

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) REGULAR SESSION

Resolution No. 172(EC)
(As Substituted by the author)

2008 AUG -4 PM 2:41

Introduced by:

B.J.F. Cruz
T.R. Muña Barnes
J.P. Guthertz
R.J. Respicio

Relative to expressing the support of *I Mina'Bente Nuebi Na Liheslaturan Guåhan* for the Agent Orange Equity Act introduced by the Honorable Congressman Bob Filner (D-CA) in United States House of Representatives on July 23, 2008, clarifying the qualifications necessary for those with illnesses contracted due exposure to qualify for additional veterans benefits by mandating the inclusion of those members of the armed forces exposed while not explicitly on land, and to respectfully request that Guam and other areas in the theater of operations for the Vietnam War in which Agent Orange was stored and transshipped should be added to the list of areas in which military and civilian employees who were exposed to Agent Orange may qualify for additional benefits.

1 BE IT RESOLVED BY I MINA'BENTE NUEBI NA LIHESLATURAN

2 *GUAHAN*:

3 WHEREAS, since the United States government began allowing the
4 people of Guam to become members of the United States armed forces, a
5 tradition of service has grown among the young adults of our island, and

1 many Guamanians have distinguished themselves by serving their
2 country, island and people with great distinction; and

3 **WHEREAS**, the people of Guam strongly support all of the many
4 veterans of American wars, and our island has the singular distinction of
5 having suffered more casualties on a per capita basis than any other
6 territory, state or insular area of the United States in both the Korean
7 conflict and the Vietnam War; and

8 **WHEREAS**, it has been confirmed by the Agent Orange Act of 1991,
9 Public Law 102-4, that there exists a correlation between certain herbicide
10 agents containing dioxin or 2,4-dichlorophenoxyacetic acid, such as Agent
11 Orange, and diseases later contracted by veterans of the Vietnam War; and

12 **WHEREAS**, the Agent Orange Act of 1991 defines the scope of
13 eligibility for compensation to include all of those who were in active
14 military, naval or air service in the Republic of Vietnam during the use of
15 the herbicide Agent Orange; and

16 **WHEREAS**, current United States Veterans' Administration (VA)
17 procedures require Vietnam veterans to prove they have placed a foot on
18 land during the Vietnam War to qualify as victims of Agent Orange
19 exposure; and

1 **WHEREAS**, such VA procedures have resulted in an unjustified
2 withholding of benefits for “blue-water” veterans who served at sea off the
3 coast of Vietnam and airmen who served in the skies above the Republic of
4 Vietnam; and

5 **WHEREAS**, the VA procedures have also resulted in an unjustified
6 withholding of benefits for military and civilian workers in staging areas
7 for the Vietnam War such as Guam through which military personnel,
8 equipment, munitions and supplies, including herbicides containing Agent
9 Orange were shipped; and

10 **WHEREAS**, both military and civilian personnel handled
11 transshipment of these goods and although the Department of Defense has
12 never officially admitted to storing and using Agent Orange and other
13 herbicides on Guam, a Dow Chemical Corporation’s report has disclosed a
14 huge amount of dioxin contamination at Andersen Air Force Base (AAFB)
15 in Guam; and

16 **WHEREAS**, in the August 9, 2007 issue of the Marianas Variety it
17 was reported that “At least two successful applications for benefit claims
18 filed by veterans deployed to Guam constituted the VA’s virtual
19 acknowledgement of the use of defoliants on island. In March (of 2007), the

1 VA approved the benefits claim filed by Robert L. Burgett, a Vietnam War
2 veteran who developed cancer of the larynx, eventually causing his speech
3 disability, as a result of his direct exposure to Agent Orange when he was
4 stationed at AAFB between 1968 and 1969. He received a full grant of
5 benefits;" and

6 **WHEREAS,** The Marianas Variety report went on to state that "In
7 2005, the U.S. Court of Appeals for Veterans ruled in favor of an
8 unidentified airman who was determined to have developed diabetes
9 mellitus as a result of his exposure to defoliants while he was deployed on
10 duty at AAFB from December 1966 to October 1968;" and

11 **WHEREAS,** the proposed Agent Orange Equity Act will correct
12 injustice, clarify eligibility and expedite the processing of veteran claims of
13 health conditions caused by Agent Orange exposure for certain veterans by
14 mandating the inclusion of those members of the armed forces who were
15 deployed in the Republic of Vietnam war zone who should be entitled to
16 compensation for such developed diseases as can be linked to Agent
17 Orange exposure and receive the benefits to which they are entitled; and

18 **WHEREAS,** the proposed Agent Orange Equity Act should also
19 correct injustice, clarify eligibility and expedite the processing of claims of

1 health conditions caused by Agent Orange exposure in areas in which
2 direct exposure was proven to have taken place, such as Guam; now,
3 therefore, be it

4 **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guahan*, does
5 hereby, on behalf of the people of Guam, expresses its strong support for
6 resolving the numerous health care needs of the many veterans of
7 American military service who live in Guam; and be it further

8 **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guahan*, does
9 hereby, on behalf of the people of Guam, expresses support of the Agent
10 Orange Equity Act introduced by the Honorable Congressman Bob Filner
11 in United States House of Representatives on July 23, 2008 that seeks to
12 correct injustice, clarify the eligibility of affected veterans, and expedite the
13 processing of veteran claims of health conditions caused by Agent Orange
14 exposure; and be it further

15 **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guahan*, does
16 hereby, on behalf of the people of Guam, respectfully requests that the
17 Congress of the United States correct injustice and amend the Agent
18 Orange Equity Act to include Vietnam War staging areas such as Guam, for

1 which evidence exists that Agent Orange exposure has taken place; and be
2 it further

3 RESOLVED, that I Mina'Bente Nuebi Na Liheslaturan Guahan, does
4 hereby, on behalf of the people of Guam, respectfully requests that the
5 Honorable Madeleine Z. Bordallo, Guam Delegate to Congress co-sponsor
6 the Agent Orange Equity Act; and be it further

7 **RESOLVED**, that the Speaker and the Chairperson of the Executive
8 Committee certify, and the Secretary of the Legislature attest to, the
9 adoption hereof, and that copies of the same be thereafter transmitted to
10 Fred Gofigan, Administrator of the Guam Office of Veterans Affairs; to the
11 Guam Veterans Commission; to the Secretary of the Department of the
12 Interior Dirk Kempthorne; to the Secretary of the Department of Veterans
13 Affairs James B. Peake; to Acting Deputy Assistant Secretary for Insular
14 Affairs Doug W. Domenech; to the Honorable Judith T. Won Pat, Speaker, *I*
15 *Mina'Bente Nuebi Na Liheslaturan Guahan*; to the Honorable Madeleine Z.
16 Bordallo, Guam Delegate to Congress; to the Honorable Congressman Bob
17 Filner, Chairman of the House Committee on Veteran's Affairs; to the
18 Honorable Mitch McConnell, Senate Minority Leader; to the Honorable
19 Congressman John Boehner, House Minority Leader; to the Honorable

1 Robert Byrd, President Pro Tempore of the United States Senate; to the
2 Honorable Nancy Pelosi, Speaker of the United States House of
3 Representatives; to the Honorable George W. Bush, President of the United
4 States; and to the Honorable Felix P. Camacho, *I Maga'Lahen Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE EXECUTIVE
COMMITTEE OF *I MINA'BENTE NUEBI NA LIHESLATURAN
GUÅHAN* ON THE DAY OF JULY, 2008.**