

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
199-36 (LS)	Therese M. Terlaje Sabina Flores Perez Jose "Pedro" Terlaje Tina Rose Muña Barnes Clynton E. Ridgell Telena 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</i> (the 36th Guam Legislature) for H.R. 3967 and S. 3003 because they recognize Guam's Agent Orange exposure; and, advocating for amendments to H.R. 3967 and S. 3003 that reflect the correct dates of Agent Orange use in Guam, and veterans' exposure to toxins related to the U.S. military's open-air burn pit activity in Guam.	10/27/21 1:46 p.m.		12/6/21	10/27/21	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. 199-36 (LS)

As substituted on the Floor.

Introduced by:

Therese M. Terlaje
Sabina Flores Perez
Jose "Pedo" Terlaje
Tina Rose Muña Barnes
Clynton E. Ridgell
Telena 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* (the 36th Guam Legislature) for H.R. 3967 and S. 3003 because they recognize Guam's Agent Orange exposure; and, advocating for amendments to H.R. 3967 and S. 3003 that reflect the correct dates of Agent Orange use in Guam, and veterans' exposure to toxins related to the U.S. military's open-air burn pit activity in Guam.

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

3 **WHEREAS**, the United States federal government does not recognize Guam as
4 an area affected by Agent Orange exposure, as the U.S. Department of Defense

1 continues to deny its use of the toxic herbicide outside of Vietnam and Thailand during
2 the Vietnam War; and

3 **WHEREAS**, despite service members issuing sworn testimony describing the
4 use of Agent Orange across Guam and past congressional efforts to federally recognize
5 the island’s Agent Orange exposure to include H.R. 809, the “*Fighting for Orange-*
6 *Stricken Territories in Eastern Regions (FOSTER) Act*,” introduced in the 115th
7 Congress, and H.R. 1713, the *Lonnie Kilpatrick Central Pacific Relief Act* introduced
8 in the 116th Congress, the presence of Agent Orange in Guam continues to not be
9 recognized by the U.S. federal government; and

10 **WHEREAS**, the most recent congressional efforts to federally recognize
11 Guam’s Agent Orange exposure can be found in H.R. 3967 and S. 3003, introduced in
12 the 117th Congress; and

13 **WHEREAS**, H.R. 3967 was introduced in the U.S. House of Representatives on
14 June 17, 2021 by the Honorable Mark Takano, Representative of California. H.R. 3967
15 is cited as the “*Honoring our Promise to Address Comprehensive Toxics Act of 2021*”
16 or the “*Honoring our PACT Act of 2021*,” and was referred to the House Committee on
17 Veterans’ Affairs, Subcommittee on Disability Assistance and Memorial Affairs and
18 the House Armed Services Committee. To date, H.R. 3967 has seventy (70) co-
19 sponsors, including the Honorable Michael F.Q. San Nicolas, Delegate of Guam; and,
20 H.R. 3967 has seven (7) Titles whose overall purposes seek improvements to health
21 care and benefits for veterans exposed to toxic substances, and for other purposes; and

22 **WHEREAS**, Title I of H.R. 3967 is cited as the “*Conceding Our Veterans’*
23 *Exposures Now and Necessitating Training Act*” or the “*COVENANT Act*” and its
24 purpose is to expand health care for specific categories of toxic exposed veterans by
25 strengthening language within sections and provisions of Title 38, United States Code,
26 and requiring a resource assessment and report after enactment; and

27 **WHEREAS**, Title II of H.R. 3967 is cited as the “*Fairly Assessing Service-*
28 *related Toxic Exposure Residuals Presumptions Act*” or the “*FASTER Presumptions*

1 *Act*” and its purpose is to improve the ability of the Department of Veterans Affairs to
2 establish presumptions of service connection based on toxic exposure and reevaluation
3 of compensation determinations pursuant to changes in presumptions of service
4 connection by creating a Formal Advisory Committee on Toxic Exposure, a Science
5 Review Board, and a Working Group whose purpose is to evaluate the conclusions of
6 the previous two (2) groups and make recommendations to the Secretary whether to
7 establish or modify a presumption of service connection; and

8 **WHEREAS**, Title III of H.R. 3967 is cited as the “*Veterans Burn Pits Exposure*
9 *Recognition Act*” and its purposes are to improve the establishment of service
10 connection process for veterans by allowing the Secretary to presume that covered
11 veterans were exposed to specific substances, chemicals, and airborne hazards, to
12 amend the list of relevant substances, chemicals, and airborne hazards released during
13 burn pit use, to define “covered veterans,” and to provide services to veterans who need
14 help establishing a service connection; and

15 **WHEREAS**, Section 401 of Title IV, H.R. 3967 is cited as the “*Mark Takai*
16 *Atomic Veterans Healthcare Parity Act*” and its purposes are to expand the presumption
17 of service connections for radiation and herbicide agent exposures, specify the list of
18 associated diseases, and improve compensation for veterans of differing service
19 locations and exposures. One of the amendments included under Section 403 of Title
20 IV’s “Veterans Agent Orange Exposure Equity Act” will federally recognize Guam’s
21 Agent Orange exposure; and

22 **WHEREAS**, the purpose of H.R. 3967’s Title V is to establish research studies
23 on toxic exposure illnesses, cancer, health trends among post-9/11 veterans, location
24 health trends, and more; and

25 **WHEREAS**, Title VI of H.R. 3967 is cited as the “*Toxic Exposure in the*
26 *American Military Act*” or the “*TEAM Act*” and its purpose is to improve resources and
27 training regarding toxic exposed veterans by publishing resource lists, incorporating

1 toxic exposure questionnaires at medical check-ups, and personnel training with respect
2 to toxic exposed veterans; and

3 **WHEREAS**, Title VII of H.R. 3967 deals with registries, records, and other
4 matters and its purposes are to establish toxic exposure registries, improve the
5 Individual Longitudinal Exposure Record through independent study and biannual
6 reports, and correct exposure records by members of the Armed Forces and veterans;
7 and

8 **WHEREAS**, S. 3003 was introduced in the U.S. Senate on October 19, 2021 by
9 the Honorable Jon Tester, Montana Senator. S. 3003 is cited as the “*Comprehensive and*
10 *Overdue Support for Troops of War Act of 2021*” or the “*COST of War Act of 2021*,”
11 and was referred to the Senate Committee on Veterans’ Affairs. S. 3003 has seven (7)
12 titles whose overall purposes seek to improve health care and benefits for veterans
13 exposed to toxic substances, and for other purposes; and

14 **WHEREAS**, the purposes of S. 3003’s Title I, “*Expansion of Health Care for*
15 *Toxic Exposure Veterans*” are to improve health care for certain toxic exposure
16 veterans, expand health care eligibility for certain veterans exposed to burn pits, and
17 expand health care eligibility for veterans awarded certain medals. Title I will also grant
18 the Secretary of Veterans Affairs the ability to conduct a study on feasibility and
19 advisability of furnishing hospital care and medical services to dependents of veterans
20 who participated in toxic exposure risk activities, and requires a report of this study to
21 be submitted to Congress no later than two (2) years after the date of enactment of the
22 Act; and

23 **WHEREAS**, the purposes of S. 3003’s Title II, “*Reforms to the Toxic Exposure*
24 *Presumption Process*” are to improve the ability of the U.S. Department of Veterans
25 Affairs to establish presumptions of service connection based on toxic exposure by
26 establishing a “Toxic Exposure Review Commission”, entering into a ten (10)-year
27 agreement with the National Academies of Sciences, Engineering, and Medicine to
28 review and evaluate the available scientific evidence regarding associations between

1 illnesses and toxic exposures, and establishing a Working Group which will evaluate
2 the conclusions of the aforementioned agreement and make any resulting
3 recommendations to the Secretary. Regulations regarding presumptions of service
4 connection based on toxic exposure and action upon Working Group recommendations
5 are also included under Title II; and

6 **WHEREAS**, the purposes of S. 3003’s Title III, “*Reforms to the Service*
7 *Connection Process for Toxic Exposure Veterans*” are to improve the service
8 connection process for veterans, describe veterans presumed to have been exposed to
9 the amended list of relevant substances, chemicals, and airborne hazards released during
10 burn pit activity, and provide services to veterans who need help establishing a service
11 connection; and

12 **WHEREAS**, the purposes of S. 3003’s Title IV, “*Expansion of Presumptions of*
13 *Service Connection for Forgotten Veterans*” are to extend the presumption of service
14 connection for various veterans who during their service were exposed to toxins, and
15 improve the list of diseases associated with exposure to certain herbicide agents, burn
16 pits, and other toxins. This title includes the “*Mark Takai Atomic Veterans Healthcare*
17 *Parity Act of 2021*,” which extends the presumption of service connection to veterans
18 who participated in the cleanup of the Enewetak Atoll, and a section extending the
19 presumption of service connection for diseases associated with exposures to certain
20 herbicide agents to veterans who served in certain locations, with one of the locations
21 being Guam; and

22 **WHEREAS**, the purpose of S. 3003’s Title V, “*Strengthening Federal Research*
23 *on Toxic Exposures*” is to have the Secretary coordinate all research activities
24 undertaken or funded by the executive branch of the federal government, including
25 studies relating to veterans who served in southeast Asia; a study on health trends of
26 post 9/11 veterans; and a study on cancer rates among veterans; and

27 **WHEREAS**, the purpose of S. 3003’s Title VI, “*Improving Support to Toxic*
28 *Exposure Veterans*” is to improve resources and training regarding toxic exposed

1 veterans by publishing resource lists, incorporating toxic exposure questionnaires at
2 medical check-ups, and personnel training with respect to toxic exposed veterans. The
3 title also includes the “*SFC Heath Robinson Burn Pit Transparency Act*,” which will
4 have the Secretary and Controller General submit reports to the appropriate
5 congressional committees on matters relating to burn pit cases, such the numbers of
6 reported cases and effectiveness of burn pit exposure case processing; and

7 **WHEREAS**, the purpose of S. 3003’s Title VII, “*Strengthening Record-Keeping*
8 *of Toxic Exposures by Department of Defense*” is to improve the Individual
9 Longitudinal Exposure Record through independent study and biannual reports, and
10 correct exposure records by members of the Armed Forces and veterans; and

11 **WHEREAS**, the efforts put forth in H.R. 3967 and S. 3003 are necessary,
12 especially amendments adding a compensation clause for the clean-up of Enewetak
13 Atoll during the period beginning on January 1, 1977, and ending on December 31,
14 1980, under which Guam residents who participated in the clean-up would qualify; the
15 amendments federally recognizing Guam as an area affected by Agent Orange,
16 specifically stating: “the term ‘covered service’ means active military, naval, or air
17 service . . . performed on Guam or American Samoa, or in the territorial waters thereof,
18 during the period beginning on January 9, 1962, and ending on July 31, 1980, or served
19 on Johnston Atoll or on a ship that called at Johnston Atoll during the period beginning
20 on January 1, 1972, and ending on September 30, 1977”; and, the amendments which
21 help define substances, chemicals, and airborne hazards created by burn pit activity and
22 the covered veterans exposed to those burn pit substances, chemicals, and airborne
23 hazards; and

24 **WHEREAS**, the noble efforts put forth in H.R. 3967 and S. 3003 would be more
25 accurate with two (2) amendments. The first amendment to the bills that the Guam
26 Legislature supports is regarding the length of time Agent Orange was used in Guam.
27 Since the publication of the bills, new information has been uncovered relating to the
28 actual dates of Agent Orange use in Guam. A document published by the United States

1 Navy's Materials Testing and Evaluation Division on August 15, 1958 was recently
2 discovered in the University of Guam's archives. This document is titled "Guam Soils
3 Conservation Services No. 3: Herbicides" and confirms the use of certain herbicide
4 agents containing dioxin or 2,4-dichlorophenoxyacetic acid, such as Agent Orange, in
5 Guam as early as August 15, 1958. With this new information, it is suggested that the
6 amendments proposed by H.R. 3967 and S. 3003 federally recognizing the use of Agent
7 Orange in Guam instead read "(5) performed on Guam or American Samoa, or in the
8 territorial waters thereof, during the period beginning on August 15, 1958, and ending
9 on July 31, 1980 . . ."; and

10 **WHEREAS**, the second amendment to the bills that the Guam Legislature
11 supports is regarding the inclusion of Guam in the presumption of burn pit exposure
12 and benefit coverage. The U.S. military has and continues to utilize open-air burn pits,
13 which is a practice of igniting waste that produces more toxins than burning waste in a
14 controlled environment, and whose exposure to has been associated with exposure to
15 particulate matter and dioxins, of which the main dioxin released by burn pits is 2,3,7,8-
16 *tetrachlorodibenzo-p-dioxin* (TCDD, "dioxin"), one of the major toxin by-products
17 produced by Agent Orange; and

18 **WHEREAS**, despite the U.S. military's continued use of open-air burn pits in
19 Guam, the amendments proposed by H.R. 3967 and S. 3003 defining "covered
20 veterans" exposed to burn pit substances, chemicals, and airborne hazards does not
21 include Guam; and

22 **WHEREAS**, because of the U.S. military's continued open-air burn pit practice,
23 the "covered veterans" amendments within H.R. 3967 and S. 3003 should include
24 Guam's service members' exposure to burn pit substances, chemicals, and airborne
25 hazards. It is suggested then that the amendments to H.R. 3967 and S. 3003, which
26 expand the burn pit exposure definition of "covered veteran" include "a veteran who on
27 or after October 30, 1980, performed active military, naval, or air service while assigned
28 to a duty station in Guam"; now therefore, be it


1 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* (the 36th Guam
2 Legislature) does hereby, on behalf of the people of Guam, support H.R. 3967 and S.
3 3003 because they recognize Guam's Agent Orange exposure, and advocate for
4 amendments to H.R. 3967 and S. 3003 that reflect the correct dates of Agent Orange
5 use in Guam, and veterans' exposure to toxins related to the U.S. military's open-air
6 burn pit activity in Guam; and be it further

7 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the
8 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable
9 Joseph R. Biden, President of the United States of America; to the Honorable Kamala
10 Harris, Vice President of the United States and President of the U.S. Senate; to the
11 Honorable Patrick Leahy, President Pro Tempore, U.S. Senate; to the Honorable Nancy
12 Pelosi, Speaker, U.S. House of Representatives; to the Honorable Jon Tester, Montana
13 Senator and Chairman of the Committee on Veterans' Affairs, U.S. Senate; to the
14 Honorable Mark Takano, California Representative and Chairman of the Committee on
15 Veterans' Affairs, U.S. House of Representatives; to the Honorable Michael F.Q. San
16 Nicolas, Guam Delegate, U.S. House of Representatives; to the Honorable Elaine Luria,
17 Chairwoman of the Committee on Veterans' Affairs, Subcommittee on Disability
18 Assistance and Memorial Affairs, U.S. House of Representatives; to the Honorable
19 Adam Smith, Chairman of the Armed Services Committee, U.S. House of
20 Representatives; to the Guam Veterans Affairs Office; and to the Honorable Lourdes
21 A. Leon Guerrero, *I Maga'hågan Guåhan*.

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



THERESE M. TERLAJE
Speaker



AMANDA L. SHELTON
Legislative Secretary