

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
RESOLUTION STATUS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED
25-34 (COR)	Therese M. Terlaje Dennis G. Rodriguez, Jr. B.J.F. Cruz Joe S. San Agustin Fernando Esteves Telena Cruz Nelson	Relative to expressing the support of I Mina'trenta Kuåttro na Liheslaturan Guåhan for H.R. 809, the Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.	2/6/17 2:13 p.m.			2/13/2017	The Author		



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*

I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



MEMO

To: **Ms. Rennae Meno**
Clerk of the Legislature

Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Michael F.Q. San Nicolas**
Chairman of the Committee on Rules

Date: **February 13, 2017**

Re: **Referral of Resolution No. 25-34 (COR)**

Buenas yan Håfa adai.

As per my authority as Chairman of the Committee on Rules, I am forwarding the referral of **Resolution No. 25-34 (COR)**.

Please ensure that the subject resolution is referred, in my name, to **Vice Speaker Therese M. Terlaje, author of Resolution No. 25-34 (COR)**.

If you have any questions or concerns, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-6453.

Thank you for your attention to this important matter.

Respectfully,








Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules



I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Resolution No. 25-34 (COR)

Introduced by:

Therese M. Terlaje 
Dennis G. Rodriguez, Jr. 
B. J. F. Cruz 
Joe S. San Agustin 
Fernando Esteves 
Telena Cruz Nelson 

2017 FEB - 6 PM 2:13

Relative to expressing the support of *I Mina'trenta Kuattro na Liheslaturan Guåhan* for H.R. 809, the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act*, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.

1 **BE IT RESOLVED BY *I MINA'TRENTAI KUATTRO NA***
2 ***LIHESLATURAN GUÅHAN*:**

3 **WHEREAS**, the people of Guam have a long history of distinguished service
4 in the U.S. armed forces, and an even longer history of strong support for all of the
5 many veterans of American wars, ranking among the highest enlistment levels in the
6 U.S., and having suffered more casualties on a per capita basis than any other

territory, state or insular area of the United States in both the Korean conflict and the Vietnam War; and

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

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

WHEREAS, the Agent Orange Act of 1991 defines the scope of eligibility for compensation, to include all of those who were in active military, naval *or* air service in the Republic of Vietnam during the use of the herbicide Agent Orange; and a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era shall be presumed to have been exposed during such service to a herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service. 38 U.S.C.A. § 1116(a)(3); and

WHEREAS, veterans that did not serve in Vietnam are currently not entitled to a presumption of service connection for diseases associated with exposure to certain herbicide agents. However, the veteran may be entitled to service connection for this disease on a direct basis if the evidence establishes that his disease is related to the herbicide exposure; and

WHEREAS, current United States Veterans' Administration (VA) procedures require Vietnam veterans to prove they have placed a foot on land during the Vietnam War to qualify as victims of Agent Orange exposure; and

1 **WHEREAS**, such VA procedures have resulted in an unjustified withholding
2 of benefits for "blue-water" veterans who served at sea, off the coast of Vietnam and
3 airmen who served in the skies above the Republic of Vietnam; and

4 **WHEREAS**, the VA procedures have also resulted in an unjustified
5 withholding of benefits for military and civilian workers in staging areas for the
6 Vietnam War, such as Guam, through which military personnel, equipment, munitions
7 and supplies, including herbicides containing Agent Orange, were shipped; and

8 **WHEREAS**, both military and civilian personnel handled trans-shipment of
9 these goods and although the Department of Defense has never officially admitted to
10 storing and using Agent Orange and other herbicides on Guam, media reports cite a
11 Dow Chemical Corporation's report which disclosed that "Soldiers stationed on Guam
12 who handled Agent Orange have become ill and symptoms of TCDD (dioxin)
13 poisoning are apparent in the general population of the island as well. TCDD
14 contamination as a result of Agent Orange handling has been measured at up to 1900
15 ppm in some areas of Andersen Air Force Base on Guam. Given that safe levels of
16 TCDD have been placed at below 1 ppb by the EPA and even lower by many state
17 regulatory agencies (toxic effects have been measured at parts per trillion), this
18 implies an extraordinary level of contamination. TCDD has been shown in laboratory
19 animals to have multigenerational impacts, not just on the offspring of exposed
20 animals, but on the next generation as well."; and

21 **WHEREAS**, the DOD denies Agent Orange was ever used outside of Vietnam
22 and Thailand during the Vietnam War, despite the veterans coming forth with claims
23 of exposure outside of these areas, including Guam; and many of the Guam-based
24 veterans point to studies about Vietnam's Agent Orange contamination and say they
25 show that the herbicides sprayed forty years ago still remain in Guam's soil, water
26 table and food chain—just as it does in Vietnam. These veterans blame the herbicide's

1 aftereffects for the miscarriages and birth defects among military dependents as well
2 as the civilian population on Guam; and

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

7 **WHEREAS**, in 1992, the Environmental Protection Agency put Andersen AFB
8 on the list of Superfund sites, noting the area was vastly contaminated with dioxins,
9 pesticides, trichloroethylene and other soil and water toxins. More than 20 years later,
10 the base remains on the priority cleanup list and is currently home to more than 8,000
11 people—military personnel, their families and civilians; and

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

20 **WHEREAS**, the Marianas Variety report went on to state that “In 2005, the
21 U.S. Court of Appeals for Veterans ruled in favor of an unidentified airman who was
22 determined to have developed diabetes mellitus as a result of his exposure to
23 defoliants while he was deployed on duty at AAFB from December 1966 to October
24 1968;” and

25 **WHEREAS**, sworn testimony submitted in support of Ralph Stanton, Msgt
26 LeRoy Glenn Foster specifies the extent of the spraying both on and off of Andersen

1 Air Force Base: "My name is Msgt LeRoy Glenn Foster, USAF, Retired. I am writing
2 this letter to testify in support of Ralph A. Stanton's exposure to Agent Orange
3 herbicides which I prepared, mixed and sprayed on Andersen AFB, Guam and all of
4 the off base fuels facilities, cross country pipelines that spanned the island to the
5 Naval Fuel Supply Depot underground storage tanks. I sprayed these herbicides in, on,
6 and around all the places Sgt. Stanton had to work. I prepared, mixed and sprayed
7 these herbicides to include Agent Orange and Agent Blue herbicides which were
8 packaged in 55 gallon drum containers identified with colored bands and 50 lb dry
9 chemical bags with Monsanto on the bags. I was an A IC and a Sgt during the time
10 frame of 1969 and 1970 and 1971. I worked in the 43rd Supply Squadron Fuels
11 Division and was assigned to on and off base fuels facility operations. I used a five ton
12 blue tractor truck and a yellow 750 gallon tank trailer which was an old MK1 oil and
13 Adi trailer to service C124 Globemaster Aircraft which was converted into a herbicide
14 spraying trailer. I often would have to spray the entire pipe lines, hydrant pump
15 stations on the flight line, the Quonset huts storing the packaged oil for the B52
16 bombers, the fuel valve pits, the security fences surrounding the flight line, the fuel
17 storage facilities at Andy I, Andy II, the Liquid Oxygen bldg, the Fuel operations
18 office, the truck refueling hardstands, the refueling fleet checkout area, all of the off
19 base fuel storage facilities at Potts tank farm, Naval Air Station Fuel Booster pump
20 station, Tumon Tank Farm and the entire Cross country pipeline. I also sprayed at the
21 Yigo and Dededo Packaged Oil warehouse Quonset but where I operated forklifts to
22 load and unload packaged oil for the B52 bombers jet engine oil."; and

23 **WHEREAS**, on February 1, 2017, Rep. Dennis Ross, R-Florida, introduced
24 H.R. 809, the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER)*
25 *Act*, which would provide presumptive Agent Orange exposure status to Vietnam
26 War-era veterans who served in specific areas, including Guam, the Commonwealth

1 of the Northern Mariana Islands and American Samoa, and show symptoms of
2 medical conditions currently associated with exposure to Agent Orange so they
3 can receive U.S. Department of Veterans Affairs benefits; and

4 **WHEREAS**, the H.R. 809 was named after Master Sgt. Foster, of Lakeland,
5 Florida, who in sworn testimony said he sprayed Agent Orange in Guam while
6 serving at Andersen Air Force Base during the Vietnam War and suffers from
7 associated diseases and multiple cancers due to his exposure to Agent Orange in
8 Guam; and

9 **WHEREAS**, in a phone interview, Foster said “I was shocked when I heard
10 that they named it after me. I felt very honored for them to do that, but it's not about
11 me. It's about all the people who were affected who are living there on Guam, and all
12 the veterans and their families. Every day I hear more and more stories coming out
13 and it's very, very sad. I'm hoping help comes quickly to the people of Guam.” Foster
14 despite his illness actively advocates that veterans and Guam families who were
15 affected by Agent Orange will see financial and medical benefits as a result of the
16 FOSTER Act; and

17 **WHEREAS**, diseases associated with exposure to Agent Orange include:
18 chloracne or other acneform diseases consistent with chloracne; Type 2 diabetes (also
19 known as Type II diabetes mellitus or adult-onset diabetes); Hodgkin's disease;
20 multiple myeloma; non-Hodgkin's lymphoma; acute and subacute peripheral
21 neuropathy; porphyria cutanea tarda; prostate cancer; respiratory cancers (cancer of
22 the lung, bronchus, larynx, or trachea); and soft-tissue sarcomas (other than
23 osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma). 38 C.F.R. §
24 3.309(e) (2004); see also 38 U.S.C.A. § 1116(f), as added by § 201(c) of the Veterans
25 Education and Benefits Expansion Act of 2001, Pub. L. No. 107-103, 115 Stat. 976
26 (2001); and

1 **WHEREAS**, the proposed FOSTER Act should also correct injustice, clarify
2 eligibility and expedite the processing of claims of health conditions caused by Agent
3 Orange exposure in areas in which direct exposure was proven to have taken place,
4 such as Guam; now, therefore, be it

5 **RESOLVED**, that *I Mina'trentai Kuåttro na Liheslaturan Guåhan* (the 34th
6 Guam Legislature) does hereby, on behalf of the people of Guam, express its strong
7 support for resolving the numerous health care needs of the many veterans of
8 American military service who live in Guam, and the health care needs of United
9 States citizens residing on Guam; and be it further

10 **RESOLVED**, that *I Mina'trentai Kuåttro na Liheslaturan Guåhan* (the 34th
11 Guam Legislature), does hereby, on behalf of the people of Guam, respectfully request
12 that the Congress of the United States correct injustice and amend 38 U.S.Code §
13 1116 to include Vietnam War staging areas, such as Guam, for which evidence exists
14 that Agent Orange exposure has taken place; and be it further

15 **RESOLVED**, that *I Mina'trentai Kuåttro na Liheslaturan Guåhan* (the 34th
16 Guam Legislature), does hereby, on behalf of the people of Guam, express support of
17 the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act*,
18 introduced by the Congressman Dennis A. Ross in the United States House of
19 Representatives on February 1, 2017, that seeks to correct injustice, clarify the
20 eligibility of affected veterans, and expedite the processing of veteran claims of health
21 conditions caused by Agent Orange exposure; and be it further

22 **RESOLVED**, that *I Mina'trentai Kuåttro na Liheslaturan Guåhan* (the 34th
23 Guam Legislature) does hereby, on behalf of the people of Guam, urgently petition the
24 United States Congress to clarify presumptions of service-connection relating to the
25 exposure to herbicides of certain veterans who served in the Armed Forces on Guam
26 during the Vietnam Era which would provide presumptive Agent Orange exposure

1 status to Vietnam War-era veterans who served in specific areas, including Guam, the
2 Commonwealth of the Northern Mariana Islands and American Samoa, and show
3 symptoms of medical conditions currently associated with such exposure so they
4 can receive U.S. Department of Veterans Affairs benefits; and be it further

5 **RESOLVED**, that the Speaker certify and the Legislative Secretary attest to the
6 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable
7 Donald Trump, President of the United States of America; to the Honorable Orrin
8 Hatch, President Pro Tempore, U.S. Senate; to the Honorable Paul Ryan, Speaker,
9 U.S. House of Representatives; to the Honorable David Roe, Chairman, Committee on
10 Veterans' Affairs, U.S. House of Representatives; to the Honorable Timothy Walz,
11 Ranking Member, Committee on Veterans' Affairs, U.S. House of Representatives; to
12 the Honorable Mac Thornberry, Chairman, Armed Services Committee, U.S. House
13 of Representatives; to the Honorable Johnny Isakson, Chairman, Committee on
14 Veterans' Affairs, U.S. Senate; to the Honorable Jon Tester, Ranking Member,
15 Committee on Veterans' Affairs, U.S. Senate; to the Honorable John McCain,
16 Chairperson, Committee on Armed Services, U.S. Senate; to the Honorable Jack
17 Reed, Ranking Member, Committee on Armed Services, U.S. Senate; to the
18 Honorable Dennis A. Ross, Member of Congress, U.S. House of Representatives;
19 to the Honorable Madeleine Z. Bordallo, Member of Congress, U.S. House of
20 Representatives; to the Secretary of the Department of Veterans Affairs; to the
21 Secretary of the Department of the Interior; to Deputy Assistant Secretary for Insular
22 Affairs; to the Administrator of the Guam Office of Veterans Affairs; to the Guam
23 Veterans Commission; to the Speaker of *I Liheslaturan Guåhan* (the Guam
24 Legislature); and to the Honorable Edward B. Calvo, *I Maga'lahaen Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN* ON THE ____ DAY OF _____, 2017.

BENJAMIN J.F. CRUZ
Speaker

REGINE BISCOE LEE
Legislative Secretary