



# Office of the Speaker **THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* | 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

## **House bills will federally recognize Guam's Agent Orange exposure**

**FOR IMMEDIATE RELEASE (November 5, 2021 – Hagåtña, Guam)** – Two resolutions were introduced into the 36<sup>th</sup> Guam Legislature this week by Speaker Therese Terlaje to support two U.S. House of Representatives bills that will federally recognize Guam's Agent Orange exposure.

The first resolution, Resolution 199-36 (LS) was introduced by Speaker Terlaje, Senator Sabina Perez, and the rest of their colleagues on October 27, 2021, and is an act "Relative to expressing the support of *I Mina'trentai Sais na Liheslaturan Guåhan* (the 36<sup>th</sup> Guam Legislature) for H.R. 3967, the 'Honoring our Promise to Address Comprehensive Toxics Act of 2021' because it recognizes Guam's Agent Orange exposure, and advocating for the expansion of the toxic exposure definition of 'covered veteran' under Title III to include 'a veteran who on or after October 30, 1980, performed active military, naval, or air service while assigned to a duty station in Guam because of the U.S. military's open-air burn pit activity in the island.'"

Despite service members' sworn testimony on the use of Agent Orange in Guam and scientific studies identifying the toxic herbicide's presence in Guam soil, the U.S. federal government continues to deny its use of Agent Orange outside of Vietnam and Thailand during the Vietnam War. H.R. 3967, introduced by Congressman Mark Takano, hopes to change this. The bill is titled the "Honoring Our Promise to Address Comprehensive Toxics Act of 2021" or "Honoring Our PACT of 2021" and to-date has 59 co-sponsors, including Guam's Delegate Michael F. Q. San Nicolas.

H.R. 3967 includes seven Titles whose main purposes are to improve health care and benefits for veterans exposed to toxic substances. The more notable amendments within H.R. 3967 include: a compensation clause for veterans who were part of the nuclear fallout clean-up of Enewetak Atoll in the Marshall Islands; the recognition of Guam's exposure to Agent Orange, which would provide health care and benefits for those veterans present on island from January 9, 1962 to July 31, 1980; and definitions of 'covered veterans' and locations affected by toxic exposure due to the U.S. military's use of burn pits.

Senator Sabina Perez, Chair of the Committee on Environment and co-sponsor of Resolution 199-36 (LS), recently held an informational hearing on the dangers of the U.S. military's use of open-air burn pits. Senator Perez's insight into this issue brought forth one of the Resolution's main purposes which is to advocate for Guam's inclusion within the definition of 'covered veteran' for exposure to toxic substances from burn pit use.

"Agent Orange, radiation exposure, burn pits—our veterans have been exposed to all of these, and know first-hand, the true costs of war," stated Senator Perez. "This crucial legislation will finally establish disability and healthcare benefits for veterans who have suffered serious health impacts of exposure to toxic chemicals. We must do everything we can to ensure that our people are given fair and equal access to healthcare." Specifically, the Resolution's amendment to the definition of 'covered veteran' says "a

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veteran who on or after October 30, 1980, performed active military, naval, or air service while assigned to a duty station in Guam”.

The second resolution, Resolution 200-36 (LS) was introduced by Speaker Terlaje and Senator Perez on October 28, 2021, and is an act “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 Herbicide Relief Act” introduced by the Honorable Michael San Nicolas in the United States House of Representatives on May 20, 2021, which 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 on Guam.”

H.R. 3368 was introduced into the 117<sup>th</sup> Congress by Delegate Michael San Nicolas and is an Act cited as the “Lonnie Kilpatrick Central Pacific Relief Act”. The Act has identical intentions as H.R. 3967 in that it will federally recognize Guam as an area affected by Agent Orange exposure. The 35<sup>th</sup> Guam Legislature unanimously passed Resolution 71-35 supporting an Act like H.R. 3368 that was also introduced by Delegate San Nicolas into the 116<sup>th</sup> Congress.

"Exposure to Agent Orange causes debilitating diseases that many in our community have had to endure. The passage of H.R. 3967 and H.R. 3368 and the recognition of Agent Orange exposure to our veterans in Guam will help them to receive the healthcare and benefits necessary to improve their quality of life and to finally attain justice," said Speaker Terlaje.

Speaker Therese Terlaje has spent many years advocating for veterans on Guam, passing several resolutions each term to support Congressional legislation that address the environmental and health impacts of Agent Orange, radiation exposure and nuclear testing clean-up on veterans and the people of Guam. She has also continued to call upon the Department of Defense to initiate cleanup efforts and support presumptive eligibility and compensation for exposed Veterans and our Guam community. In April 2021, an amicus brief was filed on behalf of Speaker Therese Terlaje in the United States Court of Appeals for the Federal Circuit in support of the Military-Veterans Advocacy, Inc., who filed an appeal after their petition for rulemaking was denied by the U.S. Department of Veterans Affairs (VA) on May 12, 2020. The appeal calls for the Court to require the U.S. Department of Veterans Affairs (VA) to recognize, through rulemaking, a presumption of exposure to Agent Orange for Guam and Johnston Island veterans in the Agent Orange Act of 1991.

The virtual public hearing for Resolutions 199-36 (LS) and 200-36 (LS) is scheduled for November 9, 2021 at 4:00 PM via the Guam Legislature's Zoom platform. The public is invited to participate and can contact Speaker Terlaje's office at [senatorterlajegum@gmail.com](mailto:senatorterlajegum@gmail.com) or (671) 472-3586 to submit written testimony and/ or RSVP for the Zoom link.