

**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
213-36 (COR)	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 S. 3003, the 'Comprehensive and Overdue Support for Troops of War Act of 2021' which recognizes Guam's Agent Orange exposure, and to further advocating for amendments to 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.	11/18/21 1:52 p.m.							

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

**Resolution No. 213-36 (COR)**

Introduced by:

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

**Relative to expressing the support of *I Mina'trentai Sais na Liheslaturan Guåhan* (the 36<sup>th</sup> Guam Legislature) for S. 3003, the 'Comprehensive and Overdue Support for Troops of War Act of 2021' which recognizes Guam's Agent Orange exposure, and to further advocating for amendments to 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 THE COMMITTEE ON RULES OF I**  
2        ***MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN*:**

1           **WHEREAS**, the United States federal government does not recognize Guam as  
2 an area affected by Agent Orange exposure, as the Department of Defense continues to  
3 deny its use of the toxic herbicide outside of Vietnam and Thailand during the Vietnam  
4 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 Guam’s Agent Orange exposure, that include H.R. 809, the “Fighting for Orange-  
8 Stricken Territories in Eastern Regions (FOSTER) Act” which was introduced into the  
9 115<sup>th</sup> Congress, and H.R. 1713, and the “Lonnie Kilpatrick Central Pacific Herbicide  
10 Relief Act” which was introduced into the 116<sup>th</sup> Congress, the presence of Agent  
11 Orange in Guam continues to not be recognized by the U.S. federal government; and

12           **WHEREAS**, one of the most recent congressional efforts to federally recognize  
13 Guam’s Agent Orange exposure can be found in S. 3003, which was introduced in the  
14 U.S. Senate on October 19, 2021 by the Honorable Jon Tester, Montana Senator. S.  
15 3003 is cited as the “Comprehensive and Overdue Support for Troops of War Act of  
16 2021” or the “COST of War Act of 2021”, and upon introduction, was referred to the  
17 Senate Committee on Veterans Affairs; and

18           **WHEREAS**, S. 3003 has seven Titles whose overall purposes seek to improve  
19 health care and benefits for veterans exposed to toxic substances, and for other  
20 purposes; and

21           **WHEREAS**, the purpose of “Title I—Expansion of Health Care for Toxic  
22 Exposure Veterans” is to improve health care for certain toxic exposure veterans,  
23 expand health care eligibility for certain veterans exposed to burn pits, and expand  
24 health care eligibility for veterans awarded certain medals. Title I will also grant the  
25 Secretary of Veterans Affairs the ability to conduct a study on feasibility and  
26 advisability of furnishing hospital care and medical services to dependents of veterans  
27 who participated in toxic exposure risk activities, and requires a report of this study to

1 be submitted to Congress no later than two years after the date of enactment of this Act;  
2 and

3       **WHEREAS**, the purpose of “Title II—Reforms to the Toxic Exposure  
4 Presumption Process” is to improve the ability of the Department of Veterans Affairs  
5 to establish presumptions of service connection based on toxic exposure by establishing  
6 a “Toxic Exposure Review Commission”; entering into a 10-year agreement with the  
7 National Academies of Sciences, Engineering, and Medicine to review and evaluate the  
8 available scientific evidence regarding associations between illnesses and toxic  
9 exposures; and establishing a Working group which will evaluate the conclusions of the  
10 aforementioned agreement and make any resulting recommendations to the Secretary.  
11 Regulations regarding action upon Working group recommendations regarding  
12 presumptions of service connection based on toxic exposure are also included under  
13 Title II; and

14       **WHEREAS**, the purpose of “Title III—Reforms to the Service Connection  
15 Process for Toxic Exposure Veterans” is to improve the service connection process for  
16 veterans, describe veterans presumed to have been exposed to the amended list of  
17 relevant substances, chemicals, and airborne hazards released during burn pit activity,  
18 and provide services to veterans who need help establishing a service connection; and

19       **WHEREAS**, the purpose of “Title IV— Expansion of Presumptions of Service  
20 Connection for Forgotten Veterans” is to extend the presumption of service connection  
21 for various veterans who during their service were exposed to toxins, and improve the  
22 list of diseases associated with exposure to certain herbicide agents, burn pits, and other  
23 toxins. This Title includes the “Mark Takai Atomic Veterans Healthcare Parity Act of  
24 2021,” which extends the presumption of service connection to veterans who  
25 participated in the cleanup of the Enewetak Atoll, and a section extending the  
26 presumption of service connection for diseases associated with exposures to certain

1 herbicide agents to veterans who served in certain locations, with one of the locations  
2 being Guam; and

3         **WHEREAS**, the purpose of “Title V—Strengthening Federal Research on Toxic  
4 Exposures” is to have the Secretary coordinate all research activities undertaken or  
5 funded by the Executive Branch of the Federal Government, like studies relating to  
6 veterans who served in Southwest Asia; a study on health trends of post 9/11 veterans;  
7 and a study on cancer rates among veterans; and

8         **WHEREAS**, the purpose of “Title VI—Improving Support to Toxic Exposure  
9 Veterans” is to improve resources and training regarding toxic exposed veterans by  
10 publishing resource lists, incorporating toxic exposure questionnaires at medical check-  
11 ups, and personnel training with respect to toxic exposed veterans. The Title also  
12 includes the “SFC Heath Robinson Burn Pit Transparency Act” which will have the  
13 Secretary and Controller General submit reports to the appropriate congressional  
14 committees on matters relating to burn pit cases, such the numbers of reported cases  
15 and effectiveness of burn pit exposure case processing; and

16         **WHEREAS**, the purpose of “Title VII—Strengthening Record-Keeping of  
17 Toxic Exposures by Department of Defense” is to improve the Individual Longitudinal  
18 Exposure Record through independent study and biannual reports, and correct exposure  
19 records by members of the Armed Forces and Veterans; and

20         **WHEREAS**, the efforts put forth in S. 3003 are necessary, especially the  
21 amendment within Title IV adding a compensation clause for the clean-up of Enewetak  
22 Atoll during the period beginning January 1, 1977, and ending on December 31, 1980,  
23 which Guam residents who participated in the clean-up would qualify for; the  
24 amendment within Title IV federally recognizing Guam as an area affected by Agent  
25 Orange which specifically states “the term ‘covered service’ means active military,  
26 naval, or air service “performed on Guam or American Samoa, or in the territorial  
27 waters thereof, during the period beginning on January 9, 1962, and ending on July 31,

1 1980, or served on Johnston Atoll or on a ship that called at Johnston Atoll during the  
2 period beginning on January 1, 1972, and ending on September 30, 1977”; and the  
3 amendments throughout the bill defining substances, chemicals, and airborne hazards  
4 created by burn pit activity, describing ‘covered veterans’ exposed to those burn pit  
5 substance, chemical, and airborne hazards, and ensuring transparency and effectiveness  
6 of burn pit case processing; and

7 **WHEREAS**, the noble efforts put forth in this bill could be more accurate with  
8 two amendments. The first amendment to the bill is regarding the length of time Agent  
9 Orange was used in Guam. Since S. 3003’s publication, new information has been  
10 uncovered relating to the actual dates of Agent Orange use in Guam. A document  
11 published by the United States Navy’s Materials Testing and Evaluation Division on  
12 August 15, 1958 was recently discovered in the University of Guam’s archives. This  
13 document is titled “Guam Soils Conservation Services No. 3: Herbicides” and confirms  
14 the use of Agent Orange in Guam to have taken place as early as August 15, 1958. With  
15 this new information, it is suggested that the amendment in Section 403 of Title IV read  
16 “(5) performed on Guam or American Samoa, or in the territorial waters thereof, during  
17 the period beginning on August 15, 1958, and ending on July 31, 1980 . . .”; and

18 **WHEREAS**, the second amendment to the bill is regarding the inclusion of  
19 Guam in the presumption of burn pit exposure and benefit coverage. The U.S. military  
20 has and continues to utilize open-air burn pits which is a practice of igniting waste that  
21 produces more toxins than burning waste in a controlled environment, and whose  
22 exposure to has been associated with exposure to Particulate Matter and dioxins, of  
23 which the main dioxin released by burn pits is *2,3,7,8-tetrachlorodibenzo-p-dioxin*  
24 (TCDD), one of the major toxin byproducts produced by Agent Orange; and

25 **WHEREAS**, despite the U.S. military’s continued use of open-air burn pits in  
26 Guam, the amendment within Section 1120, Title III of S. 3003 defining ‘covered

1 veterans' exposed to burn pit substances, chemicals, and airborne hazards does not  
2 include Guam; and

3 **WHEREAS**, because of the U.S. military's continued open-air burn pit practice,  
4 the 'covered veterans' amendment within Section 1120, Title III of S. 3003 should  
5 include Guam's service members' exposure of harmful toxins, dioxins, and Particulate  
6 Matter. It is suggested then that the amendments within S. 3003 expand the definition  
7 of 'covered veteran' to include 'a veteran who on or after October 30, 1980, performed  
8 active military, naval, or air service while assigned to a duty station in Guam'; now  
9 therefore be it

10 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Sais Na*  
11 *Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, support S. 3003,  
12 the 'Comprehensive and Overdue Support for Troops of War Act of 2021' which  
13 recognizes Guam's Agent Orange exposure, and further advocate for amendments to S.  
14 3003 that reflect the correct dates of Agent Orange use in Guam, and veterans' exposure  
15 to toxins related to the U.S. military's open-air burn pit activity in Guam; and be it  
16 further

17 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules  
18 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of  
19 the same be thereafter transmitted to the Honorable Joe Biden, President of the United  
20 States of America; the Honorable Kamala Harris, Vice President of the United States  
21 and President of the U.S. Senate; to the Honorable Patrick Leahy, President pro  
22 tempore, U.S. Senate; to the Honorable Jon Tester, Montana Senator and Chairman of  
23 the Committee on Veterans Affairs, U.S. Senate; and to the Honorable Lourdes A. Leon  
24 Guerrero, *I Maga'hågan Guåhan*.

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

---

**THERESE M. TERLAJE**  
**Speaker**

---

**TINA ROSE MUÑA BARNES**  
**Chairperson, Committee on Rules**

---

**AMANDA L. SHELTON**  
**Legislative Secretary**