F.Q. San Nicolas as H.R. 3368. The *Lonnie Kilpatrick Central Pacific Relief*  
21 *Act* seeks to establish presumptive coverage for veterans who during active military,  
22 naval, or air service, served on Guam, American Samoa, or the Northern Mariana  
23 Islands, or within the harbors and territorial seas of those islands during the period  
24 beginning on January 9, 1962, and ending on July 31, 1980, or who served on Johnston  
25 Atoll during the period beginning on January 1, 1972, and ending on September 30,  
26 1977; and

1       **WHEREAS**, diseases associated with exposure to Agent Orange include:  
2 chloracne or other acneform diseases consistent with chloracne; Type 2 diabetes (also  
3 known as Type II diabetes mellitus or adult-onset diabetes); Hodgkin's disease;  
4 multiple myeloma; non-Hodgkin's lymphoma; acute and subacute peripheral  
5 neuropathy; porphyria cutanea tarda; prostate cancer; respiratory cancers (cancer of the  
6 lung, bronchus, larynx, or trachea); and soft-tissue sarcomas (other than osteosarcoma,  
7 chondrosarcoma, Kaposi's sarcoma, or mesothelioma) *See* 38 C.F.R. § 3.309(e); *see*  
8 *also* 38 U.S.C. § 1116(a)(2); and

9       **WHEREAS**, the passage of H.R. 3368, the "*Lonnie Kilpatrick Central Pacific*  
10 *Relief Act*," will correct injustice, clarify eligibility, and expedite the processing of  
11 claims of health conditions caused by Agent Orange exposure in areas in which direct  
12 exposure was proven to have taken place, such as Guam; and

13       **WHEREAS**, since H.R. 3368's publication, new information has been  
14 uncovered relating to the actual dates of Agent Orange use in Guam. A document  
15 published by the United States Navy's Materials Testing and Evaluation Division on  
16 August 15, 1958 was recently discovered in the University of Guam's archives. This  
17 document is titled "Guam Soils Conservation Services No. 3: Herbicides" and confirms  
18 the use of certain herbicide agents containing dioxin or 2,4-dichlorophenoxyacetic acid,  
19 such as Agent Orange, in Guam to have taken place as early as August 15, 1958. With  
20 this new information, the Guam Legislature suggests that all dates in H.R. 3368 stating  
21 the use of Agent Orange in Guam to have begun on "January 9, 1962" be changed to  
22 "August 15, 1958" to ensure that no veterans who were affected by Agent Orange use  
23 in Guam are excluded; now therefore, be it

24       **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
25 behalf of the people of Guam, express its strong support for resolving the numerous  
26 health care needs of the many veterans of American military service who served in



1 Guam and the health care needs of United States citizens residing in Guam; and be it  
2 further

3 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
4 behalf of the people of Guam, respectfully request that the Congress of the United States  
5 correct injustice and amend 38 U.S.C. § 1116 to include Vietnam War staging areas,  
6 such as Guam, for which evidence exists that Agent Orange exposure has taken place;  
7 and be it further

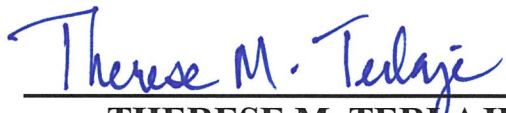
8 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
9 behalf of the people of Guam, express its support for H.R. 3368, the *Lonnie Kilpatrick*  
10 *Central Pacific Relief Act*, introduced by Congressman Michael F.Q. San Nicolas in the  
11 United States House of Representatives on May 20, 2021, because it seeks to correct  
12 injustice, clarify the eligibility of affected veterans, and expedite the processing of  
13 veteran claims of health conditions caused by Agent Orange exposure in Guam, and  
14 advocate for an amendment to H.R. 3368 that reflects the correct dates of Agent Orange  
15 use in Guam; and be it further

16 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
17 behalf of the people of Guam, urgently petition the United States Congress to provide  
18 presumptive Agent Orange exposure status to Vietnam War-era veterans who served in  
19 specific areas, including Guam, and show symptoms of medical conditions currently  
20 associated with such exposure, so they can justly and expeditiously receive U.S.  
21 Department of Veterans Affairs benefits to address those medical conditions; and be it  
22 further

23 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the  
24 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable  
25 Joseph R. Biden, President of the United States of America; to the Honorable Kamala  
26 Harris, Vice President of the United States and President of the U.S. Senate; to the

1 Honorable Nancy Pelosi, Speaker, U.S. House of Representatives; to the Honorable  
2 Mark Takano, California Representative and Chairman of the Committee on Veterans'  
3 Affairs, U.S. House of Representatives; to the Honorable Michael F.Q. San Nicolas,  
4 Guam Delegate, U.S. House of Representatives; to the Honorable Elaine Luria,  
5 Chairwoman of the Subcommittee on Disability Assistance and Memorial Affairs, U.S.  
6 House of Representatives; to the Guam Veterans Affairs Office; and to the Honorable  
7 Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

**DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN* ON THE 6<sup>TH</sup> DAY OF DECEMBER 2021.**



**THERESE M. TERLAJE**  
Speaker



**AMANDA L. SHELTON**  
Legislative Secretary