

**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 COMMITTEE 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>I Mina'trentai Sais na Liheslaturan Guåhan</i> (the 36th 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.	10/27/21 1:46 p.m.							

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

Resolution No. 199-36 (LS)

Introduced by:

Therese M. Terlaje *Tmt*
Sabina F. Perez *SFP*
Jose "Pedo" Terlaje *JT*
Tina Rose Muña Barnes *TRMB*
Clynton E. Ridgell *CR*
Telena Cruz Nelson *TCN*
Amanda L. Shelton *ALS*
Joe S. San Agustin *JS*
Joanne M. Brown *JB*
Telo T. Taitague *TT*
Mary Camacho Torres *Mary C. Torres*
V. Anthony Ada *VA*
Frank F. Blas Jr. *FFB*
Christopher M. Duenas *CD*
James C. Moylan *JCM*

Relative to expressing the support of *I Mina'trentai Sais na Liheslaturan Guåhan* (the 36th 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.

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

1 **WHEREAS**, the United States federal government has never recognized Guam
2 as an area affected by Agent Orange exposure as the Department of Defense continues
3 to deny its use of the toxic herbicide outside of Vietnam and Thailand during the
4 Vietnam War; and

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

13 **WHEREAS**, the most recent congressional effort to federally recognize Guam’s
14 Agent Orange exposure can be found in H.R. 3967 which was introduced into the 117th
15 Congress on June 17, 2021 by the Honorable Mark Takano, Representative of
16 California. H.R. 3967 is cited as the “Honoring our Promise to Address Comprehensive
17 Toxics Act of 2021” or the “Honoring our PACT Act of 2021”. To date, the Act has 57
18 co-sponsors, including the Honorable Michael F.Q. San Nicolas, Delegate of Guam;
19 and

20 **WHEREAS**, H.R. 3967 has seven Titles whose overall purposes seek
21 improvements to health care and benefits for veterans exposed to toxic substances, and
22 for other purposes; and

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

28 **WHEREAS**, Title II of the Act is cited as the “Fairly Assessing Service-related
29 Toxic Exposure Residuals Presumptions Act” or the “FASTER Presumptions Act” and

1 its purpose is to improve the ability of the Department of Veterans Affairs to establish
2 presumptions of service connection based on toxic exposure and re-evaluation of
3 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 groups and make recommendations to the Secretary whether to
7 establish or modify a presumption of service connection; and

8 **WHEREAS**, Title III of the Act is cited as the “Veterans Burn Pits Exposure
9 Recognition Act” and its purpose is to improve the establishment of service connection
10 process for veterans by allowing the Secretary to give affected veterans the benefit of
11 the doubt in terms of exposure, amend the list of relevant substances, chemicals, and
12 airborne hazards released during burn pit use, define ‘covered veterans,’ and provide
13 services to veterans who need help establishing a service connection; and

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

20 **WHEREAS**, Title V of the Act’s purpose is to establish research studies on toxic
21 exposure illnesses, cancer, health trends among post-9/11 veterans, location health
22 trends, and more; and

23 **WHEREAS**, Title VI of the Act is cited as the “Toxic Exposure in the American
24 Military Act” or the “TEAM Act” and its purpose is to improve resources and training
25 regarding toxic exposed veterans by publishing resource lists, incorporating toxic
26 exposure questionnaires at medical check-ups, and personnel training with respect to
27 toxic exposed veterans; and

28 **WHEREAS**, Title VII of the Act deals with registries, records, and other matters
29 and its purpose is to establish toxic exposure registries, improve the Individual

1 Longitudinal Exposure Record through independent study and biannual reports, and
2 correct exposure records by members of the Armed Forces and Veterans; and

3 **WHEREAS**, the efforts put forth in H.R. 3967 are necessary, especially the
4 amendment within Title IV adding a compensation clause for the clean-up of Enewetak
5 Atoll during the period beginning January 1, 1977, and ending on December 31, 1980,
6 which Guam residents who participated in the clean-up would qualify for; the
7 amendment within Title IV federally recognizing Guam as an area affected by Agent
8 Orange which specifically states “the term ‘covered service’ means active military,
9 naval, or air service . . . performed on Guam or American Samoa, or in the territorial
10 waters thereof, during the period beginning on January 9, 1962, and ending on July 31,
11 1980, or served on Johnston Atoll during the period beginning on January 1, 1972, and
12 ending on September 30, 1977”; and the amendments within Title III which help define
13 substances, chemicals, and airborne hazards created by burn pit activity and the covered
14 veterans exposed to those burn pit substance, chemical, and airborne hazards; and

15 **WHEREAS**, the U.S. military, in addition to using Agent Orange in Guam, has
16 and continues to utilize open-air burn pits which is a practice of igniting waste that
17 produces more toxins than burning waste in a controlled environment, and whose
18 exposure to has been associated with exposure to Particulate Matter and dioxins, of
19 which the main dioxin released by burn pits is *2,3,7,8-tetrachlorodibenzo-p-dioxin*
20 (TCDD), one of the major toxin byproducts produced by Agent Orange; and

21 **WHEREAS**, despite the U.S. military’s continued use of open-air burn pits in
22 Guam, the amendment within Title III defining ‘covered veterans’ exposed to burn pit
23 substances, chemicals, and airborne hazards does not include Guam; and

24 **WHEREAS**, because of the U.S. military’s continued open-air burn pit practice,
25 the ‘covered veterans’ amendment within Section 103 of Title III of H.R. 3967 should
26 include Guam’s service members’ exposure of harmful toxins, dioxins, and Particulate
27 Matter. It is suggested then that the amendment within Section 103 of Title III of H.R.
28 3967 expand the definition of ‘covered veteran’ to include ‘a veteran who on or after

1 October 30, 1980, performed active military, naval, or air service while assigned to a
2 duty station in Guam'; now therefore be it

3 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* (the 36th Guam
4 Legislature) does hereby, on behalf of the people of Guam, support H.R. 3967, the
5 'Honoring our Promise to Address Comprehensive Toxics Act of 2021' because it
6 recognizes Guam's Agent Orange exposure, and advocate for the expansion of the toxic
7 exposure definition of 'covered veteran' under Title III to include 'a veteran who on or
8 after October 30, 1980, performed active military, naval, or air service while assigned
9 to a duty station in Guam' because of the U.S. military's open-air burn pit activity in
10 the island; and be it further

11 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the
12 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable
13 Joe Biden, President of the United States of America; the Honorable Kamala Harris,
14 Vice President of the United States; to the Honorable Nancy Pelosi, Speaker, U.S.
15 House of Representatives; to the Honorable Mark Takano, California Representative
16 and Chairman of the Committee on Veterans' Affairs, U.S. House of Representatives;
17 to the Honorable Michael F. Q. San Nicolas, Guam Delegate, U.S. House of
18 Representatives; to the Honorable Adam Smith, Chairman of the Armed Services
19 Committee, U.S. House of Representatives; and to the Honorable Lourdes A. Leon
20 Guerrero, *I Maga'hågan Guåhan*.

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

THERESE M. TERLAJE
Speaker

AMANDA L. SHELTON
Legislative Secretary