

**I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN  
RESOLUTIONS**

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE AUTHORS REPORT FILED	NOTES
29-37 (COR)	Jesse A. Lujan Frank Blas, Jr. Telo T. Taitague Tina Rose Muña Barnes Christopher M. Dueñas William A. Parkinson Joanne Brown Dwayne T. D. San Nicolas Roy A. B. Quinata Sabina Flores Perez	Relative to requesting the U.S. Congress to appropriate monies for Guam non-military residents who were exposed to Agent Orange and who are suffering from ailments caused by exposure to Agent Orange.	2/22/23 9:00 a.m.			2/22/23	Author	7/31/23 5:30 p.m.	9/8/23 3:02 p.m.	



Office of Senator

## Jesse Anderson Lujan

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature  
Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

September 7, 2023

**The Honorable Therese M. Terlaje**

Speaker

*I Mina'trentai Siette na Liheslaturan Guåhan*

163 Chalan Santo Papa

*Hågatña*, Guam 96910

**VIA: The Honorable Chris Barnett** *DUB*  
Chairperson, Committee on Rules

**RE: Author's Report on Resolution No. 29-37(COR)**

*Håfa Adai Speaker Terlaje:*

Transmitted herewith for consideration by the Body is the Author's Report on **Resolution No. 29-37(COR)** - Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez – **“RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.”**

Sincerely

Senator Jesse A. Lujan  
Public Hearing Officer, Resolution Author



COMMITTEE ON RULES

Received:

September 7, 2023 11:56 a.m.

*Kamarin Nelson*

259 Martyr Street Ste. 101A, Calvo-Arriola Bldg., *Hågatña* Guam 96910 | (W): 671-969-6525

[www.jesselujan.org](http://www.jesselujan.org) | FB & IG: @senatorjesselujan



*Office of Senator*

**Jesse Anderson Lujan**

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature  
Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

## **AUTHOR'S REPORT**

**RESOLUTION NO. 29-37(COR)**

**“RELATIVE TO REQUESTING THE U.S.  
CONGRESS TO APPROPRIATE MONIES FOR  
GUAM NON-MILITARY RESIDENTS WHO  
WERE EXPOSED TO AGENT ORANGE AND  
WHO ARE SUFFERING FROM AILMENTS  
CAUSED BY EXPOSURE TO AGENT  
ORANGE.”**

**INTRODUCED BY:**

**Jesse A. Lujan/ Frank Blas, Jr./ Telo T. Taitague/ Tina  
Rose Muña Barnes/ Christopher M. Dueñas/ William A.  
Parkinson/ Joanne Brown/ Dwayne T. D. San Nicolas/  
Roy A. B. Quinata/ Sabina Flores Perez**



## COMMITTEE ON RULES

Senator Chris Barnett, Chairperson  
*I Mina'trentai Siette Na Liheslaturan Guåhan*  
37<sup>th</sup> Guam Legislature

February 22, 2023

**To:** **RennaeVanessa C. Meno**  
Clerk of the Legislature

**Attorney Darleen Hiton**  
Legislative Legal Counsel

**From:** **Senator Chris Barnett**   
Chairperson, Committee on Rules

**Subject:** **Referral of Resolution No. 29-37 (COR)**

---

*Håfa Adai yan Biba Guåhan!*

As per my authority as Chairperson of the Committee on Rules and subject to §§ 7.03(e), and 7.04(b) Rule VII of our Standing Rules, and 2 GCA § 2103(b), I am forwarding the referral of **Resolution No. 29-37 (COR)** – Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas Roy Anthony Benavente Quinata, Sabina Flores Perez – “Relative to requesting the U.S. Congress to appropriate monies for Guam non-military residents who were exposed to Agent Orange and who are suffering from ailments caused by exposure to Agent Orange.”

Please ensure that the subject resolution is referred to Senator Jesse A. Lujan, Author of the Resolution. I also request that the same be forwarded to Management Information Services (MIS) for posting on our website.

A copy of the resolution is available on our legislative website <https://guamlegislature.com/index/37th-guam-legislature-resolutions/>.

Should you have any questions or concerns, please feel free to contact Joaquin ‘Quin’ P. Taitague, Committee on Rules Director at 671-472-2461.







Office of Senator

## Jesse Anderson Lujan

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Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

July 24, 2023

### MEMORANDUM

**To:** All Honorable Senators, Stakeholders, and Media

**From:** Senator Jesse A. Lujan 

**Subject:** **FIRST NOTICE OF PUBLIC HEARING:** Monday, July 31, 2023 – 5:30 P.M.

---

*Buenas yan Håfa Ådai!*

The Office of Senator Jesse A. Lujan will convene a Public Hearing on **Monday, July 31, 2023, at 5:30 p.m., in the Guam Congress Building, Public Hearing Room,** to hear the following:

- **Resolution No.29-37(COR)** – Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez

RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.

### **Watch Live**

The Public Hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117 and stream online via *I Liheslaturan Guåhan*'s live feed. A recording of the hearings will be available online via Guam Legislature Media on YouTube after the hearing.

### **How to Participate**

The public is invited to provide oral or written testimony on the agenda item. Written testimony may be submitted to [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org) or hand delivered to the Office of Senator Lujan at no later than June 5, 2023, for further guidance.



*Office of Senator*

## **Jesse Anderson Lujan**

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature  
Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the hearing date and should be addressed to Senator Jesse A. Lujan. Testimonies may be submitted via drop-box or emailed to the Office of Senator Jesse A. Lujan at the aforementioned addresses.

### **Special Accommodations**

Individuals requiring special accommodations, auxiliary aids, or other services may contact and submit their request to Ms. Cecile Bamba Suda at the Office of Senator Jesse A. Lujan at 259 Martyr Street Ste. 101A, Calvo-Arriola Bldg., Hagåtña Guam 96910, or by phone at (671) 969-6525 or via email at [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org).

We look forward to your attendance and participation. *Si Yu'os Ma'åse'*

---

**FIRST NOTICE OF PUBLIC HEARING: Monday, July 31, 2023 – 5:30 P.M.**

---

Senator Jesse Lujan &lt;senatorlujan@guamlegislature.org&gt;

Mon, Jul 24, 2023 at 8:19 AM

Bcc: phnotice@guamlegislature.org, [REDACTED]

July 24, 2023

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--

*Si Yu'os Ma'åse'*,



**Senator Jesse A. Lujan**

*Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism, Higher Education, and the Advancement of Women, Youth, and Senior Citizens*

**37th Guam Legislature**

*I Mina'trentai Siette Na Liheslaturan Guåhan*

259 Martyr St. Suite 101A, Calvo-Arriola Building

Hågatña Guam 96910

**Office:** (671)969-6525

**Email:** [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org)

**Website:** [jesselujan.org](http://jesselujan.org)


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**2 attachments**

 **Sen. JAL First Notice of Resolution 29-37(COR) Public Hearing.pdf**  
208K

 **Res No. 29-37 (COR).pdf**  
2455K


# FIRST NOTICE OF PUBLIC HEARING: Monday, July 31, 2023 – 5:30 P.M.

 PRINT

**FIRST NOTICE OF PUBLIC HEARING: Monday, July 31, 2023 – 5:30 P.M.**

**PUBLIC HEARING**



 **Posted on:** 07/24/2023 09:00 AM


 **Posted by:** Elise Calvo, SR Policy Advisor

 **Public Hearing Date:** 07/31/2023 05:30 PM

 **Department(s):** **GUAM LEGISLATURE** (/notices?department\_id=92)

 **Division(s):** OFFICE OF SENATOR JESSE A. LUJAN (/notices?division\_id=270)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic\_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type\_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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July 24 , 2023

## **MEMORANDUM**

To: All Senators, Stakeholders and Media  
From: Senator Jesse A. Lujan

Subject: **FIRST NOTICE of Public Hearing –Monday, July 31, 2023 at 5:30 PM**

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RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.

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We look forward to your attendance and participation. *Si Yu'os Ma'åse!*

**FIRST NOTICE OF PUBLIC HEARING: Monday, July 31, 2023 – 5:30 P.M.**

**(/app/webroot/userfiles/files/Sen.%20JAL%20First%20Notice%20of%20Resolution%2029-37%28COR%29%20Public%20Hearing%20%281%29%281%29.pdf)**

**RESOLUTION NO.29-37(COR)**

**(/app/webroot/userfiles/files/Res%20No.%2029-37%20%28COR%29.pdf)**





Office of  
**Senator Jesse A. Lujan**  
*I Mina'trentai Siette Na Liheslaturan Guahan*

**NOTICE OF PUBLIC HEARING: MONDAY, JULY 31, 2023**  
Guam Congress Building, Public Hearing Room

5:30 PM

**AGENDA**

- **Resolution No. 29-37(COR)** – Jesse A. Lujan, Frank Blas, Jr., Telo T. Tartague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.

The public is invited to provide oral testimony on the agenda item. Written testimony may be submitted to [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org) or hand delivered to the Office of Senator Jesse A. Lujan at 259 Martyr Street Ste. 101A, Calvo-Arriola Bldg., Hagåtña Guam 96910. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations should contact the Office of Senator Lujan at (671)969-6525 or email at [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org). All hearings broadcast on GTA TV Channel 21, Docomo Channel 117, and live-streamed on the Guam Legislature Youtube: <https://www.youtube.com/c/GuamLegislatureMedia>. This ad was paid with Office Funds.

little type

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**GUAM PAROLE BOARD**  
Government of Guam

P.O. Box 3236 Hagatna, Guam 96932  
Tel: 671-735-4132/33  
Fax: 671-734-4051  
Email: [guamparoleboard@doc.guam.gu](mailto:guamparoleboard@doc.guam.gu)

Stephen J. Guerrero  
Chairman  
Lina N.B. McDaniel  
Member  
June G. Borja  
Member  
John Q. Lizama  
Member

Guam Parole Board's regular scheduled hearing will be on **Thursday, July 27, 2023, 4:00 p.m.**, at the Parole Services Division Office #203 Aspinall Avenue Hagatna, Guam.

**Agenda:**

I. Call to Order, II. Roll Call, III. Old Business April 27, 2023 (Parole Desirability Cases for Redtwelve T'fong, Greg Samuel, Jose Baza, Joseph Sakura), IV. New Business (Parole Desirability Cases for Jay Nededog, Vince Phillip, Feleti Tamalua, David Juanico, Orlando Hadley aka Jess Partolome, Castro Wilson, Calvin Anderson, Jason Pangelinan, Jacob DeGuzman, Tomynson Nikot, Bruno Simmons, Marvin Hortilano, Albert Saboy, Ryan Arnold ( Preliminary Revocation Case Randy Chargualaf. Brian Camacho, Vicente Leon Guerrero, Vincent Perez, Daniel Sanchez)

Guam Parole Review Board's regular scheduled meeting will be on **Thursday, July 27, 2023, 3:00 p.m.**, at the Parole Services Division Office #203 Aspinall Avenue Hagatna, Guam.

**Agenda:**

I. Call to Order, II. Roll Call, III. Old Business April 27, 2023 (Pardon Request Case for Anthony Babauta, Jeffrey Cruz, Richard Quinata, Zarackai Patrick), IV. New Business (Pardon/Commutation Case None scheduled at this time), V. Deliberation, VI. Adjourn

Meeting ID: 856 8877 1596 Passcode: 556746.

To attend the hearing, we ask that you register via [guamparoleboard@doc.guam.gu](mailto:guamparoleboard@doc.guam.gu). For individuals requiring special accommodations, please contact the Parole Services Division at 671-735-4132/33 for assistance.

This ad was paid for by the Corrections Revolving Fund.

**WAR CLAIMS ADJUDICATION COMMITTEE MEETING**  
PUBLIC NOTICE

AS PER PL 36-73 AND PL 36-62  
JULY 26, 2023 | 5:00PM

The War Claims Adjudication Committee meeting will be held at Guam Museum Multi-Purpose Room. The Meeting will also be live streamed on [facebook.com/govlougum](https://facebook.com/govlougum)

**AGENDA**

- Call to Order
- Roll Call
- Approval of Meeting Minutes from May 10, 2023
- Reading of Public Notice Dates for Meeting
  - Guam Daily Post, Pacific Daily News, DOA Website & GovGuam Notices Portal
  - July 17, 2023 and July 24, 2023
- Committee will Adjudicate Claim I-0030
- New Business
  - Program Closure report
- General Discussion
- Adjournment

**Zoom Meeting:**

War Claims Adjudication Committee Meeting Time:

This is a recurring meeting Meet anytime Join Zoom Meeting

<https://us02web.zoom.us/j/85160446200?pwd=cK4vcHp2eTBpTG1URFVka9WmJmQ0T09>  
(Meeting ID: 851 6044 6200) (Passcode: 790399)

For more information and for special accommodations, please contact the Guam War Claims Center at 671-989-9277/78 from 9am – 2pm or you may email [guamwarclaims@doa.guam.gov](mailto:guamwarclaims@doa.guam.gov)  
**This notice was paid for by the Department of Administration**

Office of the Attorney General  
**Douglas B. Moylan**  
Attorney General of Guam  
Family Section, General Crimes Division  
590 S Marine Corps Drive, ITC Bldg., Ste. 706  
Tamuning, Guam 96913 • USA  
(671) 475-2595 • (671) 475-3343 (fax)  
[familydivision@agguam.org](mailto:familydivision@agguam.org)  
Attorney for the People of Guam

**IN THE SUPERIOR COURT OF GUAM**

**IN THE INTEREST OF**

**H.E.C.F. (DOB: 11/14/2018), and  
S.C.C.F. (DOB: 08/08/2020),**

**Minors.**

**JUVENILE CASE NO.: JP0076-22**  
**Summons**

To: **Heather Lynn Castro-Fulcher, Natural Mother**

You are hereby summoned to appear via Zoom, before the **HONORABLE LINDA L. INGLES**, at the Judiciary of Guam, Superior Court of Guam, 120 West O' Brien Drive, Hagåtña, Guam, for a court hearing on:

**MONDAY, AUGUST 7, 2023 AT 10:00 A.M.**

Zoom meeting ID: 716-711-9213 / Password: 76504

YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHT CONCERNING THE CHILD WHO IS THE SUBJECT OF THE ATTACHED PETITION MAY BE TERMINATED BY AWARD OF PERMANENT CUSTODY IF YOU FAIL TO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS.

**YOU MAY BE HELD IN CONTEMPT IF YOU FAIL TO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS.**

Dated: June 01, 2023

Clerk, Superior Court of Guam  
By: /s/ Shelia K. Castro  
Deputy Clerk



**GUAM ECONOMIC DEVELOPMENT AUTHORITY**

590 S. MARINE CORPS, DR. SUITE 511 ITC BLD TAMUNING, GUAM 96913  
TEL (671) 647-4332 FAX (671) 649-4146 [www.investguam.com](http://www.investguam.com)

**NOTICE OF REGULAR BOARD MEETING**

The Guam Economic Development Authority (GEDA), a public corporation, will be holding its Regular Board of Directors meeting on

**Monday, July 31, 2023**

via Zoom and in the GEDA conference room located in Suite 511, 5th floor, International Trade Center (ITC) Building, 590 South Marine Corps Drive, Tamuning, Guam. For the link request or for persons requiring special accommodations, please contact GEDA's coordinator, Angeleno Rios at 671-647-4332 or at [angeleno.rios@investguam.com](mailto:angeleno.rios@investguam.com). The meeting will be streamed live on GEDA's YouTube channel - [investguam.com/live](https://investguam.com/live)

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- Call to Order
- Infres
- Roll Call
- Approval of Agenda
- Approval of Minutes
  - April 2023 Board Meeting | April 13, 2023
- Chairman's Remarks
- CEO/Administrator's Remarks
- Committee & Standing Reports
  - Investment Committee
  - Real Property Committee
  - Healthcare Committee
  - Agriculture Committee/ Aquaculture Committee
  - Qualifying Certificate Report
  - Communications Report
  - Grants Report
- Old Business
  - 2023 GIAA Bond Refunding - CLOSED
- New Business
  - Gabertan Charge-Off
  - Project Mawar-rior Childcare Grant Approval
  - GEDA Investment Policy Update
  - Mangilao Night Market Request for Community Contribution
  - Assignment + Assumption of Lease Agreement & Certificate of Corporate Resolution Re: Lot 1NEW, Block 2, Tract 259 Tamuning
- Public Comment
- Adjournment

Pursuant to PL 26-12, funding for this ad was paid by GEDA General Fund.

**/s/ MELANIE MENDIOLA, GUAM ECONOMIC DEVELOPMENT AUTHORITY CEO/ADMINISTRATOR**



Office of Senator

## Jesse Anderson Lujan

*I Mina'trentai Siette na Liheſlaturan Guåhan* | 37<sup>th</sup> Guam Legislature  
Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

July 28, 2023

### MEMORANDUM

**To:** All Honorable Senators, Stakeholders, and Media

**From:** Senator Jesse A. Lujan 

**Subject:** **SECOND NOTICE OF PUBLIC HEARING:** Monday, July 31, 2023 – 5:30 P.M.

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We look forward to your attendance and participation. *Si Yu'os Ma'åse'*!

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**SECOND NOTICE OF PUBLIC HEARING: Monday, July 31, 2023 – 5:30 P.M.**

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Senator Jesse Lujan &lt;senatorlujan@guamlegislature.org&gt;

Fri, Jul 28, 2023 at 11:33 AM

Cc: phnotice@guamlegislature.org

Bcc: [REDACTED]

July 28, 2023

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- **Resolution No.29-37(COR)** – Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez

RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.

**Watch Live**

The Public Hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117 and stream online via *I Liheslaturan Guåhan*'s live feed. A recording of the hearings will be available online via Guam Legislature Media on YouTube after the hearing.

**How to Participate**

The public is invited to provide oral or written testimony on the agenda item. Written testimony may be submitted to [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org) or hand delivered to the Office of Senator Lujan at no later than June 5, 2023, for further guidance.

If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the hearing date and should be addressed to Senator Jesse A. Lujan. Testimonies may be submitted via drop-box or emailed to the Office of Senator Jesse A. Lujan at the aforementioned addresses.

**Special Accommodations**

Individuals requiring special accommodations, auxiliary aids, or other services may contact and submit their request to Ms. Cecile Bamba Suda at the Office of Senator Jesse A. Lujan at 259 Martyr Street Ste. 101A, Calvo-Arriola Bldg., Hagåtña Guam 96910, or by phone at (671) 969-6525 or via email at [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org).

We look forward to your attendance and participation. *Si Yu'os Ma'åse'*!

--

*Si Yu'os Ma'åse'*,



**Senator Jesse A. Lujan**

*Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism, Higher Education, and the Advancement of Women, Youth, and Senior Citizens*

**37th Guam Legislature**

*I Mina'trentai Siette Na Liheslaturan Guåhan*

259 Martyr St. Suite 101A, Calvo-Arriola Building

Hågatña Guam 96910

**Office:** (671)969-6525

**Email:** [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org)

**Website:** [jesselujan.org](http://jesselujan.org)

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---

**2 attachments**



**Res No. 29-37 (COR).pdf**

2455K



**Sen. JAL Second Notice of Resolution 29-37(COR) Public Hearing.pdf**

298K


# SECOND NOTICE OF PUBLIC HEARING: Monday, July 31, 2023 – 5:30 P.M.

 PRINT

**SECOND NOTICE OF PUBLIC HEARING: Monday, July  
31, 2023 – 5:30 P.M.**

**PUBLIC HEARING**



 **Posted on:** 07/28/2023 11:36 AM

 **Posted by:** Elise Calvo, SR Policy Advisor

 **Public Hearing Date:** 07/31/2023 05:30 PM

 **Department(s):** **GUAM LEGISLATURE** (/notices?department\_id=92)

 **Division(s):** OFFICE OF SENATOR JESSE A. LUJAN (/notices?division\_id=270)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic\_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type\_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

 **Share this notice**

July 28 , 2023

## **MEMORANDUM**

To: All Senators, Stakeholders and Media  
From: Senator Jesse A. Lujan

Subject: **SECOND NOTICE of Public Hearing –Monday, July 31, 2023 at 5:30 PM**

*Buenas yan Håfa Ådai!*

The Office of Senator Jesse A. Lujan will convene a Public Hearing on **Monday, July 31, 2023, at 5:30 p.m., in the Guam Congress Building, Public Hearing Room**, to hear the following:

**Resolution No.29-37(COR)** – Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez

RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.

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### **How to Participate**

The public is invited to provide oral or written testimony on the agenda item. Written testimony may be submitted to [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org) (<mailto:senatorlujan@guamlegislature.org>) or hand delivered to the Office of Senator Lujan at no later than June 5, 2023, for further guidance.

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We look forward to your attendance and participation. *Si Yu'os Ma'åse!*

## **SECOND NOTICE OF PUBLIC HEARING: Monday, July 31, 2023 – 5:30**

### **P.M.**

[\(/app/webroot/userfiles/files/Sen.%20JAL%20Second%20Notice%20of%20Resolution%2029-37%28COR%29%20Public%20Hearing%20%281%29.pdf\)](/app/webroot/userfiles/files/Sen.%20JAL%20Second%20Notice%20of%20Resolution%2029-37%28COR%29%20Public%20Hearing%20%281%29.pdf)

### **RESOLUTION NO.29-37(COR)**

<https://notices.guam.gov/app/webroot/userfiles/files/Res%20No.%2029-37%20%28COR%29.pdf>

## PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

**MICHAEL TRUONG (UPGRADE)**  
**DBA: PHO THANH XUAN (NOODLE HOUSE)**

has applied for a Class: Four (4) GENERAL ON SALE Alcoholic Beverage License said premises being marked as Lot: 5137-R2 FOUNTAIN PLAZA UNIT 103 720 PALE SAN VITORES RD TAMUNING

## PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

**KIM, KYOUNG MI**  
**DBA: KIMI MARKET 2**

has applied for a Class: Five (5) GENERAL Alcoholic Beverage License said premises being marked as Lot: M07 T1812 L1-2 PAGAT, MANGILAO



Office of  
**Senator Jesse A. Lujan**  
*I Mina'trentai Siette Na Liheslaturan Guåhan*

**NOTICE OF PUBLIC HEARING: MONDAY, JULY 31, 2023**  
 Guam Congress Building, Public Hearing Room

### AGENDA

**5:30 PM**

- **Resolution No. 29-37(COR)** - Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.

The public is invited to provide oral testimony on the agenda item. Written testimony may be submitted to [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org) or hand delivered to the Office of Senator Jesse A. Lujan at 259 Martyr Street Ste. 101A, Calvo-Arriola Bldg., Hagåtña Guam 96910. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations should contact the Office of Senator Lujan at (671)969-6525 or email at [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org). All hearings broadcast on GTA TV Channel 21, Docomo Channel 117, and livestreamed on the Guam Legislature Youtube: <https://www.youtube.com/c/GuamLegislatureMedia>. This ad was paid with Office Funds.



### BID INVITATION

**Bid No:** GCC-FB-23-014  
**For:** Air Condition Removal and Replacement for units within GCC campus (28 units)  
**Pre-Bid Conference & Site Visit (Mandatory):** 10:00 a.m., Thursday, August 03, 2023  
 GCC President's Conference Room (Building 2000) 2nd Floor  
**Bid Submission:** 10:00 a.m., Wednesday, August 30, 2023  
 GCC Student Services & Administration Building (Building 2000)  
 GCC Materials Management Office, 1st Floor, Room 2105  
**Bid Opening Date:** 10:15 a.m., Wednesday, August 30, 2023  
 GCC President's Conference Room (Building 2000) 2nd Floor  
**Place:** Guam Community College Student Services & Administration Building

Interested contractors may purchase a bid package at the Cashier's Office (Room 2119) located in the GCC Student Service & Administration Building, 1st floor, during the hours of 8:00 a.m. to 4:00 p.m., Monday thru Friday (excluding Government of Guam holidays). A non-refundable fee of \$25.00 will be charged for each bid package and must be purchased by the Pre-Bid Conference date. Upon issuance of a receipt, the bid specifications and SOW can be picked up from the Materials Management Office, Room 2105 (1st floor). However, interested bidders may request for a PDF file of the bid packet to be sent via email, free of charge. Attendance at the Pre-Bid Conference is Mandatory, failure to attend will result in disqualification.

For further information, please contact the Materials Management Office at (671)-735-5540 ext. 5541 or 5547 or email: [materialsmanagement@guamcc.edu](mailto:materialsmanagement@guamcc.edu).

This bid advertisement is funded by Guam Community College.  
 GCC is an equal opportunity provider and employer.

/s/ **MARY A.Y. OKADA, Ed.D.**  
 President

## GUAM LEGISLATURE PUBLIC HEARING AGENT ORANGE

PLEASE TAKE NOTICE THAT ON JULY 31, 2023, AT 5:30 P.M., AT THE PUBLIC HEARING ROOM OF THE GUAM CONGRESS BUILDING, A PUBLIC HEARING WILL BE HELD ON RESOLUTION 29-37 (COR) IN ORDER TO RECEIVE TESTIMONY FROM ALL PERSONS LIVING ON GUAM WHO HAVE PERSONAL KNOWLEDGE ABOUT THE EXISTENCE AND USE OF AGENT ORANGE ON GUAM.

ALL INDIVIDUALS, BE THEY MILITARY OR NON-MILITARY, ARE ENCOURAGED TO ATTEND AND TO SHARE THEIR KNOWLEDGE ON THIS IMPORTANT SUBJECT WITH OTHERS.

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Office of Senator

## Jesse Anderson Lujan

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature  
Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

July 24, 2023

**Transmitted via Electronic Mail:**

[jose.sanagustin@gvao.guam.gov](mailto:jose.sanagustin@gvao.guam.gov)

**To:** **Jose San Agustin**  
*Director of Veterans Affairs*

**From:** **Senator Jesse A. Lujan**  
*Public Hearing Officer, Resolution Sponsor*

**Subject:** **Invitation to provide testimony on Resolution No. 29-37(COR)**

---

*Håfa Ådai* Director San Agustin,

This email is to notify you that the Office of Senator Jesse A. Lujan will convene a Public Hearing on **Monday, July 31, 2023, at 5:30 p.m., in the Guam Congress Building, Public Hearing Room**, to hear:

- **Resolution No.29-37(COR)** – Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez

RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.

We respectfully request your presence at the public hearing to provide testimony and answer questions from the senate panel on the resolution. Written testimony may also be submitted prior to the hearing via email to [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org), or hand delivered to the Office of Senator Lujan at 259 Martyr Street Ste. 101A, Calvo-Arriola Bldg., Hagåtña Guam 96910. Please contact our office for any questions or concerns at (671)969-6525 or via email at [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org)

*Si Yu'os Ma'åse,*

Jesse A. Lujan  
*Senator*

259 Martyr Street Ste. 101A, Hagatna Guam 96910 | (W): 671-969-6525





Office of Senator

## Jesse Anderson Lujan

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature  
Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

July 24, 2023

**Transmitted via Electronic Mail:**

[lucia.perez@gvao.guam.gov](mailto:lucia.perez@gvao.guam.gov)

**To:** Lucia Perez  
*Special Projects Coordinator, Guam Office of Veterans Affairs*

**From:** Senator Jesse A. Lujan  
*Public Hearing Officer, Resolution Sponsor*

**Subject:** Invitation to provide testimony on Resolution No. 29-37(COR)

---

*Håfa Ådai* Ms. Perez,

This email is to notify you that the Office of Senator Jesse A. Lujan will convene a Public Hearing on **Monday, July 31, 2023, at 5:30 p.m., in the Guam Congress Building, Public Hearing Room**, to hear:

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*Si Yu'os Ma'åse,*

Jesse A. Lujan  
*Senator*

259 Martyr Street Ste. 101A, Hagatna Guam 96910 | (W): 671-969-6525



Office of Senator

## Jesse Anderson Lujan

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature  
Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

July 24, 2023

**Transmitted via Electronic Mail:**

**To:** Dr. Vincent T. Akimoto, M.D.  
*Physician, Co-Founder of American Medical Center*

**From:** Senator Jesse A. Lujan  
*Public Hearing Officer, Resolution Sponsor*

**Subject:** Invitation to provide testimony on Resolution No. 29-37(COR)

---

*Håfa Ådai* Dr. Akimoto,

This email is to notify you that the Office of Senator Jesse A. Lujan will convene a Public Hearing on **Monday, July 31, 2023, at 5:30 p.m., in the Guam Congress Building, Public Hearing Room**, to hear:

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*Si Yu'os Ma'åse,*

Jesse A. Lujan  
*Senator*



Office of Senator

## Jesse Anderson Lujan

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature  
Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

July 24, 2023

**Transmitted via Electronic Mail:**

**To:** Dr. Thomas Shieh, M.D.  
*Physician, Founder of Dr. Shieh's Clinic*

**From:** Senator Jesse A. Lujan  
*Public Hearing Officer, Resolution Sponsor*

**Subject:** Invitation to provide testimony on Resolution No. 29-37(COR)

---

*Håfa Ådai* Dr. Shieh,

This email is to notify you that the Office of Senator Jesse A. Lujan will convene a Public Hearing on **Monday, July 31, 2023, at 5:30 p.m., in the Guam Congress Building, Public Hearing Room**, to hear:

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*Si Yu'os Ma'åse,*

Jesse A. Lujan  
*Senator*



Office of Senator

## Jesse Anderson Lujan

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature  
Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

July 28, 2023

**Transmitted via Electronic Mail:**

[derick.finona@va.gov](mailto:derick.finona@va.gov)

**To: Guam Vet Center**

**From: Senator Jesse A. Lujan**  
*Public Hearing Officer, Resolution Sponsor*

**Subject: Invitation to provide testimony on Resolution No. 29-37(COR)**

---

*Håfa Ådai* Management and Staff of the Guam Vet Center,

This email is to notify you that the Office of Senator Jesse A. Lujan will convene a Public Hearing on **Monday, July 31, 2023, at 5:30 p.m., in the Guam Congress Building, Public Hearing Room**, to hear:

- **Resolution No.29-37(COR)** – Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez

RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.

We respectfully request the presence of the Guam Vet Center at the public hearing to provide testimony and answer questions from the senate panel on the resolution. Written testimony may also be submitted prior to the hearing via email to [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org), or hand delivered to the Office of Senator Lujan at 259 Martyr Street Ste. 101A, Calvo-Arriola Bldg., Hagåtña Guam 96910. Please contact our office for any questions or concerns at (671)969-6525 or via email at [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org)

*Si Yu'os Ma'åse,*

Jesse A. Lujan  
*Senator*

259 Martyr Street Ste. 101A, Hagatna Guam 96910 | (W): 671-969-6525



*Office of Senator*

## **Jesse Anderson Lujan**

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature  
Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

### **Public Hearing Agenda**

**Monday, July 31, 2023 – 5:30 P.M.**

**Guam Congress Building, Public Hearing Room**

**5:30 P.M.**

- **Resolution No.29-37(COR)** – Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez

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The public is invited to provide oral testimony on the agenda item. Written testimony may also be submitted via email to [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org) or hand delivered to the Office of Senator Lujan at 259 Martyr Street Ste. 101A, Calvo-Arriola Building, Hagatna Guam 96910. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations should contact the Office of Senator Lujan at (671)969-6525 or at [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org). All hearings broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and livestream on the Guam Legislature YouTube: <https://www.youtube.com/c/GuamLegislatureMedia>.

259 Martyr Street Ste. 101A, Calvo-Arriola Bldg., Hagatna Guam 96910 | (W): 671-969-6525  
[www.jesselujan.org](http://www.jesselujan.org) | FB & IG: @senatorjesselujan





**OFFICE OF SENATOR JESSE A. LUJAN**

Public Hearing Officer/Resolution Sponsor

Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature

Public Hearing

Tuesday, July 31, 2023, 5:30 pm

Guam Congress Building, Public Hearing Room

Resolution No.29-37(COR) – Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez  
RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.

NAME (Please Print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
MICHAEL J. BERMAN ESQ	BERMAN LAW FIRM	✓	✓	✓		
PEDRO TAITANO		✓	✓	✓		
William Payne <del>JOSE SAN AGUSTIN</del>		✓		✓		
Francisco D. Lopez		✓		✓		
Joseph C. San Nicolas		✓		✓		
W.R. CHARVALFF				✓		

no testimony



**OFFICE OF SENATOR JESSE A. LUJAN**

Public Hearing Officer/Resolution Sponsor

Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature

Public Hearing

Tuesday, July 31, 2023, 5:30 pm

Guam Congress Building, Public Hearing Room

Resolution No.29-37(COR) – Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez  
RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.

NAME (Please Print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
Antonio Arriola		✓		✓		
Edward Rodriguez		✓		✓		
Joseph F. Cruz		✓		✓		
Jose San Agustin	GOVA	✓		✓		
Lucia Perez	✓	✓		✓		
Theraine Okada				✓		



**OFFICE OF SENATOR JESSE A. LUJAN**

Public Hearing Officer/Resolution Sponsor

Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature

Public Hearing

Tuesday, July 31, 2023, 5:30 pm

Guam Congress Building, Public Hearing Room

Resolution No.29-37(COR) – Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez  
RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.

NAME (Please Print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
JEROME OKADA						
Paul McDermott	MAYOR, AGANA Hqts			✓		
Robert N. Celestia	PAK	✓		✓		



**OFFICE OF SENATOR JESSE A. LUJAN**

Public Hearing Officer/Resolution Sponsor

Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature

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RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE  
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NAME (Please Print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
V. Altimero	AME	✓				

**TESTIMONY IN SUPPORT OF RESOLUTION NO. 29-37**

***RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE.***

Honorable Speaker and Members of the Guam Legislature,

I humbly appear before you today to request your assistance in a matter of great urgency and importance to the non-military residents of Guam, many of whom are silently suffering as victims of an unseen war. Our mission at the Guam Office of Veterans Affairs, in line with the Department of Veterans Affairs, is to care for those “who shall have borne the battle” and for their families, caregivers and survivors.

It is a well-known fact that during the Vietnam War era, Guam served as a key staging point for many U.S. military operations. During this period, a powerful and deadly herbicide known as Agent Orange was used extensively in Vietnam. There are now numerous well-documented cases of military personnel who were exposed to this chemical, suffering from severe health conditions including various types of cancer, heart disease, Parkinson’s disease, and other debilitating conditions.

What is less widely acknowledged, however, is the devastating impact that this same chemical has had on the non-military residents of Guam. Many credible reports and testimonies suggest that Agent Orange was not only present on our island but was also used here. As a result, numerous innocent civilians who were never officially part of any military operation have suffered, and continue to suffer, the adverse health effects of exposure to this toxic chemical.

Currently, the Department of Veterans Affairs provides compensation and healthcare to U.S. military veterans exposed to Agent Orange. Yet, our non-military citizens, who were likewise victims of this chemical warfare, do not receive equivalent attention or aid. This is a grave injustice that we must correct.

We are therefore requesting that the Guam Legislature adopts a resolution urging the U.S. Congress to acknowledge and take responsibility for this oversight. We ask for your help in advocating for the U.S. Congress to appropriate monies for medical assistance, support, and compensation to our fellow Guamanians who are suffering from ailments caused by exposure to Agent Orange.

In particular, we request that these funds be utilized to:

- Provide comprehensive healthcare and medical treatment for those suffering from Agent Orange-related ailments.
- Fund scientific research to understand the full extent of Agent Orange contamination in Guam and its health impact on our citizens.
- Develop community education programs to raise awareness about the risks and signs of Agent Orange-related diseases.

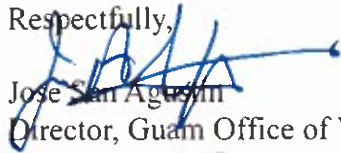
- Establish a fund to compensate individuals and families who have been adversely affected by exposure to this toxic chemical.

Timing is opportune since there is more support in Congress for compensating Guam residents for adverse impacts caused by past military practices. Most notably, in a press release dated July 28, 2023, the US Senate passed an amendment to the NDAA just today to expand and extend Radiation Exposure Compensation Act (RECA) coverage for Guam Downwinders. I would like to personally thank Mr. Robert Celestial who has been working tirelessly to expand medical care to those on Guam who suffer from cancer and heart disease caused by radiation, when Guam was exposed from 1946 - 1962. Mr. Celestial your voice throughout the years has been steady, with conviction and the guiding light for our people. *Si Yu'os Ma'åse para todo bidamu para hami todos.*

Honorable Speaker and Members of the Guam Legislature, I strongly urge you to stand in solidarity with the non-military residents of our beautiful island who are victims of this tragic situation. By passing this resolution, we can collectively express our will to the U.S. Congress that they must take action to rectify this long-standing injustice.

Thank you for your attention and your empathy for the victims of this devastating health crisis. We believe that with your support, we can bring about the change needed to address this significant health issue impacting our fellow Guamanians.

Respectfully,



Jose San Agustin  
Director, Guam Office of Veterans Affairs

[Jose.sanagustin@gvao.gaum.gov](mailto:Jose.sanagustin@gvao.gaum.gov)

31 July 2023

**Re: NOTICE OF PUBLIC HEARING: mONDAY, JULY 31, 2023, relative to requesting the U.S. Congress to appropriate monies for Guam non-military residents who were exposed to agent orange and who are suffering from ailments caused by exposure to agent orange.**

**J BAP JET** [REDACTED]  
To: "senatorlujan@guamlegislature.org" <senatorlujan@guamlegislature.org>

Sun, Jul 30, 2023 at 12:53 AM

On Sat, Jul 29, 2023, 4:49 PM J BAP JET [REDACTED] wrote:

*Hafa Adai & Thank You, Senator Lujan, for your excellent public service.*

*I am Johnston B. Palik, a U.S. citizen, and I am pleased to submit my father's name, Mr. Betwel Assu Palik, born on [REDACTED]. He started working in Guam from 1950 to 1977 between Guam and Johnston Atoll in the Marshall Islands during the U.S. Navy Administered Guam when he was contracted to work on various military vessels. He was also on the ship that transported the Agent Orange drums from Vietnam to Guam and Johnston Atoll and Kwajalin Military Base when he started working on vessels for the military in Guam. He worked for the military on Guam, and we believe that Agent Orange was transported on those ships that can cause the diseases affecting the people of Guam and the Johnston Islands that work in Guam and on the vessels to Johnston Atoll Island. He passed away on [REDACTED], from the presumptive conditions of toxic exposure to Agent Orange. He worked in Guam during the U.S. Navy Administration on the ships carrying Agent Orange drums from Vietnam to Guam and Johnston Atoll in the Marshall Islands.*



I still remember his emotionally sad story telling me how he felt sick from his work on the ships. I remember my Dad telling my mother how he got his legs and hands skin disorder disease developed, liver cancer, prostate cancer, high blood, and diabetes. He was diagnosed with all these complicated diseases on Marshall Island, Kosrae Island, and the State of California where he was diagnosed. He asked me to help him find out which U.S. Government Office could help him look into what happened to his U.S. Social Security benefits before he died. He never got his U.S. Social Security benefits until he passed away. Unfortunately, he died when he was 85 in 2016 and never saw his U.S. Social Security benefits. I promised him I would look into it to find out who was RESPONSIBLE for helping him, but too late, he was gone.

I visited Guam Social Security Administration, noting in their file. I called Saipan Social Security and talked to Mr. Facy, and he advised his staff to look into it and found my Dad's U.S. Social Security files and some of his working quarter's history. CNMI Social Security Administration emailed me to check my father's Social Security Individual Wage History Total Quarters in the Mashall Islands. He also had his file in their old book with the Social Security Administration Majuro, Marshall Islands, when we moved to the Marshall Islands to continue work in Kwajelain Military Base.



I would greatly appreciate your good office considering this urgent matter. I appreciate your time, effort, and continued help to those needing your service. Please let me know if you need more information from me. I will be happy to sit down with you again to talk more to provide my Dad's statement. You can reach me via email or call me at [REDACTED] or [REDACTED]

I look forward to hearing from you soon.

Sincerely yours,

Constituents: Johnston B. Palik

Johnston Palik

---

**Guam Legislature Public Hearing Agent Orange**

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**J BAP JET** [REDACTED]  
To: "senatorlujan@guamlegislature.org" <senatorlujan@guamlegislature.org>

Sun, Jul 30, 2023 at 4:31 PM

Hafa Adai & Greetings From The Paliks Family:

With all due respect, I humbly request that your good office include my parents' names and myself. Mr. Betwel Assu Palik, who was born on [REDACTED], passed away on [REDACTED], and my Mom, Julita B. Palik, born [REDACTED], she still alive and living in California today, and I, Johnston B. Palik currently in Guam traveling back and forth between Guam and California. We have a son in the military service station in Guam, born and raised here. We are the victim and survivors of Agent Orange with a presumptive disease exposure to Agent Orange Chemical.

Again, I am Johnston Betwel Palik, and I am a U.S. citizen and a resident of Guam.

My father told me a lot of his secret story in his account during and after he was hired as a contractor seaman when he was young to work on the vessels that transported the Agent Orange 55-gallon of drums for military activities in the U.S. ports en route to Vietnam, Guam, and Johnston Atoll in the Marshall Islands during the U.S. Navy who Administered Guam and Saipan during and from 1950 to 1977. My Dad was traveling on the ship between the U.S. ports to Vietnam,

Guam, and Johnston Atoll Island. My Dad told me he named me after the Johnston Atoll because it's a military secret base for chemical agents for nuclear experiments and testing. It is nearby the Kwajalein Military Base in the Marshall Islands. I remember traveling with my parents when I was a little boy between Guam and the Marshall Islands in Micronesia Islands. It was fun, but I never knew those vessels were transporting and carrying chemical agents. Before my Dad passed away, he told my mom to stop eating the fish that was caught in Johnston Atoll and some Islands nearby Islands in the Marshall Islands because he was told by the Captian and crews meeting announcement that there were no more catching fish in the ocean of Johnston Atoll Island after the Agent Orage was dumped into the sea off Johnston Atoll, Bikini, Enewetak Atoll and Wake Island. But it was late; we'd been eating those fish catches in the ocean of Johnston Atoll and nearby contaminated islands with the exposure of Agent Orange. After what my Dad learned, we stopped eating fish from the Marshall Islands.

Unfortunately, my Dad was diagnosed with many complicated ailments: heart issues, liver cancer, skin disorder disease, cancer that affects his blood cells high blood, prostate cancer, and diabetes. My mom is very ill today at 84 years old. I am also diagnosed with a skin disease disorder similar to my Dad skin disease, diabetes, and prostate issues. So sad.

I appreciate your time and effort caring for your constituents who deserved the Orange Agent compensation. You can

always reach me via email or call my home phone number at [REDACTED] or my Guam cell phone number at [REDACTED], or my California cell phone number at [REDACTED]. Please do let me know if you need any information and references.

I look forward to hearing from you, my good Senator Mr. Lujan. You may remember me at Sherly's Restaurant with your wife, and you asked for my help and support during your campaign. My family is in for you, and I guarantee you will make it because of my confidence and trust in you as a good friend and great public servant for us all. Keep up the excellent job!

Respectfully yours.

Johnston B. Palik

Johnston Palik

**OUTLINE FOR DISCUSSION**  
**GUAM LEGISLATURE HEARING ON JULY 31, 2023**

1. Agent Orange History

- a. Grew up in military family, both parents are buried at Arlington National Cemetery. Not anti-military.
- b. My interest in Agent Orange (“AO”) began with the adoption of The New PACT Act on August 12, 2022. Guam was added to the list of locations for the first time. I ran legal ads for Guam veterans. 2 surprises. First, most vets already are receiving some VA disability, even though not for AO. Second, about 1/4th of the people that met with me were never in the military.
- c. AO was likely sprayed on Guam, on the fence lines, the flight lines, sidewalks, cross island pipeline, etc. Despite Department of Defense’s denials certain veterans testified before the U.S. Congress that they did see and spray AO on Guam. That is why Guam was added to the list.
- d. Case examples:
  - i. Agent Orange Survivors Of Guam – President.
  - ii. Port worker.
  - iii. Children of veterans who lived at AAFB.
  - iv. Engineers, teachers, and other contract workers who worked at the bases.
- e. I ran legal ads only on Guam. But I have been receiving inquiries from all over the U.S. Likely reacting to my website: [www.agentorangelawyer.com](http://www.agentorangelawyer.com).
- f. These claims will involve 100’s, or likely, 1,000’s of claimants, from people all over the U.S.
  - i. Many residents of Guam may have been exposed to AO. 1,000’s of non-military people who worked at Andersen Air Force and the Navy bases were likely exposed.
- g. Law.

- i. Federal Tort Claims Act applies to non-military claimants.
  - ii. Class Action - not possible.
  - iii. Statute of Limitations - 2 years from the date of discovery. Arguably the date of discovery was on August 12, 2022, as that was the date that Guam was first added to the list of covered locations.
  - iv. Public Function Exception. Military likely sprayed AO on Guam, or stored it, even after AO was outlawed.
2. Legislature hearing on July 31, 2023, is an excellent time to:
  - i. Hear testimonials.
  - ii. Gather possible evidence.
3. Pedro Taitano - Testify. Documents.

BACKGROUND INFORMATION FOR PUBLIC HEARING FOR  
RESOLUTION 29-37

**1. What is Agent Orange?**

Agent Orange is the most toxic of several herbicides, sometimes referred to as “rainbow herbicides,” that were used during the Vietnam War era. Agent Orange was used by the United States military to deforest large areas of land, interrupt enemy food supplies, increase visibility, and prevent ambush attacks against US service members. Agent Orange is referred to as a “tactical herbicide” whose use was restricted to military use in Vietnam.

Specifically, Agent Orange was a mixture of two different kinds of toxic chemicals: 2, 4-D and 2, 4, 5-T. The highly toxic Dioxin contaminant known as 2,3, 7, 8-TCDD is a byproduct that is produced in the manufacture of 2, 4, 5-T. Today, we are aware of the significant health effects related to Agent Orange exposure.

**2. Locations in Guam where herbicides were used.**

The military acknowledges that herbicides were routinely used in Guam for vegetation control. Evidence indicates that herbicides were sprayed in the following places:

- Guam cross-island fuel pipeline and road.
- Anderson Air Force Base (AAFB) and AAFB annexes and perimeters.
- The Marianas-Bonins Command (MARBO) Annex.
- AAFB flight line and surrounding areas.
- USAF or U.S Navy fuel storage facilities.
- USAF or U.S. Navy power stations.
- Areas near Urunao Beach or Ritidian Point.
- Military landfills, waste piles, and over-the-cliff at Ritidian Point.
- Fire-fighter training areas.
- Polaris Point and submarine tender support facilities.

This list, however, may not be exhaustive.

### **3. Tactical vs. Commercial Herbicides**

Although the military acknowledges the routine use of commercially available herbicides on Guam, it has consistently denied that “tactical herbicides” such as Agent Orange was ever stored or used on Guam. It is clear that tactical herbicides were not authorized for use on U.S. military installations, and their use on Guam would have been contrary to regulations.

Nevertheless, there have been multiple reports over the years of the use of Agent Orange on Guam. Several veterans have claimed specifically that they used Agent Orange in spraying operations, and recalled the distinctive orange circle on the 55-gallon drums in which Agent Orange was stored.

### **4. GAO Report Addresses Agent Orange in Guam**

In November 2018, the United States Government Accountability Office (GAO) released a report focusing on the actions needed to improve the accuracy and communication of information regarding the use, testing, and storage locations of Agent Orange outside of Vietnam. Generally, the GAO Report found that the DoD’s official list of herbicide testing and storage locations outside of Vietnam lacked clarity in descriptive information; omits both testing and storage locations; and omits additional time periods covered by testing events. The GAO also recognized that this list has not been updated in over a decade, despite a significant amount of evidence and research collected regarding its shortcomings.

The GAO Report acknowledged that testing to determine whether Agent Orange was present in a certain location is challenging because the components of the herbicide degrade over time and can come from multiple sources. Again, the limitations of the available documentation make it difficult to identify which specific herbicides or components were tested., as well as when and where. More so, the lack





of information makes it challenging to distinguish between small-scale and large-scale testing.

**5. Yale Law School Study**

In a comprehensive white paper issued in February 2021, the National Veterans Legal Service Program in partnership with the Veterans Legal Services Clinic at the Yale Law School concluded the Veterans who served on Guam from 1958 to 1980 were as likely as not exposed to Agent Orange and other dioxin containing herbicides.

**6. GUAM for the First Time was Added to the List of Covered Locations on August 10, 2022, under The New Pact Act**

A federal law known as the NEW PACT ACT was passed into law on August 10, 2022. For the first time, Guam was added to the list of locations eligible for Agent Orange compensation for veterans who served on Guam between 1958 and 1980.

**7. Civilians Not Covered by The New Pact Act**

The PACT ACT recognized the use of Agent Orange on Guam, but applied only to Veterans. Civilians on Guam who were likewise exposed to Agent Orange are not included.



# 12th Article  
MV  
MAY 10, 2010

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ge 13

Staten Island ferry slams  
into dock NATION Page 14



# Marianas Variety

Local & Regional Newspaper

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Monday • May 10, 2010

www.mvguam.com 75¢

Tokyo  
expected  
to present  
draft plan

By Therese Hart  
therese@mvguam.com  
Variety News Staff

TOKYO is expected today to come up with an official draft plan for the relocation of the U.S. Marine base in Okinawa in preparation for talks in Washington D.C. on Wednesday, according to Kyodo News.

Japan's Prime Minister Yukio Hatoyama and his Cabinet members, including Foreign Minister Katsuya Okada and Defense Minis-

# Veterans: We sprayed Agent Orange on Guam

By Mar-Vic Cagurangan  
marvic@mvguam.com  
Variety News Staff

VETERANS who were stationed at Andersen Air Force Base between 1960s and 1970s are pressing Congress to include Guam in the expanded Agent Orange compensation bill, frustrated over the Department of Veterans Affairs' inconsistent declarations about the use and storage of herbicides on the island.

Despite four previous cases confirming the use of Agent

the benefits claim sought by Sgt. Ralph Stanton, saying "data from the Department of Defense does not show any use, testing or storage of tactical herbicides" on island.

"The Joint Services Records Research Center informed us that research of available historical information does not document the spraying, testing or storage of Agent Orange at Andersen Air Force Base," the appeals court stated in its April 29 decision on Stanton's case.

Stanton, who worked in



Photo courtesy of Master Sgt. Leroy Foster





Powell urges Republican Party to broaden its appeal

Squeezed by economy, shoppers are

BUSINESS Page 13



# Marianas Variety

10th ARTICLES

#10

Guam Edition

Vol. 04 No. 267

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## Another case confirms AO on Guam

By Mar-Vic Cagurangan  
marvic@mvguam.com  
Variety News Staff

ANOTHER veteran who was stationed at Andersen Air Force Base from 1962 to 1965 won his claim for disability benefits based on medical findings which showed that his illness was the result of his exposure to Agent Orange.

The decision issued by the Department of Veterans Affairs on April 16 was the fourth case won by veterans who were deployed to Guam in the 1960s. All four cases

AO continued on page 2

## DPW

GPA to start if funds are

By Jude Lizama  
jude@mvguam.com  
and Mar-Vic Cagurangan  
marvic@mvguam.com  
Variety News Staff

THE Guam Power Authority will close the government streetlight service and begin scheduling light disconnections. Department of Public Works fails to respond to GPA's fund transfer request by Friday.

GPA general manager Joaquin C. Flores wrote to public works director Larry P. Perez last week, reminding the department head to identify his "final intentions relative to

M.V. 2009

"We have identified the money. We are relying on the governor's transfer authority under Public Law 29-113, the budget law," Perez told Variety. "We will forward our request to the Department of Administration this week and

appropriation of \$2 million to fund the streetlight account for the rest of the fiscal year.

"We want to tell GPA of our intention to transfer the fund. But considering the financial situation of the gov-

STREETLIGHTS continued on page 2

## LOCAL Police looking into alcohol factor in fatal auto crash



Page 5

## TECHNOLOGY Palm Pre targets iPhone, to go on sale for \$200 June 6





10-3 for 8-game sweep

# More Vietnam vets confirm Agent Orange use in Guam

## Inclusion of Guam in new Agent Orange bill sought



An aircraft sprays Agent Orange over South Vietnam during the war (1959-1975). Photo by National Archives

By Mar-Vic Cagurangan  
marvic@mvguam.com  
Variety News Staff

MORE and more sick Vietnam War veterans are coming out with a plea for assistance

in a bid to get medical treatments for their diseases deemed caused by their exposure to Agent Orange.

Many of these forlorn veterans have built an on-

VETS continued on page 4

2008  
8th  
Article

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Court favors Calvo's Insurance, Bayview in Gun Beach property case

BUSINESS on page 16

States tackle immigration as national moves fail

NATION on page 19

#1

1ST ARTICLE

# Marianas Variety

Guam Edition

The Local & Regional Newspaper

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ARCHEOLOGY continued on page 4

REYES continued on page 2 System.

Photo by PAUL BARR

LOCAL

## Veteran seeks probe into Agent Orange use in Guam

By Mar-Vic Cagurangan  
Variety News Staff

A RETIRED airman is seeking a congressional inquiry into the extensive use of Agent Orange in Guam, where he was deployed between 1960 and 1970 as a fuel specialist tasked to mix and spray herbicides at Andersen Air Force Base and surrounding areas.

MSgt. LeRoy G. Foster this week wrote to Reps. Brian M. Higgins, D-NY, and Don Young, R-Ak., asking the congressional leaders to launch the investigation to force the U.S. Department of Veterans Administration and the Department of Defense to acknowledge "the fact that Agent Orange and other herbi-

cides were used on Guam."

"There are other veterans who have written to me asking for my sworn testimony to this fact," Foster stated in the lengthy letter, in which he identified the locations in Guam where he sprayed Agent Orange.

"I believe it is the responsibility of the VA, DoD, Congress,

Senate, the White House, and the states to make public the exposure of our servicemen and servicewomen, dependents, residents of Guam and other civil service employees to these chemicals," Foster said.

He also listed names of fellow

VETERAN continued on page 7



Woods has last chance to turn a good year into a great one

Page 29



**GUAM'S QUICKEST AND FAIREST INSURANCE CLAIMS**

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Local

# Senators: Include #3 Guam in Agent Orange bill



U.S. Air Force planes spray the defoliant chemical Agent Orange over dense vegetation in South Vietnam in this 1966 photo. Air Force researchers found elevated risks of prostate and skin cancer and also diabetes in those who sprayed the chemical defoliant.

By Mar-Vic Cagurangan  
Variety News Staff

DEMOCRATIC senators are seeking the inclusion of civilian employees stationed in Guam during the Vietnam conflict in a congressional bill that provides compensation to those suffering from illnesses and disabilities as a result of their exposure to Agent Orange.

unidentified airman, whose claims for benefits were both granted by the Board of the Veterans' Appeals after it was determined that their disabilities and illnesses resulted from their exposure to Agent Orange when they were stationed at Andersen Air Force Base.

Resolution 95, introduced by Sens. Tina Muna Barnes, D-Mangilao, Judi Won Pat, D-Malojloj, and Ben Pangelinan, D-Barrigada, urges Congresswoman

HR 972 establishes the Agent Orange illness Compensation Fund and fixes the compensation amount at \$100,000, payable either to the employee or his or her eligible survivor.

Existing federal legislation provides compensation for those in the military service who suffered disability or death because of exposure to Agent Orange, but the law does not cover civilian employees.

Congresswoman

Madelaine

not cover civilian employees.

3rd Article



...in this photo. Air Force researchers found elevated risks of prostate and skin cancer and also diabetes in those who sprayed the chemical defoliant.

AP

By Mar-Vic Cagurangan  
Variety News Staff

DEMOCRATIC senators are seeking the inclusion of civilian employees stationed in Guam during the Vietnam conflict in a congressional bill that provides compensation to those suffering from illnesses and disabilities as a result

of their exposure to Agent Orange.

**Resolution**

95, introduced by Sens. Tina Muna Barnes, D-Mangilao, Judi Won Pat, D-Malojloj, and Ben Pangelinan, D-Barrigada, urges

Congresswoman Madeleine Bordallo to seek amendment to HR 972, also known as the "Civilian Agent Orange Act," to include Guam in the compensation program.

HR 972 establishes the Agent Orange Illness Compensation Fund and fixes the compensation amount at \$100,000, payable either to the employee or his or her eligible survivor.

Proponents of Resolution 95 cited at least two cases that acknowledged the presence of Agent Orange and other toxic defoliants on Guam.

They were referring to the cases filed by Air Force veteran Robert Burgett and another

unidentified airman, whose claims for benefits were both granted by the Board of the Veterans' Appeals after it was determined that their disabilities and illnesses resulted from their exposure to Agent Orange when they were stationed at Andersen Air Force Base.

HR 972 establishes the Agent Orange Illness Compensation Fund and fixes the compensation amount at \$100,000, payable either to the employee or his or her eligible survivor.

"Existing federal legislation provides compensation for those in the military service who suffered disability or death because of exposure to Agent Orange, but the law does

not cover civilian employees, some of who have also been exposed," the resolution reads.

"Because it has already been determined that members of the armed forces during the Vietnam war era were exposed to Agent Orange while stationed in Guam and they are being compensated for their disability or death," the resolution adds, "it is only fair and just that the civilian employees of the federal government physically present in Guam be included in HR 972 so that they can be compensated if there is service connection for illness or death due to herbicide exposure."

**Marianas Variety**

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Guam Edition

is proudly printed and published on Guam



#2

# Inclusion of Guam in herbicide exposure pay program sought

By Mar-Vic Cagurangan  
Variety News Staff

THE Pacific Association of Radiation Survivors is asking Guam leaders to lobby for the inclusion of Guam in a proposed program seeking compensation for federal employees who acquired diseases resulting from their exposure to Agent Orange during the Vietnam War.

The compensation program was proposed by Rep. Robert Wexler, D-Florida, through H.R. 972, which would apply to "employees of the federal government or contractor employees of the Department of Defense" who were in Vietnam between Jan. 9, 1962 and May 7, 1975, or those stationed around the Korean demilitarized zone between Sept. 1, 1967 and Aug. 31, 1971.

H.R. 972 appropriates \$100 million for the proposed "Agent Orange Illness Compensation Program" for

lations, veterans exposed to certain herbicides during the military service "whether at Fort Drum or anywhere

"This relieves the burden of proving a nexus between exposure and disease on the veteran," Principi stated in his March 23, 2001 letter to Congressman Lane Evans.

Pacific Association of Radiation Survivors president Robert Celestial said at least two successful claims by veterans stationed at Andersen Air Force Base during the Vietnam War have set precedent cases that confirmed the presence of Agent Orange and other toxic defoliants on Guam.

"We bring this use to your attention because we might miss the board again if H.R. 972 is passed in Congress and that our issue be left behind as was RECA back in 2000," Celestial told Bordallo.

else" are qualified to receive benefits.



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#2

**Inclusion of Guam in herbicide exposure pay program sought**

By Mar-Vic Cagurangan  
Variety News Staff

THE Pacific Association of Radiation Survivors is asking Guam leaders to lobby for the inclusion of Guam in a proposed program seeking compensation for federal employees who acquired diseases resulting from their exposure to Agent Orange during the Vietnam War.

The compensation program was proposed by Rep. Robert Wexler, D-Florida, through H.R. 972, which would apply to "employees of the federal government or contractor employees of the Department of Defense" who were in Vietnam between Jan. 9, 1962 and May 7, 1975, or those stationed around the Korean demilitarized zone between Sept. 1, 1967 and Aug. 31, 1971.

H.R. 972 appropriates \$100 million for the proposed "Agent Orange Illness Compensation Program" for eligible claimants or their survivors.

PARS president Robert Celestial said at least two successful claims by veterans stationed at Andersen Air Force Base during the Vietnam War have set precedent cases that confirmed the presence of Agent Orange and other toxic defoliants on Guam.

Celestial was referring to the separate cases filed by Air Force veteran Robert Burgett and another unidentified airman, whose claims for benefits were both granted by the Board of the Veterans' Appeals.

"It is well established that veterans stationed at Andersen Air Force Base Guam were exposed to Agent Orange and given full compensation for their illnesses and that numerous information have been published that Agent Orange were stored and sprayed on Guam," Celestial stated in a letter to Sen. Ben Pangelinan, D-Barrigada.

The PARS president also wrote to Congresswoman Madeleine Bordallo, requesting her to introduce an amendment to H.R. 972 to include Guam in the proposed Civilian Agent Orange Act of 2007.

Celestial cited a policy statement made by former Veterans Affairs Secretary Anthony J. Principi, who clarified that under VA regulations, veterans exposed to certain herbicides during the military service "whether at Fort Drum or anywhere else" are qualified to receive benefits.

"This relieves the burden of proving a nexus between exposure and disease on the veteran," Principi stated in his March 23, 2001 letter to Congressman Lane Evans.

"We bring this use to your attention because we might miss the board again if H.R. 972 is passed in Congress and that our issue be left behind as was RECA back in 2000," Celestial told Bordallo.

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#4

# Key US lawmaker vows to back veterans sickened by Agent Orange

By Mar-Vic Cagurangan  
Variety News Staff

THE chairman of the House Committee on Veterans Affairs vowed to look into the use of Agent Orange on Guam and support the claims of veterans who developed diseases resulting from their exposure to herbicides and other toxic chemicals while stationed in the territory during the Vietnam conflict.

"I believe all veterans who were exposed to Agent Orange, and who developed illnesses as a result of that exposure, deserve to receive disability benefits and compensation for their sacri-

fic," said committee chairman Rep. Bob Filner, D-Calif.

"Please rest assured that I will continue to work hard to honor our nation's promise to care for our veterans and provide them the benefits they earned and deserve," Filner stated in an Oct. 24 letter, responding to a veteran's request that Guam be included in the list of locations under investigation for herbicide contamination.

Pending before Filner's committee is HR 972, also known as the "Civilian Agent Orange Act," which establishes a program to compensate veterans

who are suffering from illnesses and disabilities as a result of their exposure to Agent Orange and similar herbicides. The bill fixes the compensation amount at 100,000, payable either to the employee or his or her eligible survivor.

In a letter to Filner, Vancil Sanderson, who was stationed at the Naval Communication Station on Guam between 1966 and 1967, provided comprehensive information describing the extent of herbicide contamination on Guam, particularly the island's drinking water aquifer.

"While stationed on Guam, I could taste, see and smell what appeared to be a solvent in the drinking water. According to ATSDR, the level of TCE would have to have been at least 1,000,000 ppb. What this means is that all the levels of contaminants in the drinking water would have been much higher than indicated by the Department of Defense," Sanderson wrote.

"With my personal knowledge and hearings held before congress in November 1987, this shows the contamination was extremely high," he added.

Sanderson corroborates the

statements made by other veterans who have disclosed in various forums that Agent Orange and other herbicides were stored in Guam during the Vietnam War.

Some veterans stationed on Guam between 1960s and 1970s also revealed that these herbicides were sprayed in Guam for thinning sugarcane as well as for building and maintenance of military infrastructure.

"I personally am in contact with five veterans who used AO on Guam in the sixties, the earliest being 1962 and the latest 1969. Veterans who worked in the storage areas of Guam have taken pictures of the various herbicides. They have also written letters in support of the pictures and also stated they used these herbicides on Guam. It was even used in aerial spraying according to veterans," Sanderson said.

"The way the military handled its toxic waste for years was by dumping or burning and that was how it was done until the 80s. On Guam, you have three military installations over the northern Guam lens drinking water aquifer. The amount of contamination generated by Andersen dur-

ing the Vietnam conflict would have been the highest in the world. All of this had rapid transfer to the aquifer," Sanderson said.

The Guam legislature last month passed a resolution seeking the inclusion of civilian employees stationed in Guam during the Vietnam conflict in the proposed compensation program for those suffering from illnesses and disabilities related to Agent Orange exposure.

"Existing federal legislation provides compensation for those in the military service who suffered disability or death because of exposure to Agent Orange, but the law does not cover civilian employees, some of whom have also been exposed." Resolution 95 reads.

"Because it has already been determined that members of the armed forces during the Vietnam War era were exposed to Agent Orange while stationed in Guam and they are being compensated for their disability or death," the resolution adds, "it is only fair and just that the civilian employees of the federal government physically present in Guam be included in HR 972 so that they can be compensated if there is service connection for illness or death due to herbicide exposure."



Bob Filner

4th  
ARTICLE



## Guam may be included in Agent Orange bill



These drums stored in AAFB during the early 1970s allegedly contain Agent Orange and other defoliants used by the American troops to thin jungles.

Photo courtesy of Le Roy G. Foster, MSgt, USAF, retired

By Mar-Vic Cagurangan  
marvic@mvguam.com  
Variety News Staff

GUAM is likely to be included in a congressional bill that expands the compensation program for veterans who were exposed to Agent Orange and other types of defoliants used by American troops during Vietnam War.

H.R. 2254, titled "The Agent Orange Equity Act of 2009," has received a bipartisan support in the House of Representatives, with over 200 congressmen having signed up as cosponsors.

"Republicans and Democrats alike have joined together to stand up for Agent Orange

ORANGE continued on page 2

## Project

DPW determines the proposal was submitted with, DPW can award the contract to IBC if DPW finds that increased financing cost is reasonable," said the public auditor.

Her decision will soon be overturned by the public auditor. The Guam Education Financing Foundation stated in its appeal that it will build a bigger school with more money than IBC's project.

The construction of the new JF school was scheduled to begin in August but the ground was halted because of the appeals.

## Orange...

continued from page 1

veterans," said Rep. Bob Filner, author of H.R. 2254 and chair of the House Veterans' Affairs Committee.

In a press statement released late last week, Filner said his bill would extend the eligibility for presumptive conditions to all combat veterans of the Vietnam War "regardless of where they served."

The current compensation program for Agent Orange exposure covers only those who were deployed to Vietnam during the war.

Filner issued the statement on the heels of a report by the Department of Defense that he served in Guam during

have handled Agent Orange while stationed at AAFB, the U.S. Department of Defense has not officially acknowledged that toxic herbicides were used on Guam.

While acknowledging the statements made by the veteran, the appeals board noted the claims were not supported by official evidence.

"The veteran's personnel records indicate that he served in Guam during

confirmed the U.S. military's use of Agent Orange on Guam between early 1960s and late 1970s. Previous decisions were based on the 2004 Dow Chemical Risk Report.

With no legal support to back them up and no immediate relief on the horizon, veterans who were deployed to Guam have created an online network and have been sending mass email to demand U.S. lawmakers' attention to

June ruling. "However, the Department of Defense has not established that Agent Orange was used in Guam during the period of the veteran's service."

The ruling was inconsistent with previous decisions, which

Filner acknowledges that while current law requires the Department of Veterans Affairs to provide care for service members who had their boots on the ground, it "ignores veterans that served in the blue waters and the blue skies of Vietnam."

"Time is running out for these Vietnam veterans. Many are dying from their Agent Orange related diseases, uncompensated for their sacrifice," Filner said in a press statement.

"There is still a chance for America to meet its obligations to these estimated 800,000 noble veterans. The courts have turned their backs on our veterans, but I believe this Congress will allow veterans to be heard."

11th ARTICLE  
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sis for the price increase.

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10:1



# Marianas Variety

The Local & Regional Newspaper

Marianas Variety

Monday • December 15, 2008

## Contaminated site in AAFB identified

By Mar-Vic Cagurangan  
marvic@mvguam.com  
Variety News Staff

THE Agency for Toxic Substances and Disease Registry has identified several areas inside the Andersen Air Force Base and former military facilities in neighboring villages that remain contaminated.

The evaluation detected all sorts of toxic substances including chlorinated hydrocarbons such

as trichloroethylene (TCE) and perchloroethylene (PCE), as well as lead, toluene, metals and dioxins.

The ATSDR, released last month, contains summary reports on 39 areas that have been evaluated for possible inclusion in the Air Force Center for Environmental Excellence's Installation Restoration Program, also known as the Superfund cleanup.

Sites that have been evaluated by the Department

SITES continued on page 2

site" because no production well exists in the area and that the detected contaminants were found outside of the groundwater protection zone.

TCE, PCE and dioxins were also detected in several other sites including former drum storage areas in the northwest of AAFB, affecting the groundwater and soil. The ATSDR,

tary base.

*Marianas Variety*  
The Local & Regional Newspaper

**because there are two sides to every story.**

*10th Article  
MV 9th  
2*

Page 2  
SKID Kid bags 1st prize



Drums allegedly containing Agent Orange and other herbicides are believed to have been stored at Andersen Air Force base between 1950s and 1970s. Photo courtesy of Van Sanders



5th Article

MY NAME WAS

ON THE

Public Hearing

n, McCain win big newspaper endorsements

NATION on page 14

#5

Variety

Guam Edition

al Newspaper

18, 2007

www.mvariety.com 50¢

# Agent Orange on Guam confirmed

By Mar-Vic Cagurangan  
Variety News Staff

RETIRED airmen and former federal employees detailed at Andersen Air Force Base confirmed yesterday that drums of Agent Orange and other toxic herbicides were stored and

sprayed on Guam from early 1960s until late 1990s.

They deplored that despite several proofs of Agent Orange use on island, the federal government has never given veterans on Guam due attention.

"I served in the Air Force for

21 years and I don't like the way we are being treated. We're just being put on the side." retired airman Gregorio Perez said at yesterday's public hearing on Resolution 95.

Resolution 95 urges Congresswoman Madeleine Bordallo to

seek amendment to congressional bill HR 972 to include Guam in the compensation program for those suffering from illnesses and disabilities as a result of their exposure to Agent Orange.

AGENT continued on page 2

"Herbicides were stored at Andersen and federal employees were the ones who moved these drums," Cruz said.

"The law is specific that you had to be in Vietnam during the conflict in order to qualify for the program. But here were people who handled these herbicides and were directly exposed but they were here on Guam," Cruz said.

Retired airman Antonio Arriola, who served in the Air Force for 30 years and assigned at the supply section, said Air Force

"We were storing containers of Agent Orange in the warehouse. Once a month, they sprayed herbicides in the perimeter fence at Andersen. I could smell it," Arriola recalled.

"I worked there from 1965 to 1996 and I never knew that it was dangerous and that it was cancer-causing. Had we known how dangerous it was, we would have used proper gear to handle it," Arriola said at the public hearing.

Another veteran, Joe Quinata, said the residential com-

munities might have also been exposed to the toxic chemicals.

"When they were spraying it in the 1960s, I could smell these herbicides. There's no real boundary between NCS and the Andersen property, so there's a possibility that the civilian community was also subjected to the poisoning," Quinata said.

Former civil engineer Pete Mendiola said it would be fair for Guam civilian employees who worked on base to be included in the federal compensation program.

"We were exposed to Agent Orange, too," Mendiola said. "If anybody should be paid, it's the civil engineers. We did maintenance on base."

Cruz said several veterans and federal employees have been afflicted with different types of illnesses such as diabetes. Some of them have passed away purportedly as a result of their exposure to Agent Orange.

However, Cruz acknowledged the difficulty in proving that one's illness was caused by exposure to herbicides because

orce veteran Robert Burgett d another unidentified airman, ose claims for benefits were th granted by the Board of the terans' Appeals after it was terminated that their disabilities d illnesses resulted from their posture to Agent Orange when ey were stationed at AAFB.

"Because it has already been terminated that members of the ned forces during the Viet- m War era were exposed to gent Orange while stationed

Guam and they are being compensated for their disability or death," the resolution states. "it is only fair and just that the civilian employees of the federal government physically present on Guam be included in HR 972 so that they can be compensated if there is service connection for illness or death due to herbicide exposure."

The resolution was introduced by Sens. Tina Muna Barnes, D-Mangilao, Ben Pangelinan, D-Barrigada, and Minority Leader Judi Won Pat, D-Malojloj.



#6

# Agent Orange resolution OK'd

By Mar-Vic Cagurangan  
Variety News Staff

SENATORS unanimously passed yesterday a resolution demanding the inclusion of Guam in the proposed federal compensation program for civilian employees suffering from illnesses and disabilities as a result of their exposure to Agent Orange.

Resolution 95 urges Congresswoman Madeleine Bordallo to seek amendment to congressional bill HR 972 so that nonmilitary personnel who were detailed at Andersen Air Force Base during the Vietnam conflict could be duly compensated for their medical condition caused by their exposure to toxic chemicals.

HR 972, also known as the "Civilian Agent Orange Act," establishes the Agent Orange Illness Compensation Fund and sets the compensation amount at \$100,000, payable either to the employee or his or her

eligible survivor.

"The resolution is asking Congress to include civilian contractors who were working for the Department of Defense at Andersen Air Force Base in the program. This will apply to individuals who were working at Andersen during the period between January 1962 and May 1975," said Minority Leader Judi Won Pat, D-Malojloj, coauthor of Resolution 95.



Judi Won Pat

Retired airmen and federal employees confirmed on Monday that Agent Orange and other herbicides were stored and sprayed on Guam between early 1960s and late 1990s.

At yesterday's session, the Legislature also approved Resolution 96 authorizing the restoration and rehabilitation of the old Congress building in Hagatna, one of Guam's historical structures listed on the National Register of Historic Places.

# BU OR A

6th  
ARTICLES

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## Residents speak out on Agent Orange

### Act would compensate those exposed

By Brett Kelman  
Pacific Daily News  
bmkelman@guampdn.com

About a dozen residents testified at a Guam Legislature public hearing yesterday to support a resolution that would elicit compensation for military employees who were exposed to Agent Orange, a toxic substance used during the Vietnam War.

The Legislature will vote on the bill during its next session. If it passes, the Legislature will request that Guam Delegate Madeleine Bordallo pursue an amendment to the "Civilian Agent Orange Act of 2007," which compensates civilian employees who were exposed to the herbicide while working in Vietnam.

The amendment would change the act to include employees on Guam also.

Manny Cruz, the local American Federation of Government Employees Union president, said the evi-



Frank Lizama/For Pacific Daily News

**Testimony:** Vicente Garrido delivers impassioned testimony while holding up a newspaper article about toxins poisoning fish. He and several others offered testimony at a legislative public hearing in support of Bill 95, which seeks to request Guam's Delegate to Congress to amend the "Civilian Agent Orange Act of 2007" to include Guam.

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July 27, 2023

## Via Hand-Delivery

Senator Jesse A. Lujan  
37<sup>th</sup> Guam Legislature  
259 Martyr St., Suite 101A, Calvo-Arriola Building  
Hagatna, Guam 96910

Re: Agent Orange

Dear Senator Lujan,

Please find attached copies of pictures provided to me by Mr. Pedro Taitano. This picture was taken at Andersen Air Force Base ("AAFB") after Typhoon Karen while Mr. Taitano was in the U.S. Marines, stationed in Hawaii, when he volunteered and agreed to travel to Guam on military orders to assist with the cleanup at AAFB after Typhoon Karen.

Mr. Taitano will testify at the public hearing on July 31, 2023, as to his personal sighting of these Agent Orange barrels at AAFB. He was physically present and observing when this picture was taken.

Very truly yours,



Michael J. Berman

Enclosures

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**Agent Orange Exposure in Guam  
and VA Disability Benefits**

CONFIDENTIAL QUESTIONNAIRE REGARDING CIVILIAN EXPOSURE TO  
AGENT ORANGE ON GUAM OR ELSEWHERE

This form is applicable only to non-veterans.

Full Name and Mailing Address:

RODNEY CHARLES BATHURST

[REDACTED]

Telephone Number(s):

[REDACTED]

Cell Phone Number:

[REDACTED]

Email Address:

[REDACTED]

Age:

[REDACTED]

If you believe you were exposed to Agent Orange or other tactical herbicides (the kind used in Vietnam), please provide full details: When, where and the circumstances of your exposure or exposures? Attach additional pages if needed.

My father was stationed at Anderson AFB from 1966 to 1969. We lived in base housing on Hibiscus Ln, Yigo Guam. Our water for drinking, bathing, and cooking came from underground wells (Yaguafier). Most areas around the base including the housing areas were sprayed with herbicides to kill unwanted vegetation. We ate locally grown fruits and vegetables. I was a Cub Scout and played on fields and soil that had been

The military acknowledges that it routinely used commercially available herbicides on spray the military bases on Guam. Why do you think you were exposed to Agent Orange as opposed to a commercially available herbicide?

My father worked in (POL) petroleum, oils, and lubricants. He told me it was mixed with fuel for easier spraying and to make it go further. He would come home smelling of fuel and other chemicals on his fatigues. We often had cookouts and BBQ from food cooked on 55 gallon drums.

Agent Orange was stored in 55-gallon drums with an Orange stripe around the middle of the drum. Did you ever see one of these drums?

Yes

No

If yes, where and when did you see the drum or drums?

I SAW PLENTY OF DRUMS. MOST WERE BEING USED AS COOK OUT GRILLS. IT IS MY BELIEF SOME OF THESE DRUMS MORE LIKELY AS NOT CONTAINED HERBICIDES AN OTHER CHEMICALS

Did you have any effects to you shortly after your exposure to Agent Orange? If so, please describe those effects, when and where they occurred, whether you reported those effects to anyone and if so, who?

AS AN OLDER CHILD I DEVELOPED A SEVERE CASE OF CHLORACNE ON MY LEGS, FEET, AND FACE. THIS WAS TREATED AT THE BASE DISPENSARY. I WAS GIVEN VARIOUS CREAMS AND BATH SOAK SOLUTIONS.

Were you a civilian employee of the federal government at the time of your exposure to Agent Orange?

Yes

No

I WAS AN ACCOMPANYING DEPENDENT SON

If yes, did you file a claim under the federal worker's compensation law for the harm caused by the exposure to Agent Orange? If so, what was the result of that claim?

~~N~~  
~~A~~

\* I SECURED (DIE) DEPENDENCY AND INDEMNITY  
COMPENSATION AFTER MY FATHERS DEATH FOR MY  
MOTHER. IT WAS AFTER HIS DEATH THAT I LOOKED  
MORE INTO MY OWN HEALTH MALADIES.

Attached is a list of 17 diseases or conditions which have been associated with exposure to Agent Orange. Have you been medically diagnosed with one or more of these diseases or conditions?

Yes  No

If yes, please provide details as to the disease or condition, when it was diagnosed, the treatment you have received, your present condition, and any disability resulting from that disease or condition. Attach additional pages if needed.

CHLORACNE AS A CHILD AND TEENAGER. ONSET OF  
RESPIRATORY CANCER (COPD SHORTNESS OF  
BREATH) 2019. ISCHEMIC HEART DISEASE 2017.  
SINCE THEN 2 STENTS AND AN (ICD) IMPLANTABLE  
CARDIOVERTER DEFIBRILLATOR INSERTED.

When did you first suspect that your disease or condition was caused by your exposure to Agent Orange, and why did you suspect that?

SINCE DECEMBER 2011, UPON MY DAD'S DEATH.  
HE DIED OF ISCHEMIC HEART DISEASE AFTER SEVERAL  
STENTS AND OPEN HEART SURGERY. HE ALSO HAD  
RESPIRATORY CANCER. THE DOCTOR WHO PERFORMED  
THE AUTOPSY CONFIRMED THESE FINDINGS.  
SEE REVERSE \*

Have you been advised by your doctor or other qualified medical person that in their opinion your disease or condition is more probably than not a result of your exposure to Agent Orange? If so, please state the name of the person so advising you, and when you received this advice. Please attach a copy of any writing containing such advice.

AVAILABLE UPON REQUEST. MAY BE DIFFICULT  
WITH OLD DISPENSARY RECORDS FOR CHLORACNE.

If you have not received a medical diagnosis that your disease or condition is, more probably than not, a result of your exposure to Agent Orange, you will need to request your treating doctor or other qualified medical person whether, in their opinion, that is the case. Will it be possible for you to do so? If not, why not?

I SEE NO REASON WHY I CANNOT GET A  
STATEMENT CONCERNING ISCHEMIC HEART  
CONDITION AND SHORTNESS OF BREATH IF NEEDED.

---

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NOTE: I RODNEY CHARLES BATHURST SWEAR AND CERTIFY  
THAT THE PREVIOUS STATEMENTS MADE BY ME  
ARE TRUE AND CORRECT TO THE BEST OF MY  
MEMORY AND KNOWLEDGE,

Rodney Charles Bathurst

**I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN**  
**2007 (FIRST) Regular Session**

Resolution No 95 (EC)

Introduced by:

T.R. Muña Barnes  
v.c. pangelinan  
J.T. WonPat

Relative to requesting that Guam's Delegate to Congress seek an amendment to include Guam in H.R. 972, the "Civilian Agent Orange Act of 2007," which seeks to provide compensation for those individuals who were employees of the Federal Government or contractor employees of the Department of Defense during the Vietnam conflict, and suffered disability or death from exposure to Agent Orange, in the same manner as compensation is presently provided to veterans of military service who received exposure to the deadly herbicide; and to expressing the support of *I Mina'Bente Nuebi Na Liheslaturan Guåhan* for the purpose of H.R. 972.

1           BE IT RESOLVED BY I MINA'BENTE NUEBI NA LIHESLATURAN  
2 **GUÅHAN:**

3           WHEREAS, existing Federal law provides for a presumption of  
4 exposure and compensation to Agent Orange only for veterans who served  
5 in Vietnam; and

6           WHEREAS, under Veterans Administration (VA) regulations,  
7 whenever it can be established that a veteran has been exposed to certain  
8 herbicide agents during military service, regardless of the place of  
9 exposure, the veteran qualifies for a presumption of service connection for  
10 any disease that VA recognizes as being associated with such exposure;  
11 and

1       **WHEREAS**, It has been established that several veterans who had  
2 been stationed at Andersen Air Force Base (AAFB) in Guam during the  
3 Vietnam era had been exposed to Agent Orange and these individuals  
4 were later awarded full compensation for their illnesses; and

5       **WHEREAS**, among the rulings that have included veterans who had  
6 been stationed in Guam is an October 25, 2005 ruling by Veterans Law  
7 Judge Robert E. Sullivan, Board of Veterans Appeals, who granted benefits  
8 to a Veteran who had been stationed at AAFB for a service connection for  
9 diabetes mellitus secondary to herbicide (Agent Orange) exposure; and

10       **WHEREAS**, in addition, the VA has also acknowledged the illness of  
11 Air Force veteran Robert L. Burgett who was granted full benefits on  
12 March 17, 2007 for his exposure to Agent Orange while he was stationed at  
13 AAFB; and

14       **WHEREAS**, existing Federal legislation provides compensation for  
15 those in the military service who suffered disability or death because of  
16 exposure to Agent Orange, but the law does not cover civilian employees,  
17 some of whom have also been exposed; and

18       **WHEREAS**, H.R. 972, the "Civilian Agent Orange Act of 2007," was  
19 introduced in the 110<sup>th</sup> Congress on February 8, 2007 to address this  
20 omission and proposes to provide compensation for those individuals who  
21 were employees of the Federal Government or contractor employees of the  
22 Department of Defense during the Vietnam conflict, and suffered disability  
23 or death because of exposure to Agent Orange; and

24       **WHEREAS**, as written, H.R. 972 allows for compensation for  
25 exposed civilian employees during the Vietnam conflict who were present  
26 in the Republic of Vietnam during the period beginning January 9, 1962,  
27 and ending on May 7, 1975, or in or near the Korean demilitarized zone



1 during the period beginning September 1, 1967, and ending on August 31,  
2 1971, and Guam is not included in the present language of the bill; and

3       **WHEREAS**, because it has already been determined that members of  
4 the armed forces during the Vietnam era were exposed to Agent Orange  
5 while stationed in Guam and they are being compensated for their  
6 disability or death, it is only fair and just that the civilian employees of the  
7 Federal Government physically present in Guam who were also exposed to  
8 Agent Orange be included in H.R. 972 so that they can be compensated if  
9 there is a service connection for illness or death due to herbicide (Agent  
10 Orange) exposure; now, therefore, be it

11       **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan* does  
12 hereby, on behalf of the people of Guam, request that the Honorable  
13 Madeleine Z. Bordallo, Guam's Delegate to Congress, seek an amendment  
14 for H.R. 972, the "Civilian Agent Orange Act of 2007," to include Guam in  
15 this legislation that seeks to provide compensation for those individuals  
16 who were employees of the Federal Government or contractor employees  
17 of the Department of Defense in Guam during the Vietnam conflict, and  
18 suffered disability or death from exposure to Agent Orange; and be it  
19 further

20       **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan* does  
21 hereby, on behalf of the people of Guam, does hereby express its support  
22 for the purpose of H.R. 972 which intends to correct an omission that may  
23 have seriously affected the health and lives of thousands of Americans who  
24 supported our government and troops as civilian workers; and be it further

25       **RESOLVED**, that the Speaker and the Chairperson of the Executive  
26 Committee of *I Mina'Bente Nuebi Na Liheslaturan Guåhan* attest to the  
27 adoption hereof, and that copies of the same be thereafter transmitted to  
28 the Honorable Congressman John Conyers, Jr. of Michigan, Chairman,

1 Committee on the Judiciary, United States House of Representatives; to the  
2 Honorable Congressman Lamar S. Smith of Texas, Ranking Member,  
3 Committee on the Judiciary, United States House of Representatives; to the  
4 author of H.R. 972, the Honorable Congressman Robert Wexler of Florida,  
5 United States House of Representatives; to the Honorable George W. Bush,  
6 President of the United States of America; to the Honorable Madeleine Z.  
7 Bordallo, Member of Congress, U. S. House of Representatives; and to the  
8 Honorable Felix P. Camacho, *I Maga'lahen Guåhan*.

**DULY AND REGULARLY ADOPTED BY I MINA'BENTE NUEBI NA  
LIHESLATURAN GUÅHAN ON THIS DAY OF 2007.**

Public Law 117–168  
117th Congress

An Act

To improve the Iraq and Afghanistan Service Grant and the Children of Fallen  
Heroes Grant.

Aug. 10, 2022  
[S. 3373]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES  
CODE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Sergeant  
First Class Heath Robinson Honoring our Promise to Address Com-  
prehensive Toxics Act of 2022” or the “Honoring our PACT Act  
of 2022”.

(b) **MATTERS RELATING TO AMENDMENTS TO TITLE 38, UNITED  
STATES CODE.**—

(1) **REFERENCES.**—Except as otherwise expressly provided,  
when in this Act an amendment or repeal is expressed in  
terms of an amendment to, or repeal of, a section or other  
provision, the reference shall be considered to be made to  
a section or other provision of title 38, United States Code.

(2) **AMENDMENTS TO TABLES OF CONTENTS.**—Except as  
otherwise expressly provided, when an amendment made by  
this Act to title 38, United States Code, adds a section or  
larger organizational unit to that title or amends the designa-  
tion or heading of a section or larger organizational unit in  
that title, that amendment also shall have the effect of  
amending any table of sections in that title to alter the table  
to conform to the changes made by the amendment.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act  
is as follows:

Sec. 1. Short title; references to title 38, United States Code; table of contents.

**TITLE I—EXPANSION OF HEALTH CARE ELIGIBILITY**

**Subtitle A—Toxic-exposed Veterans**

Sec. 101. Short title.

Sec. 102. Definitions relating to toxic-exposed veterans.

Sec. 103. Expansion of health care for specific categories of toxic-exposed veterans  
and veterans supporting certain overseas contingency operations.

Sec. 104. Assessments of implementation and operation.

**Subtitle B—Certain Veterans of Combat Service and Other Matters**

Sec. 111. Expansion of period of eligibility for health care for certain veterans of  
combat service.

**TITLE II—TOXIC EXPOSURE PRESUMPTION PROCESS**

Sec. 201. Short title.

Sec. 202. Improvements to ability of Department of Veterans Affairs to establish  
presumptions of service connection based on toxic exposure.

Sergeant First  
Class Heath  
Robinson  
Honoring our  
Promise to  
Address  
Comprehensive  
Toxics Act  
of 2022.  
38 USC 101 note.

38 USC 101 note  
prec.,  
301 prec., 701  
prec.,  
1101 prec., 1301  
prec.,  
5100 prec., 7101  
prec.,  
7401 prec., 8101  
prec.

- Sec. 203. Outreach to claimants for disability compensation pursuant to changes in presumptions of service connection.
- Sec. 204. Reevaluation of claims for dependency and indemnity compensation involving presumptions of service connection.

TITLE III—IMPROVING THE ESTABLISHMENT OF SERVICE CONNECTION  
PROCESS FOR TOXIC-EXPOSED VETERANS

- Sec. 301. Short title.
- Sec. 302. Presumptions of toxic exposure.
- Sec. 303. Medical nexus examinations for toxic exposure risk activities.

TITLE IV—PRESUMPTIONS OF SERVICE CONNECTION

- Sec. 401. Treatment of veterans who participated in cleanup of Enewetak Atoll as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.
- Sec. 402. Treatment of veterans who participated in nuclear response near Palomares, Spain, or Thule, Greenland, as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.
- Sec. 403. Presumptions of service connection for diseases associated with exposures to certain herbicide agents for veterans who served in certain locations.
- Sec. 404. Addition of additional diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in certain locations.
- Sec. 405. Improving compensation for disabilities occurring in Persian Gulf War veterans.
- Sec. 406. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins.
- Sec. 407. Rule of construction.

TITLE V—RESEARCH MATTERS

- Sec. 501. Interagency working group on toxic exposure research.
- Sec. 502. Analysis and report on treatment of veterans for medical conditions related to toxic exposure.
- Sec. 503. Analysis relating to mortality of veterans who served in Southwest Asia.
- Sec. 504. Study on health trends of post-9/11 veterans.
- Sec. 505. Study on cancer rates among veterans.
- Sec. 506. Study on health effects of waste related to Manhattan Project on certain veterans.
- Sec. 507. Study on toxic exposure and mental health outcomes.
- Sec. 508. Study on veterans in Territories of the United States.
- Sec. 509. Department of Veterans Affairs public website for toxic exposure research.
- Sec. 510. Report on health effects of jet fuels used by Armed Forces.

TITLE VI—IMPROVEMENT OF RESOURCES AND TRAINING REGARDING  
TOXIC-EXPOSED VETERANS

- Sec. 601. Short title; definitions.
- Sec. 602. Publication of list of resources of Department of Veterans Affairs for toxic-exposed veterans and veterans who report toxic exposures and outreach program for such veterans and caregivers and survivors of such veterans.
- Sec. 603. Incorporation of toxic exposure screening for veterans.
- Sec. 604. Training for personnel of the Department of Veterans Affairs with respect to veterans who report toxic exposures.

TITLE VII—RESOURCING

- Sec. 701. Authority to use appropriations to enhance claims processing capacity and automation.
- Sec. 702. Authorization of major medical facility leases of Department of Veterans Affairs for fiscal year 2023.
- Sec. 703. Treatment of major medical facility leases of the Department of Veterans Affairs.
- Sec. 704. Authority to enter into agreements with academic affiliates and other entities to acquire space for the purpose of providing health-care resources to veterans.
- Sec. 705. Modifications to enhanced-use lease authority of Department of Veterans Affairs.
- Sec. 706. Authority for joint leasing actions of Department of Defense and Department of Veterans Affairs.

Sec. 707. Appropriation of amounts for major medical facility leases.

#### TITLE VIII—RECORDS AND OTHER MATTERS

Sec. 801. Epidemiological study on Fort McClellan veterans.

Sec. 802. Biennial briefing on Individual Longitudinal Exposure Record.

Sec. 803. Correction of exposure records by members of the Armed Forces and veterans.

Sec. 804. Federal cause of action relating to water at Camp Lejeune, North Carolina.

Sec. 805. Cost of War Toxic Exposures Fund.

Sec. 806. Appropriation for fiscal year 2022.

Sec. 807. Authorization of electronic notice in claims under laws administered by the Secretary of Veterans Affairs.

Sec. 808. Burn pit transparency.

#### TITLE IX—IMPROVEMENT OF WORKFORCE OF DEPARTMENT OF VETERANS AFFAIRS

Sec. 901. National rural recruitment and hiring plan for Veterans Health Administration.

Sec. 902. Authority to buy out service contracts for certain health care professionals in exchange for employment at rural or highly rural facilities of Department of Veterans Affairs.

Sec. 903. Qualifications for human resources positions within Department of Veterans Affairs and plan to recruit and retain human resources employees.

Sec. 904. Modification of pay cap for certain employees of Veterans Health Administration.

Sec. 905. Expansion of opportunities for housekeeping aides.

Sec. 906. Modification of authority of the Secretary of Veterans Affairs relating to hours, conditions of employment, and pay for certain employees of Veterans Health Administration.

Sec. 907. Waiver of pay limitation for certain employees of Department of Veterans Affairs.

Sec. 908. Elimination of limitation on awards and bonus for employees of Department of Veterans Affairs.

Sec. 909. Additional authority of the Secretary of Veterans Affairs relating to recruitment and retention of personnel.

## TITLE I—EXPANSION OF HEALTH CARE ELIGIBILITY

### Subtitle A—Toxic-exposed Veterans

#### SEC. 101. SHORT TITLE.

This title may be cited as the “Conceding Our Veterans’ Exposure Now and Necessitating Training Act of 2022” or the “COVENANT Act of 2022”.

#### SEC. 102. DEFINITIONS RELATING TO TOXIC-EXPOSED VETERANS.

(a) IN GENERAL.—Section 1710(a)(2)(F) is amended by striking “who was exposed to a toxic substance, radiation, or other conditions, as provided in subsection (e)” and inserting “who is a toxic-exposed veteran, in accordance with subsection (e)”.

(b) DEFINITIONS OF TOXIC EXPOSURE AND TOXIC-EXPOSED VETERAN.—Section 101 is amended by adding at the end the following new paragraphs:

“(37) The term ‘toxic exposure’ includes the following:

“(A) A toxic exposure risk activity, as defined in section 1710(e)(4) of this title.

“(B) An exposure to a substance, chemical, or airborne hazard identified in the list under section 1119(b)(2) of this title.

“(38) The term ‘toxic-exposed veteran’ means any veteran described in section 1710(e)(1) of this title.”

Conceding Our Veterans’ Exposure Now and Necessitating Training Act of 2022.

38 USC 101 note.

38 USC 1710.

38 USC 1710. (c) DEFINITION OF TOXIC EXPOSURE RISK ACTIVITY.—Section 1710(e)(4) is amended by adding at the end the following new subparagraph:

“(C) The term ‘toxic exposure risk activity’ means any activity—

“(i) that requires a corresponding entry in an exposure tracking record system (as defined in section 1119(c) of this title) for the veteran who carried out the activity; or

Determination.

“(ii) that the Secretary determines qualifies for purposes of this subsection when taking into account what is reasonably prudent to protect the health of veterans.”.

**SEC. 103. EXPANSION OF HEALTH CARE FOR SPECIFIC CATEGORIES OF TOXIC-EXPOSED VETERANS AND VETERANS SUPPORTING CERTAIN OVERSEAS CONTINGENCY OPERATIONS.**

(a) IN GENERAL.—

(1) EXPANSION.—Subsection (e) of section 1710, as amended by section 102(c), is further amended—

Deadlines.

(A) in paragraph (1), by adding at the end the following new subparagraphs:

“(G) Beginning not later than the applicable date specified in paragraph (6), and subject to paragraph (2), a veteran who participated in a toxic exposure risk activity while serving on active duty, active duty for training, or inactive duty training is eligible for hospital care (including mental health services and counseling), medical services, and nursing home care under subsection (a)(2)(F) for any illness.

“(H) Beginning not later than the applicable date specified in paragraph (6), and subject to paragraph (2), a covered veteran (as defined in section 1119(c) of this title) is eligible for hospital care (including mental health services and counseling), medical services, and nursing home care under subsection (a)(2)(F) for any illness.

“(I)(i) Beginning not later than the applicable date specified in paragraph (6), and subject to paragraph (2), a veteran who deployed in support of a contingency operation specified in clause (ii) is eligible for hospital care (including mental health services and counseling), medical services, and nursing home care under subsection (a)(2)(F) for any illness.

“(ii) A contingency operation specified in this clause is any of the following:

“(I) Operation Enduring Freedom.

“(II) Operation Freedom’s Sentinel.

“(III) Operation Iraqi Freedom.

“(IV) Operation New Dawn.

“(V) Operation Inherent Resolve.

“(VI) Resolute Support Mission.”; and

(B) in paragraph (2)(B)—

(i) by striking “or (F)” and inserting “(F), (G), (H), or (I)”; and

(ii) by striking “service or testing” and inserting “service, testing, or activity”.

(2) PHASE IN.—Such subsection is further amended by adding at the end the following new paragraph:

“(6)(A) The Secretary shall determine the dates in subparagraphs (G), (H), and (I) of paragraph (1) as follows:

Determination.  
Time periods.

“(i) October 1, 2024, with respect to a veteran described in such subparagraph (G) or (H) who was discharged or released from the active military, naval, air, or space service during the period beginning on August 2, 1990, and ending on September 11, 2001.

“(ii) October 1, 2026, with respect to a veteran described in such subparagraph (G) or (H) who was discharged or released from the active military, naval, air, or space service during the period beginning on September 12, 2001, and ending on December 31, 2006.

“(iii) October 1, 2028, with respect to a veteran described in such subparagraph (G) or (H) who was discharged or released from the active military, naval, air, or space service during the period beginning on January 1, 2007, and ending on December 31, 2012.

“(iv) October 1, 2030, with respect to a veteran described in such subparagraph (G) or (H) who was discharged or released from the active military, naval, air, or space service during the period beginning on January 1, 2013, and ending on December 31, 2018.

“(v) October 1, 2032, with respect to a veteran described in such subparagraph (I).

“(B)(i) The Secretary may modify a date specified in subparagraph (A) to an earlier date, as the Secretary determines appropriate based on the number of veterans receiving hospital care, medical services, and nursing home care under subparagraphs (G), (H), and (I) of paragraph (1) and the resources available to the Secretary.

“(ii) If the Secretary determines to modify a date under clause (i), the Secretary shall—

“(I) notify the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives of the proposed modification; and

Notification.

“(II) publish such modified date in the Federal Register.”.

Federal Register,  
publication.  
Deadline.  
Notification.

(b) OUTREACH PLANS.—With respect to each of clauses (i) through (v) of section 1710(e)(6)(A) of title 38, United States Code (as added by subsection (a)(2)), not later than 180 days before the date specified in the clause (including a date modified pursuant to such section), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a plan to conduct outreach to the veterans described in the clause to notify such veterans of their eligibility for hospital care, medical services, or nursing home care under subparagraph (G), (H), or (I), of section 1710(e)(1) of such title, as the case may be.

#### SEC. 104. ASSESSMENTS OF IMPLEMENTATION AND OPERATION.

Deadlines.  
38 USC 1710  
note.  
Determinations.

(a) INITIAL RESOURCE ASSESSMENT AND REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) complete an assessment to determine—

(A) the personnel and material resources necessary to implement section 103 (including the amendments made by such section); and

(B) the total number of covered veterans, as such term is defined in section 1119(c) of title 38, United States Code (as added by section 302), who receive hospital care or medical services furnished by the Secretary under chapter 17 of such title, disaggregated by priority group specified in section 1705(a) of such title; and

(2) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the findings of the assessment completed under paragraph (1), including a specific determination as to whether the Department has the personnel and material resources necessary to implement section 103.

(b) INFORMATION SYSTEMS.—Not later than October 1, 2024, the Secretary shall establish information systems to assess the implementation of section 103, including the amendments made by such section, and use the results of assessments under such systems to inform the reports under subsection (c).

(c) ANNUAL REPORTS.—

(1) REPORTS.—Not later than October 1, 2025, and on an annual basis thereafter until October 1, 2033, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the following:

(A) The effect of the implementation of, and the provision and management of care under, section 103 (including the amendments made by such section) on the demand by veterans described in subparagraphs (G), (H), and (I) of section 1710(e)(1) of title 38, United States Code (as added by such section 103) for health care services furnished by the Secretary.

(B) Any differing patterns of demand for health care services by such veterans, disaggregated by factors such as the relative distance of the veteran from medical facilities of the Department and whether the veteran had previously received hospital care or medical services furnished by the Secretary under chapter 17 of such title.

(C) The extent to which the Secretary has met such demand.

(D) Any changes, during the year covered by the report, in the delivery patterns of health care furnished by the Secretary under chapter 17 of such title, and the fiscal impact of such changes.

(2) MATTERS.—Each report under paragraph (1) shall include, with respect to the year covered by the report, detailed information on the following:

(A) The total number of veterans enrolled in the patient enrollment system who, during such year, received hospital care or medical services furnished by the Secretary under chapter 17 of title 38, United States Code.

(B) Of the veterans specified in subparagraph (A), the number of such veterans who, during the preceding three fiscal years, had not received such care or services.

(C) With respect to the veterans specified in subparagraph (B), the cost of providing health care to such veterans during the year covered by the report, shown in total and disaggregated by—

(i) the level of care; and

Time period.

Costs.



(ii) whether the care was provided through the Veterans Community Care Program.

(D) With respect to the number of veterans described in subparagraphs (G), (H), and (I) of section 1710(e)(1) of title 38, United States Code (as added by section 103), the following (shown in total and disaggregated by medical facility of the Department, as applicable):

(i) The number of such veterans who, during the year covered by the report, enrolled in the patient enrollment system.

(ii) The number of such veterans who applied for, but were denied, such enrollment.

(iii) The number of such veterans who were denied hospital care or a medical service furnished by the Secretary that was considered to be medically necessary but not of an emergency nature.

(E) The numbers and characteristics of, and the type and extent of health care furnished by the Secretary to, veterans enrolled in the patient enrollment system (shown in total and disaggregated by medical facility of the Department).

(F) The numbers and characteristics of, and the type and extent of health care furnished by the Secretary to, veterans not enrolled in the patient enrollment system (disaggregated by each class of eligibility for care under section 1710 of title 38, United States Code, and further shown as a total per class and disaggregated by medical facility of the Department).

(G) The specific fiscal impact (shown in total and disaggregated by geographic health care delivery areas) of changes in the delivery patterns of health care furnished by the Secretary under chapter 17 of such title as a result of the implementation of section 103 (including the amendments made by such section).

(d) DEFINITIONS.—In this section:

(1) PATIENT ENROLLMENT SYSTEM.—The term “patient enrollment system” means the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

(2) VETERANS COMMUNITY CARE PROGRAM.—The term “Veterans Community Care Program” means the program established under section 1703 of title 38, United States Code.

## **Subtitle B—Certain Veterans of Combat Service and Other Matters**

### **SEC. 111. EXPANSION OF PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR CERTAIN VETERANS OF COMBAT SERVICE.**

(a) EXPANDED PERIOD.—Section 1710(e)(3) is amended—

38 USC 1710.

(1) in subparagraph (A)—

(A) by striking “January 27, 2003” and inserting “September 11, 2001”; and

(B) by striking “five-year period” and inserting “10-year period”;

(2) by amending subparagraph (B) to read as follows:

“(B) With respect to a veteran described in paragraph (1)(D) who was discharged or released from the active military, naval, air, or space service after September 11, 2001, and before October 1, 2013, but did not enroll to receive such hospital care, medical services, or nursing home care under such paragraph pursuant to subparagraph (A) before October 1, 2022, the one-year period beginning on October 1, 2022.”; and

(3) by striking subparagraph (C).

38 USC 1710.

(b) **CLARIFICATION OF COVERAGE.**—Section 1710(e)(1)(D) is amended by inserting after “Persian Gulf War” the following: “(including any veteran who, in connection with service during such period, received the Armed Forces Expeditionary Medal, Service Specific Expeditionary Medal, Combat Era Specific Expeditionary Medal, Campaign Specific Medal, or any other combat theater award established by a Federal statute or an Executive order)”.

Deadline.  
Notification.

(c) **OUTREACH PLAN.**—Not later than December 1, 2022, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a plan to conduct outreach to veterans described in subparagraph (B) of section 1710(e)(3) of title 38, United States Code, as amended by subsection (a)(2), to notify such veterans of their eligibility for hospital care, medical services, or nursing home care pursuant to such subparagraph.

(d) **REPORT ON ENROLLMENTS.**—Not later than January 30, 2024, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report identifying, with respect to the one-year period beginning on October 1, 2022, the number of veterans described in section 1710(e)(3)(B) of title 38, United States Code, as amended by subsection (a)(2), who, during such period, enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705(a) of such title.

38 USC 1710  
note.

(e) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on October 1, 2022.

## **TITLE II—TOXIC EXPOSURE PRESUMPTION PROCESS**

Toxic Exposure  
in the American  
Military Act of  
2022.

38 USC 101 note.

### **SEC. 201. SHORT TITLE.**

This title may be cited as the “Toxic Exposure in the American Military Act of 2022” or the “TEAM Act of 2022”.

### **SEC. 202. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF VETERANS AFFAIRS TO ESTABLISH PRESUMPTIONS OF SERVICE CONNECTION BASED ON TOXIC EXPOSURE.**

38 USC 1101  
prec.

(a) **ADVISORY COMMITTEES, PANELS, AND BOARDS.**—Chapter 11 is amended by adding at the end the following new subchapter:

“SUBCHAPTER VII—DETERMINATIONS RELATING TO PRESUMPTIONS OF SERVICE CONNECTION BASED ON TOXIC EXPOSURE 38 USC 1171 prec.

“§ 1171. Procedures to determine presumptions of service connection based on toxic exposure; definitions 38 USC 1171.

“(a) PROCEDURES.—The Secretary shall determine whether to establish, or to remove, presumptions of service connection based on toxic exposure pursuant to this subchapter, whereby—

“(1) under section 1172 of this title—

“(A) the Secretary provides—

“(i) public notice regarding what formal evaluations the Secretary plans to conduct; and Notice.

“(ii) the public an opportunity to comment on the proposed formal evaluations; Public comment.

“(B) the working group established under subsection (b) of such section provides— Recommendations.

“(i) advice to the Secretary on toxic-exposed veterans and cases in which veterans who, during active military, naval, air, or space service, may have experienced a toxic exposure or their dependents may have experienced a toxic exposure while the veterans were serving in the active military, naval, air, or space service;

“(ii) recommendations to the Secretary on corrections needed in the Individual Longitudinal Exposure Record to better reflect veterans and dependents described in clause (i); and

“(iii) recommendations to the Secretary regarding which cases of possible toxic exposure should be reviewed;

“(2) the Secretary provides for formal evaluations of such recommendations under section 1173 of this title and takes into account reports received by the Secretary from the National Academies of Sciences, Engineering, and Medicine under section 1176 of this title; and Evaluations.

“(3) the Secretary issues regulations under section 1174 of this title. Regulations.

“(b) DEFINITIONS.—In this subchapter:

“(1) The term ‘illness’ includes a disease or other condition affecting the health of an individual, including mental and physical health.

“(2) The term ‘Individual Longitudinal Exposure Record’ includes—

“(A) service records;

“(B) any database maintained by the Department of Defense and shared with the Department of Veterans Affairs to serve as a central portal for exposure-related data that compiles, collates, presents, and provides available occupational and environmental exposure information to support the needs of the Department of Defense and the Department of Veterans Affairs; or

“(C) any successor system to a database described in subparagraph (B).

38 USC 1172.

**“§ 1172. Annual notice and opportunity for public comment**Federal Register,  
publications.

“(a) NOTICE REQUIRED.—(1)(A) Not less frequently than once each year, the Secretary shall publish in the Federal Register notice of the formal evaluations that the Secretary plans to conduct pursuant to section 1173 of this title.

“(B) Each notice published under subparagraph (A) shall include, for each formal evaluation referred to in the notice, an explanation as to why the military environmental exposures and adverse health outcomes that are the subject of the formal evaluation were chosen by the Secretary for formal evaluation under section 1173 of this title.

“(2)(A) With each notice published under paragraph (1), the Secretary shall seek public comment on the military environmental exposures and adverse health outcomes that are the subject of the formal evaluations referred to in the notice.

“(B) The Secretary shall—

“(i) consider all public comment received under subparagraph (A); and

“(ii) publish in the Federal Register a response to the comments received under subparagraph (A).

“(3)(A) For each notice published under paragraph (1), the Secretary shall hold an open meeting for members of the public to voice their comments in response to the notice.

Evaluation.  
Time period.

“(B) To help evaluate presumptions of service connection, the Secretary shall, not less frequently than quarterly, collaborate with, partner with, and give weight to the advice of veterans service organizations and such other stakeholders as the Secretary considers appropriate.

“(4) Failure to include a military environmental exposure or adverse health effect in a Federal Register notice published pursuant to subsection (a) shall not preclude the Secretary from initiating a formal evaluation of such exposure or health effect.

Establishment.

“(b) WORKING GROUP.—(1) The Secretary shall establish a working group within the Department (in this section referred to as the ‘Working Group’).

“(2) The Working Group shall include personnel of the Veterans Health Administration and the Veterans Benefits Administration.

Consultation.

“(3) The Secretary shall consult with, and seek the advice of, the Working Group with respect to cases in which—

“(A) a veteran may have, during active military, naval, air, or space service, experienced a toxic exposure; or

“(B) a dependent of a veteran may have experienced a toxic exposure during the active military, naval, air, or space service of the veteran.

“(c) ASSESSMENTS.—(1) The Working Group shall assess cases of the toxic exposure of veterans and their dependents that occurred during active military, naval, air, or space service, including by conducting ongoing surveillance and reviewing such exposure described in scientific literature, media reports, information from veterans, and information from Congress.

“(2) The assessments under paragraph (1) shall cover suspected and known toxic exposures occurring during active military, naval, air, or space service, including by identifying and evaluating new and emerging toxic exposures that are not recognized under existing presumptions of service connection.

“(3) The Working Group may conduct an assessment under paragraph (1) in response to a comment received under paragraph (2) or (3) of subsection (a).

“(4) The Working Group shall, in consultation with the Secretary of Defense, on a periodic basis, assess the Individual Longitudinal Exposure Record to ensure the accuracy of data collected.

Consultation.

“(d) DEVELOPMENT OF RECOMMENDATIONS.—(1) Following an assessment of a case of the toxic exposure of veterans that occurred during active military, naval, air, or space service under subsection (c), or their dependents, the Working Group may develop a recommendation for formal evaluation under section 1173 of this title to conduct a review of the health effects related to the case of exposure if the Working Group determines that the research may change the current understanding of the relationship between an exposure to an environmental hazard and adverse health outcomes in humans.

Determination.

“(2) Upon receipt of evidence suggesting that previous findings regarding the periods and locations of exposure covered by an existing presumption of service connection are no longer supported, the Working Group may nominate such evidence for formal evaluation under section 1173 of this title to modify the periods and locations.

“(e) REPORTS BY THE WORKING GROUP.—Not less frequently than once each year, the Working Group shall submit to the Secretary, the Committee on Veterans’ Affairs of the Senate, and the Committee on Veterans’ Affairs of the House of Representatives, and make publicly available, a report on—

Time period.  
Public  
information.  
Recommendations.

“(1) recommendations developed under subsection (d), if any; and

“(2) recommendations for such legislative or administrative action as the Working Group considers necessary for the Working Group to be more effective in carrying out the requirements of this section.

“(f) RESPONSES BY SECRETARY.—In response to each report submitted under subsection (e), the Secretary shall, not later than 30 days after receiving the report, initiate a formal evaluation pursuant to section 1173 of this title.

Deadline.  
Evaluation.

#### “§ 1173. Formal evaluation of recommendations

Reviews.  
Determinations.  
38 USC 1173.

“(a) FORMAL EVALUATIONS.—The Secretary shall establish a process to conduct a formal evaluation with respect to each recommendation made by the Working Group under section 1172 of this title.

“(b) EVIDENCE, DATA, AND FACTORS.—The Secretary shall ensure that each formal evaluation under subsection (a) covers the following:

“(1) Scientific evidence, based on the review of available scientific literature, including human, toxicological, animal, and methodological studies, and other factors.

“(2) Claims data, based on the review of claim rate, grant rate, and service connection prevalence, and other factors.

“(3) Other factors the Secretary determines appropriate, such as—

“(A) the level of disability and mortality caused by the health effects related to the case of toxic exposure being evaluated;

	<p>“(B) the quantity and quality of the information available and reviewed;</p> <p>“(C) the feasibility of and period for generating relevant information and evidence;</p> <p>“(D) whether such health effects are combat- or deployment-related;</p> <p>“(E) the ubiquity or rarity of the health effects; and</p> <p>“(F) any time frame during which a health effect must become manifest.</p>
	<p>“(c) CONDUCT OF EVALUATIONS.—(1) The Secretary shall ensure that each formal evaluation under subsection (a)—</p> <p>“(A) reviews scientific evidence in a manner that—</p> <p>“(i) conforms to principles of scientific and data integrity;</p> <p>“(ii) is free from suppression or distortion of scientific or technological findings, data, information, conclusions, or technical results; and</p> <p>“(B)(i) evaluates the likelihood that a positive association exists between an illness and a toxic exposure while serving in the active military, naval, air, or space service; and</p> <p>“(ii) assesses the toxic exposures and illnesses and determines whether the evidence supports a finding of a positive association between the toxic exposure and the illness.</p>
Assessments.	
Data.	<p>“(2) In carrying out paragraph (1)(B)(ii), a formal evaluation under subsection (a) shall include reviewing all relevant data to determine the strength of evidence for a positive association based on the following four categories:</p> <p>“(A) The ‘sufficient’ category, where the evidence is sufficient to conclude that a positive association exists.</p> <p>“(B) The ‘equipoise and above’ category, where the evidence is sufficient to conclude that a positive association is at least as likely as not, but not sufficient to conclude that a positive association exists.</p> <p>“(C) The ‘below equipoise’ category, where the evidence is not sufficient to conclude that a positive association is at least as likely as not, or is not sufficient to make a scientifically informed judgment.</p> <p>“(D) The ‘against’ category, where the evidence suggests the lack of a positive association.</p>
Deadline.	<p>“(d) RECOMMENDATION FOR ESTABLISHING A PRESUMPTION OF SERVICE CONNECTION.—Not later than 120 days after the date on which a formal evaluation is commenced, the element of the Department that conducts the evaluation shall submit to the Secretary a recommendation with respect to establishing a presumption of service connection for the toxic exposure and illness, or modifying an existing presumption of service connection, covered by the evaluation.</p>
38 USC 1174.	<p><b>“§ 1174. Regulations regarding presumptions of service connection based on toxic exposure</b></p>
Deadline. Determinations.	<p>“(a) ACTION UPON RECOMMENDATION.—Not later than 160 days after the date on which the Secretary receives a recommendation to establish or modify a presumption of service connection under section 1173 of this title—</p> <p>“(1) if the Secretary determines, in the discretion of the Secretary, that the presumption, or modification, is warranted, the Secretary shall—</p>



“(A) commence issuing regulations in accordance with the provisions of subchapter II of chapter 5 of title 5 (commonly referred to as the Administrative Procedures Act) setting forth the presumption or commence revising regulations to carry out such modification; and

“(B) include in such regulations any time frame during which a health effect must become manifest; or

“(2) if the Secretary determines, in the discretion of the Secretary, that the presumption, or modification, is not warranted, the Secretary shall publish in the Federal Register a notice of the determination, including the reasons supporting the determination.

Federal Register,  
publication.  
Notice.

“(b) REMOVAL OF PRESUMPTION.—(1)(A) The Secretary may—

“(i) issue a regulation to remove an illness from a presumption of service connection previously established pursuant to a regulation issued under subsection (a); and

“(ii) issue a regulation to remove a presumption of service connection established pursuant to title IV of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 if the Secretary concludes that evidence suggests the lack of a positive association between the disease and the toxic exposure.

“(B) Under subparagraph (A)(ii), the Secretary shall not consider the lack of evidence as sufficient to support a decision for removal of a presumption.

“(2) Whenever an illness is removed from regulations pursuant to paragraph (1), or the periods and locations of exposure covered by a presumption of service connection are modified under subsection (a)—

“(A) a veteran who was awarded compensation under chapter 11 of this title for such illness on the basis of the presumption provided under such regulations before the effective date of the removal or modification shall continue to be entitled to receive compensation on that basis;

“(B) a survivor of a veteran who was awarded dependency and indemnity compensation under chapter 13 of this title for the death of a veteran resulting from such illness on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis; and

“(C) no veteran or survivor covered under subparagraph (A) or (B) shall have their compensation reduced solely because of the removal of an illness pursuant to paragraph (1).

**“§ 1175. Authority to modify process; congressional oversight**

38 USC 1175.

“(a) IN GENERAL.—The Secretary may modify the process under which the working group established under subsection (b) of section 1172 of this title conducts assessments under such section, the Secretary conducts formal evaluations under section 1173 of this title, and issues regulations under section 1174 of this title if—

“(1) such evaluations cover the evidence, data, and factors required by subsection (b) of such section 1173; and

“(2) a period of 180 days has elapsed following the date on which the Secretary submits the notice under subsection (b) regarding the modification.

Time period.

“(b) NOTICE.—If the Secretary proposes to modify the process under which the working group established under subsection (b)

of section 1172 of this title conducts assessments under such section, the process under which the Secretary conducts formal evaluations under section 1173 of this title, or issues regulations under section 1174 of this title, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a notice of the proposed modifications containing the following:

“(1) A description of the proposed modifications.

“(2) A description of any exceptions to the requirements of such sections that are proposed because of limited available scientific evidence, and a description of how such evaluations will be conducted.

38 USC 1176.

**“§ 1176. Agreement with National Academies of Sciences, Engineering, and Medicine concerning toxic exposures**

Reviews.  
Evaluations.

“(a) PURPOSE.—The purpose of this section is to provide for the National Academies of Sciences, Engineering, and Medicine (in this section referred to as the ‘Academies’), an independent nonprofit scientific organization with appropriate expertise that is not part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between diseases and toxic exposures.

Time periods.

“(b) AGREEMENT.—(1) The Secretary shall seek to enter into a five-year agreement with the Academies to perform the services covered by this section.

Deadline.

“(2) The Secretary shall seek to enter into an agreement described in paragraph (1) not later than 60 days after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022.

Extension  
authority.

“(3) An agreement under this section may be extended in five-year increments.

Summary.  
Assessment.

“(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an agreement between the Secretary and the Academies under this section, the Academies shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between toxic exposures during active military, naval, air, or space service and each disease suspected to be associated with such exposure in the human population.

“(d) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—For each disease reviewed under subsection (c), the Academies shall determine, to the extent that available scientific data permit meaningful determinations—

“(1) whether an association exists between toxic exposures and the occurrence of the disease, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association;

“(2) the increased risk of the disease among those reporting toxic exposures during active military, naval, air, or space service;

“(3) whether there exists a plausible biological mechanism or other evidence of a positive association between the toxic exposure and the occurrence of the disease; and

“(4) determine the strength of evidence for a positive association based on categories furnished under section 1173 of this title.

“(e) COOPERATION OF FEDERAL AGENCIES.—The head of each relevant Federal agency, including the Secretary of Defense, shall cooperate fully with the Academies in performing the services covered by this section.

“(f) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—

(1) Under an agreement between the Secretary and the Academies under this section, the Academies shall make any recommendations for additional scientific studies to resolve areas of continuing scientific uncertainty relating to toxic exposures.

“(2) In making recommendations under paragraph (1), the Academies shall consider—

“(A) the scientific information that is available at the time of the recommendation;

“(B) the value and relevance of the information that could result from additional studies; and

“(C) the cost and feasibility of carrying out such additional studies.

“(g) REPORTS.—(1)(A) Under an agreement between the Secretary and the Academies under this section, not later than one year after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, the Academies shall submit to the Secretary, the Committee on Veterans’ Affairs of the Senate, and the Committee on Veterans’ Affairs of the House of Representatives an initial report on the activities of the Academies under the agreement.

“(B) The report submitted under subparagraph (A) shall include the following:

“(i) The determinations described in subsection (d).

Determinations.

“(ii) A full explanation of the scientific evidence and reasoning that led to such determinations.

“(iii) Any recommendations of the Academies under subsection (f).

Recommendations.

“(2) Under an agreement between the Secretary and the Academies under this section, not less frequently than once every two years after the date on which the initial report is submitted under paragraph (1)(A), the Academies shall submit to the Secretary, the Committee on Veterans’ Affairs of the Senate, and the Committee on Veterans’ Affairs of the House of Representatives an updated report on the activities of the Academies under the agreement.

Time period. Update.

“(h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—(1) If the Secretary is unable within the time period prescribed in subsection (b)(2) to enter into an agreement with the Academies for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that—

“(A) is not part of the Federal Government;

“(B) operates as a not-for-profit entity; and

“(C) has expertise and objectivity comparable to that of the Academies.

“(2) If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this subchapter to the Academies shall be treated as a reference to the other organization.”

(b) REPORTS AND BRIEFINGS.—

- (1) REPORT.—
- (A) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of, and recommendations for, subchapter VII of chapter 11 of title 38, United States Code, as added by subsection (a).
- (B) CONSULTATION.—The Secretary shall develop the report under subparagraph (A) in consultation with organizations recognized by the Secretary for the representation of veterans under section 5902 of such title and any other entity the Secretary determines appropriate.
- (2) BRIEFING.—On a quarterly basis during the two-year period beginning on the date of the enactment of this Act, the Secretary shall provide to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a briefing on the implementation of subchapter VII of chapter 11 of such title, as added by subsection (a).
- (c) INDEPENDENT ASSESSMENT.—
- (1) AGREEMENT.—The Secretary shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine (in this subsection referred to as the "Academies") before the date that is 90 days after the date of the enactment of this Act to perform the services set forth under paragraph (2).
- (2) ASSESSMENT.—
- (A) IN GENERAL.—Under an agreement between the Secretary and the Academies under paragraph (1), the Academies shall conduct an assessment of the implementation by the Department of Veterans Affairs of the process established under subchapter VII of chapter 11 of title 38, United States Code, as added by subsection (a).
- (B) ELEMENTS.—The assessment conducted under subparagraph (A) shall include the following:
- (i) An assessment of the Department's implementation of the process established under subsection (a) to determine whether the process is in accordance with current scientific standards for assessing the link between exposure to environmental hazards and the development of health outcomes,
- (ii) assess whether the criteria is fair and consistent, and
- (iii) provide recommendations for improvements to the process.
- (3) REPORT.—Not later than one year after the date on which the Secretary enters into an agreement under paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Academies pursuant to such agreement.
- (4) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—
- (A) IN GENERAL.—If the Secretary is unable within the time period prescribed in paragraph (1) to enter into an agreement with the Academies for the purposes of this

Recommendations.

Time periods.

Deadline.

Determination.

Recommendations.

subsection on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this subsection with another appropriate scientific organization that—

- (i) is not part of the Federal Government;
- (ii) operates as a not-for-profit entity; and
- (iii) has expertise and objectivity comparable to that of the Academies.

(B) TREATMENT.—If the Secretary enters into an agreement with another organization as described in subparagraph (A), any reference in this subsection to the Academies of Sciences, Engineering, and Medicine shall be treated as a reference to the other organization.

(d) CONFORMING AMENDMENTS.—Chapter 11 is amended—

(1) in section 1116—

(A) by striking subsections (b), (c), (d), and (e);

(B) by inserting after subsection (a) the following new subsection (b):

“(b) The Secretary shall ensure that any determination made on or after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 regarding a presumption of service connection based on exposure to an herbicide agent under this section is made pursuant to subchapter VII of this chapter, including with respect to assessing reports received by the Secretary from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991 (Public Law 102–4).”; and

(C) by redesignating subsection (f) as subsection (c);

(2) in section 1116B(b)(2)(A), by inserting “pursuant to subchapter VII of this chapter,” before “the Secretary determines”; and

(3) in section 1118—

(A) by striking subsections (b) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) The Secretary shall ensure that any determination made on or after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 regarding a presumption of service connection based on a toxic exposure under this section is made pursuant to subchapter VII of this chapter.”.

Determinations.  
38 USC 1116.

Assessments.

**SEC. 203. OUTREACH TO CLAIMANTS FOR DISABILITY COMPENSATION PURSUANT TO CHANGES IN PRESUMPTIONS OF SERVICE CONNECTION.**

(a) IN GENERAL.—Subchapter VI of chapter 11 is amended by adding at the end the following new section:

38 USC 1101  
prec.

**“§ 1167. Outreach pursuant to changes in presumptions of service connection**

38 USC 1167.

“(a) IN GENERAL.—Whenever a law, including through a regulation or Federal court decision or settlement, establishes or modifies a presumption of service connection, the Secretary shall—

“(1) identify all claims for compensation under this chapter that—

“(A) were submitted to the Secretary;

“(B) were evaluated and denied by the Secretary before the date on which such provision of law went into effect; and

“(C) might have been evaluated differently had the establishment or modification been applicable to the claim; and

“(2) pursuant to subsection (b), conduct outreach to the claimants.

“(b) OUTREACH.—(1) The Secretary shall conduct outreach to inform claimants identified under subsection (a) that they may submit a supplemental claim in light of the establishment or modification of a presumption of service connection described in subsection (a).

“(2) Outreach under paragraph (1) shall include the following:

“(A) The Secretary shall publish on the internet website of the Department a notice that such veterans may elect to file a supplemental claim.

“(B) The Secretary shall notify, in writing or by electronic means, veterans service organizations of the ability of such veterans to file a supplemental claim.

“(C) The Secretary shall contact each claimant identified under subsection (a) in the same manner that the Department last provided notice of a decision.”

(b) APPLICATION.—Section 1167 of title 38, United States Code, as added by subsection (a), shall apply with respect to presumptions of service connection established or modified on or after the date of the enactment of this Act, including pursuant to amendments made by this Act.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as—

(1) modifying the obligations of the Department of Veterans Affairs under Federal court decisions or settlements in effect as of the date of the enactment of this Act; or

(2) requiring a retroactively applied effective date of a supplemental claim earlier than the date a presumption of service connection is established or modified.

**SEC. 204. REEVALUATION OF CLAIMS FOR DEPENDENCY AND INDEMNITY COMPENSATION INVOLVING PRESUMPTIONS OF SERVICE CONNECTION.**

(a) IN GENERAL.—Subchapter I of chapter 13 is amended by adding at the end the following new section:

**“§ 1305. Reevaluation of dependency and indemnity compensation determinations pursuant to changes in presumptions of service connection**

“(a) REEVALUATION.—Whenever a law, including through a regulation or Federal court decision or settlement, establishes or modifies a presumption of service connection, the Secretary shall—

“(1) identify all claims for dependency and indemnity compensation under this chapter that—

“(A) were submitted to the Secretary;

“(B) were evaluated and denied by the Secretary before the date on which such provision of law went into effect; and

“(C) might have been evaluated differently had the establishment or modification been applicable to the claim;

Web posting.  
Notice.

Notification.

38 USC 1167  
note.

38 USC 1167  
note.

38 USC 1301  
prec.

38 USC 1305.



“(2) allow for the reevaluation of such claims at the election of the claimant; and

“(3) notwithstanding section 5110 of this title, with respect to claims approved pursuant to such reevaluation, provide compensation under this chapter effective as if the establishment or modification of the presumption of service connection had been in effect on the date of the submission of the original claim described in paragraph (1).

“(b) **OUTREACH.**—(1) The Secretary shall conduct outreach to inform relevant claimants that they may elect to have a claim be reevaluated in light of the establishment or modification of a presumption of service connection described in subsection (a).

“(2) Outreach under paragraph (1) shall include the following:

“(A) The Secretary shall publish on the internet website of the Department a notice that such claimants may elect to have a claim so reevaluated.

Web posting.  
Notice.

“(B) The Secretary shall notify, in writing or by electronic means, veterans service organizations of the ability of such claimants to elect to have a claim so reevaluated.

Notification.

“(C) The Secretary shall contact each claimant identified under subsection (a) in the same manner that the Department last provided notice of a decision.”.

(b) **APPLICATION.**—Section 1305 of title 38, United States Code, as added by subsection (a), shall apply with respect to presumptions of service connection established or modified on or after the date of the enactment of this Act, including pursuant to amendments made by this Act.

38 USC 1305  
note.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as modifying the obligations of the Department of Veterans Affairs under Federal court decisions or settlements in effect as of the date of the enactment of this Act.

38 USC 1305  
note.

## **TITLE III—IMPROVING THE ESTABLISHMENT OF SERVICE CONNECTION PROCESS FOR TOXIC-EXPOSED VETERANS**

Veterans Burn  
Pits Exposure  
Recognition Act  
of 2022.

### **SEC. 301. SHORT TITLE.**

38 USC 101 note.

This title may be cited as the “Veterans Burn Pits Exposure Recognition Act of 2022”.

### **SEC. 302. PRESUMPTIONS OF TOXIC EXPOSURE.**

Subchapter II of chapter 11 is amended by adding at the end the following new section:

38 USC 1101  
prec.

#### **“§ 1119. Presumptions of toxic exposure**

38 USC 1119.

“(a) **CONSIDERATION OF RECORDS.**—If a veteran submits to the Secretary a claim for compensation for a service-connected disability under section 1110 of this title with evidence of a disability and a toxic exposure that occurred during active military, naval, air, or space service, the Secretary may, in adjudicating such claim, consider—

“(1) any record of the veteran in an exposure tracking record system; and

“(2) if no record of the veteran in an exposure tracking record system indicates that the veteran was subject to a toxic exposure during active military, naval, air, or space service, the totality of the circumstances of the service of the veteran.

“(b) PRESUMPTION OF SPECIFIC TOXIC EXPOSURE FOR MEMBERS WHO SERVED IN CERTAIN LOCATIONS.—(1) The Secretary shall, for purposes of section 1110 and chapter 17 of this title, presume that any covered veteran was exposed to the substances, chemicals, and airborne hazards identified in the list under paragraph (2) during the service of the covered veteran specified in subsection (c)(1), unless there is affirmative evidence to establish that the covered veteran was not exposed to any such substances, chemicals, or hazards in connection with such service.

Determinations.  
List.

“(2) The Secretary shall—

“(A) establish and maintain a list that contains an identification of one or more such substances, chemicals, and airborne hazards as the Secretary, in collaboration with the Secretary of Defense, may determine appropriate for purposes of this section; and

Evaluation.

“(B) determine, using procedures consistent with section 1172 of this title and through the conduct of a formal evaluation under section 1173 of this title, whether to establish an end date for a covered veteran to qualify for presumptions of exposure under this section, if appropriate, but in no case establish an end date earlier than the last day of the period specified in section 101(33) for the Persian Gulf War.

Reports.  
Time period.

“(3) Beginning not later than two years after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, and not less frequently than once every two years thereafter, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report identifying any additions or removals to the list under paragraph (2) during the period covered by the report.

Effective dates.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘covered veteran’ means any veteran who—

“(A) on or after August 2, 1990, performed active military, naval, air, or space service while assigned to a duty station in, including airspace above—

“(i) Bahrain;

“(ii) Iraq;

“(iii) Kuwait;

“(iv) Oman;

“(v) Qatar;

“(vi) Saudi Arabia;

“(vii) Somalia; or

“(viii) United Arab Emirates; or

“(B) on or after September 11, 2001, performed active military, naval, air, or space service while assigned to a duty station in, including airspace above—

“(i) Afghanistan;

“(ii) Djibouti;

“(iii) Egypt;

“(iv) Jordan;

“(v) Lebanon;

“(vi) Syria;

“(vii) Yemen;

“(viii) Uzbekistan; or

“(ix) any other country determined relevant by Determination.  
the Secretary.

“(2) The term ‘exposure tracking record system’—

“(A) means any system, program, or pilot program used by the Secretary of Veterans Affairs or the Secretary of Defense to track how veterans or members of the Armed Forces have been exposed to various occupational or environmental hazards; and

“(B) includes the Individual Longitudinal Exposure Record, or successor system.

“(3) The term ‘toxic exposure risk activity’ has the meaning given such term in section 1710(e)(4) of this title.”.

**SEC. 303. MEDICAL NEXUS EXAMINATIONS FOR TOXIC EXPOSURE RISK ACTIVITIES.**

Subchapter VI of chapter 11, as amended by section 203, is further amended by adding at the end the following new section:

**“§ 1168. Medical nexus examinations for toxic exposure risk activities** 38 USC 1168.

“(a) **MEDICAL EXAMINATIONS AND MEDICAL OPINIONS.**—(1) Except as provided in subsection (b), if a veteran submits to the Secretary a claim for compensation for a service-connected disability under section 1110 of this title with evidence of a disability and evidence of participation in a toxic exposure risk activity during active military, naval, air, or space service, and such evidence is not sufficient to establish a service connection for the disability, the Secretary shall—

“(A) provide the veteran with a medical examination under section 5103A(d) of this title; and

“(B) obtain a medical opinion (to be requested by the Secretary in connection with the medical examination under subparagraph (A)) as to whether it is at least as likely as not that there is a nexus between the disability and the toxic exposure risk activity.

“(2) When providing the Secretary with a medical opinion under paragraph (1)(B) for a veteran, the health care provider shall consider—

“(A) the total potential exposure through all applicable military deployments of the veteran; and

“(B) the synergistic, combined effect of all toxic exposure risk activities of the veteran.

“(3) The requirement under paragraph (2)(B) shall not be construed as requiring a health care provider to consider the synergistic, combined effect of each of the substances, chemicals, and airborne hazards identified in the list under section 1119(b)(2) of this title.

“(b) **EXCEPTION.**—Subsection (a) shall not apply if the Secretary determines there is no indication of an association between the disability claimed by the veteran and the toxic exposure risk activity for which the veteran submitted evidence. Determination.

“(c) **TOXIC EXPOSURE RISK ACTIVITY DEFINED.**—In this section, the term ‘toxic exposure risk activity’ has the meaning given that term in section 1710(e)(4) of this title.”.

## TITLE IV—PRESUMPTIONS OF SERVICE CONNECTION

Mark Takai Atomic Veterans Healthcare Parity Act of 2022.	<b>SEC. 401. TREATMENT OF VETERANS WHO PARTICIPATED IN CLEANUP OF ENEWETAK ATOLL AS RADIATION-EXPOSED VETERANS FOR PURPOSES OF PRESUMPTION OF SERVICE CONNECTION OF CERTAIN DISABILITIES BY DEPARTMENT OF VETERANS AFFAIRS.</b>
38 USC 101 note.	(a) <b>SHORT TITLE.</b> —This section may be cited as the “Mark Takai Atomic Veterans Healthcare Parity Act of 2022”.
38 USC 1112.	(b) <b>ENEWETAK ATOLL.</b> —Section 1112(c)(3)(B) is amended by adding at the end the following new clause:
Time period.	“(v) Cleanup of Enewetak Atoll during the period beginning on January 1, 1977, and ending on December 31, 1980.”.
Palomares or Thule Veterans Act of 2022.	<b>SEC. 402. TREATMENT OF VETERANS WHO PARTICIPATED IN NUCLEAR RESPONSE NEAR PALOMARES, SPAIN, OR THULE, GREENLAND, AS RADIATION-EXPOSED VETERANS FOR PURPOSES OF PRESUMPTION OF SERVICE CONNECTION OF CERTAIN DISABILITIES BY DEPARTMENT OF VETERANS AFFAIRS.</b>
38 USC 101 note.	(a) <b>SHORT TITLE.</b> —This section may be cited as the “Palomares or Thule Veterans Act of 2022”.
Time periods.	(b) <b>PALOMARES OR THULE.</b> —Section 1112(c)(3)(B), as amended by section 401, is further amended by adding at the end the following new clauses: “(vi) Onsite participation in the response effort following the collision of a United States Air Force B–52 bomber and refueling plane that caused the release of four thermonuclear weapons in the vicinity of Palomares, Spain, during the period beginning January 17, 1966, and ending March 31, 1967. “(vii) Onsite participation in the response effort following the on-board fire and crash of a United States Air Force B–52 bomber that caused the release of four thermonuclear weapons in the vicinity of Thule Air Force Base, Greenland, during the period beginning January 21, 1968, and ending September 25, 1968.”.
Veterans Agent Orange Exposure Equity Act of 2022.	<b>SEC. 403. PRESUMPTIONS OF SERVICE CONNECTION FOR DISEASES ASSOCIATED WITH EXPOSURES TO CERTAIN HERBICIDE AGENTS FOR VETERANS WHO SERVED IN CERTAIN LOCATIONS.</b>
38 USC 101 note.	(a) <b>SHORT TITLE.</b> —This section may be cited as the “Veterans Agent Orange Exposure Equity Act of 2022”.
Time periods.	(b) <b>IN GENERAL.</b> —Section 1116, as amended by section 202, is further amended— (1) by striking “, during active military, naval, air, or space service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975” each place it appears and inserting “performed covered service”; (2) by striking “performed active military, naval, air, or space service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975”

each place it appears and inserting “performed covered service”; and

(3) by adding at the end the following new subsection:  
 “(d) In this section, the term ‘covered service’ means active military, naval, air, or space service—

Definition.

“(1) performed in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975;

“(2) performed in Thailand at any United States or Royal Thai base during the period beginning on January 9, 1962, and ending on June 30, 1976, without regard to where on the base the veteran was located or what military job specialty the veteran performed;

“(3) performed in Laos during the period beginning on December 1, 1965, and ending on September 30, 1969;

“(4) performed in Cambodia at Mimot or Krek, Kampong Cham Province during the period beginning on April 16, 1969, and ending on April 30, 1969; or

“(5) performed on Guam or American Samoa, or in the territorial waters thereof, during the period beginning on January 9, 1962, and ending on July 31, 1980, or served on Johnston Atoll or on a ship that called at Johnston Atoll during the period beginning on January 1, 1972, and ending on September 30, 1977.”.

(c) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES.—Section 1710(e)(4), as amended by section 102(c), is further amended by striking subparagraph (A) and inserting the following new subparagraph:

38 USC 1710.

“(A) The term ‘Vietnam-era herbicide-exposed veteran’ means a veteran who—

Definition.

“(i) performed covered service, as defined in section 1116(d) of this title; or

“(ii) the Secretary finds may have been exposed during active military, naval, air, or space service to dioxin during the Vietnam era, regardless of the geographic area of such service, or was exposed during such service to a toxic substance found in a herbicide or defoliant used for military purposes during such era, regardless of the geographic area of such service.”.

(d) CONFORMING AMENDMENT.—The heading for section 1116 is amended by striking “**the Republic of Vietnam**” and inserting “**certain locations**”.

38 USC 1101 prec, 1116.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply as follows:

38 USC 1116 note.

(1) On the date of the enactment of this Act for claimants for dependency and indemnity compensation under chapter 13 of title 38, United States Code, and for veterans whom the Secretary of Veterans Affairs determines are—

Determination.

(A) terminally ill;

(B) homeless;

(C) under extreme financial hardship;

(D) more than 85 years old; or

(E) capable of demonstrating other sufficient cause.

(2) On October 1, 2022, for everyone not described in paragraph (1).



Fair Care for Vietnam Veterans Act of 2022.	<b>SEC. 404. ADDITION OF ADDITIONAL DISEASES ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS FOR WHICH THERE IS A PRESUMPTION OF SERVICE CONNECTION FOR VETERANS WHO SERVED IN CERTAIN LOCATIONS.</b>
38 USC 101 note.	(a) <b>SHORT TITLE.</b> —This section may be cited as the “Fair Care for Vietnam Veterans Act of 2022”.
38 USC 1116.	(b) <b>MONOCLONAL GAMMOPATHY OF UNDETERMINED SIGNIFICANCE.</b> —Section 1116(a)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph: “(L) Monoclonal gammopathy of undetermined significance.”
	(c) <b>HYPERTENSION.</b> —Such section, as amended by subsection (b), is further amended by adding at the end the following new subparagraph: “(M) Hypertension.”
38 USC 1116 note.	(d) <b>EFFECTIVE DATES AND APPLICABILITY.</b> — (1) <b>MONOCLONAL GAMMOPATHY OF UNDETERMINED SIGNIFICANCE.</b> — (A) <b>IN GENERAL.</b> —The amendment made by subsection (b) shall take effect on the date of the enactment of this Act and shall apply as follows: (i) On the date of the enactment of this Act for claimants for dependency and indemnity compensation under chapter 13 of title 38, United States Code, and for veterans whom the Secretary of Veterans Affairs determines are— (I) terminally ill; (II) homeless; (III) under extreme financial hardship; (IV) more than 85 years old; or (V) capable of demonstrating other sufficient cause. (ii) On October 1, 2022, for everyone not described in clause (i). (B) <b>RETROACTIVE APPLICATION.</b> —Notwithstanding any Federal court decisions or settlements in effect on the day before the date of the enactment of this Act, the Secretary of Veterans Affairs shall award retroactive claims for a condition under section 1116(a)(2)(L) of title 38, United States Code, as added by subsection (b) of this section, only to claimants for dependency and indemnity compensation under chapter 13 of such title described in subparagraph (A)(i) of this paragraph.
Determination.	(2) <b>HYPERTENSION.</b> — (A) <b>IN GENERAL.</b> —The amendment made by subsection (c) shall take effect on the date of the enactment of this Act and shall apply as follows: (i) On the date of the enactment of this Act for claimants for dependency and indemnity compensation under chapter 13 of title 38, United States Code, and for veterans whom the Secretary of Veterans Affairs determines are— (I) terminally ill; (II) homeless; (III) under extreme financial hardship; (IV) more than 85 years old; or
Claims.	
Determination.	

(V) capable of demonstrating other sufficient cause.

(ii) On October 1, 2026, for everyone not described in subparagraph (A).

(B) RETROACTIVE APPLICATION.—Notwithstanding any Federal court decisions or settlements in effect on the day before the date of the enactment of this Act, the Secretary of Veterans Affairs shall award retroactive claims for a condition under section 1116(a)(2)(M) of title 38, United States Code, as added by subsection (c) of this section, only to claimants for dependency and indemnity compensation under chapter 13 of such title described in subparagraph (A)(i) of this paragraph. Claims.

**SEC. 405. IMPROVING COMPENSATION FOR DISABILITIES OCCURRING IN PERSIAN GULF WAR VETERANS.**

(a) REDUCTION IN THRESHOLD OF ELIGIBILITY.—Subsection (a)(1) of section 1117 is amended by striking “became manifest—” and all that follows through the period at the end and inserting “became manifest to any degree at any time.” 38 USC 1117.

(b) PERMANENT EXTENSION OF PERIOD OF ELIGIBILITY.—Such section is further amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (a)(2)(C), by striking “under subsection (d)” and inserting “under subsection (c)”.

(c) ESTABLISHING SINGULAR DISABILITY-BASED QUESTIONNAIRE.—Such section is further amended by inserting after subsection (c) (as redesignated by subsection (b)) the following new subsection (d):

“(d) If a Persian Gulf veteran at a medical facility of the Department presents with any one symptom associated with Gulf War Illness, the Secretary shall ensure that health care personnel of the Department use a disability benefits questionnaire, or successor questionnaire, designed to identify Gulf War Illness, in addition to any other diagnostic actions the personnel determine appropriate.”

(d) EXPANSION OF DEFINITION OF PERSIAN GULF VETERAN.—Subsection (f) of such section is amended by inserting “, Afghanistan, Israel, Egypt, Turkey, Syria, or Jordan,” after “operations”.

(e) TRAINING.—Such section is further amended by adding at the end the following new subsection:

“(i)(1) The Secretary shall take such actions as may be necessary to ensure that health care personnel of the Department are appropriately trained to effectively carry out this section.

“(2) Not less frequently than once each year, the Secretary shall submit to Congress a report on the actions taken by the Secretary to carry out paragraph (1).” Reports.

**SEC. 406. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO BURN PITS AND OTHER TOXINS.**

(a) SHORT TITLE.—This section may be cited as the “Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2022”.

Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2022.  
38 USC 101 note.

(b) IN GENERAL.—Subchapter II of chapter 11, as amended by section 302, is further amended by inserting after section 1119 the following new section:

38 USC 1120.

**“§ 1120. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins**

“(a) PRESUMPTION OF SERVICE CONNECTION.—For the purposes of section 1110 of this title, and subject to section 1113 of this title, a disease specified in subsection (b) becoming manifest in a covered veteran shall be considered to have been incurred in or aggravated during active military, naval, air, or space service, notwithstanding that there is no record of evidence of such disease during the period of such service.

“(b) DISEASES SPECIFIED.—The diseases specified in this subsection are the following:

“(1) Asthma that was diagnosed after service of the covered veteran as specified in subsection (c).

“(2) The following types of cancer:

“(A) Head cancer of any type.

“(B) Neck cancer of any type.

“(C) Respiratory cancer of any type.

“(D) Gastrointestinal cancer of any type.

“(E) Reproductive cancer of any type.

“(F) Lymphoma cancer of any type.

“(G) Lymphomatic cancer of any type.

“(H) Kidney cancer.

“(I) Brain cancer.

“(J) Melanoma.

“(K) Pancreatic cancer.

“(3) Chronic bronchitis.

“(4) Chronic obstructive pulmonary disease.

“(5) Constrictive bronchiolitis or obliterative bronchiolitis.

“(6) Emphysema.

“(7) Granulomatous disease.

“(8) Interstitial lung disease.

“(9) Pleuritis.

“(10) Pulmonary fibrosis.

“(11) Sarcoidosis.

“(12) Chronic sinusitis.

“(13) Chronic rhinitis.

“(14) Glioblastoma.

Determination.

“(15) Any other disease for which the Secretary determines, pursuant to regulations prescribed under subchapter VII that a presumption of service connection is warranted based on a positive association with a substance, chemical, or airborne hazard identified in the list under section 1119(b)(2) of this title.

“(c) COVERED VETERAN DEFINED.—In this section, the term ‘covered veteran’ has the meaning given that term in section 1119(c) of this title.”.

38 USC 1113.

(c) CONFORMING AMENDMENT.—Section 1113 is amended by striking “or 1118” each place it appears and inserting “1118, or 1120”.

38 USC 1120  
note.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply as follows:

(1) On the date of the enactment of this Act for claimants for dependency and indemnity compensation under chapter 13 of title 38, United States Code, and veterans whom the Secretary of Veterans Affairs determines are—

- (A) terminally ill;
- (B) homeless;
- (C) under extreme financial hardship;
- (D) more than 85 years old; or
- (E) capable of demonstrating other sufficient cause.

(2) On the date of the enactment of this Act for everyone not described in paragraph (1), with respect to paragraphs (1), (2)(C), (2)(I), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14), of section 1120(b) of title 38, United States Code, as added by subsection (b).

(3) On October 1, 2023, for everyone not described in paragraph (1), with respect to paragraphs (3) and (4) of section 1120(b) of such title, as so added.

(4) On October 1, 2024, for everyone not described in paragraph (1), with respect to subparagraphs (A), (B), (D), (E), (F), (G), and (K) of section 1120(b)(2) of such title, as so added.

(5) On October 1, 2025, for everyone not described in paragraph (1), with respect to subparagraphs (H) and (J) of section 1120(b)(2) of such title, as so added.

#### **SEC. 407. RULE OF CONSTRUCTION.**

38 USC 101 note.

(a) **GENERALLY.**—Nothing in this Act shall be construed to prevent the Secretary of Veterans Affairs from processing claims for benefits under title 38, United States Code, for a condition or disease for which this Act establishes a presumption of service connection, as a claim for benefits for a condition or disease with direct service connection.

(b) **EFFECTIVE DATES AND APPLICABILITY.**—The Secretary shall not deny a claim for benefits under title 38, United States Code, for a condition or disease for which this Act establishes a presumption of service connection because the claimant filed the claim prior to the effective date or date of applicability for that particular condition or disease.

## **TITLE V—RESEARCH MATTERS**

#### **SEC. 501. INTERAGENCY WORKING GROUP ON TOXIC EXPOSURE RESEARCH.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the heads of the entities described in paragraph (2), establish the Toxic Exposure Research Working Group (in this section referred to as the “Working Group”).

Deadline.

(2) **COMPOSITION.**—The Working Group shall consist of employees, selected by the Secretary, of the following:

- (A) The Department of Veterans Affairs.
- (B) The Department of Defense.
- (C) The Department of Health and Human Services.
- (D) The Environmental Protection Agency.

(E) Other entities of the Federal Government involved in research activities regarding the health consequences of toxic exposures experienced during active military, naval, air, or space service.

(b) FUNCTIONS.—The Working Group shall perform the following functions:

(1) Identify collaborative research activities and resources available among entities represented by members of the Working Group to conduct such collaborative research activities.

(2) Develop a five-year strategic plan for such entities to carry out collaborative research activities.

(c) REPORTING.—The Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the following:

(1) Not later than one year after the date of the enactment of this Act, a report on the establishment of the Working Group under subsection (a).

(2) Not later than two years after the date of the enactment of this Act, a report containing the collaborative research activities identified, and the strategic plan developed, by the Working Group under subsection (b).

(3) Not less frequently than annually during the five-year period covered by the strategic plan under subsection (b), a progress report on implementation of the strategic plan.

(d) TERMINATION.—The Working Group shall terminate after submitting the final report under subsection (c).

(e) DEFINITIONS.—In this section:

(1) ACTIVE MILITARY, NAVAL, AIR, OR SPACE SERVICE.—The term “active military, naval, air, or space service” has the meaning given that term in section 101 of title 38, United States Code.

(2) COLLABORATIVE RESEARCH ACTIVITY.—The term “collaborative research activity” means a research activity—

(A) agreed upon by the Working Group;

(B) conducted by an entity represented by a member of the Working Group;

(C) funded by the Federal Government; and

(D) regarding the health consequences of toxic exposures experienced during active military, naval, air, or space service.

(3) TOXIC EXPOSURE.—The term “toxic exposure” has the meaning given such term in section 101 of title 38, United States Code, as amended by section 102(b).

38 USC 527 note.

**SEC. 502. ANALYSIS AND REPORT ON TREATMENT OF VETERANS FOR MEDICAL CONDITIONS RELATED TO TOXIC EXPOSURE.**

Data.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall analyze, on a continuous basis, all clinical data that—

(1) is obtained by the Department of Veterans Affairs in connection with hospital care, medical services, and nursing home care furnished under section 1710(a)(2)(F) of title 38, United States Code; and

(2) is likely to be scientifically useful in determining the association, if any, between the medical condition of a veteran and a toxic exposure.

(b) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary



shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the following:

- (1) The aggregate data compiled under subsection (a).
- (2) An analysis of such data.

(3) A description of the types and incidences of medical conditions identified by the Department under such subsection.

(4) The explanation of the Secretary for the incidence of such medical conditions and other explanations for the incidence of such conditions as the Secretary considers reasonable.

(5) The views of the Secretary on the scientific validity of drawing conclusions from the incidence of such medical conditions, as evidenced by the data compiled under subsection (a), regarding any association between such conditions and toxic exposures.

(c) **TOXIC EXPOSURE DEFINED.**—In this section, the term “toxic exposure” has the meaning given such term in section 101 of title 38, United States Code, as amended by section 102(b).

**SEC. 503. ANALYSIS RELATING TO MORTALITY OF VETERANS WHO SERVED IN SOUTHWEST ASIA.**

(a) **ANALYSIS.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in coordination with the Secretary of Defense, shall conduct an updated analysis of total and respiratory disease mortality in covered veterans.

Deadline.  
Coordination.  
Update.

(2) **ELEMENTS.**—The analysis required by paragraph (1) shall include, to the extent practicable, the following with respect to each covered veteran:

(A) Metrics of airborne exposures.

(B) The location and timing of deployments of the veteran.

(C) The military occupational specialty of the veteran.

(D) The Armed Force in which the veteran served.

(E) Pre-existing health status of the veteran, including with respect to asthma.

(F) Relevant personal information of the veteran, including cigarette and e-cigarette smoking history, diet, sex, gender, age, race, and ethnicity.

(b) **COVERED VETERAN DEFINED.**—In this section, the term “covered veteran” means any veteran who—

Effective dates.

(1) on or after August 2, 1990, served on active duty in—

(A) Bahrain;

(B) Iraq;

(C) Kuwait;

(D) Oman;

(E) Qatar;

(F) Saudi Arabia;

(G) Somalia; or

(H) the United Arab Emirates; or

(2) on or after September 11, 2001, served on active duty

in—

(A) Afghanistan;

(B) Djibouti;

(C) Egypt;

- (D) Jordan;
- (E) Lebanon;
- (F) Syria; or
- (G) Yemen.

Time period.	<p><b>SEC. 504. STUDY ON HEALTH TRENDS OF POST-9/11 VETERANS.</b></p> <p>The Secretary of Veterans Affairs shall conduct an epidemiological study on the health trends of veterans who served in the Armed Forces after September 11, 2001.</p> <p><b>SEC. 505. STUDY ON CANCER RATES AMONG VETERANS.</b></p>
Determination.	<p>(a) <b>IN GENERAL.</b>—The Secretary of Veterans Affairs shall conduct a study on the incidence of cancer in veterans to determine trends in the rates of the incidence of cancer in veterans.</p> <p>(b) <b>ELEMENTS.</b>—The study required by subsection (a) shall assess, with respect to each veteran included in the study, the following:</p> <ul style="list-style-type: none"> <li>(1) The age of the veteran.</li> <li>(2) The period of service and length of service of the veteran in the Armed Forces.</li> <li>(3) The military occupational specialty or specialties of the veteran.</li> <li>(4) The sex of the veteran.</li> <li>(5) The type or types of cancer that the veteran has.</li> </ul> <p><b>SEC. 506. STUDY ON HEALTH EFFECTS OF WASTE RELATED TO MANHATTAN PROJECT ON CERTAIN VETERANS.</b></p>
Deadline. Contracts.	<p>(a) <b>STUDY.</b>—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the conduct of a study on the health trends of veterans who, while serving in the active military, naval, air, or space service—</p> <ul style="list-style-type: none"> <li>(1) participated in activities relating to the Manhattan Project (including activities relating to covered waste) in connection with such service; or</li> <li>(2) resided at or near, as determined by the Secretary, the locations described in subsection (b).</li> </ul>
Determination.	<p>(b) <b>COVERED LOCATIONS.</b>—The locations described in this subsection are the following locations:</p> <ul style="list-style-type: none"> <li>(1) In the county of St. Louis, Missouri, the following: <ul style="list-style-type: none"> <li>(A) Coldwater Creek, Missouri.</li> <li>(B) The St. Louis Airport Site, Missouri.</li> <li>(C) The West Lake Landfill.</li> </ul> </li> <li>(2) Oak Ridge, Tennessee.</li> <li>(3) Hanford, Washington.</li> </ul>
State listing.	<p>(4) Any other location that is proximate to covered waste, as determined by the Secretary.</p>
Assessments.	<p>(c) <b>ELEMENTS.</b>—The study under subsection (a) shall assess, with respect to each veteran included in the study, the following:</p> <ul style="list-style-type: none"> <li>(1) The age, sex, and race of the veteran.</li> <li>(2) The period and location of exposure to covered waste.</li> <li>(3) Any type of cancer, or other illness associated with toxic exposure, that the veteran has.</li> </ul>
Determination.	<p>(4) A comparison of the overall health condition of the veteran, including any illness of the veteran identified pursuant to paragraph (3), with the overall health condition of past</p>

and present civilian populations residing at the same location of exposure, as determined by the Secretary.

(d) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study under subsection (a) and include in such report an analysis of the data available and data reliability.

Analysis.  
Data.

(e) DEFINITIONS.—In this section:

(1) ACTIVE MILITARY, NAVAL, AIR, OR SPACE SERVICE; TOXIC EXPOSURE.—The terms “active military, naval, air, or space service” and “toxic exposure” have the meanings given those terms in section 101 of title 38, United States Code, as added by section 102(b).

(2) COVERED WASTE.—The term “covered waste” means any waste arising from activities carried out in connection with the Manhattan Project.

(3) ILLNESS.—The term “illness” has the meaning given that term in section 1171 of title 38, United States Code, as added by section 202.

(4) TOXIC EXPOSURE.—The term “toxic exposure” has the meaning given such term in section 101 of title 38, United States Code, as amended by section 102(b).

**SEC. 507. STUDY ON TOXIC EXPOSURE AND MENTAL HEALTH OUTCOMES.**

(a) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the conduct of a study of veterans to assess possible relationships between toxic exposures experienced during service in the Armed Forces and mental health conditions, including chronic multisymptom illness, traumatic brain injury, post-traumatic stress disorder, depression, episodes of psychosis, schizophrenia, bipolar disorder, suicide attempts, and suicide deaths.

Deadline.  
Contracts.  
Assessment.

(b) ELEMENTS.—For each veteran included in the study under subsection (a), the following information shall be collected and assessed:

- (1) Age.
- (2) Sex.
- (3) Race and ethnicity.
- (4) Period and length of service in the Armed Forces.
- (5) The military occupational specialty or specialties of the veteran.
- (6) History of toxic exposure during service in the Armed Forces.
- (7) Any diagnosis of chronic multisymptom illness.
- (8) Any diagnosis of a mental health or cognitive disorder.
- (9) Any history of suicide attempt or suicidality.
- (10) If the veteran died by suicide.
- (11) Any confounding traumatic experiences that could affect a veteran's mental health.

(c) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the

findings of the National Academies of Sciences, Engineering, and Medicine with respect to the study conducted under subsection (a).

**SEC. 508. STUDY ON VETERANS IN TERRITORIES OF THE UNITED STATES.**

(a) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the state of access and barriers to benefits and services furnished by the Veterans Benefits Administration and the Veterans Health Administration under laws administered by the Secretary of Veterans Affairs to veterans in Territories and Freely Associated States of the United States, including deficits in the availability and accessibility of such benefits and services compared to veterans elsewhere in the United States.

(2) ELEMENTS.—The study under paragraph (1) shall include—

(A) the number of veterans in each Territory and Freely Associated State of the United States;

(B) the number of veterans in each Territory and Freely Associated State who are enrolled in the system of annual patient enrollment of the Department of Veterans Affairs under section 1705(a) of title 38, United States Code;

(C) a description of how the Department estimates the number of veterans in each Territory and Freely Associated State who are eligible for services under section 1710 of such title but who are not enrolled as described in subparagraph (B);

(D) a detailed description of obstacles facing veterans in each Territory and Freely Associated State in accessing health care services, including those involving the availability of such services to veterans in the Territory or Freely Associated State in which the veterans reside, and any distance impediments to receiving services at a regional medical center of the Veterans Health Administration, a community-based outpatient clinic, another full-service medical facility of the Department, or a Vet Center, respectively;

(E) a detailed description of obstacles facing veterans in each Territory and Freely Associated State in accessing readjustment counseling services, including those involving the availability of such services to veterans in the Territory in which the veterans reside, and any distance impediments to receiving services at a readjustment counseling services center of the Department;

(F) a detailed description of obstacles facing veterans in each Territory and Freely Associated State in accessing non-health care veterans benefits, including those involving the availability of benefits and services to veterans in the Territory or Freely Associated State in which the veterans reside, and any distance impediments to accessing the nearest office of the Veterans Benefits Administration;

(G) an analysis of the staffing and quality of the offices of the Veterans Benefits Administration and Veterans Health Administration charged with serving veterans in the Territories and Freely Associated States, including the

Analysis.

availability of the full- and part-time staff of each office to the veterans they are charged with serving;

(H) an analysis of the availability of the Veterans Community Care Program established under section 1703 of title 38, United States Code, to veterans in each Territory and Freely Associated State; Analysis.

(I) an analysis of the economic and health outcomes for veterans in each Territory or Freely Associated State resulting from obstacles to accessing adequate assistance and health care at facilities of the Department; Analysis.

(J) an analysis of the access to benefit assistance and health care provided to veterans in the aftermath of major disasters declared in each of the Territories and Freely Associated States since September 4, 2017; and Analysis.  
Time period.

(K) such recommendations as the Comptroller General considers appropriate for improving access of veterans in the Territories and Freely Associated States to benefits and health care services furnished by the Secretary, and reducing barriers and deficits in the availability and accessibility of such benefits and services compared to veterans elsewhere in the United States. Recommendations.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall provide to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a briefing setting forth the results of the study conducted under subsection (a), including any recommendations developed under paragraph (2)(K) of such subsection. Deadline.  
Recommendations.

(c) DEFINITIONS.—In this section:

(1) FREELY ASSOCIATED STATE.—The term “Freely Associated State” includes the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(2) TERRITORY.—The term “Territory” includes American Samoa, the Commonwealth of the Northern Marianas Islands, Guam, Puerto Rico, and the Virgin Islands.

(3) VET CENTER.—The term “Vet Center” has the meaning given that term in section 1712A(h) of title 38, United States Code.

**SEC. 509. DEPARTMENT OF VETERANS AFFAIRS PUBLIC WEBSITE FOR TOXIC EXPOSURE RESEARCH.** 38 USC 527 note.

(a) WEBSITE.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish, and maintain thereafter, a publicly accessible internet website of the Department of Veterans Affairs that serves as a clearinghouse for the publication of all toxic exposure research carried out or funded by the executive branch of the Federal Government. Deadline.

(b) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate with—

(1) the heads of each Federal agency carrying out or funding toxic exposure research;

(2) the War Related Illness and Injury Study Center of the Department of Veterans Affairs, or successor center; and

(3) any working group of the Department of Veterans Affairs or other similar entity responsible for coordinating toxic exposure research.

(c) DEFINITIONS.—In this section:



(1) TOXIC EXPOSURE.—The term “toxic exposure” has the meaning given that term in section 101 of title 38, United States Code, as added by section 102(b).

(2) TOXIC EXPOSURE RESEARCH.—The term “toxic exposure research” means research on the health consequences of toxic exposures experienced during service in the Armed Forces.

**SEC. 510. REPORT ON HEALTH EFFECTS OF JET FUELS USED BY ARMED FORCES.**

Public information.

(a) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives, and make publicly available, a report on health effects of jet fuels used by the Armed Forces.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) A discussion of the effect of various different types of jet fuels used by the Armed Forces on the health of individuals by length of exposure.

(2) An identification of the immediate symptoms of jet fuel exposure that may indicate future health risks.

(3) A chronology of health safeguards implemented by the Armed Forces intended to reduce the exposure of members of the Armed Forces to jet fuel.

(4) An identification of any areas relating to jet fuel exposure about which new research needs to be conducted.

Update.

(c) FOLLOW-UP REPORT.—Not later than five years after the date of the submittal of the report under subsection (a), the Secretary shall submit to the committees referred to in such subsection an update to such report.

Fairly Assessing Service-related Toxic Exposure Residuals Presumptions Act of 2022.

**TITLE VI—IMPROVEMENT OF RESOURCES AND TRAINING REGARDING TOXIC-EXPOSED VETERANS**

38 USC 1101 note prec.

**SEC. 601. SHORT TITLE; DEFINITIONS.**

(a) SHORT TITLE.—This title may be cited as the “Fairly Assessing Service-related Toxic Exposure Residuals Presumptions Act of 2022” or the “FASTER Presumption Act of 2022”.

(b) DEFINITIONS.—In this title, the terms “active military, naval, air, or space service”, “toxic exposure”, and “toxic-exposed veteran” have the meanings given those terms in section 101 of title 38, United States Code, as amended by section 102.

38 USC 1101 note prec.

**SEC. 602. PUBLICATION OF LIST OF RESOURCES OF DEPARTMENT OF VETERANS AFFAIRS FOR TOXIC-EXPOSED VETERANS AND VETERANS WHO REPORT TOXIC EXPOSURES AND OUTREACH PROGRAM FOR SUCH VETERANS AND CAREGIVERS AND SURVIVORS OF SUCH VETERANS.**

(a) PUBLICATION OF LIST OF RESOURCES.—

Deadline. Time period.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs shall publish a list of resources of the Department of Veterans Affairs for—

(A) toxic-exposed veterans and veterans who report toxic exposure;

(B) families and caregivers of such veterans; and

(C) survivors of such veterans who are receiving death benefits under the laws administered by the Secretary.

(2) UPDATE.—The Secretary shall periodically update the list published under paragraph (1).

(b) OUTREACH.—The Secretary shall develop, with input from the community, an informative outreach program for veterans on illnesses that may be related to toxic exposures, including outreach with respect to benefits and support programs.

**SEC. 603. INCORPORATION OF TOXIC EXPOSURE SCREENING FOR VETERANS.**

38 USC 1101  
note prec.

(a) IN GENERAL.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall incorporate a screening to help determine potential toxic exposures during active military, naval, air, or space service as part of a health care screening furnished by the Department of Veterans Affairs to veterans enrolled in the system of annual patient enrollment of the Department established and operated under section 1705 of title 38, United States Code, to improve understanding by the Department of toxic exposures while serving in the Armed Forces.

Deadline.  
Determination.

(b) TIMING.—The Secretary shall ensure that a veteran described in subsection (a) completes the screening required under such subsection not less frequently than once every five years.

(c) DETERMINATION OF QUESTIONS.—

(1) IN GENERAL.—The questions included in the screening required under subsection (a) shall be determined by the Secretary with input from medical professionals.

(2) SPECIFIC QUESTIONS.—At a minimum, the screening required under subsection (a) shall, with respect to a veteran, include—

(A) a question about the potential exposure of the veteran to an open burn pit; and

(B) a question regarding toxic exposures that are commonly associated with service in the Armed Forces.

(3) OPEN BURN PIT DEFINED.—In this subsection, the term “open burn pit” means an area of land that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

(d) PRINT MATERIAL.—In developing the screening established under subsection (a), the Secretary shall ensure that print materials complementary to such screening that outline related resources for veterans are available at each medical center of the Department to veterans who may not have access to the internet.

(e) SCREENING UPDATES.—The Secretary shall consider updates to the content of the screening required under subsection (a) not less frequently than biennially to ensure the screening contains the most current information.

Time period.

38 USC 1101  
note prec.

**SEC. 604. TRAINING FOR PERSONNEL OF THE DEPARTMENT OF VETERANS AFFAIRS WITH RESPECT TO VETERANS WHO REPORT TOXIC EXPOSURES.**

(a) **HEALTH CARE PERSONNEL.**—The Secretary of Veterans Affairs shall provide to health care personnel of the Department of Veterans Affairs education and training to identify, treat, and assess the impact on veterans of illnesses related to toxic exposures and inform such personnel of how to ask for additional information from veterans regarding different toxic exposures.

(b) **BENEFITS PERSONNEL.**—

(1) **IN GENERAL.**—The Secretary shall incorporate a training program for processors of claims under the laws administered by the Secretary who review claims for disability benefits relating to service-connected disabilities based on toxic exposures.

(2) **ANNUAL TRAINING.**—Training provided to processors under paragraph (1) shall be provided not less frequently than annually.

## **TITLE VII—RESOURCING**

**SEC. 701. AUTHORITY TO USE APPROPRIATIONS TO ENHANCE CLAIMS PROCESSING CAPACITY AND AUTOMATION.**

38 USC 324 note.

(a) **AUTHORITY.**—The Secretary of Veterans Affairs may use, from amounts appropriated to the Cost of War Toxic Exposures Fund established by section 324 of title 38, United States Code, as added by section 805 of this Act, such amounts as may be necessary to continue the modernization, development, and expansion of capabilities and capacity of information technology systems and infrastructure of the Veterans Benefits Administration, including for claims automation, to support expected increased claims processing for newly eligible veterans pursuant to this Act.

(b) **PLAN FOR MODERNIZATION OF VETERANS BENEFITS ADMINISTRATION INFORMATION TECHNOLOGY SYSTEMS.**—

Deadline.

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate congressional committees a plan for the modernization of the information technology systems of the Veterans Benefits Administration. The plan shall cover the first fiscal year that begins after the date of the enactment of this Act and the subsequent four fiscal years and shall include each of the following:

Time periods.

(A) An identification of any information system to be modernized or retired, if applicable, during the period covered by the plan.

(B) A description of how the Secretary intends to incorporate the following principles into the modernization of such information systems:

(i) The purpose of automation should be to increase the speed and accuracy of claims processing decisions.

(ii) Automation should be conducted in a manner that enhances the productivity of employees of the Department of Veterans Affairs.

(iii) Automation should be carried out in a manner that achieves greater consistency in the processing and

rating of claims by relying on patterns of similar evidence in claim files.

(iv) To the greatest extent possible, automation should be carried out by drawing from information in the possession of the Department, other Government agencies, and applicants for benefits.

(v) Automation of any claims analysis or determination process should not be end-to-end or lack intermediation.

(vi) Employees of the Department should continue to make decisions with respect to the approval of claims and the granting of benefits.

(vii) Automation should not be carried out in a manner that reduces or infringes upon the due process rights of applicants for benefits under the laws administered by the Secretary; or the duties of the Secretary to assist and notify claimants.

(viii) Automation should be carried out while taking all necessary measures to protect the privacy of claimants and their personally identifiable information.

(ix) Automation of claims processing should not eliminate or reduce the workforce of the Veterans Benefits Administration.

(C) An identification of targets, for each fiscal year, by which the Secretary intends to complete the modernization of each information system or major component or functionality of such system identified under subparagraph (A).

(D) Cost estimates for the modernization of each information system identified under paragraph (A) for each fiscal year covered by the plan and in total.

Cost estimates.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

Definition.

(A) the Committee on Veterans’ Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans’ Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives.

**SEC. 702. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES OF DEPARTMENT OF VETERANS AFFAIRS FOR FISCAL YEAR 2023.**

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2023:

State listing.

(1) Lease for an outpatient clinic in the vicinity of Allentown, Pennsylvania, in an estimated amount of \$31,832,000.

(2) Lease for a facility for member services for the Veterans Health Administration in the vicinity of Atlanta, Georgia, in an estimated amount of \$27,134,000.

(3) Lease for an outpatient clinic in the vicinity of Baltimore, Maryland, in an estimated amount of \$43,041,000.

(4) Lease for an outpatient clinic in the vicinity of Baton Rouge, Louisiana, in an estimated amount of \$29,550,000.

(5) Lease for an outpatient clinic in the vicinity of Beaufort, South Carolina, in an estimated amount of \$24,254,000.

(6) Lease for an outpatient clinic in the vicinity of Beaumont, Texas, in an estimated amount of \$15,632,000.

(7) Lease for an outpatient clinic in the vicinity of Brainerd, Minnesota, in an estimated amount of \$14,669,000.

(8) Lease for a facility for research in the vicinity of Buffalo, New York, in an estimated amount of \$11,106,000.

(9) Lease for an outpatient clinic in the vicinity of Clarksville, Tennessee, in an estimated amount of \$75,135,000.

(10) Lease of a facility for research in the vicinity of Columbia, Missouri, in an estimated amount of \$20,726,000.

(11) Lease for an outpatient clinic in the vicinity of Cookeville, Tennessee, in an estimated amount of \$10,958,000.

(12) Lease for a residential treatment facility in the vicinity of Denver, Colorado, in an estimated amount of \$9,133,000.

(13) Lease for an outpatient clinic in the vicinity of Elizabethtown, Kentucky, in an estimated amount of \$16,671,000.

(14) Lease for an outpatient clinic in the vicinity of Farmington, Missouri, in an estimated amount of \$17,940,000.

(15) Lease for an outpatient clinic in the vicinity of Hampton, Virginia, in an estimated amount of \$63,085,000.

(16) Lease for an outpatient clinic in the vicinity of Jacksonville, North Carolina, in an estimated amount of \$61,450,000.

(17) Lease for an outpatient clinic in the vicinity of Killeen, Texas, in an estimated amount of \$61,030,000.

(18) Lease for an outpatient clinic in the vicinity of Lawrence, Indiana, in an estimated amount of \$15,811,000.

(19) Lease for an outpatient clinic in the vicinity of Lecanto, Florida, in an estimated amount of \$15,373,000.

(20) Lease for an outpatient clinic in the vicinity of Nashville, Tennessee, in an estimated amount of \$58,038,000.

(21) Lease for an outpatient clinic in the vicinity of North Kansas City, Missouri, in an estimated amount of \$40,027,000.

(22) Lease for an outpatient clinic in the vicinity of Pflugerville, Texas, in an estimated amount of \$16,654,000.

(23) Lease for an outpatient clinic in the vicinity of Plano, Texas, in an estimated amount of \$32,796,000.

(24) Lease for an outpatient clinic in the vicinity of Prince George's County, Maryland, in an estimated amount of \$31,754,000.

(25) Lease for an outpatient clinic in the vicinity of Rolla, Missouri, in an estimated amount of \$21,352,000.

(26) Lease for an outpatient clinic in the vicinity of Salt Lake City, Utah, in an estimated amount of \$29,466,000.

(27) Lease for an outpatient clinic in the vicinity of Sarasota, Florida, in an estimated amount of \$36,517,000.

(28) Lease for an outpatient clinic in the vicinity of Springfield, Massachusetts, in an estimated amount of \$30,918,000.

(29) Lease for a community living center in the vicinity of Tampa, Florida, in an estimated amount of \$51,682,000.

(30) Lease for an outpatient clinic in the vicinity of The Villages, Florida, in an estimated amount of \$48,267,000.

(31) Lease for an outpatient clinic in the vicinity of Tri-Cities, Washington, in an estimated amount of \$36,136,000.

(b) TREATMENT OF AUTHORIZATIONS.—The authorization of leases under subsection (a) shall be considered to be a specific authorization by law of the funds for such leases for purposes of section 8104(a)(2) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act. Effective date.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2023, or the year in which funds are appropriated for the Medical Facilities account, \$998,137,000 for the leases authorized in subsection (a).

**SEC. 703. TREATMENT OF MAJOR MEDICAL FACILITY LEASES OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) CONGRESSIONAL APPROVAL OF MAJOR MEDICAL FACILITY LEASES.—Paragraph (2) of subsection (a) of section 8104 of title 38, United States Code, is amended—

- (1) by striking “No funds” and inserting “(A) No funds”;
- (2) by striking “or any major medical facility lease”;
- (3) by striking “or lease”; and

(4) by adding at the end the following new subparagraph:

“(B) No funds may be appropriated for any fiscal year, and the Secretary may not obligate or expend funds (other than for advance planning and design), for any major medical facility lease unless the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives each adopt a resolution approving the lease.”.

(b) MODIFICATION OF DEFINITION OF MAJOR MEDICAL FACILITY LEASE.—Subparagraph (B) of paragraph (3) of such subsection is amended to read as follows:

“(B) The term ‘major medical facility lease’—

“(i) means a lease for space for use as a new medical facility approved through the General Services Administration under section 3307(a) of title 40 at an average annual rent equal to or greater than the appropriate dollar threshold described in such section, which shall be subject to annual adjustment in accordance with section 3307(h) of such title; and

“(ii) does not include a lease for space for use as a shared Federal medical facility for which the Department’s estimated share of the lease costs does not exceed such dollar threshold.”.

(c) SEPARATE PROSPECTUS REQUIREMENT FOR MAJOR MEDICAL FACILITY LEASES.—Subsection (b) of such section is amended—

(1) by striking paragraph (7);

(2) in paragraph (1), by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively;

(3) in paragraph (6), by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(4) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively;

(5) in the matter preceding subparagraph (A), as redesignated by paragraph (4)—

(A) by striking “Whenever the President” and inserting “(1) Whenever the President”;

(B) by striking “the Congress” and inserting “Congress”; and



(C) by striking “or a major medical facility lease (as defined in subsection (a)(3)(b))”;  
 (6) in subparagraph (A), as redesignated by paragraph (4), by striking “leased,”;  
 (7) in subparagraph (E), as redesignated by paragraph (4)—

(A) by striking “or lease” each place it appears; and  
 (B) by striking “or leases”; and

(8) by adding at the end the following new paragraph:

“(2) Whenever the President or the Secretary submit to Congress a request for the funding of a major medical facility lease (as defined in subsection (a)(3)(B)), the Secretary shall submit to each committee, on the same day, a prospectus of the proposed medical facility. Any such prospectus shall include the following:

“(A) A description of the facility to be leased.

Cost estimate.

“(B) An estimate of the cost to the Federal Government of the facility to be leased.

Estimate.

“(C) An estimate of the energy performance of the proposed lease space, to include a description of anticipated utilization of renewable energy, energy efficient and climate resilient elements, and related matters.

Data.  
Time periods.

“(D) Current and projected workload and utilization data regarding the facility to be leased, including information on projected changes in workload and utilization over a five-year period, a ten-year period, and a twenty-year period.

Analyses.  
Compliance.

“(E) A detailed analysis of how the lease is expected to comply with Office of Management and Budget Circular A-11 and section 1341 of title 31 (commonly referred to as the ‘Anti-Deficiency Act’). Any such analysis shall include—

“(i) an analysis of the classification of the lease as a ‘lease purchase’, a ‘capital lease’, or an ‘operating lease’ as those terms are defined in Office of Management and Budget Circular A-11;

“(ii) an analysis of the obligation of budgetary resources associated with the lease; and

“(iii) an analysis of the methodology used in determining the asset cost, fair market value, and cancellation costs of the lease.”.

(d) INTERIM LEASING ACTIONS.—Such section is further amended by adding at the end the following new subsection:

“(i)(1) Notwithstanding subsection (a)(2)(B), the Secretary may carry out interim leasing actions as the Secretary considers necessary for the following leases:

“(A) Major medical facility leases (as defined in subsection (a)(3)(B)) approved pursuant to this section and for which a prospectus for a replacement lease has been submitted to Congress pursuant to subsection (b)(2).

“(B) Replacement leases that do not require approval under this section and for which a prospectus has been submitted to Congress pursuant to subsection (b)(2).

Definition.

“(2) In this subsection, the term ‘interim leasing actions’ has the meaning given that term by the Administrator of the General Services Administration.”.

(e) PURCHASE OPTIONS.—Such section is further amended by adding at the end the following new subsection:

“(j) The Secretary may obligate and expend funds to exercise a purchase option included in any major medical facility lease (as defined in subsection (a)(3)(B)).”.

(f) APPLICABILITY.—The amendments made by this section shall apply with respect to any lease that has not been specifically authorized by law on or before the date of the enactment of this Act.

38 USC 8104  
note.

**SEC. 704. AUTHORITY TO ENTER INTO AGREEMENTS WITH ACADEMIC AFFILIATES AND OTHER ENTITIES TO ACQUIRE SPACE FOR THE PURPOSE OF PROVIDING HEALTH-CARE RESOURCES TO VETERANS.**

Section 8103 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) Notwithstanding any other provision of law requiring the use of competitive procedures, including section 2304 of title 10, when the Secretary determines it to be in the best interest of the Department, the Secretary may enter into a lease with an academic affiliate or covered entity to acquire space for the purpose of providing health-care resources to veterans.

Determination.

“(2) In this subsection:

Definitions.

“(A) The term ‘academic affiliate’ means an institution or organization described in section 7302(d) of this title.

“(B) The term ‘covered entity’ means a unit or subdivision of a State, local, or municipal government, public or nonprofit agency, institution, or organization, or other institution or organization as the Secretary considers appropriate that owns property controlled by an academic affiliate to be leased under this subsection.

“(C) The term ‘health -care resource’ has the meaning given that term in section 8152(1) of this title.

“(D) The term ‘space’ means any room, unit, floor, wing, building, parking facility, or other subdivision of a building or facility owned or controlled by an academic affiliate.”.

**SEC. 705. MODIFICATIONS TO ENHANCED-USE LEASE AUTHORITY OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) MODIFICATIONS TO AUTHORITY.—Paragraph (2) of section 8162(a) of title 38, United States Code, is amended to read as follows:

“(2)(A) The Secretary may enter into an enhanced-use lease on or after the date of the enactment of this paragraph only if the Secretary determines—

Determination.

“(i) that the lease will not be inconsistent with, and will not adversely affect—

“(I) the mission of the Department; or

“(II) the operation of facilities, programs, and services of the Department in the area of the leased property; and

“(ii) that—

“(I) the lease will enhance the use of the leased property by directly or indirectly benefitting veterans; or

“(II) the leased property will provide supportive housing.

“(B) The Secretary shall give priority to enhanced-use leases that, on the leased property—

“(i) provide supportive housing for veterans;

“(ii) provide direct services or benefits targeted to veterans;  
or

“(iii) provide services or benefits that indirectly support veterans.”.

38 USC 8162.

(b) EXTENSION OF MAXIMUM TERM OF ENHANCED-USE LEASE.—Section 8162(b)(2) of such title is amended by striking “75 years” and inserting “99 years”.

(c) MODIFICATION OF USE OF PROCEEDS.—Section 8165(a)(1) of such title is amended by striking “shall be deposited in the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title.” and inserting “shall, at the discretion of the Secretary, be deposited in—

“(A) the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title;  
or

“(B) the Medical Facilities or Construction, Minor Projects account of the Department to be used to defray the costs of administration, maintenance, repair, and related expenses incurred by the Department with respect to property that is owned by or under the jurisdiction or control of the Department.”.

38 USC 8101  
prec.

(d) REPEAL OF SUNSET.—Section 8169 of such title is repealed.

(e) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, \$922,000,000 for an additional amount for the Department of Veterans Affairs, to remain available until expended, to enter into enhanced-use leases pursuant to section 8162 of title 38, United States Code, as amended by this section.

**SEC. 706. AUTHORITY FOR JOINT LEASING ACTIONS OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.**

(a) DEPARTMENT OF DEFENSE.—Section 1104A of title 10, United States Code, is amended—

(1) by inserting “, or the leasing,” after “design, and construction” each place it appears; and

(2) in subsection (c)(2), by inserting “, or the leasing,” after “design”.

(b) DEPARTMENT OF VETERANS AFFAIRS.—Section 8111B of title 38, United States Code, is amended—

(1) in subsection (a), by inserting “, or the leasing,” after “design, and construction”;

(2) in subsection (b), by adding at the end the following new paragraph:

Transfer  
authority.

“(3) The Secretary of Veterans Affairs may transfer to the Department of Defense amounts appropriated to the ‘Medical Facilities’ account of the Department of Veterans Affairs for the purpose of leasing space for a shared medical facility if the estimated share of the Department of Veterans Affairs for the lease costs does not exceed the amount specified in section 8104(a)(3)(B) of this title.”; and

(3) in subsection (c), by adding at the end the following new paragraph:

“(3) Any amount transferred to the Secretary of Veterans Affairs by the Secretary of Defense for the purpose of leasing space for a shared medical facility may be credited to the ‘Medical Facilities’

account of the Department of Veterans Affairs and may be used for such purpose.”.

**SEC. 707. APPROPRIATION OF AMOUNTS FOR MAJOR MEDICAL FACILITY LEASES.**

(a) FISCAL YEAR 2023.—In addition to amounts otherwise available, there is appropriated for fiscal year 2023, out of any funds in the Treasury not otherwise appropriated, \$1,880,000,000 for an additional amount for the Medical Facilities account of the Department of Veterans Affairs, to remain available until expended, for major medical facility leases authorized by section 702.

(b) ADDITIONAL YEARS.—In addition to amounts otherwise available, there is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the Medical Facilities account of the Department of Veterans Affairs, to remain available until expended, for major medical facility leases authorized by section 702 or approved pursuant to subchapter I of chapter 81 of title 38, United States Code, as amended by section 703—

- (1) \$100,000,000 for fiscal year 2024;
- (2) \$200,000,000 for fiscal year 2025;
- (3) \$400,000,000 for fiscal year 2026;
- (4) \$450,000,000 for fiscal year 2027;
- (5) \$600,000,000 for fiscal year 2028;
- (6) \$610,000,000 for fiscal year 2029;
- (7) \$620,000,000 for fiscal year 2030; and
- (8) \$650,000,000 for fiscal year 2031.

**TITLE VIII—RECORDS AND OTHER MATTERS**

**SEC. 801. EPIDEMIOLOGICAL STUDY ON FORT MCCLELLAN VETERANS.**

The Secretary of Veterans Affairs shall conduct an epidemiological study on the health trends of veterans who served in the Armed Forces at Fort McClellan at any time during the period beginning January 1, 1935, and ending on May 20, 1999.

Time period.

**SEC. 802. BIENNIAL BRIEFING ON INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.**

10 USC 1071 note.

(a) IN GENERAL.—Not later than one year after the date on which the Individual Longitudinal Exposure Record achieves full operational capability, as determined by the Secretary of Defense, and every two years thereafter, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall provide the appropriate committees of Congress a briefing on—

Deadline. Determination. Consultation.

(1) the quality of the databases of the Department of Defense that provide the information presented in such Individual Longitudinal Exposure Record; and

(2) the usefulness of such Individual Longitudinal Exposure Record or system in supporting members of the Armed Forces and veterans in receiving health care and benefits from the Department of Defense and the Department of Veterans Affairs.

(b) ELEMENTS.—Each briefing required by subsection (a) shall include, for the period covered by the report, the following:

Recommendations.

(1) An identification of potential exposures to occupational or environmental hazards captured by the current systems of the Department of Defense for environmental, occupational,

Analysis.  
Determination.

and health monitoring, and recommendations for how to improve those systems.

(2) An analysis of the quality and accuracy of the location data used by the Department of Defense in determining potential exposures to occupational or environmental hazards by members of the Armed Forces and veterans, and recommendations for how to improve the quality of such data if necessary.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

(2) INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.—The term “Individual Longitudinal Exposure Record” has the meaning given such term in section 1171 of title 38, United States Code, as added by section 202.

38 USC 1171  
note.

**SEC. 803. CORRECTION OF EXPOSURE RECORDS BY MEMBERS OF THE ARMED FORCES AND VETERANS.**

Coordination.  
Update.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall coordinate with the Secretary of Defense to provide a means for veterans to update their records as necessary to reflect exposures to occupational or environmental hazards by such member or veteran in the Individual Longitudinal Exposure Record.

(b) EVIDENCE.—

(1) PROVISION OF EVIDENCE.—To update a record under subsection (a), a veteran shall provide such evidence as the Secretary of Veterans Affairs considers necessary.

(2) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe by regulation the evidence considered necessary under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.—The term “Individual Longitudinal Exposure Record” has the meaning given such term in section 1171 of title 38, United States Code, as added by section 202.

(2) TOXIC EXPOSURE.—The term “toxic exposure” has the meaning given such term in section 101 of title 38, United States Code, as amended by section 102(b).

Camp Lejeune  
Justice Act of  
2022.  
28 USC 2671  
note prec.  
Time periods.

**SEC. 804. FEDERAL CAUSE OF ACTION RELATING TO WATER AT CAMP LEJEUNE, NORTH CAROLINA.**

(a) SHORT TITLE.—This section may be cited as the “Camp Lejeune Justice Act of 2022”.

(b) IN GENERAL.—An individual, including a veteran (as defined in section 101 of title 38, United States Code), or the legal representative of such an individual, who resided, worked, or was otherwise exposed (including in utero exposure) for not less than 30 days during the period beginning on August 1, 1953, and ending on December 31, 1987, to water at Camp Lejeune, North Carolina, that was supplied by, or on behalf of, the United States may bring an action in the United States District Court for the Eastern District of North Carolina to obtain appropriate relief for harm that was caused by exposure to the water at Camp Lejeune.

(c) BURDENS AND STANDARD OF PROOF.—

(1) IN GENERAL.—The burden of proof shall be on the party filing the action to show one or more relationships between the water at Camp Lejeune and the harm.

(2) STANDARDS.—To meet the burden of proof described in paragraph (1), a party shall produce evidence showing that the relationship between exposure to the water at Camp Lejeune and the harm is—

(A) sufficient to conclude that a causal relationship exists; or

(B) sufficient to conclude that a causal relationship is at least as likely as not.

(d) EXCLUSIVE JURISDICTION AND VENUE.—The United States District Court for the Eastern District of North Carolina shall have exclusive jurisdiction over any action filed under subsection (b), and shall be the exclusive venue for such an action. Nothing in this subsection shall impair the right of any party to a trial by jury.

(e) EXCLUSIVE REMEDY.—

(1) IN GENERAL.—An individual, or legal representative of an individual, who brings an action under this section for a harm described in subsection (b), including a latent disease, may not thereafter bring a tort action against the United States for such harm pursuant to any other law.

(2) HEALTH AND DISABILITY BENEFITS RELATING TO WATER EXPOSURE.—Any award made to an individual, or legal representative of an individual, under this section shall be offset by the amount of any disability award, payment, or benefit provided to the individual, or legal representative—

(A) under—

(i) any program under the laws administered by the Secretary of Veterans Affairs;

(ii) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

(iii) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(B) in connection with health care or a disability relating to exposure to the water at Camp Lejeune.

(f) IMMUNITY LIMITATION.—The United States may not assert any claim to immunity in an action under this section that would otherwise be available under section 2680(a) of title 28, United States Code.

(g) NO PUNITIVE DAMAGES.—Punitive damages may not be awarded in any action under this section.

(h) DISPOSITION BY FEDERAL AGENCY REQUIRED.—An individual may not bring an action under this section before complying with section 2675 of title 28, United States Code.

Compliance.

(i) EXCEPTION FOR COMBATANT ACTIVITIES.—This section does not apply to any claim or action arising out of the combatant activities of the Armed Forces.

(j) APPLICABILITY; PERIOD FOR FILING.—

Claims.

(1) APPLICABILITY.—This section shall apply only to a claim accruing before the date of enactment of this Act.

(2) STATUTE OF LIMITATIONS.—A claim in an action under this section may not be commenced after the later of—

(A) the date that is two years after the date of enactment of this Act; or



(B) the date that is 180 days after the date on which the claim is denied under section 2675 of title 28, United States Code.

(3) INAPPLICABILITY OF OTHER LIMITATIONS.—Any applicable statute of repose or statute of limitations, other than under paragraph (2), shall not apply to a claim under this section.

**SEC. 805. COST OF WAR TOXIC EXPOSURES FUND.**

38 USC 301 prec. (a) IN GENERAL.—Chapter 3 is amended by adding at the end the following new section:

38 USC 324. **“§ 324. Cost of War Toxic Exposures Fund**

“(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States an account to be known as the ‘Cost of War Toxic Exposures Fund’ (the ‘Fund’), to be administered by the Secretary.

“(b) DEPOSITS.—There shall be deposited in the Fund such amounts as may be appropriated to the Fund pursuant to subsection (c).

Time periods. “(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund for fiscal year 2023 and each subsequent fiscal year such sums as are necessary to increase funding, over the fiscal year 2021 level, for investment in—

“(1) the delivery of veterans’ health care associated with exposure to environmental hazards in the active military, naval, air, or space service in programs administered by the Under Secretary for Health;

“(2) any expenses incident to the delivery of veterans’ health care and benefits associated with exposure to environmental hazards in the active military, naval, air, or space service, including administrative expenses, such as information technology and claims processing and appeals, and excluding leases as authorized or approved under section 8104 of this title; and

“(3) medical and other research relating to exposure to environmental hazards.

Estimates.  
Time periods. “(d) BUDGET SCOREKEEPING.—(1) Immediately upon enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, expenses authorized to be appropriated to the Fund in subsection (c) shall be estimated for fiscal year 2023 and each subsequent fiscal year and treated as budget authority that is considered to be direct spending—

“(A) in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907);

“(B) by the Chairman of the Committee on the Budget of the Senate and the Chair of the Committee on the Budget of the House of Representatives, as appropriate, for purposes of budget enforcement in the Senate and the House of Representatives;

“(C) under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), including in the reports required by section 308(b) of such Act (2 U.S.C. 639); and

“(D) for purposes of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.).

“(2) No amount appropriated to the Fund in fiscal year 2023 or any subsequent fiscal year pursuant to this section shall be counted as discretionary budget authority and outlays or as direct spending for any estimate of an appropriation Act under the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) and any other Act.

“(3) Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, and for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) and the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), the Fund shall be treated as if it were an account designated as ‘Appropriated Entitlements and Mandatories for Fiscal Year 1997’ in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217.

“(e) ESTIMATES FOR CONGRESSIONAL CONSIDERATION.—The Secretary shall include in documents submitted to Congress in support of the President’s budget submitted pursuant to section 1105 of title 31 detailed estimates of the sums described in subsection (c) for the applicable fiscal year.

“(f) PROCEDURES FOR ESTIMATES.—The Secretary may, after consultation with the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, establish policies and procedures for developing the annual detailed estimates required by subsection (e).”

Consultation.

(b) SEQUESTRATION.—Section 256(h)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(h)(4)) is amended by adding at the end the following new subparagraph:

“(G) Cost of War Toxic Exposures Fund.”

**SEC. 806. APPROPRIATION FOR FISCAL YEAR 2022.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, \$500,000,000 for the Cost of War Toxic Exposures Fund, established by section 324 of title 38, United States Code, as added by section 805 of this Act, to remain available until September 30, 2024.

(b) SPEND PLAN.—Not later than 30 days after enactment of this Act, the Secretary of Veterans Affairs shall submit a plan for expending amounts made available by subsection (a) by program, project or activity to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives. Funds may not be obligated until such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

Deadline.

Time period.

**SEC. 807. AUTHORIZATION OF ELECTRONIC NOTICE IN CLAIMS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Title 38, United States Code, is amended as follows:

(1) By striking section 5100 and inserting the following:

38 USC 5100  
prec., 5100.  
38 USC 5100.

**“§ 5100. Definitions**

“In this chapter:

“(1) The term ‘claimant’ means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.

“(2) The term ‘notice’ means a communication issued through means (including electronic means) prescribed by the Secretary.”

38 USC 5104.

(2) In section 5104, by adding at the end the following new subsection:

“(c) The Secretary may provide notice under subsection (a) electronically if a claimant (or the claimant’s representative) elects to receive such notice electronically. A claimant (or the claimant’s representative) may revoke such an election at any time, by means prescribed by the Secretary.

Time period.  
Recommendations.  
Public information.  
Web posting.

“(d) The Secretary shall annually—

“(1) solicit recommendations from stakeholders on how to improve notice under this section; and

“(2) publish such recommendations on a publicly available website of the Department.”

(3) In section 5104B(c), in the matter preceding paragraph (1) by striking “in writing” and inserting “to the claimant (and any representative of such claimant)”.

(4) In section 5112(b)(6), by striking “(at the payee’s last address of record)”.

(5) In section 7104—

38 USC 7101  
prec., 7104.

(A) in the heading, by adding “; **decisions; notice**” at the end; and

38 USC 7104.

(B) by striking subsection (e) and inserting the following:

“(e) After reaching a decision on an appeal, the Board shall promptly issue notice (as that term is defined in section 5100 of this title) of such decision to the following:

“(1) The appellant.

“(2) Any other party with a right to notice of such decision.

“(3) Any authorized representative of the appellant or party described in paragraph (2).

“(f)(1) The Secretary may provide notice under subsection (e) electronically if a claimant (or the claimant’s representative) elects to receive such notice electronically.

“(2) A claimant (or the claimant’s representative) may revoke such an election at any time, by means prescribed by the Secretary.”

(6) In section 7105(b)(1)(A), by striking “mailing” and inserting “issuance”.

(7) In section 7105A(a), by striking “mailed” and inserting “issued”.

(8) In section 7266(a), by striking “mailed” and inserting “issued”.

38 USC 5100  
note.

(b) **RULE OF CONSTRUCTION.**—None of the amendments made by this section shall be construed to apply section 5104(a) of such title to decisions of the Board of Veterans’ Appeals under chapter 71 of such title.

38 USC 527 note.

**SEC. 808. BURN PIT TRANSPARENCY.**

(a) **ANNUAL REPORT ON DISABILITY CLAIMS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs shall submit to the appropriate congressional committees a report detailing the following:

(A) The total number of covered veterans.

(B) The total number of claimed issues for disability compensation under chapter 11 of title 38, United States Code, approved and the total number denied by the Secretary of Veterans Affairs with respect to a covered veteran, and a breakdown of the reasons for the denials.

(C) A comprehensive list of the top 10 conditions from each body system for which the Secretary awarded service connection for covered veterans. List.

(D) Any updates or trends with respect to the information described in subparagraphs (A), (B), and (C), that the Secretary determines appropriate. Updates.

(2) COVERED VETERAN DEFINED.—In this subsection, the term “covered veteran” means a veteran who deployed to the Southwest Asia theater of operations any time after August 1990, or Afghanistan, Syria, Djibouti, or Uzbekistan after September 19, 2001, and who submits a claim for disability compensation under chapter 11 of title 38, United States Code. Time periods.

(b) INFORMATION REGARDING THE AIRBORNE HAZARDS AND OPEN BURN PIT REGISTRY.—

(1) NOTICE.—The Secretary of Veterans Affairs shall ensure that a medical professional of the Department of Veterans Affairs informs a veteran of the Airborne Hazards and Open Burn Pit Registry if the veteran presents at a medical facility of the Department for treatment that the veteran describes as being related to, or ancillary to, the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pits.

(2) DISPLAY.—In making information public regarding the number of participants in the Airborne Hazards and Open Burn Pit Registry, the Secretary shall display such numbers by both State and by congressional district.

(c) DEFINITIONS.—In this section:

(1) AIRBORNE HAZARDS AND OPEN BURN PIT REGISTRY.—The term “Airborne Hazards and Open Burn Pit Registry” means the registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Veterans’ Affairs and the Committee on Armed Services of the Senate; and

(B) The Committee on Veterans’ Affairs and the Committee on Armed Services of the House of Representatives.

(3) OPEN BURN PIT.—The term “open burn pit” has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

## TITLE IX—IMPROVEMENT OF WORK-FORCE OF DEPARTMENT OF VETERANS AFFAIRS

38 USC 7401 note.	<b>SEC. 901. NATIONAL RURAL RECRUITMENT AND HIRING PLAN FOR VETERANS HEALTH ADMINISTRATION.</b>
Deadline.	<p>(a) <b>IN GENERAL.</b>—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs, in collaboration with the directors of each community-based outpatient clinic and medical center of the Department of Veterans Affairs, shall develop and implement a national rural recruitment and hiring plan for the Veterans Health Administration to—</p>
Determination.	<p>(1) recruit health care professionals for rural and highly rural community-based outpatient clinics and rural and highly rural medical centers of the Department;</p> <p>(2) determine which such clinics or centers have a staffing shortage of health care professionals;</p> <p>(3) develop best practices and techniques for recruiting health care professionals for such clinics and centers;</p>
Time period.	<p>(4) not less frequently than annually, provide virtually based, on-demand training to human resources professionals of the Veterans Health Administration on the best practices and techniques developed under paragraph (3); and</p> <p>(5) provide recruitment resources, such as pamphlets and marketing material to—</p> <p style="padding-left: 2em;">(A) Veterans Integrated Service Networks of the Department;</p> <p style="padding-left: 2em;">(B) rural and highly rural community-based outpatient clinics of the Department; and</p> <p style="padding-left: 2em;">(C) rural and highly rural medical centers of the Department.</p> <p>(b) <b>ANNUAL REPORT.</b>—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that includes—</p>
Plan.	<p>(1) the plan developed and implemented under subsection (a); and</p>
Assessment.	<p>(2) an assessment of the outcomes related to recruitment and retention of employees of the Veterans Health Administration at rural and highly rural facilities of the Department.</p> <p>(c) <b>DEFINITIONS.</b>—In this section, the terms “rural” and “highly rural” have the meanings given those terms under the rural-urban commuting areas coding system of the Department of Agriculture.</p>
38 USC 7401 note.	<b>SEC. 902. AUTHORITY TO BUY OUT SERVICE CONTRACTS FOR CERTAIN HEALTH CARE PROFESSIONALS IN EXCHANGE FOR EMPLOYMENT AT RURAL OR HIGHLY RURAL FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.</b>
	<p>(a) <b>IN GENERAL.</b>—For any covered health care professional to whom the Secretary of Veterans Affairs has offered employment with the Department of Veterans Affairs, the Secretary may buy out the non-Department service contract of such individual in exchange for such individual agreeing to be employed at a rural</p>

or highly rural facility of the Department for a period of obligated service specified in subsection (c).

(b) PAYMENT OF AMOUNTS.—

(1) IN GENERAL.—Payment of any amounts for a buy out of a service contract for a covered health care professional under subsection (a) shall be made directly to the individual or entity with respect to which the covered health care professional has a service obligation under such contract.

(2) LIMITATION ON TOTAL AMOUNT.—The total amount paid by the Department under this section shall not exceed \$40,000,000 per fiscal year.

(c) OBLIGATED SERVICE.—In exchange for a contract buy out under subsection (a), a covered health care professional shall agree to be employed for not less than four years at a rural or highly rural facility of the Department.

Time period.

(d) LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), if a covered health care professional fails for any reason to complete the period of obligated service of the individual under subsection (c), the United States shall be entitled to recover from the individual an amount equal to—

(A) the total amount paid under subsection (a) to buy out the non-Department service contract of the individual; multiplied by

(B) a fraction—

(i) the numerator of which is—

(I) the total number of months in the period of obligated service of the individual; minus

(II) the number of months served by the individual; and

(ii) the denominator of which is the total number of months in the period of obligated service of the individual.

(2) EXCEPTION.—Liability shall not arise under paragraph (1) in the case of an individual covered by that paragraph if the individual does not obtain, or fails to maintain, employment as an employee of the Department due to staffing changes approved by the Under Secretary for Health.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the use by the Secretary of the authority under this section.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) The number of health care professionals for whom a service contract buyout payment was made under subsection (a) in the previous fiscal year, disaggregated by occupation or specialty.

(B) The average, highest, and lowest amount of the service contract buyout payments made under subsection (a) for each occupation or specialty in the previous fiscal year.



(C) Each location where contract buyout authority under subsection (a) was utilized and the number of covered health care professionals who agreed to be employed at such location in the previous fiscal year.

(f) DEFINITIONS.—In this section:

(1) COVERED HEALTH CARE PROFESSIONAL.—The term “covered health care professional” means a physician, nurse anesthetist, physician assistant, or nurse practitioner offered employment with the Department regardless of the authority under which such employment is offered.

(2) RURAL; HIGHLY RURAL.—The terms “rural” and “highly rural” have the meanings given those terms under the rural-urban commuting areas coding system of the Department of Agriculture.

(g) SUNSET.—This section shall terminate on September 30, 2027.

38 USC 7401 note.

**SEC. 903. QUALIFICATIONS FOR HUMAN RESOURCES POSITIONS WITHIN DEPARTMENT OF VETERANS AFFAIRS AND PLAN TO RECRUIT AND RETAIN HUMAN RESOURCES EMPLOYEES.**

Deadline.

(a) ESTABLISHMENT OF QUALIFICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

Coordination.

(1) establish qualifications for each human resources position within the Department of Veterans Affairs in coordination with the Office of Personnel Management;

(2) establish standardized performance metrics for each such position; and

Reports.

(3) submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report containing the qualifications and standardized performance metrics established under paragraphs (1) and (2).

Deadline.

(b) IMPROVEMENT OF HUMAN RESOURCES ACTIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall establish or enhance systems of the Department to monitor the hiring and other human resources actions that occur at the local, regional, and national levels of the Department to improve the performance of those actions.

Assessments.

(c) REPORT.—Not later than one year after the establishment of the qualifications and performance metrics under subsection (a), the Comptroller General of the United States shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report containing—

(1) a description of the implementation of such qualifications and performance metrics;

(2) an assessment of the quality of such qualifications and performance metrics;

(3) an assessment of performance and outcomes based on such metrics; and

(4) such other matters as the Comptroller General considers appropriate.

Deadline.

(d) PLAN TO RECRUIT AND RETAIN HUMAN RESOURCES EMPLOYEES.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit

to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan for the recruitment and retention of human resources employees within the Department of Veterans Affairs.

**SEC. 904. MODIFICATION OF PAY CAP FOR CERTAIN EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.**

(a) IN GENERAL.—Section 7455(c) is amended—

38 USC 7455.

(1) in paragraph (1), by striking “30 percent” inserting “50 percent”;

(2) in paragraph (2), by striking “level IV” inserting “level II”; and

(3) by adding at the end the following new paragraph:  
 “(3)(A) Notwithstanding section 5304 of title 5 or any other provision of law, but subject to the limitation under paragraph (2), pursuant to an increase under subsection (a), the Secretary may pay a special rate or an adjusted rate of basic pay in excess of the rate of basic pay payable for level IV of the Executive Schedule.

“(B) If an employee is in receipt of a special rate of pay under subparagraph (A) in excess of the rate of basic pay payable for level IV of the Executive Schedule with an established special rate supplement of greater value than a supplement based on the applicable locality-based comparability payment percentage under section 5304 of title 5, but a pay adjustment would cause such established special rate supplement to be of lesser value, the special rate supplement shall be converted to a supplement based on the applicable locality-based comparability percentage unless the Secretary determines that some other action is appropriate.”

(b) PAY FOR CRITICAL POSITIONS.—Section 7404(a)(1)(B) is amended by inserting “7306 or” before “7401(4)”.

**SEC. 905. EXPANSION OF OPPORTUNITIES FOR HOUSEKEEPING AIDES.**

Section 3310 of title 5, United States Code, is amended by inserting “(other than for positions of housekeeping aides in the Department of Veterans Affairs)” after “competitive service”.

**SEC. 906. MODIFICATION OF AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS RELATING TO HOURS, CONDITIONS OF EMPLOYMENT, AND PAY FOR CERTAIN EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.**

(a) EXPANSION OF ELIGIBILITY OF EMPLOYEES FOR CERTAIN AWARDS.—Section 7404(c) is amended—

(1) by striking “Notwithstanding” and inserting “(1) Notwithstanding”;

(2) by inserting “or 7401(4)” after “section 7306”;

(3) by striking “who is not eligible for pay under subchapter III” and inserting “or in a covered executive position under section 7401(1) of this title”;

(4) by striking “sections 4507 and 5384” and inserting “section 4507”; and

(5) by adding at the end the following new paragraph:

“(2) In this subsection, the term ‘covered executive position’ means a position that the Secretary has determined is of equivalent rank to a Senior Executive Service position (as such term is defined in section 3132(a) of title 5) and is subject to an agency performance management system.”

Definition.

## (b) AUTHORITY FOR AWARDS PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.—

38 USC 7401 prec.

(1) IN GENERAL.—Subchapter I of chapter 74 is amended by inserting after section 7404 the following new section:

38 USC 7404A.

**“§ 7404A. Awards**

“(a) SUPERIOR ACCOMPLISHMENTS AND PERFORMANCE AWARDS PROGRAM.—The Secretary may establish an awards program for personnel listed in section 7421(b) of this title consistent with chapter 45 of title 5, to the extent practicable.

“(b) EXECUTIVE PERFORMANCE AWARDS PROGRAM.—Notwithstanding section 7425 of this title or any other provision of law, the Secretary may establish a performance awards program consistent with section 5384 of title 5 for—

Determination.

“(1) personnel appointed under section 7401(1) of this title for a position that the Secretary has determined is of equivalent rank to a Senior Executive Service position (as such term is defined in section 3132(a) of title 5) and is subject to an agency performance management system; and

“(2) personnel appointed under section 7306 or 7401(4) of this title.

Criteria.

“(c) PAYMENT OF AWARDS.—Awards under this section may be paid based on criteria established by the Secretary and shall not be considered in calculating the limitation under section 7431(e)(4) of this title.

“(d) NOT CONSIDERED BASIC PAY.—Awards under this section shall not be considered basic pay for any purpose.

“(e) REGULATIONS.—The Secretary may prescribe regulations for the administration of this section.”.

Time period.  
Determination.  
38 USC 7404A  
note.

(2) LIMITATION ON PAST AWARDS.—Notwithstanding any other provision of law, awards made by the Secretary of Veterans Affairs for any period on or after January 1, 2017, and before the date of the enactment of this Act for an employee under section 7306 or 7401(4) of title 38, United States Code, or for a position described in section 7401(1) of such title that the Secretary has determined is of equivalent rank to a Senior Executive Service position (as such term is defined in section 3132(a) of title 5, United States Code), may be subject to section 7404A of title 38, United States Code, as added by paragraph (1).

## (c) MODIFICATION OF EMPLOYEES SUBJECT TO REGULATION BY SECRETARY OF VETERANS AFFAIRS OF HOURS AND CONDITIONS OF EMPLOYMENT AND LEAVES OF ABSENCE.—

38 USC 7421.

(1) IN GENERAL.—Section 7421 is amended—

(A) in subsection (a), by striking “chapter” and inserting “title”; and

(B) in subsection (b), by adding at the end the following new paragraph:

“(9) Any position for which the employee is appointed under section 7306 or 7401(4) of this title.”.

(2) ADMINISTRATION OF FULL-TIME EMPLOYEES.—Section 7423 is amended—

(A) in subsection (a)(2), by adding at the end the following new subparagraph:

Determination.

“(D) The Secretary may exclude from the requirements of paragraph (1) employees hired under section 7306 or 7401(4) of this title or for a position described in section 7401(1) of this title

that the Secretary has determined is of equivalent rank to a Senior Executive Service position (as such term is defined in section 3132(a) of title 5).”; and

(B) in subsection (e)(1), by striking “7401(1)” and inserting “7421(b)”.

(3) **ADDITIONAL PAY AUTHORITIES.**—Section 7410(a) is amended—

(A) by striking “The Secretary” and inserting “(1) The Secretary”;

(B) by striking “the personnel described in paragraph (1) of section 7401 of this title” and inserting “personnel appointed under section 7306 of this title or section 7401(4) of this title, or personnel described in section 7401(1) of this title.”; and

(C) by striking “in the same manner, and subject to the same limitations, as in the case of” and inserting “in a manner consistent with”; and

(D) by adding at the end the following new paragraph: “(2) Payments under paragraph (1) shall not be considered in calculating the limitation under section 7431(e)(4) of this title.”.

(4) **TREATMENT OF PAY AUTHORITY CHANGES.**—For the purposes of the amendments made by paragraph (3), the Secretary of Veterans Affairs shall treat any award or payment made by the Secretary between January 1, 2017, and the date of the enactment of this Act to employees appointed under sections 7306, 7401(1), and 7401(4) of title 38, United States Code, that the Secretary has determined are of equivalent rank to a Senior Executive Service position (as such term is defined in section 3132(a) of title 5, United States Code), as if such amendments had been in effect at the time of such award or payment.

(5) **TREATMENT OF PRIOR LEAVE BALANCES.**—Notwithstanding any other provision of law, the Secretary may adjust the leave balance and carryover leave balance of any employee described in section 7421(b)(9) of title 38, United States Code, as amended by paragraph (1)(B), to ensure any leave accrued or carried over before the date of the enactment of this Act remains available to such employee.

(d) **TREATMENT OF CERTAIN EMPLOYEES AS APPOINTED UNDER SECTION 7306.**—Section 7306 is amended—

(1) in subsection (a), by redesignating the second paragraph (11) as paragraph (12); and

(2) by adding at the end the following new subsection:

“(g) For purposes of applying any provision of chapter 74 of this title, including sections 7404, 7410, and 7421, or any other provision of law, the Secretary may treat any appointment for a position under this chapter to be an appointment under this section.”.

(e) **CONFORMING AMENDMENT.**—Section 7431(e)(4) is amended by striking “In no case” and inserting “Except as provided in sections 7404A(c) and 7410(a)(2) of this title, in no case”.

**SEC. 907. WAIVER OF PAY LIMITATION FOR CERTAIN EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.**

Subchapter I of chapter 7 is amended by inserting after section 703 the following new section:

38 USC 7410.

Time period.  
Determination.  
38 USC 7410  
note.

Time period.  
38 USC 7421  
note.

38 USC 701 prec.

38 USC 704.

**“§ 704. Waiver of pay limitation for certain employees**

“(a) EMPLOYEES OF VETERANS HEALTH ADMINISTRATION IMPACTED BY CLOSURE OR REALIGNMENT.—Notwithstanding any other provision of law, the Secretary may waive any annual premium or aggregate limitation on pay for an employee of the Veterans Health Administration for the calendar year during which—

“(1) the official duty station of the employee is closed;

or

“(2) the office, facility, activity, or organization of the employee is realigned.

“(b) EMPLOYEES PROVIDING CARE TO VETERANS EXPOSED TO OPEN BURN PITS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may waive any annual premium or aggregate limitation on pay for an employee of the Department whose primary duties include providing expanded care for veterans exposed to open burn pits.

“(2) OPEN BURN PIT DEFINED.—In this subsection, the term ‘open burn pit’ has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

“(c) COORDINATION WITH OFFICE OF PERSONNEL MANAGEMENT.—In implementing this section, the Secretary shall coordinate with the Director of the Office of Personnel Management.

“(d) REPORTS.—

Time period.

“(1) IN GENERAL.—For each quarter that the Secretary waives a limitation under this section, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate, the Committee on Veterans’ Affairs of the House of Representatives, and the Office of Personnel Management a report on the waiver or waivers.

“(2) CONTENTS.—Each report submitted under paragraph (1) with respect to a waiver or waivers shall include the following:

“(A) Where the waiver or waivers were used, including in which component of the Department and, as the case may be, which medical center of the Department.

“(B) For how many employees the waiver or waivers were used, disaggregated by component of the Department and, if applicable, medical center of the Department.

“(C) The average amount by which each payment exceeded the pay limitation that was waived, disaggregated by component of the Department and, if applicable, medical center of the Department.

“(e) EMPLOYEE DEFINED.—In this section, the term ‘employee’ means any employee regardless of the authority under which the employee was hired.

“(f) TERMINATION.—This section shall terminate on September 30, 2027.”.

**SEC. 908. ELIMINATION OF LIMITATION ON AWARDS AND BONUS FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 705(a) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 703 note) is amended by striking paragraph (3).

(b) **APPLICABILITY.**—Subsection (a) shall take effect on the date of the enactment of this Act and apply as if such subsection had been enacted on September 30, 2021. 38 USC 703 note.

**SEC. 909. ADDITIONAL AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS RELATING TO RECRUITMENT AND RETENTION OF PERSONNEL.**

Subchapter I of chapter 7 is amended by inserting after section 705 the following new section: 38 USC 701 prec.

**“§ 706. Additional authority relating to recruitment and retention of personnel** 38 USC 706.

“(a) **RECRUITMENT AND RELOCATION BONUSES.**—The Secretary may pay a recruitment or relocation bonus under section 5753(e) of title 5 without regard to any requirements for certification or approval under that section.

“(b) **RETENTION BONUSES.**—(1) The Secretary may pay a retention bonus under section 5754(f) of title 5 without regard to any requirement for certification or approval under that subsection.

“(2) The Secretary may pay a retention bonus as specified in subsection (e)(2) of section 5754 of title 5 and may pay the bonus as a single lump-sum payment at the beginning of the full period of service required by an agreement under subsection (d) of such section.

“(c) **MERIT AWARDS.**—The Secretary may grant a cash award under section 4502(b) of title 5 without regard to any requirement for certification or approval under that section.

“(d) **INCENTIVES FOR CRITICAL SKILLS.**—(1) Subject to the provisions of this paragraph, the Secretary may provide a critical skill incentive to an employee in a case in which the Secretary determines— Determination.

“(A) the employee possesses a high-demand skill or skill that is at a shortage;

“(B) such skill is directly related to the duties and responsibilities of the employee’s position; and

“(C) employment of an individual with such skill in such position serves a critical mission-related need of the Department.

“(2) An incentive provided to an employee under paragraph (1) may not to exceed 25 percent of the basic pay of the employee.

“(3) Provision of an incentive under paragraph (1) shall be contingent on the employee entering into a written agreement to complete a period of employment with the Department. Contracts.

“(4) An incentive provided under paragraph (1) shall not be considered basic pay for any purpose.

“(5) The Secretary may prescribe conditions, including with respect to eligibility, and limitations on provision of incentive under paragraph (1).

“(6) Incentive provided under paragraph (1) shall not be included in the calculation of total amount of compensation under section 7431(e)(4) of this title.

“(e) **STUDENT LOAN REPAYMENTS.**—(1) Subject to the provisions of this subsection, the Secretary may repay a student loan pursuant to section 5379(b) of title 5.

“(2) Paragraph (2) of such section shall not apply to payment under this subsection.



“(3) Payment under this subsection shall be made subject to such terms, limitations, or conditions as may be mutually agreed to by the Secretary and the employee concerned, except that the amount paid by the Secretary under this subsection may not exceed—

“(A) \$40,000 for any employee in any calendar year; or

“(B) a total of \$100,000 in the case of any employee.

“(f) EXPEDITED HIRING AUTHORITY FOR COLLEGE GRADUATES; COMPETITIVE SERVICE.—(1) Subject to paragraph (2) of this subsection, the Secretary may expedite hiring for college graduates under section 3115 of title 5 without regard to subsection (e) of such section or any regulations prescribed by the Office of Personnel Management for administration of such subsection.

“(2) The number of employees the Secretary may appoint under section 3115 of title 5 may not exceed the number equal to 25 percent of individuals that the Secretary appointed during the previous fiscal year to a position in the competitive service classified in a professional or administrative occupational category, at the GS-11 level, or an equivalent level, or below, under a competitive examining procedure.

“(g) EXPEDITED HIRING AUTHORITY FOR POST-SECONDARY STUDENTS; COMPETITIVE SERVICE.—(1) Subject to paragraph (2) of this subsection, the Secretary may expedite hiring of post-secondary students under section 3116 of title 5, without regard to subsection (d) of such section or any regulations prescribed by the Office of Personnel Management for administration of such subsection.

“(2) The number of employees the Secretary may appoint under section 3116 of title 5 may not exceed the number equal to 25 percent of the number of students that the Secretary appointed during the previous fiscal year to a position at the GS-11 level, or an equivalent level, or below.

“(h) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Subject to the provisions of this subsection, the Secretary may authorize the fixing of the rate of pay for a critical position in the Department consistent with the authorities and requirements of section 5377 of title 5 that apply to the Office of Personnel Management.

“(2) The Secretary may fix the rate of pay for a critical position under this subsection in excess of the limitation set forth by section 5377(d)(2) of such title.

President.

“(3) Basic pay may not be fixed under this subsection at a rate greater than the rate payable for the Vice President of the United States established under section 104 of title 3, except upon written approval of the President.

“(4) Notwithstanding section 5377(f) of title 5, the Secretary may authorize the exercise of authority under this subsection with respect to up to 200 positions at any time.

Applicability.

“(i) RATES OF SPECIAL PAY.—(1) The Secretary may establish a rate for special pay under section 5305(a)(1) of title 5.

“(2) In applying such section to the Secretary’s authority under paragraph (1)—

“(A) ‘50 percent’ shall be substituted for ‘30 percent’; and

“(B) ‘level II of the Executive Schedule’ shall be substituted for ‘level IV of the Executive Schedule’.

“(j) WAIVER OF LIMITATIONS ON CERTAIN PAYMENTS UNDER PAY COMPARABILITY SYSTEM.—The Secretary may waive the limitation in section 5307 of title 5 for an employee or a payment.

“(k) TERMINATION.—The authorities under this section shall terminate on September 30, 2027.”.

Approved August 10, 2022.

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LEGISLATIVE HISTORY—S. 3373:

CONGRESSIONAL RECORD, Vol. 168 (2022):

Feb. 17, considered and passed Senate.

July 13, considered and passed House, amended.

July 21, 25-27, Aug. 2, Senate considered and concurred in

House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2022):

Aug. 10, Presidential remarks.





Office of Senator

## Jesse Anderson Lujan

*I Mina'trentai Siette na Liheslaturan Guåhan* | 37<sup>th</sup> Guam Legislature  
Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism,  
Higher Education, and the Advancement of Women, Youth, and Senior Citizens

### AUTHOR REPORT DIGEST

#### I. OVERVIEW

**Resolution No. 29-37(COR)** was introduced on **Wednesday, February 22, 2023** by Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, and Sabina Flores Perez and was subsequently referred by the Committee on Rules to the author, Jesse A. Lujan, on **Wednesday, February 22, 2023**.

The Office of Senator Jesse A. Lujan convened a public hearing on **Monday, July 31, 2023, beginning at 6:02 PM**, in the public hearing room of the Guam Congress building.

#### **Public Notice Requirements**

Notices for this public hearing were disseminated via email to all senators and all main media broadcasting outlets, as well as the Government of Guam public notices website, on **Monday, July 24, 2023**, and again on **Friday, July 28, 2023**. The notice was also published in the Guam Daily Post on **Monday, July 24, 2023**, and again on **Saturday, July 29, 2023**.

#### **Senators Present:**

Senator Jesse A. Lujan, Presiding Public Hearing Officer, Author  
Speaker Therese M. Terlaje  
Senator Frank F. Blas, Jr.  
Senator Telo T. Taitague  
Senator Roy A. B. Quinata  
Senator Dwayne T.D. San Nicolas  
Senator Sabina F. Perez  
Senator Joanne M. Brown

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**Appearing Before the Senators:**

Michael J. Berman, ESQ., Berman Law Firm

Pedro Taitano

William Payne

Francisco O. Reyes

Joseph C. San Nicolas

Antonio Arriola

Edward Rodriguez

Joseph F. Cruz

Jose San Agustin, Guam Office of Veterans Affairs, Director

Lucia Perez, Guam Office of Veterans Affairs, Special Projects Coordinator

Lorraine Okada

Paul McDonald, Agan Heights, Mayor

Robert Celestial, Pacific Association for Radiation Survivors, Founder

Vincent Akimoto, MD, American Medical Center, Physician

**Written Testimony Submitted**

Johnston B. Palik

Rodney Charles Bathurst, submitted by Michael J. Berman

Jose San Agustin

**II. SUMMARY OF TESTIMONY & DISCUSSION**

The public hearing was Called to Order at **6:09 PM**. RESOLUTION NO. 29-37(COR) "RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE," was the only item on the agenda.

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**Senator Jesse A. Lujan, Author:** Thank you and good evening. Welcome to the people's house. This is a public hearing conducted of course by myself as well as members of the 37th Guam Legislature. I'm Senator Jesse Anderson Lujan, the Vice Chair of the committee on Maritime Transportation, Air Transportation, Parks, Tourism, Higher Education, and the Advancement of Women, Youth, and Senior Citizens. I'll be presiding over the hearing this afternoon as well as sponsor, and I'll read all the co-sponsors of the resolution as well. This public hearing is called to order. It is, today's the 31<sup>st</sup>, July 31<sup>st</sup>, 2023 and it is 6:09.

In compliance with the open government law, notices of this public hearing were disseminated via email to all senators and all media broadcasting outlets, the Guam legislature's website, and the Guam Public Notices portal, on Monday, January 24<sup>th</sup>, and again on Friday, July, I'm sorry July 24<sup>th</sup>, and again on Friday July 28<sup>th</sup>, 2023. The notice was also announced via the Guam Daily Post on the 24<sup>th</sup> of July and July 29<sup>th</sup>. The public hearings broadcast on local television GTA Channel 21, Docomo channel 112 through 4, and streamed online via *Liheslaturan Guåhan's* live feed on YouTube. A recording of the hearing will be available online via the Guam legislature media on YouTube after the hearing.

This afternoon my office will be hearing the testimony on resolution number 29-37(COR), "relative to requesting the US Congress to appropriate monies for Guam non-military residents who were exposed to Agent Orange and whose who are suffering from ailments caused by the exposure of Agent Orange," introduced by myself and I'll read the other co-sponsors. I'd like to also begin by welcoming my colleagues; Speaker Terlaje, to her left Senator Roy Quinata, Senator Dwayne San Nicolas, Senator Sabina Perez, Senator Joanne Brown, Senator Telo Taitague, and Republican caucus leader, Senator Frank Blas Jr. Good evening, Senators. Thank you for being here as well.

The conduct for tonight's testimonies of course well is I'd like to start by stating the general rules of conduct for this public hearing. Please provide the legislative staff with any documents for photocopying that you want to distribute. Individuals are asked to remain in the room for questions or additional testimony as may be desired by the members of the legislature. Testimony may be confined to the substance or nature of the agenda of the public hearing. Personal inference as to the character or motives of any of the senators or any individual testifying is not permitted. Any violations of the rules, general rules of conduct, shall result in removal from the public hearing room. Proper form and decorum shall be practiced by all present in the public hearing room and for all proceedings. Any individuals who fail to maintain proper form and decorum will be

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restricted and will be removed from the room. When speaking, please ensure that the microphone is on and that you are speaking clearly into the microphone. Individuals testifying will first be recognized by the chair before speaking and please again by stating your name start by stating your name and the title of your title and for the record.

I'd like to acknowledge and thank my colleagues again for attending this evening's public hearing and we'll start with. Should I read the resolution? Should I read the resolution? [to Speaker Terlaje] Let me read the resolution. Yeah, yeah, I think we already know what the resolution is about and yeah we'll summarize it and I think I did already with that, but the resolution, basically, is "relative to requesting U.S Congress to appropriate monies for not well Guam non-military residents who are exposed to agent orange and who are suffering from ailments caused by the exposure to Agent Orange." And we have in the first panel: Attorney Michael Berman, Pedro Taitano, William Payne, Francisco Reyes, Joseph San Nicolas, W.R Chargualaf, and Antonio Arriola. That would be our first panel. So go ahead and start with Attorney Berman, thank you very much.

**Michael J. Berman, ESQ, Berman Law Firm**: Getting there. Is that better? Yes sir, thank you.

Okay, there's a lot of people here to testify so I'm going to try to be a little bit brief. I'll just introduce myself. My name is Michael Berman, I've been in Guam since 1990. Before that, I was in Micronesia for 10 years. I built a private practice in Guam. I own a couple other small businesses; collection agency, repossession company, title company, a few other small companies. I do a lot of work for banks, shopping centers, and I do a lot of personal injury law. Having said that, I'd like to mention at the outset that I did grow up in a military family. Both my parents are buried at Arlington National Cemetery. My father was an officer in the military and got a lot of medals, so there's nothing about my presentation today intended to be anti-military on any level. I'm approaching this subject, I think, in a neutral way. The reason I got involved in this whole subject is, I noticed that the new PACT Act was adopted August 12 last year 2022. And I was shocked and happy to see, that Guam was added to the list for the very first time. Before, veterans had to be in Vietnam, Korea, or Thailand. All of a sudden, Guam's on the list. Well, that's very important because for veterans, there's a presumption of coverage. If you're in a covered location and you have one of the ailments and you're in the military. So, this automatically opened the door for a lot of people who previously might not have been able to apply for Agent Orange disability.

When I read that, I began advertising for veterans that I would help them in their claims against the VA. and I had some big surprises when I ran the ads. Number one, most of the people that came to see me were already receiving disability. Seventy, eighty, ninety percent, one hundred percent. I was very happy for them. It wasn't Agent Orange disability, but they had high ranking

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disabilities. So that was a surprise and I'm happy for them because the two veterans' offices in Guam are doing a very able job advocating for veterans.

The second big surprise to me was the number of people that came to me who were never in the military at all. They were exposed to Agent Orange and they want to know why they have no redress like the veterans do. I'd say at least twenty-five percent of the people that came to see me were not in the military at all. I'll give you an example, I had a gentleman from the Port Authority come to see me. For three years in a row, he drove trucks from the port to Anderson Air Force Base delivering bombs - he's a civilian - he takes the bombs to the B-52. The loader puts in the B-52. So, the loader is covered, but the man who takes the bombs out there is not covered. How can that be? He is not covered.

Next, I had a conversation with an individual by the name of Brian Moyer. He's the president of the "Agent Orange Survivors of Guam" and he lives in Orlando Florida, which is close to my hometown. And I spoke to Brian, a very polite gentleman, I asked him "what was your exposure to Agent Orange?" He goes, "well I never really lived on Guam." "Really? Where'd you live?" He said, "I lived on a ship. I lived in the Proteus." I said, "well what's your exposure to Agent Orange?" He goes, "well I went boonie-stomping on the weekends." Okay, that means a large part of the population of Guam is exposed to Agent Orange, if Brian is. So, I think this - I think you're probably all aware that the rate of cancer on Guam is significantly higher than the rest of the country and that may have an impact on all this. So basically, I would submit to all you folks that hundreds of thousands of people went through Anderson Air Force Base as veterans and also as non-veterans. Civilians, engineers. This gentleman will be a testifying shortly after me, Pedro Taitano. He was in the military and he was at Anderson in the early sixties. He saw the Agent Orange there. So, I guess that's all I would say at this point in time. I want other people have a chance to testify. I think there's a big silent group of people out there. People are writing me from Texas, California, New Jersey, they're finding my name on the internet, although I haven't advertised in those jurisdictions.

Children - I've got a guy from Texas. He knows the name of the street he lived on at Anderson, the street name and the house number. Now he's suffering from Agent Orange disease, a related disease. His dad just died. He's saying "can you help me? I was just a child now I'm suffering." So, I fear this is a fairly deep subject, and I'll leave it there for now because there's so many people here that would like to testify. Is that okay, sir? Thank you.

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**Senator Jesse A. Lujan, Author:** Thank you Mr. Berman. Mr. Pedro Taitano. Just state your name just for the record.

**Pedro Taitano:** I wanna say something about -.

**Senator Jesse A. Lujan, Author:** Go ahead and state your name for the for the record.

**Pedro Taitano:** My name is Pedro Taitano. I'm a retired U.S Marine Corps. I was stationed in Vietnam, Danang, for over two and a half years. I work for the weapons, ammunition, and the chemical, so I have a little bit of knowledge of what's going on that everybody talk about the Agent Orange. Now, Agent Orange is nothing more but an herbicide and defoliant. Okay, they use more than herbicide in Vietnam. The reason for that is because they use it in different terrain.

Now, I want to make it clear that the Department of Defense really is denying or however they feel about it about the Agent Orange is not contaminated in Guam. Now, the reason for that is for what I know is that when I was in Danang, they changed all the labels - the tactical labels from the 55-gallon drum, which they have about 19 million gallons over there. Now they have the Agent Orange was labeled "Tactical Orange." Now, before they move this out of Vietnam, they label it with an herbicide. And the reason for that is because they don't want nobody to know that it was Agent Orange. So, this is what we're getting. That's the reason why that they're denying it, because they don't want the VA to pay the veterans. For what I know is that they probably, the way I know, is that they're trying to work it out with the VA so you know. Eliminate the payment or whatever it is.

But the Agent Orange was in Vietnam. It was more than an Agent Orange. They have about six of those "Agents" over there that were used for different terrain. Now when all these chemicals were removed from Vietnam, they label it herbicide and they immediately, (inaudible). Herbicide is nothing but a weed killer. And the defoliant is nothing but to kill the leaf itself. Now I don't know why the Department of Defense want to use the Agent Orange in Vietnam, which is not really doing the war any good. It's not really practical to you during the war because in Vietnam, I know that there you shouldn't. They were in a cave and also in a tunnel. So, if you use the Agent Orange, all you do is just killing the trees but there's no effect on the enemy, because the enemy is inside the bunker and the tunnel. So, what I'm trying to say is that you use the Agent Orange over there and what about our Troopers? They go in there. They don't know there's a bunker. Now there's a tunnel in there. So, the Agent Orange doesn't really affect what the Agent Orange was supposed to be used in Vietnam.

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Okay, now this Agent Orange. I was stationed in Kaneohe Hawaii. I was staying over here in 1962 for the typhoon. So, I was up at Anderson in '62 and I was working out there in Anderson and we were supposed to dispose a lot of the debris from the typhoon around Anderson. So, I have some of my workers with me and we're trying to dispose some of these debris around the perimeter, but we have Air Force people out there that told us that we cannot dispose it on this area here because it's contaminated. I asked him, "what are you talking about, contaminated?" And he was saying, "Orange Agent." So, there it is, you know. I know there were people that were working here that were contaminated from Naval Station to Anderson via the pipeline. And this is what I'm saying, is that, the Agent Orange was, if it was here in Guam. You know.

This here (Mr. Taitano holds up a picture of Agent Orange barrels) is what's happening here in Guam, before they shipped it to Vietnam. Okay now, here's another picture here that shows you the Agent Orange and the Pink and the Purple. They use the Pink and the Purple, aside from the Agent Orange. Now the color here doesn't signify blue, it looks orange and purple, so why are we trying to deny something that is right in the picture showing that it wasn't Guam. Now before all these chemicals left Vietnam, they stamp it "Herbicide." So, in other words, what they're trying to say is that the V.A. will say "Oh there is no Agent Orange in Guam." The reason for that is because why you change the label. You change the label and you put "Herbicide." Now we could freeze herbicide there's no orange agents but there is a chemical inside here is the same application as the Agent Orange. You know also we have civilians here that were contaminated due to the fact that they were they were workers from Anderson to, I mean from the big Navy to Anderson. And you know they're not veterans but they're a civilian worker but they're also contaminated with this component.

The Agent Orange is just a nickname but it's nothing but a herbicide and defoliant. Herbicide is to kill the tree and defoliant is to drop the leaf. And that's all it is. It's just a nickname, "Agent Orange." I was exposed to this so-called "Agent Orange," but thank God you know, that I am still surviving and I deal with this chemical while I was stationed in Vietnam.

**Michael J. Berman, ESQ, Berman Law Firm:** Is that good?

**Pedro Taitano:** Yeah, okay, yeah.

**Michael J. Berman, ESQ, Berman Law Firm:** So, he's eighty-seven years old. He's been in my office several times. He's quite a gentleman. I'd like to make one comment for all the Senators. It's

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a very technical point. But this is a very technical scientific area if you really want to dive deep in it, but one important technical comment I'd like to make is tactical herbicides are "war."

Commercial herbicides are "let's get the grass down a little bit." So, what the government tries to argue is that "the Agent Orange in Vietnam was Tactical, but yes, we use the herbicides in Guam, but they were commercial grade. They're all watered down."

But the truth is, there's veteran opinions now at the VA that even if it's commercial herbicides, people are exposed to it. They are receiving disability now. That's one of the reasons why Guam was added to the list. This distinction between Tactical and Commercial is a meaningless distinction. Don't let the government take you down that path, it's not meaningful. I'm sorry that's all I have.

**Senator Jesse A. Lujan, Author:** No, thank you, thank you for that clarification. And likewise, because it's already been acknowledged that the federal government had acknowledged that there was, whether they label it a "tactical" or "commercial," they had acknowledged that the folks in the military were exposed. And Mr. Taitano had just said that not only up in Anderson, but along the pipeline. That pipeline goes from north to south. And points in between. Okay, Mr. Payne.

**William Payne:** Good evening, Senator, Speaker, everybody. Good evening. I'm Bill Payne. I retired from SRF Guam as a GM14, the highest-ranking civilian that they ever had, locally. I did my entire apprenticeship program at Ship Repair Facility (SRF). I started in 1964. And the peak years that we're talking about here for Agent Orange was during the primetime of the Vietnam War. At that point in time, there were three cargo ships on this impact fleet that were homeported in Guam - the Niagara Falls, the White Plains, and the San Jose.

And later on, about four years later in 1968, '70, they homeported 405 Patrol gunboats. They called them "PGs." They were the new fantastic aluminum hull speed boats that run up and down the Mekong Delta in Vietnam during the Vietnam war. We maintain, overhaul them, and modernize them because they were homeported in Guam.

SRF, at that time had a working crew of 500 to 650 people. At the peak of the Vietnam War, we ramped up to more than a 1,200, and if we could not get the workforce from outside to supplement our workforce, we went to Subic Bay and borrowed their personnel to support our production shops and the operations at SRF. When they ship, the AFS class ship is the resupply ship for the Navy ships operating in the Pacific Ocean, especially during that time, the Vietnam era.

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There are other ships that pass through here that go to Vietnam - the minesweepers - they sweep the ocean in Vietnam for mines so that it will allow the supply ships to enter port and offload their cargo. At SRF Guam, we have certain piers designated for the ship's overhaul and also the dry dock when we're going to adopt them and overhaul them. Alongside SRF., across SRF, they call Romeo Pier - they have a humongous warehouse that is controlled by Naval Supply Depot.

When the supply arrives in Guam from other ships, mainly MSDS, the Maritime transport at that time, they were bringing the supply, offload the cargo at NSD, and store them in the warehouse over at Romeo Pier. When we're done overhauling, the AFS ships, or the ships that's an overhaul, and we're ready to send them out to sea, they are sent over to Romeo Pier where they load up their cargo.

Those drums that Mr. Taitano described are part of the cargo that they take to Vietnam. The AFS class ship is equipped with unripped equipment that can transport those drums from ship to ship, also overload them into barges and take them into the channel and distribute them to the army people who and then transport them to the airfield for the helicopters and their planes to spray the jungles of Vietnam. That's why they call foliage like Mr. Taitano said and it's true.

The PG class ships, when they come back to Guam, they deploy for 60 to 75 days and they rotate. When they come back to Guam, they come back with a haze on part of the aluminum whole ship that's kind of sticky, and we asked them, "what did you run into?" He said, "you know Mr. Payne, when we're patrolling the Mekong Delta, we don't know what's coming down from the sky but when it's full rainy season there, everything that we run into, the big trees and the leaves, it goes up on the ship," on the boat. "How do you clean it?" "We have to stay inside the boat to protect ourselves from the Vietcongs that are going to shoot at us, so when we get back down to Denang that's when we have the Vietnamese people wipe down the ship." Their ships are coming back to Guam to be repaired including the AFS class ships, an overhaul.

Our workers, we have four different production shops that are humongous, people go in and out, clean the tanks, clean the decks, then we dock them, build up the dock, sandblast, paint them. The entire workforce of 600 people is involved in the work that's being done. I'm not saying that this outright contamination or what but at that point in time, there was no warning whatsoever of the dangers of Agent Orange the only danger that we have ever been warned of during that time was the nuclear submarines that were in town. And we dock them too. We normally just provide support services for the nukes, for the submarines. But when it comes time to working on the ship,

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on the submarines, the people from Pearl Harbor are normally brought in to handle the reactors. We normally dried out them and give the entire submarine a new coating of paint.

On one instance, they came out with a wonder paint for the Sonar Dome for the submarine. The Sonar Dome is the most important equipment in a submarine - that's how they guide themselves through the ocean. That's how they detect the other submarines in the ocean. They wanted us to try the new paint system that was developed in the east coast in Norfolk. So, they brought out a couple of people and the material and instructed our painters specifically on how to apply the coating system. We are, they were all dressed down with all kinds of suits. It's like a spaceman suit. They did apply the paint to the sonar Dome. It's supposed to kill the barnacles and prevent any sea life from attaching to the Sonar Dome. That's the most important equipment that they had. Lo and behold, within a couple of months we got word from SRF that 304 of the painters in Norfolk Naval Shipyard were admitted to the hospital because they had nothing but skin burns all over them. The Navy/Naval Systems Command immediately stopped the application of such paint and that's even more dangerous than the Agent Orange.

But just to let everybody know when we get a ship in SRF for overhaul, everybody goes to the ship. I manage the planning and the engineering division we have to go survey the ship, and check what needs to be done, write down the work scope, and then we negotiate with the command – with the ship's crew and the captain. I manage over 220 to 240 million dollars a year to repair those ships. The only thing is, the people in the yard, and I'm here for them, we were never told of the dangers of Agent Orange never. What happens when they leave the yard they go home to your families. We don't know what they bring home.

Senator Brown, your dad was down there too. He retired as a rigger down there. He was a great man. And those were the people in our dad's production group, were the Services Group. They were constantly servicing the AFS supply ships. They were the ones that's moving the cargo on and off the ship, stocking up. Your people were the tank cleaners, they'll be cleaning out the tanks. You don't know where the wash down on the ship is, whether they spill a drum or not and they wash it and it goes into the slots and the tank cleaners are down there. They get contaminated, they don't know it. A lot of my friends in the past two three years have died of diabetes. Healthy people. I've been a healthy person all my life but I also have diabetes. None of my family members has it. But I'm not blaming anybody for being sick or what. It is what it is.

But lo and behold, a lot of our civilian people and we have no recourse, no place to go to, to file our claims. I'm glad that Mr. Berman is a legal advocate and he's going to push this further. I know that. But I'm just saying please consider those people that work at that yard. Mayor McDonald is

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a good example. He was a painter, a sandblaster. He worked for me about 15 years as a planning estimator. Good man, good worker. But every time I see him, I feel for him. All the illnesses that Paul has, I can feel for that from what they have encountered in the yard, that we were never told by our military counterparts because they themselves didn't know.

Okay, they didn't know the magnitude of the damage Agent Orange can do. So that's why I'm here to let everybody know that we were not sitting down on our butts and getting this disease. We're out producing work, earning our money and pay, to support our families and our lives. So, I hope that something positive will come out of this for this civilian workforce. I didn't include also the Naval Supply Depot people, the Anderson people they were in the supply line. Whatever doesn't get shipped out of here on the AFS class ships it gets transported up at Anderson on the C5 and transferred to Thompson New Air Base in Thailand. So don't be misled that it just stays here. Thank you.

**Senator Jesse A. Lujan, Author:** Thank you, Mr. Payne. Mr. Francisco Reyes. Thank you.

**Francisco Reyes:** Good evening, my name is Francisco Reyes. I'm retired up at Anderson Air Force Base. I started working up in Anderson in 1970 under the silver civil engineering squadron, which handles the herbicide. Oh, I'm not here just to say something about it. You deal with it in a sense because I, when the entomology people wanted to, was going to spray the pipeline or the flight line areas with the herbicide I did not know at that time that it was so-called Agent Orange.

It's like what Mr. Taitano was saying, it was labeled as an herbicide. So, I work with payment of grounds in the beginning and like when the entomology people needed a tractor to pull their herbicide containers to a pipeline, which is a rough terrain, they asked me whether I could provide them with a tractor. We have a penelope to pull that trailer. So, like I said, I'm here just to make sure that us non-military people are being properly recognized to any kind of compensation or whatever. You know. Because it is, we did spray. I'm not, I was driving a tractor at that time, they sprayed an herbicide around from Anderson to past Johnson, if you know where he's at, or by brown tree.

And yes, I'm here. My wife died of cancer she was diagnosed in 1984 and she died 22 years now. Okay, I'm diabetic myself, had cancer. Thank God that I'm doing better. But my daughter's got cancer, so I think it's one of the things that causes that to my family, was the herbicide. Okay, that's all. That's why, I'm just here to let people know too that I'm with them. Thank you.



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**Senator Jesse A. Lujan, Author:** Thank you, Mr. Reyes. And I do know your wife. I did work with your wife, years back. Yeah, actually, she was one of the good friends that I lost, of course when I first came back to Guam. But thank you, Mr. Reyes. Mr. San Nicolas?

**Joseph Cesar San Nicholas:** Yes, my name is Joseph C. San Nicholas, retired with the Guam Fire Department in 1995. I am a Vietnam vet and I served in Vietnam in 1969, '70. I am right now 100 percent disabled and I do have Agent Orange exposure. I've had it for several years ago.

First of all, before I even went into service, you know experience-wise, I was watching the Navy people spraying along the pipeline and I believe a lot of these people just mentioned that you know as soon as they spray those things the forest just dies out and it takes a couple of months and even years for it to go back on.

And I've seen this also in Vietnam, as an experience, when I was out in the jungle. And you know, I'm even right now thinking about why did my son die for cancer? Took him into the hospital, January third, he passed away January 23<sup>rd</sup> and when I got there the doctors told me, they said that he had severe cancer so I said why is why are we all dying from cancer? I've got cancer myself. I've got severe diabetes. But I'm very lucky right now that I'm still moving alone. I got PTSD. I mean you know, it's really bad, but I've been trying to control everything everywhere I go I try to keep calm. But I do support the resolution, and I think it's about high time that they consider giving Guam the full pension that should be given.

The whole area, here in the island that is exposed close to the military installations, and I have here a copy of a military guy that was in Anderson that received a compensation for Agent Orange, and it identified the sites where he was at, where he worked at, and his brother used to work at NCTAMS and also at Anderson. And, just my experience when I was very young, I was with my dad and we used to go around to the military pick up a junks you know. Back then, we don't know what the hell was over there in the dump. And a lot of people were doing that years ago and I don't know about whether the military basically picked up every part of those chemicals that are dumped like what they said. And when I was reviewing some of it in the newspaper, they only identified Marbo and over the NCTAMS past Junction area and all that and I experienced these places you know I know for a fact that they wear their exact locations are but they never came back to us you know to find out, "hey do you know these places?" They just did it on their own so I really don't trust the military. I've been in the military, but I don't trust their findings. The dump up at Anderson until now is being continued to be used as a dump. The whole island is contaminated with all the drinking water that we have. That's the northern Lanes. So, regardless

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whether we're military or civilian there's exposure on the island. And I feel that, you guys should pursue this resolution and ask for compensation. A lot of these people that maybe should be compensated are the people that are right close up to the pipelines, living right along the pipelines, and the military installations - Naval Station. Like Mr. Payne here, we're saying, every one of those guys that were working in the military installation should be compensated. And that's all I say thank you

**Senator Jesse A. Lujan, Author:** thank you Mr. San Nicholas, I want to acknowledge also that we have the presence of a delegate or Congressman Moylan staff that is here as well, taking notes. And we'll because this resolution will be forwarded to him as well and all the members there as well. But I thank you, Mr. San Nicolas. Mr. Chargualaf? Chargualaf, right? Arriola? Is Mr. Chargualaf here? Yeah? Are you going to testify? [inaudible] Okay, okay, got it. Okay Mr. Arriola, go ahead okay go ahead.

**Antonio A. Arriola:** Okay, good evening, Speaker Terlaje, and all the senators.

**Senator Jesse A. Lujan, Author:** Identify yourself.

**Antonio A. Arriola:** My name is Antonio A. Arriola. I work for civil service for 30 years, for Anderson. I work for the Supply Squadron and the fence behind Supply - once a month, or twice a month - they spray it with the herbicide known as Agent Orange whatever. And you can smell it when they first apply it. I just want to bring up something like back in 2007, there's a resolution that was introduced by the legislature - Resolution number 95 slash EC. After 16 years you know I mean, I really appreciate you Senator for bringing this into light because I even went to, in 2021, I went to the Congressman Mike Cruz, I mean San Nicolas, to present my you know if they can bring up about our Agent Orange here in Guam for the civilian, but nothing was done so in my folder here, I got a lot of articles, that I saved since 2007 all the way up to 2010. I don't know, I just keep following it every year. So, that's all I have. I thank you and Attorney Berman for working on this. That's all.

**Senator Jesse A. Lujan, Author:** thank you Mr. Arriola I ask also if you have any written testimony that please submit it to our staff here and they'll make copies and we'll include that again in our our jackets here okay um could we and also we'll be asking questions. So, we're asking you not to leave. But we're going to call the next panel up here okay. Yes. Yeah, we're going to call the next panel. Mr, - yes you just give it to the staff and they'll make copies - yeah if you're going to testify, Mr, Ed Rodriguez? Are you gonna testify? Okay, Mr. Joseph Cruz, Mr. Jose San

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Augustin, Lucia Perez, Lorraine Okada. I think we have seven. Jerome Okada and Mayor McDonald? Yeah, okay actually, Dr. Akimoto you can join us as well. Yeah. And maybe it maybe at this point because I know that – oh are you alright? You're all right, okay Mayor McDonald? Mayor? Yeah if, you don't mind we yield to the mayor okay to start off okay Mr. Mayor?

**Paul McDonald, Agana Heights Mayor:** Oh yeah, there we go. Okay, good afternoon and. Mayors, I mean, Senators and everybody.

**Senator Jesse A. Lujan, Author:** Let's go ahead and state your name again for the record.

**Paul Macdonald, Agana Heights Mayor:** So yes, I'm Mayor McDonald. I'm from Agana Heights and I'm here to testify. You know, I have been with civil service for 16 years and I've worked with Bill Payne and everybody that I cannot remember. I am also the president of AFGE and I've known your mom a long time. As a matter of fact, in 1985, when I was president, I actually brought in the asbestos people from the, you know... Excuse me, but I have to think a little bit because I had just a stroke and I'm just thinking a little bit.

Yeah, I brought them in from the mainland and we had a lot of people that had been compensated from that time. When I was working down at the shipyard, I was an apprentice. I've worked myself all the way up to where Bill Payne was working. And from the time I've been working for the shipyard, I've actually testified that there was a lot of - who go – chemicals. Yeah. But anyways, the chemicals that were the time I had ordered the chemicals I did not, what do you call it? Yes, I did not realize that the chemicals that I brought in to order for the whole entire service department is what we call it, we actually brought in a lot of chemicals that are not to be what it is. Unsafe and deadly and we were actually ordering from the paint department, the service department, from all over the chemicals that I've ordered. We had, we call it a 10-20, that we ordered for the submarine. We ordered not just for the chemicals that require to paint the outside of the submarine. We've ordered the seal that we paint around the submarine which is anti-falling, anti-chemicals that not only requires that the submarine underneath, it's very, very hazardous and it's not only the section I mean Agent Orange is the only - what do you call it?... Things that we put around the bad portion of the chemicals. You know, we've had maybe four, or five, different chemicals that we put on the submarine and it's not only one submarine. We had many submarines that we had to overhaul and do what we have to do to protect these. We also go into the bilge pump and everywhere in the submarine. So, when we go off island, especially to Subic, or even to off island, like into, to go off island into Okinawa Japan wherever we were stationed to go, we have to go and work with that. But anyways, going back to the other – what do you call it - other areas in other

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ships like the other foreign ships, we don't only work with U.S ships but to other foreign ships that come in. We also work with them. And we don't even know what is in that, yes but I'm here to testify to say that whatever you guys are doing is what is supposed to be right.

You know when we were in the Civil Service, we were told not to go in to sign up for volunteers because we were asked to stay in the shipyard. I am not a veteran but I am there to serve for the shipyard. And I know that a lot were not-service-related, but we were there to serve with the shipyard and that is why I'm here today look at me I am sick And you know I believe my mother is going to be 97. And you know I say I may need to follow my mom, if I wasn't working for that shipyard. But again, thank you very much and people I hope that you guys can continue to provide us with any help. No?

**Senator Jesse A. Lujan, Author:** Thank you. Thank you very much, Mr Mayor. Thank you Mr Rodriguez?

**Edward Rodriguez:** Yes sir, my name is Edward - you got to excuse me because I'm just a couple weeks from my stroke. I had three heart attacks, one open heart, and five strokes. So, please excuse me. My name is Edward Rodriguez. I'm a huge detector but I retired from the government, but I also work with SRF. I was on Anderson at that time, working with their white paints and their sanity but I just want to I'm a big number between and I would just wonder with Mom. Everybody, when I say this back in the '60s, when we were still kids, the military came around every visit, especially in Sinajana, right next to, used to be St. Jude, now Bishop Baumgartner. And they were spraying out chemicals, but they looked like mist. So, we go running after the truck, and enjoying the mist. You know on what the military was spraying out, that I don't know if that was Agent Orange, or what kind of chemical. But even at the ranch up at Astumbo, when the paint passed by real low and started gushing it out with a lot of chemicals, and I asked my father, I said, "pop, why is it that there's, *hafa eyu na ma rerega i tinanom yan I forest?*," (English: How come they're spraying all the plants and forest?)." And he said, "don't worry about it, son, cause' that's none of our business." But you see, everybody here are getting sick and I hope you guys make this resolution pass, because I don't know if I'm gonna last that long thank you. Thank you.

**Senator Jesse A. Lujan, Author:** Thank you very much, Mr. Rodriguez. Mr. Joseph Cruz

**Joseph Cruz:** Well, good evening, everybody, including the audience. My name is Joseph Cruz. I'm a Vietnam era veteran. I was in the Air Force. I was stationed in Guam. The year of '70 to '72, and I mean I want to share my long story, make it short. When I was in the mainland, I always

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volunteered to go to Vietnam. My dream sheet was to go to Vietnam, overseas I got tired of the conus, you know how would I say micromanagement. Now guess where they sent me? Puerto Rico. I loved it there anyways. But, I was stationed in in Anderson and I, like Bill Payne was saying, I had no clue we were exposed to that. And, I always said something was wrong because the smell. I always noticed, because I work - what I did was, I worked as a water treatment operator, and I saw, I went to all the different pump stations and we serviced those things.

And so this, always, I noticed that that it was always, I never see anybody bush cutting. I never see anybody cutting with a lawnmower, and it's always clean. The grass around the foliage, it's always, you know nice and trim. I would go down to the pump stations where they had emergency pumps for just in case, we need water at Anderson. And, so I noticed that was also always clean. So, I was exposed to a lot of pipelines, to put it that way. But I didn't know that was going on - the Agent Orange. So, when this all came about, and I'm glad I came here because little did I know that a lot of people didn't know about it. So, I don't feel bad now. I feel wow, I'm really, I've gained something by coming here this evening. So that's my story. That's what I want to share. Okay.

**Senator Jesse A. Lujan, Author:** Thank you. Thank you, Mr. Cruz. Jose San Agustin?

**Jose San Agustin, Guam Office of Veterans Affairs, Director:** Good evening, everyone, my name is Joe San Augustin, the director for the Guam Veterans Affairs office. This is a testimonial in support of Resolution 29-37, "relative to requesting the US Congress to appropriate Monies for Guam non-military residents who were exposed to Agent Orange and who are suffering from ailments caused by exposure to Agent Orange." Honorable Speaker, Mr. Chair, and members of the 37<sup>th</sup> Guam legislature, I humbly appear before you today to request your assistance in a matter of great urgency and importance to non-military residents of Guam many of whom are silently suffering as victims of an unseen war.

Our mission at the Guam Office of Veterans Affairs, in line with the Department of Veterans Affairs is to care for those who shall have borne the battle, and for their families, caregivers, and survivors. It is well known fact that during the Vietnam War era, Guam served as a key staging point for many U.S military operations. During this period, a powerful and deadly herbicide, known as Agent Orange was used extensively in Vietnam. There are now numerous well-known documented cases of military personnels who were exposed to this chemical, suffering from severe health conditions including various types of cancer, heart disease, Parkinson's disease, and debilitating conditions. What is less widely acknowledged, however is the devastating impact that this same chemical has had on non-military residents of Guam. Many credible reports and

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testimony suggested suggest that agent orange was not only present on our island, but also used here. As a result, numerous innocent victims - civilians who were never officially part of any military operation, have suffered and continue to suffer the adverse health effects of the exposure of the toxic chemical.

Currently, the Department of Veterans Affairs provides compensation and health care to U.S military veterans exposed to Agent Orange. Yet, our non-military citizens who were likewise victims of the chemical warfare, do not receive equivalent attention or aid. This is a grave injustice that we must correct. We are therefore requesting that the Guam legislature adopts a resolution urging U.S Congress to acknowledge and take responsibility for this oversight.

We ask for your help in advocating for the U.S Congress to appropriate monies for medical assistance, support and compensation to our fellow Guamanians, who are suffering from ailments caused by exposure of Agent Orange and particularly requests that these funds be utilized to provide comprehensive healthcare and medical treatment for those suffering from Agent Orange-related ailments, fund scientific research to understand the full extent of Agent Orange contamination on Guam and its health impact to our citizens, develop community education programs to raise awareness that the recent signs of Agent Orange related-disease, establish a fund to compensate individuals and families who have been adversely affected by exposure of this toxic chemical. Timing is opportune.

Since there is more support in Congress for compensating Guam residents for adverse impacts caused by past military practices, most notably in the press release dated July 28 2023, the U.S Senate passed an amendment through the NDAA just today, to expand and extend radiation exposure compensation RECA coverage for Guam Downwinders, I would like to personally thank you, Mr Robert Celestial, who has been working tirelessly to expand medical care to those on Guam who suffer from cancer and heart disease caused by radiation, when Guam was exposed from 1946 to 1962, Mr. Celestial, your voice throughout the years has been steady, and conviction and the guiding light for our people. *Si Yu'os Ma' ase para todo bidamu para hami todos.* (English: thank you for everything that you are doing for all of us)

Honorable Speaker, and members of the Guam legislature, I strongly urge you stand in solidarity with non-military residents of our beautiful island who are victims of this tragic situation. By passing this resolution, we can collectively express our will to the U.S Congress that they must take action to rectify this long-standing injustice. Thank you for your attention, and your empathy for the victims of this devastating health crisis. We believe that with your support, we can bring

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about the change needed to address the significant health issue impacting our fellow Guamanians.  
*Un Dangkulu Na Si Yu'os Ma' ase.*

**Senator Jesse A. Lujan, Author:** Thank you Mr. San Agustin. Mr. San Agustin, can you provide your written testimony as well? So, we can – okay? Thank you. Yeah, thank you very much. Lucia Perez?

**Lucia Perez, Guam Office of Veterans Affairs, Special Projects Coordinator:** Good evening, my name is Lucia Reyes Perez. *Håfa adai*, honorable Speaker, Mr. Chair, and esteemed members of the Guam legislature. I sit before you today, as an advocate of our veterans service members and retirees families, and as a concerned citizen of our great territory seeking your support in raising a vital issue to the United States Congress that profoundly affects the lives and well-being of our fellow Guamanians. Guam has a rich history of standing shoulder to shoulder with the United States, our troops and our allies. This steadfast dedication has not come without its price.

In the midst of our dedication, a significant portion of our non-military community, who has helped build the infrastructure on this island, has been inadvertently exposed to Agent Orange and need medical assistance and support. An article in the Guam Daily Post in July 7th of 2020, titled "Report recommends further probe into agent orange use in Guam," cites a government accountability office report that states that draft environmental assessments were written in 1999 and 2009 and indicated herbicides 2 4-D and 2 4 5T were used for weed control on Guam through 1980. These herbicides were components of Agent Orange. The report however did not find definitive evidence that Agent Orange was offloaded on Guam. It is probable that TCDD, which is a dioxin congener concentration that is detected in soils are associated with chlorinated herbicides. Records of these chlorinated herbicides were used by the military in Guam via the Navy circular in 1958. And Veteran affidavits documenting the use of two four five T and 2 4 5TP, along with the data collected from previous soil sampling events suggested the presence and use of chlorinated herbicides was likely.

A follow-up article titled "New law recognizes Agent Orange exposure in Guam" on August 12 2022, states that the federal government, and I quote "the federal government for years denied Agent Orange use on Guam" close quote. Attorney John Wells, who is a retired U.S Navy commander and chairman of military veteran's advocacy Inc. says quote, "I think you have to see it as an admission that Agent Orange, or at least some sort of the herbicide was used on Guam," close quote. What is certain is that the components of Agent Orange were used in Guam. Although one ship carrying Agent Orange stopped at Apra Harbor en route to Vietnam more than 50 years

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ago, had no evidence that the cargo was offloaded on the island, however there was a report that did acknowledge through various military records that the components were used in on Guam in commercial herbicides.

It is not the tactical use or commercial use of the herbicides that matters. What is critical is the chemical composition and its potential health impacts on our people. The exposure to Agent Orange, which has the most potent compound TCDD dioxin congener concentrations has led to several health conditions including Type 2 Diabetes, respiratory cancers, prostate cancer, peripheral neuropathy, which means numbness tingling motor weakness, bladder cancer, Parkinson's disease, Hypertension and Chlora Acne. This is a skin condition that looks like common acne. And the reason why I stated just a few of these are these are some of the diseases that you see in every family.

And when our families go to the doctor especially with the Chlora Acne, it looks like simple acne. If we weren't aware that Agent Orange was on island, you would look like a teenager who was in puberty. When in fact it may have been his parent was in the military and was stationed in a location that had Agent Orange. How does that go down to your children? Simple process of reproduction. It's amazing what cells carry and go into our children's bodies.

So, it's not just the previous generation, our elders, my grandfather, my boss, who are veterans. But it's also their children, their grandchildren, and their great-grandchildren, that we have to think about - how the chemical was spread? And that is why, in the director's testimony, when he mentioned funding scientific research to understand the full extent of Agent Orange contamination in Guam and its health impact on our citizens, is we need to take a look and understand soil contamination. We may think it went away. We may think it blew away. We may think we bulldozed it away. But did it really? Then, Anderson Air Force Base, up north, Astumbo, where are your water lens? How far does that go into? We're drinking the water. We're having our children drink that water. Then it goes into the sea. Our fish live in the sea. What is one of the ways that our families have taught us to feed our families? Through fishing, through farming.

Through Resolution Number 29-37, we can ensure that our fellow Guamanians receive the medical support they need to combat the illnesses caused by Agent Orange exposure. This would not only offer much needed relief to these individuals, but would also mark a step forward in rectifying a long-standing oversight on our island. Guam needs to be included on all aspects, military and medically-related. It cannot continue to just be conus.

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It cannot be "oops, I'm sorry we passed the bill, we passed the law, but we have to go before Congress again to include Guam. To literally state "Guam." This should be one for all should be good for all. We should not be segregated because of distance. We should not be forgotten because we're all out here in the Pacific. So let us use this time, where Guam is being looked at and where individuals - where the military is putting up systems to defend our island. Let us use this time to make our voices heard, that we need to take care of our families also. I thank you for your dedication to this cause and deeply appreciate your efforts in ensuring this plea is heard and acted upon by U.S Congress. Thank you for your time and consideration of this pressing issue.

**Senator Jesse A. Lujan, Author:** Thank you, Ms. Perez. And could you also provide your testimony as well? Thank you very much. Lorraine Okada?

**Lorraine Okada:** Mr. Chairman and members of this fine body, my name is Lorraine Okada. I reside in Barrigada, and I'm one of those innocent non-military civilians who is a victim of Agent Orange. I never served in Vietnam, and I was never in the Air Force. Nor did I work at the Ship Repair and nor do I live near the pipeline. But at a young age, I worked at Anderson Air Force Base from 1973 to 1979. That was the prime year of my life. The prime year of making a family and the prime year of making babies. I was pregnant while I was at Anderson Air Force Base and a healthy young Chamorrta girl.

But lo and behold, I gave birth to a fine healthy young boy whom I thought was healthy. Only to find out that my baby was diagnosed with cancer. At that time, just to hear the word "cancer" is very traumatizing, especially when you know that the only means of help is to fly off-island. And when you know that you're just starting a job, starting a family, having the means to go off-island without any kind of help, without any kind of support whether it's financial, mental, or my well-being, there was none.

I was fortunate enough, through family support, to make it to San Francisco so my son can get the health care that he needed. I'm also fortunate to know that my son is now over 42 years old and is alive. But I also know that he also continues to have illnesses and is facing the challenge, the same challenge I went through - facing challenges of starting a family in the health condition that he is in. At the time, the first thing the doctor said to me was, "were you ever, did you ever serve in Vietnam?" I was surprised at that question because there I was a skinny old Chamorrta girl who can't even fight or win a war. And I was puzzled by that question, and I asked "if that had anything to do because at the time, my husband - my late husband, served in Vietnam. Well, we find out

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years later that my late husband was exposed to Agent Orange and it was service-related due to his time in Vietnam.

I thought it was an avenue for me to seek help from the Veterans Administration for my son. Since my late husband passed away, I had no other means of help or support. I went through the VA only to be declined because the military and the Veterans Administration claimed they have no responsibility over me and my son because we are civilians. I have tried many avenues to see if there was a way that we can get together, or find me a way to find the path to get the same kind of support that veterans get.

A *pari* (English: Friend) of mine served at Anderson Air Force Base as an Air Force firefighter, never served in Vietnam, was diagnosed with cancer very recently. He made a claim based on his tour at Anderson Air Force Base and he's got a hundred percent service-connected disability. I served in Anderson Air Force Base, but I didn't serve the U.S military, but I serviced all the military personnel that lived at Anderson. But I have no help, had no help from anyone. When I saw this announcement in the newspaper, it kind of like seemed to be the prayer or answer to the prayers that I always had because I know there are many other civilians who have suffered the same way I did, have suffered the same way my son did, but they are non-military and no one seems to, they seem to have nowhere to go. So, Senator Lujan, I really got to hand it to you to give us this time to hear the testimonies from the individuals who have witnessed the existence of Agent Orange on our island and those who have testimonials about their suffering that they have gone through because of the devastation that this particular Agent Orange has done to our people and our island, so thank you for listening.

**Senator Jesse A. Lujan, Author:** Thank you, Miss. Thank you, Ms. Okada. Dr. Akimoto, do you mind if I go to Mr. Celestial? Yeah. Mr. Celestial, go ahead, thank you

**Robert Celestial, PARS, President:** I wanted beauty before age. *Håfa Adai, buenas*. Senator Lujan, Speaker Terlaje, and the rest of the honorable senators, my name is Robert *Namauleg*(English: Very good) Celestial. I'm retired from the U.S Army. I was stationed in *Enewetak Atoll*. But today I'd like to, I am in favor of this resolution. It's an important resolution, and all the testimonies today is very touching and it really needs to be resolved in Congress. I came here to testify because I like to tell a story, if it's okay.

When the late Senator Angel Santos and I, many years ago, sat down and ate lunch one day - and I just got to know him - we were eating lunch at his office and he shared his story about his daughter

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who had leukemia and they were stationed in Anderson Air Force Base and how she passed away from leukemia. And he blamed the contaminated water in Anderson Air Force Base.

So, at that time we were working on the radiation fallout, Guam, so what I did was, I did research and I found all the documents pertaining to the contamination and TCDD and Agent Orange. And the late Senator Santos passed away. So, I didn't know what to do with the research. So, I gave it to Dr Louis Cyprus from the University of Guam who was the cancer director. And he wrote - he took my documents and he wrote "Land of the Rosaries." You could go on Google and download the document, it's called "Land of the Rosary." It has all the information - the maps and where all the contaminated sites were and that map when you see it was given to me at a presentation in the Agana Heights mayor's office - Mayor McDonald. After the presentation, a gentleman came up to me and just slid it in my hand, and I didn't know what it was. But that map showed every site, and in his report, he talked about the contaminated areas here on Guam.

And so, what happened is that Speaker Forbes at that time, if you recall, formed the "Right to Know" Commission in 2007. "The Right to Know" Commission was to investigate the Agent Orange on Guam with Dr Louis Cyprus, myself, and the commission. But that commission died out. And after it died out, for many, many years the MVA, the Military Veterans Affairs came over. I believe Mr. Moyer and the attorney came to Guam and asked me for information about Agent Orange in Guam, so that's when speaker Terlaje came out and started investigating and spending a lot of times and weeks investigating about Agent Orange on Guam.

Rudy (A/V dept.), could you pull up the picture please, if it's okay. In 2018, myself, the late - I mean the former congresswoman, the Speaker Terlaje, myself, and that's Congressman Takano, and his chief of staff. And so, we were in his office lobbying for two things - *Enewetak* cleanup and Agent Orange on Guam and Congressman Takano, at that time was the veterans committee chair. And so, Congressman Takano, through his committee passed the Pact Act. And The Pact Act included burn pits, *Enewetak* cleanup veterans, and Agent Orange. And so, it has already been proven that Guam is exposed to Agent Orange. And by your resolution, Senator Lujan and the rest of the Senators, is that it is very important not only to listen to their testimonies but many, many, many people who couldn't be here today, that have passed away and their families always wondered what happened to them and so that's why the fight has to go on.

And now that you've taken the helm, don't give up because many, many years, Speaker Terlaje and I, and so many other folks were denied. They said there's no Agent Orange in Guam. We never used Agent Orange in Guam. It was in the newspaper everyone heard it people were like mixed

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emotions but then when they passed the PACT Act, like the attorney here said that out of the blue it came out, it wasn't out of the blue. We were working on this for many, many, many years and by the grace of God and I want to thank the Speaker for having the intestinal fortitude to continue to fight this fight and now you know they say you know just like Elijah and Elisha now the mantle has given to you so praise the Lord and we're going to support you and I hope and pray that all these wonderful Senators.

Every time I look at Senator Brown, you know her brain is always working, you know from my experience, so praise God, I really like her. Okay, so that's my testimony. And if possible, you could get a bill out of the congressman, get a bill and pass it, and then hopefully we'll compensate the citizens of Guam because you know it doesn't make any sense that the military will be compensated not the citizens you know just like they testified about the shipyard and just like they compensated the on-site participants for their exposure to radiation for the wash down. Now they're going to compensate, hope we pray, that the house passes the bill to compensate the civilians here in Guam so, thank you very much and God bless you all.

**Senator Jesse A. Lujan, Author:** Thank you Mr. Celestial, Dr. Akimoto.

**Vincent T. Akimoto, MD, American Medical Center, Physician:** Thank you very much. If I could just clarify what Mr. Celestial said. It was by their testimony in Washington that it was admitted that when we were told on Guam that "there was no Agent Orange," it was a lie.

**Robert Celestial, PARS, President:** Of course.

**Vincent T. Akimoto, MD, American Medical Center, Physician:** Thank you, senator for allowing me to affirm my support for this important legislative resolution. I'm a family physician here on Guam, working for the past 25 years. My grandmother, is from Sumay. I grew up in Santa Rita and in Piti. And as a little boy, I remember being very impressed with how neat and manicured was the grass that surrounded the perimeter of the military bases that take up a large portion of our island.

**Senator Jesse A. Lujan, Author:** Dr. Akimoto, can I just have you state your name first?

**Vincent T. Akimoto, MD, American Medical Center, Physician:** Oh, I'm sorry my name is Vince Akimoto.

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**Senator Jesse A. Lujan, Author:** Thank you.

**Vincent T. Akimoto, MD, American Medical Center, Physician:** From 1962 to 1971 the U.S military sprayed more than 10 million gallons of Agent Orange, mainly to defoliate Vietnamese jungles and farmland and destroy the enemy's food supply chain. Unfortunately, we are now reaffirming

today that some of that Agent Orange was sprayed here on Guam. The non-military use of Agent Orange on Guam has more likely than not contributed to the development of certain Cancers and presumptive conditions such as type 2 Diabetes, Ischemic heart disease, thyroid disease and lung disease.

In 1965, lab results found that the components of Agent Orange were toxic to human beings and eventually in 1970 the U.S military decided to stop using Agent Orange. But a couple of gung-ho brigades in Vietnam kept spraying it in violation of the suspension and their Commanders were disciplined and presumably lost their lunch money because they falsified reports to hide its use. In December of 2022, the U.S government announced that it will spend 29 million U.S tax dollars to clean up the soil and water around Bien Hoa Air Force Base in southern Vietnam because the farmlands, the food, the water, are now still toxic after this very long time.

More than likely, it is more likely than not, that some of the land and water on our island has been contaminated by the non-military use of toxins contained in the defoliants used on the military bases here on Guam. And many of my patients come to us in the clinic still now with diseases that are more likely than not caused by exposures either to themselves as young people or perhaps to their mothers while they were still in their mother's womb. In conclusion I offer my medical testimony in support of this resolution to seek compensation for Guam survivors of Agent Orange exposure, thank you.

**Senator Jesse A. Lujan, Author:** thank you very much, Dr. Akimoto. Before I open up to the senators for questioning, can I have Attorney Berman join us? Yeah, from the table here, and Mr. Taitano, and Mr. Payne as well. So, we can open the question up for the senators. Thank you, there's a chair right in there. Yeah, before I drafted this resolution, I want to say that I saw the ad that Attorney Berman had had put out and I called his office and spoke to him and we met regarding that. And basically, with the PACT Act - were the civilian or the military Community was included in the compensation for Agent Orange being here in Guam and we said, "Well you know we know of civilians as well." And so, as a result of our meeting, we crafted and we came up with this. And

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he, I think is if - I'll let him speak for himself. I'd be a class attorney for representation for as such so but I'll open up the panel and Madam Speaker you can start off.

**Speaker Therese Terlaje:** thank you very much to all of you who testified today. I bet some of you also testified in prior hearings that were held on Guam because there have been many over the decades. In fact, that's one of the things that we tried to do was to compile all those testimonies in different occasions to present to the GAO when they were here conducting their study so that hopefully they would incorporate all of that. And of course, when we send our resolutions to Congress every year, we also try to attach all that testimony so they would know that there were civilians on Guam testifying over and over as to their exposure, and very credible testimony. Eyewitnesses of many things and some of them had pictures.

Mr. Taitano, *si yu'os ma'åse (English: thank you)* for the photos that you're sharing with us. And so, it's a long run but I'm very glad we're here today. The resolutions that were supported by the legislature always include civilians. Congress didn't always include civilians but the legislature, Guam legislature always tried to include civilians when we recognize and ask for presumptive coverage for the veterans who were on Guam. And we knew that that would help us with the civilian recognition as well once they recognize the veterans. So, it was really good that that Act was passed last year and of course you all have seen the inconsistencies how they had individual findings in the Veterans Affairs cases - individuals finding.

Yes, yes, you were exposed to Agent Orange on Guam but not consistently and then not presumptively either. So, there was also - I don't know if you remember this - that we had the testing I think of one of you testified as to the testing so we saw the soil being moved along the pipeline in the Tiyan area. And I was wondering, "wait a minute they always say that's where the Agent Orange was sprayed so where are they moving this soil to?" And so, then I start to follow up with the EPA and that's a long story short - they got into a real investigation with the federal EPA support of places, very limited places I have to say, but places in Anderson where the fuel tanks used to be stored. And they say where there was fuel or fuel tanks, or fuel lines, that's where the proven places of the Agent Orange herbicide for sure and they're trying to prove Agent Orange. So, they brought on a team of EPA testers out here. I think, at least twice, maybe three times to test some of these areas and they did find, like Lucia testified, absolute evidence of TCDD, other components, of course they won't make a conclusion but they will definitely show that the components and the contaminants were – are present in Guam soils, up to now. So it's one of those things that lasts decades. I think Mr. Celestial is an expert on how long these things can last because that's what he testified to Congress as well. And that's why we're concerned

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because it's passed through DNA, it's passed through to offspring and it's also passed through the soil and the environment.

We became friends, in this process, with Brian Moyer who also came to Guam. He's one of the veterans, but he's also put together a group on Facebook called the "Agent Orange Veterans of Guam," which was very helpful in connecting some of those Agent Orange veterans so that they could be unified in submitting their testimony along with Attorney Wells, John Wells, who led the advocacy work on Congress as well. And then the Yale law school students came to Guam. Some of them, one of them, or maybe two of them, were CHamoru, so when they came to Guam we were happy to give them everything. We had put them in contact with some of the people who had testified so they could personally get that evidence as well and their research very much focused on the different cases that they were able to research across the nation, of where the VA granted benefits because of exposure to Agent Orange on Guam.

And so, for their conclusion, as stated in Senator Lujan's resolution, that the presumption should be extended to Guam. So again, I am just so very grateful that you're all here with us today, many are not. You know, perhaps because of this. And many have suffered because of this and the illnesses that you've testified that you've seen in your families, those are all listed and as the illnesses that exposure to Agent Orange causes. Not just for you, but for your offspring. So, I had to learn a lot, but I'm very grateful that people I met along the way, and for you here today very grateful for you. *Si yu'os ma'åse (English: thank you)* thank you for your testimony and we're going to continue to push for this. *Si yu'os ma'åse (English: thank you)*.

**Senator Jesse A. Lujan, Author:** Cesar thank you Madam Speaker. Senator Blas?

**Senator Frank Blas Jr.:** Thank you, Mr. Chair, and thank you all for being here tonight and providing the testimony. And like, Dr. Akimoto, I'm going to now going to take you up on your offer. Okay for them I mean as far as the medical testimony. Okay, you know and this hearing is probably being watched by many individuals who would love to have been able to come but not that don't have the means to or where those individuals were just curious because I think almost every one of our families on this island have had to go through and encounter that of a for a loved one or somebody who just it didn't equate.

So, in your medical opinion and in what you've observed, and I'm going to also lean on Mr. Celestial who's next to you.

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Remember Celestial, over the decades you have become prominent in as far as not just radiation but the Agent Orange exposure and I want to thank you for your continued insistence that this thing being again the justice come. But for the edification of the panel here and for the people who are watching, what are some of the common type ailments?

**Vincent T. Akimoto, MD, American Medical Center, Physician:** You know so one of the reasons I really wanted to make it tonight to come and speak is because I really owe it to a group of families who I've had the privilege to care for the past 25 years and my intention was always to try to get some movement to make sense of why they've suffered so much. And they've had diabetes, they've had heart disease, they've had blood cancers like Leukemia and Lymphoma, they've had thyroid trouble. They've had nerve damage, they've had different things, but for one particular group that I'm not sure if this is exactly why they've suffered but along I think it's Sergeant Roy T. Damian Street in Mongmong-Toto-Maite, near the old Power Plant across the street there's just been so much cancer and particularly cancer that grows in the throat, laryngeal cancer. Things that on the whole there's quite a bit of on Guam and in throughout Micronesia. It's uniquely prevalent, but particularly in that group.

One family, I know in particular and I won't mention their name, but up and down that road their land has been recognized as contaminated. In fact, I think the Speaker is talking about cleanups where along the pipeline they stripped the soil they took bulldozers of land away and then they brought new land and they didn't tell the families what they found. They just said, "don't worry about it." "They" being the federal government, because somebody paid for this and honestly, I'm hoping that in the people's house tonight we will resolve to find out what happened back then, meaning you know we're only talking about like 1972, '71. I mean not that long ago.

Why did the military not tell the people of Guam what was wrong with the land? And why are they willing to pay millions of dollars to clean it up now? And what are the children going to experience next because unfortunately we're seeing kids have way too much cancer, particularly along that road. So, we know of settlements on the military base near naval hospital where families have received tens of millions of dollars because their kid got leukemia and the military admits that the playground was contaminated.

So, if that's precedent, then Mr. Berman, I'm sure will be able to translate into that into a settlement because those were military kids and those were military families who were treated differently than our families particularly the families in Mongmong-Toto-Maite. I'm pretty sure the Mayor wouldn't mind me saying, that he's the one that got me started on this - Mayor Rudy Paco. And

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he's one of the guys who had cancer. Too many of them along that road have had cancer, so if you're listening in Washington tonight, you got to tell us what's going on because as their doctor I don't know. And I'm working too hard to figure this out. I need some information.

**Senator Frank Blas Jr.:** Thank you. Mr. Celestial?

**Robert Celestial, PARS, President:** I totally will agree with Dr. Akimoto. It's already proven all we need to do now is what the good Senator is doing and what you guys are doing and hopefully we get a bill or they agree to compensate the citizens of Guam presumptively as the military. I truly believe that you guys are in the right road. And this - you guys have shed a lot of light. I'm really happy to see this. Our people out there, that's watching, you know, they're looking forward to this. A lot of people can't come down here and testify and that's why we're here and hopefully that Congress will adhere to our requests.

Just like the Downwinders, they're you know, they, to answer his question - Dr. Akimoto's question why didn't they tell us? They didn't even tell us anything back then. You know, it was had to be declassified in 1994 and then now through the grace of God where it passed the senate for the Downwinders. So, I believe that this is this is going to pass we just got to continue to pray and stick together and hopefully for the people of Guam that this this benefit.

A lot of people have been suffering for many years. A lot of your families, my families. You know, Diabetes is prevalent here in Guam. Cancer is prevalent. Matter of fact, a lot of rare diseases here on Guam. And a lot of - I get emails from folks in the states from Guam, you know. When are they going to get their check? So, that, it's hard. It's hard being on our side, Especially Dr. Akimoto's side, it's very difficult as a physician to not have the answers for these families. But we have the answer - it's Agent Orange, it's ionizing radiation. We have been clearly contaminated here in our island, and we've proven it. The national academies of science have proven it for Guam. And now, with the PACT Act, it's only, it's only common sense that they compensate the people of Guam, thank you.

**Senator Frank Blas Jr.:** Thank you, thank you. Uncle Bill I'm going to put you on the spot here. I've known you for so many years. And you know, Uncle Bill, Mr. Payne, you wouldn't normally be sitting here unless it's something that's really bothering you.

**William Payne:** What bothers me was, I'll be honest with you Senators. When Bob, when I first met Bob, was a meeting in Agana Heights, *Tutu* park, there on the hill, with Mayor McDonald.

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He brought, I mean Senator Frank Aguon, the defunct Senator now, brought Bob to talk to us workers from SRF about their contamination of Agent Orange and the radiation. And then, Senator Aguon promised that - oh he's going to push all of this forward, all of this part. The only person that pushed anything forward was Bob, and I will hold the ex facto Senator's bad promises. So, I've always picked a bone with a fine argument whenever he runs this to me and I just said "Frank, you turned me off, man. You don't live up to your word."

We're talking about civilian people that are not covered by Uncle Sam or the veteran's preference, or what. And your families - if they exhume their bodies, they'll find asbestosis in their lungs, they'll find radiation contamination. I authorize three or four trips of 35 people to *Enewetak*, where he was, to prepare those service craft to be transported to Guam for target whole practices by our U.S seven (7) Fleet ship up at Fara De Flaon (area north of Saipan). When those service craft arrived at the reserve craft beach, and they put them up on stilts I call the radiac technician, Mr. - his name is Tony, he said "bring the Geiger counter I want to go down and really see whether these vessels were clear of radiation. Fifty feet away, we've turned on the Geiger counter, (inaudible).

So we went back and asked COMNAVMAR, "hey, can you please verify whether this service craft vessels were cleared totally with radiation because we thought Enewetak was the testing grounds." "Oh don't worry, it's negligible." But I am telling you, various people from different trades within the command - we send down as a tiger team to prepare those vessels. Four trips of over 35 people and I know some of them are still alive.

One of them, is a welder named Jesse Santos, a welder, and I've seen him up at the golf course, he is a maintenance worker now for Leo Palace and I always make it a point to check on him whether he's okay. And he said he's struggling. So, what about the other people? What about most of them have passed on and he's still managing his health issues. But this is why I am here, because of my brothers, my two other brothers, went to the same apprenticeship program as I did. We're all blue collar workers. My two oldest sons were blue collar workers, they're in the states working.

When it came to downsizing, they downsized their SRF and they sent about two or three hundred of our prime workers to the other shipyards in the states. Because that was the only job that they had. And I know those guys are suffering too. So, I hope, in all honesty that something can, good can come out of this. Okay, it's for our good people. We have no interest in business, politics, or whatever government issues there are. We are honest working people. And that's what we asked, you know, fair treatment. Thank you.

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**Senator Frank Blas Jr.:** thank you, Mr Payne. Mrs. Okada, I'm sorry, but I'd like for you to come with me, I was going to reference something that you and I -. You know first, thank you, for the fortitude and for being able to be here to testify. Mrs. Okada, I needed to share and you can relate with me on this. At a time when we served on the Make-A-Wish board, do you recall the time that, I think you can, you know what I'm referring to - when one of our members –

**Lorraine Okada:** Yes, we had a child who was a Make-A-Wish recipient and had, was diagnosed with the same type of cancer that my son had. So, I brought my son to that wish granting event because I wanted him to see how fortunate he is to have survived the cancer. So, yes, I recall that same situation. So, thank you.

**Senator Frank Blas, Jr.:** You're very welcome. And, I want to bring this because Dr. Akimoto goes to what you were saying. There was an eight-page expose printed in the Pacific Daily News, I want to say sometime around 2003-2004, that correlated the number of wish-children or the residences of where wish-children resided with Cancers, and where they lived on Guam. And the amazing number of children that lived in Mongmong-Toto-Maite, Agat, and Dededo. And you put an overlay over a map, yeah. And you can see it.

**Vincent T. Akimoto, MD, American Medical Center, Physician:** You know the thing is that Agent Orange is just one of several names given to cocktails of pesticides. So, we're really not worried about Agent Orange. We're worried about poison. Whatever the poison was, that was being used by the military to do whatever they thought was necessary, we need to know what they were because then we can just determine you know what to do with the consequences. Right now, we're not being told anything and it's not for our own good.

So, the resolution is a demand for compensation, and part of that compensation is information. We can take care of ourselves. Apparently, that's what we're being told to do. You know, for them, for Mr. Payne to be told, "don't worry about it, it's negligible," well it's negligible for them because they're sitting up there at COMNAVMAR, but down in the village near the pipelines along Roy T. Damian Street, little kids are playing in the water that's leaking out of the power plant. Or they're going down into the Agana swamp, you know, to go fishing for prawns that are eating dioxin. And you know, it's not hard. We just need to be told what we're up against so we can take care of our own people. So, the compensation is information.

**Senator Frank Blas, Jr.:** Thank you very much. Thank you very much, again for your testimony. Thank you very much, Mr. Chair.

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**Senator Jesse A. Lujan, Author:** Thank you Senator Blas. Senator Taitague?

**Senator Telo T. Taitague:** Thank you, Mr. Chair. And good evening to everyone that's here. Thank you so much for coming out and speaking up against this. Not speaking when I say speaking up against it, it's just, I mean, just the atrocities of what all this has caused, Cancer and the deaths of some of our families and friends who've passed away because of this. And those who are still living with the issues. You know, Monica when you were, you brought up early, or Ms. Okada, when you brought up earlier about on Anderson that you were there on Anderson what year was that? The year that you worked there?

**Lorraine Okada:** 1973 to 1979.

**Senator Telo T. Taitague:** I lived on Anderson Air Force Base in 1960, all the way to 1964, on Anderson Air Force base with my father. And it worries me you know. I'm a cancer survivor and I always wonder you know with all the going to all the meetings regarding Downwinders as well as you know on Agent Orange and everything it always makes me wonder you know maybe I was exposed to that and I had a sister who passed away in 2019 of cancer as well.

And I really appreciate everyone continuing and especially you're here late at night and taking the time out to speak up about this, to bring awareness and hopefully that the next generation or those family members who can continue after you to keep pushing on this because for years we've been doing this.

And you know Robert, I don't know I hope you live forever to continue to be our advocate for this and not because I know you won't give up you know and I just hope that the next generation understands the importance of being recognized or bringing justice to what happened to those people in Guam. They're doing it for other places in the states, but we seem to be left out. We seem to be forgotten, and if you look at everybody on this table as well as out there has all been in the military.

We served the United States you know to protect and serve and many of our families and individuals have done that so that they - but yet when it comes to Guam and being recognized we are third class citizens. So, I greatly appreciate and please encourage you to continue to advocate, to be at the meetings that Robert has, to continue to bring more people into the fold to recognize the concerns.

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And every time people ask you why is there so much cancer on this island, invite them to one of Robert's meetings and have their questions answered there. But again, I appreciate - and Joe San Augustin, thank you so much for being here tonight, representing the veterans on their behalf as well and Mr. Taitano, where are you? Thank you so much for being here tonight and providing those pictures and stuff. I really appreciate it. I heard your stories and you know really touched me. You know, your story in particular. So, thank you again, thank you, everyone.

**Senator Jesse A. Lujan, Author:** thank you, Senator Taitague. Senator San Nicholas.

**Senator Dwayne T.D. San Nicolas:** Thank you, Mr. Chair. The first time, I ever heard about Agent Orange, I was about 12 years old. I went to go visit my, you know, hang out with my friend at his house and he opened the door and I looked at his dad and you know the effects were so pronounced that it's unmistakable. I'm not a doctor but I asked my friend, I said, "What's wrong with your dad?" He says, "Agent Orange." And I was about 12 years old, when I heard that those words for the first time and it was, you know I, it was a very interesting, to say the least. But both his sons, I don't think they reached the age of 30. And it was a tragedy, and then I see you know, and then I hear, I'm just learning about this and you know I'm very new and exposed to these kinds of information.

I've - my first time doing this and, Mr. Celestial and everybody who's advocate for our people out there, I really commend you. I had no idea, you had such a huge movement going, trying to help our people, for that's where I commend you. Same with you Doc, and Mr. Taitano back there and everybody. I really appreciate what you do and I'm very thankful for the author for bringing this and proffering this and, I, you have my support. You know, I've been in the military, just like you, and you, and I love my country. Just once, don't you feel like you want them to love you back just the same? And so, I'm going to be here. I'm going to advocate for you. And, along with our good senators, and work with our Congressman, as well to try to get this settled, once and for all. Thank you for all the work you've done. I have nothing further, sir.

**Senator Jesse A. Lujan, Author:** Thank you Senator San Nicholas. Senator Perez.

**Senator Sabina F. Perez:** *Si yu'os ma'åse (English: thank you)*, Mr. Chair. I want to thank everyone who has come here tonight, your testimony is so important for our community to hear. It's these stories that need to be told, and I know with Robert Celestial, you know, it really gives



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testament that these stories hold weight. And especially when we have, you know, confirmation from these institutions such as the National Academy of Sciences.

I think, any of these stories we need to keep telling these stories so that we can get compensation for these exposures. And you know what we see in our history is that many times, you know the story is told, but it often gets ignored right at first. It gets ignored. And then more as more stories are told, then it gains traction. And pretty soon you have this movement, right? And I'm really thankful that the PACT Act was passed. That really opened the door for a lot of veterans to not have to fight for health coverage. You know, to be acknowledged that just by serving in a jurisdiction or community that they have the doorways to health coverage or healthcare, or access to healthcare.

And so many of you have testified that you know you didn't serve in the military but you were in situations that's that supported the military's efforts, and thus had exposure to many of these chemicals. And I think what's often ignored is the magnitude, so I know Mr. Taitano, you mentioned that, you know, the documents, you know, basically need to catch up with the testimonies that you're providing today. So, the 55 gallon drums, I mean, maybe you can speak to this, Mr. Payne, too. In your estimate, how many drums of these were brought into Guam?

**William Payne:** Whenever the AFS auxiliary Fleet support logistic ships come in and load, we at SRF basically don't see the true picture of the cargo that they carry out, because like I said, they have a warehouse across one of the piers where they store all their equipment from a forklift to unwrap equipment, rigging gear. Everything when they come in, they switch after the overall, they switch out the equipment, take the ones that were on the ship, and then they transship it to this stage for refurbishment at Port Hueneme.

Whatever that we're authorized to rebuild and restore they take it across and we work on it. But the true picture of the of the cargo is when they're out at Sea. The helicopters come in from Vietnam, from Danang, right on top of the deck then they start moving all the - they put them in big nets and then the helicopters just hoist them up. They came straight into the army base or the Navy base where they unload and the pallets are secured so good, on the, I mean, the drums are secured on the pallets so good that even if the helicopter wobbles, the drums are still there, but were there any open drums that fell during voice or transportation, we don't know that. Because the next port of entry that they have that they go to, is either Singapore or Subic to have their helicopter pad cleaned out. And come into Guam, or go to Subic and then our engineering and planning people will meet

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them, almost 30 or 40 people, to assess the condition of the ship before we start negotiating the work to do and it is a cycle that has gone on and on and on.

This went on to the time that those auxiliary ships were turned over to MSC, permanently. But don't forget at that time we were working for Shin Factory. It is no longer SHIP PAC Fleet, it's PAC Fleet now. They've practically cut the military organization in half, that's why they cannot support that tree, that one ship to shoot the rock. You know the mission they can't support that it has to be three ships. They have to rotate every three months. You can't keep a ship out more than six months at sea. It's the rule, okay thank you.

**Senator Sabina F. Perez:** Yeah, thank you. Thank you, for that. So yeah, I think some of the themes that we hear is that the exposure happens and then we know decades later. Right, we know decades later, what we were exposed to, and now you know, we're suffering from these illnesses. And that's one of the problems, right, when we're in close proximity as fence line communities to military projects, functions, activities.

And you know, I'm in full support of this resolution because I think you know, contamination doesn't know boundaries, right? It doesn't it doesn't stop at a fence line. In fact, some of these were sprayed outside the fence line and with that our health is impacted. I think it's really critical that you know our people are compensated but I think also moving forward too, it's important that we demand transparency about what's coming into our communities.

You know we're seeing more influx, you know increase, build up, you know. What are the chemicals that are coming in and how can we protect ourselves as a community? And so, I appreciate everyone's presence here today. I know it took a lot to come out tonight. You know, the last place you want to be is the Guam legislature, right? So, you could do much more, you could be in the comfort of your home own home, that's what I'm trying to say. But I know it took a lot of sacrifice to come out here tonight, so thank you so much, and look forward to you know advocating for compensation. *Si yu'os ma'åse (English: thank you)*, Mr. Chair.

**Senator Jesse A. Lujan, Author:** Thank you, Senator Perez. Senator Brown?

**Senator Joanne M. Brown:** Thank you very much, Senator Lujan, and also your efforts and your initiative to pursue this issue and also not just sponsor this resolution but hold this hearing. I think this is one of the first hearings that have been held this term by a member of the Republican side of the aisle. So, I certainly appreciate your efforts to do this.

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I thank everyone for testifying. I mean some of the testimony today really hits home, as some of you have worked with my late father - who was also in the Navy, who served in Vietnam, in combat and served in the riverine forest and came back to Guam. And his last Duty station in the Navy was here on Guam at SRF, and then retired and worked at NSD, and then came back for 20 years working at SRF with Bill Payne and many others of you that worked at SRF. He was as a foreman at Shop 72. I always remember "Shop 72." I spent a lot of my growing up years on the wharf down there at SRF because of my dad's combined time there. And I certainly understand having been a family member of someone who's had to go through service-related disabilities. My father was 100% disabled through his military service. And his ultimate illness and passing was related to that.

So, I certainly not just sympathize, but to have to experience it myself and see the suffering. I know the desire is the compensation. And because it's one of the few ways in our society, after these types of harms have happened, you know, to have a form of acknowledgment of what our people have suffered. And you know, on a sunny beautiful day on Guam, as beautiful as our island is, it's hard to sometimes absorb the amount of contamination that has happened here.

And you know Mr. Celestial, your initiatives with the Downwinders issue, all these years, and you've been advocating since my last life in the legislature. And now, it's finally getting some traction you know, when we see that not that these are illnesses that people don't have in other jurisdictions, but the amount of illness that we have in such a small population. Who doesn't, within a proximity of yourself, has not suffered from cancer and some of these other illnesses and the children that you're talking about, the younger generation for us some of us are just waiting. Is it going to be our turn?

But I think that advocacy and awareness have to be and has always been a Guam innit. We've had to be the one to go knocking on the door to ensure that our people are recognized for what they've gone through and it's really unfortunate. I sat for 14 years as a board member or member of the Anderson Air Force Base Restoration Advisory Board, and for a number of years, served as the vice chair. When you see the amount of areas on Guam, and also because of our partnership with the Navy, when you see the amount of areas on Guam of contaminants as a result of the military presence, it's significant. If you were to put a little pin on every part of the island that's been affected, I've seen cleanup sites up at Anderson and off base in Marbo, where they have had to address, that was part of our job, was to direct the and prioritize the cleanup of Anderson. Where you see rows of where they simply excavated in the ground in the limestone, the limestone that is

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there, you know our sponge for our drinking water, and all the chemicals. The Rusted barrels, the debris, munitions even, that were thrown into the ground or on the cliff lines up there.

You know, the issues we still have at Naval Station, I mean they closed the landfill there, and you know still to this day they spent millions of dollars to try to cap the PCBs that are coming out of *Orote* (Point) it's still coming out of *Orote* (Point). So, it's really sad - the reality of our history, I mean we love America, but there's a part of us that doesn't love America so much for the challenges and suffering that our people have had to deal with. So, I don't have much more to add.

I thank all of you in coming forth and providing your testimony and your experiences. I appreciate it. I know this is not something many of you may do all the time, but hearing your voices really will help support this initiative that Senator Lujan is leading here in the legislature to recognize our people. Because this is just, you know, you would trade money to get health back, you would trade money to get your loved ones back, to have quality of life because once it's gone you just you can never get it back in this lifetime, in this physical body that we have. So, I don't have much more to add, I appreciate you, I mean you're all warriors, and helping bring this issue to light because we have to. If we don't, you know, then those of us and our people that have suffered, their voices go unheard and that should never be the case. So, thank you so much, for your time, your efforts, and your testimony, on bringing your very personal stories to light to us this evening. With that Senator Lujan, thank you also for sharing this hearing tonight.

**Senator Jesse A. Lujan, Author:** thank you Senator Brown, Attorney Berman, a question here. I know we're asking the federal government for compensation, but as an attorney could the companies that develop these chemicals as well, that have been used, are they - will they be able to, be, will have some responsibility for-?

**Michael J. Berman, ESQ, Berman Law Firm:** The answer to that question is, that issue was litigated in the early '80s, '83, '84. And the largest class action settlement in the history of the United States took place in '83 '84, it's like 275 million. It was veterans suing Monsanto and the other manufacturers. And there's releases and it's basically a closed door. It's a fair question but legally there's nothing to pursue there.

**Senator Jesse A. Lujan, Author:** Nothing to pursue.

**Michael J. Berman, ESQ, Berman Law Firm:** Yeah, I'm sorry, there isn't. Also, the people in Vietnam brought major cases, also went to the second Circuit Court of Appeals, which is just

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below the Supreme Court, and they hit the same wall, they weren't able to sue the manufacturers. So I think it's not, it's pointless.

**Senator Jesse A. Lujan, Author:** Okay.

**Michael J. Berman, ESQ, Berman Law Firm:** Sorry.

**Senator Jesse A. Lujan, Author:** In pursuit of this, and again, we've had lengthy discussions so we want to get our discussions out in public in in the sense that because of that again the recognition and the compensation from the federal government that we're going to pursue that line as well. And I know, I also, I've spoken to the Congressman about this earlier on that we're going to introduce this and so we will present this to his office as well. But because this is a substantive resolution and that's what we're having a public hearing we would have to put the committee report together and present it to the body for a vote and we're looking we won't be able to do that in the August session because all of August is reserved for budget, so we're looking at, we should be able to get the committee report out on time for the September session. So-

**Michael J. Berman, ESQ, Berman Law Firm:** I'm sorry to interrupt but just speaking on a purely technical legal level some of the people here have commented on the issue of presumption. The best thing that can happen for all the civilians who would like to pursue claims if they could receive the same presumption of coverage that the military are receiving. Understand now, under the new PACT Act, if they meet three criteria: if they're on Guam, they have one of the diseases, and they're in the military, they're presumed to be disabled and the government has to disprove it. The burden shifts. So, the most important thing that can happen to amend the new PACT Act is to create that same presumption for civilians - if they have the disease, they were located in Anderson, or near these areas, they should have the same presumption of coverage and let the government rebut it. That will be the next mini legal step I think that would help civilians.

**Senator Jesse A. Lujan, Author:** Okay and I would ask as well because I will have a conversation, of course with our Congressman, and if need be, if we need to go to Washington and lobby, would you be able to join me in that effort? (To Att. Berman, Att. Berman [inaudible] nods in confirmation) Thank you, thank you very much. Any other questions? That being said, *Si yu'os ma'åse* (English: thank you), thank you very much senators and panel. Thank you very much to all my colleagues. And if there are no further questions, comments, so there are no additional individual to present testimony, this concludes our discussion on Resolution 29-37(COR). This public hearing of this public hearing, my office will be accepting testimony, written testimony for

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ten (10) days. It can be emailed to my office at [senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org), or mailed to my office, or hand-delivered to my office, and my office is located at 259 Martyr Street, Suite 101A, the Calvo-Arriola Building, *Hågatña* Guam, 96910. A record of this hearing, a verbatim transcript, will be provided, as well as findings by the committee and all of that will be posted on the website, on the legislative website as well. That being said this public hearing is adjourned. It is now 8:28 p.m. on the 31<sup>st</sup> of July 2023. Thank you very much. *Si yu'os ma'åse (English: thank you)*

The public hearing for Resolution No.29-37(COR) was adjourned at **8:28 PM.**

### III. FINDINGS & RECOMMENDATIONS

Public Law 117-168 is the "Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022" or the "Honoring our PACT Act of 2022," which was signed into law on August 10, 2022, and includes Guam as a location eligible for compensation due to Agent Orange exposure.

To be eligible for compensation, claimants must be diagnosed with a health condition that's caused by exposure to Agent Orange, and the claimant must have served in a location that exposed them to Agent Orange, which now includes Guam. While this is a major victory for military veterans who served on Guam and were exposed to Agent Orange, the PACT Act does not include non-military personnel who were also exposed and affected on Guam.

Attorney Michael J. Berman, opened the public hearing with a brief background on why he was pursuing this issue and advocating for non-military veterans to be compensated the same way as their military counterparts who were also exposed to Agent Orange and also suffer from ailments caused by exposure to Agent Orange.

Members of the public, including Robert Celestial, the Pacific Association of Radiation Survivors (PARS) President, Dr. Vincent Akimoto MD, American Medical Center (AMC) Physician, and Jose San Agustin, Guam Office of Veterans Affairs Director, testified in support of Resolution 29-37(COR). The oral testimonies heard included painful experiences with loss, suffering from medical conditions, and financial hardships due to medical treatment. Additionally, the extent of Agent Orange exposure on island and its long-term effects were discussed, with some individuals

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AUTHOR'S REPORT ON RESOLUTION NO. 29-37(COR) Jesse A. Lujan, Frank Blas, Jr., Telo T. Taitague, Tina Rose Muña Barnes, Christopher M. Dueñas, William A. Parkinson, Joanne Brown, Dwayne T. D. San Nicolas, Roy A. B. Quinata, Sabina Flores Perez. "RELATIVE TO REQUESTING THE U.S. CONGRESS TO APPROPRIATE MONIES FOR GUAM NON-MILITARY RESIDENTS WHO WERE EXPOSED TO AGENT ORANGE AND WHO ARE SUFFERING FROM AILMENTS CAUSED BY EXPOSURE TO AGENT ORANGE."

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linking Agent Orange to the prevalent diagnosis of cancer on island and other Agent Orange-related diseases. Written testimonies were also submitted prior to the hearing, detailing personal experiences with exposure to Agent Orange.

Senator Jesse A. Lujan hereby reports out Resolution No. 29-37 (COR) "Relative to requesting the U.S. Congress to appropriate monies for Guam non-military residents who were exposed to Agent Orange and who are suffering from ailments caused by exposure to Agent Orange," with the recommendation **TO DO ADOPT.**

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***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Resolution No. 29-37 (COR)**

Introduced by:

Jesse A. Lujan  
Frank Blas Jr.  
Telo T. Taitague  
Tina Rose Muña Barnes  
Christopher M. Dueñas  
William A. Parkinson  
Joanne Brown  
Dwayne T. D. San Nicolas  
Roy A. B. Quinata  
Sabina Flores Perez

**Relative to requesting the U.S. Congress to appropriate monies for Guam non-military residents who were exposed to Agent Orange and who are suffering from ailments caused by exposure to Agent Orange.**

1 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF I**  
2 ***MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN:***

3 **WHEREAS, *I Liheslaturan Guåhan*** finds that with the passing of the Honoring  
4 Our PACT Act of 2022 (“The PACT Act”), the United States Government finally  
5 recognized that U.S. military veterans stationed in Guam within the twenty-two-year  
6 timeframe of 1958 and 1980 were exposed to Agent Orange and consequentially  
7 suffered ailments. However, The PACT Act was not inclusive of non-veterans who  
8 were also exposed to Agent Orange and also suffered ailments at the same time as their

1 military veteran counterparts who are now eligible for Agent Orange Disability  
2 Compensation; and

3 **WHEREAS**, Agent Orange belongs to a class of color-coded or rainbow  
4 herbicides. The properties of Agent Orange consist of a fifty-fifty mixture of two  
5 herbicides: 2, 4-D and 2, 4, 5-T, as well as the toxic contaminant, Dioxin, otherwise  
6 known as 2, 3, 7, 8-tetrachloro-dibenzo para-dioxin, or TCDD. Other harmful  
7 herbicides containing Dioxin include Agents White, Blue, Purple, Pink, and Green.  
8 Dioxin buried or leached under the surface or deep in the sediment of rivers and other  
9 bodies of water can have a half-life of more than one hundred (100) years; and

10 **WHEREAS**, for the first time on August 10, 2022, the territory of Guam was  
11 added to the list of locations eligible for Agent Orange Disability Compensation and  
12 thus ended decades of the U.S. military's persistent denial that Agent Orange was not  
13 used on the island of Guam. The PACT Act also incorporated the "Lonnie Kilpatrick  
14 Central Pacific Relief Act" which was named after the late veteran who led the fight for  
15 recognition of Agent Orange use on Guam which is noted at the 117th Congress, 1st  
16 Session, J.R. 3368; and

17 **WHEREAS**, the U.S. Government Accountability Office (GAO) submitted the  
18 GAO-19-24 report to the U.S. Congress. Published in November of 2018, the detailed  
19 report relative to Agent Orange use on Guam indicates that not all shipment records  
20 pertaining to the disposal of Agent Orange were complete, including shipment  
21 documentation and logbooks that identify ports where vessels made stops en route to  
22 Southeast Asia. The GAO states that of the 13.9 million gallons of Agent Orange  
23 obtained by the Department of Defense, the GAO collected and examined shipment  
24 documents for more than 12.1 million of those gallons (DOD). After scrutinizing  
25 ninety-six (96%) percent of the logbooks for the aforementioned shipments, they  
26 discovered that among the vessels traveling to Southeast Asia, at least one vessel  
27 carrying Agent Orange made a stop on Guam; and



1           **WHEREAS**, during the Vietnam War, Andersen Air Force Base served as the  
2 cornerstone of U.S. airpower in the conflict. To support bombing operations, B-52s  
3 were amassed on the base in the fall of 1972. Testimony presented to the U.S. Congress  
4 clearly demonstrated that at the time, Agent Orange was sprayed, among other places,  
5 at Andersen Air Force Base along the fence line, flight line, sidewalks, golf course, and  
6 at Naval Air Station along fence line and flight line, and along the Cross Island Road  
7 oil pipeline that ran between the two military bases, all of which are now the subject of  
8 substantial, credible reports of herbicide application by Vietnam-era veterans. This was  
9 strongly asserted and confirmed in the “NVLSP (National Veterans Legal Services  
10 Program) And VLSC (Veterans Legal Services Clinic) White Paper Confirming That  
11 Veterans Who Served in Guam from 1958-1980 Were Likely Exposed to Dioxin-  
12 Containing Herbicide Agents including Agent Orange” issued by the Yale Law School  
13 Veterans Legal Services Clinic, in May of 2020, and updated in February of 2021; and

14           **WHEREAS**, *I Liheslaturan Guåhan* recognizes the disparity between the  
15 unequal treatment of military personnel and non-military personnel exposed to Agent  
16 Orange and a large number of Guam residents who were civilians and non-military have  
17 testified to having similar exposure to Agent Orange resulting in similar ailments as the  
18 U.S. military veterans but are not covered by The PACT Act; now therefore, be it

19           **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette Na*  
20 *Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, strongly urge the  
21 United States Congress and the Executive Branch of the U.S. Government to treat Guam  
22 residents and non-veterans in the manner equal to the treatment now given to military  
23 veterans in providing funding and compensation to those who are suffering from  
24 ailments as a result of exposure to Agent Orange on Guam; and be it further

25           **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules  
26 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of  
27 the same be thereafter transmitted to Honorable Joseph R. Biden, Jr., President of the

1 United States; the Honorable Kamala D.Harris, Vice President of the United States; the  
2 Honorable Michael S. Regan, Administrator of the Environmental Protection Agency;  
3 the Honorable Kevin McCarthy, Speaker of the House of Representatives; the  
4 Honorable Tom Carper, Chairman of the Environment and Public Works Committee of  
5 the U.S. Senate; the Honorable James C. Moylan, Guam Delegate to the US House of  
6 Representatives; and to the Honorable Lourdes A. Leon Guerrero, *I Maga'hågan*  
7 *Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF  
I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN ON THE DAY  
OF MONTH 2023.**

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**THERESE M. TERLAJE**  
Speaker

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**CHRIS BARNETT**  
Chairperson, Committee on Rules

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**AMANDA L. SHELTON**  
Legislative Secretary