

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Resolution No. 172 (EC)

As substituted by the author
and amended on the Floor.

Introduced by:

B. J.F. Cruz
Tina Rose Muña Barnes
Judith P. Guthertz, DPA
R. J. Respicio
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
A. B. Palacios, Sr.
v. c. pangelinan
Dr. David L.G. Shimizu
Ray Tenorio
J. T. Won Pat, Ed. D.

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 the United States House of Representatives on July 23, 2008, clarifying the qualifications necessary for those with illnesses contracted due to 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 **GUÅHAN:**

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
6 many *Guamanians* have distinguished themselves by serving their country,
7 island and people with great distinction; and

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

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

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

21 **WHEREAS**, current United States Veterans' Administration (VA)
22 procedures require Vietnam veterans to prove they have placed a foot on land
23 during the Vietnam War to qualify as victims of Agent Orange 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 for
7 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 trans-
11 shipment of these goods and although the Department of Defense has never
12 officially admitted to storing and using Agent Orange and other herbicides on
13 Guam, a Dow Chemical Corporation's report has disclosed a huge amount of
14 dioxin contamination at Andersen Air Force Base (AAFB) in Guam; and

15 **WHEREAS**, in the August 9, 2007 issue of the Marianas Variety, it was
16 reported that "At least two (2) successful applications for benefit claims filed
17 by veterans deployed to Guam constituted the VA's virtual acknowledgement
18 of the use of defoliants on island. In March of 2007, the VA approved the
19 benefits claim filed by Robert L. Burgett, a Vietnam War veteran who
20 developed cancer of the larynx, eventually causing his speech disability, as a
21 result of his direct exposure to Agent Orange when he was stationed at AAFB
22 between 1968 and 1969. He received a full grant of benefits;" and

23 **WHEREAS**, the Marianas Variety report went on to state that "In 2005,
24 the U.S. Court of Appeals for Veterans ruled in favor of an unidentified

1 airman who was determined to have developed diabetes mellitus as a result
2 of his exposure to defoliants while he was deployed on duty at AAFB from
3 December 1966 to October 1968;" and

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

11 **WHEREAS**, the proposed Agent Orange Equity Act should also correct
12 injustice, clarify eligibility and expedite the processing of claims of health
13 conditions caused by Agent Orange exposure in areas in which direct
14 exposure was proven to have taken place, such as Guam; now, therefore, be it

15 **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan* does
16 hereby, on behalf of the people of Guam, express its strong support for
17 resolving the numerous health care needs of the many veterans of American
18 military service who live in Guam; and be it further

19 **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan*, does
20 hereby, on behalf of the people of Guam, express support of the Agent Orange
21 Equity Act introduced by the Honorable Congressman Bob Filner in the
22 United States House of Representatives on July 23, 2008, that seeks to correct
23 injustice, clarify the eligibility of affected veterans, and expedite the

1 processing of veteran claims of health conditions caused by Agent Orange
2 exposure; and be it further

3 **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan*, does
4 hereby, on behalf of the people of Guam, respectfully request that the
5 Congress of the United States correct injustice and amend the Agent Orange
6 Equity Act to include Vietnam War staging areas, such as Guam, for which
7 evidence exists that Agent Orange exposure has taken place; and be it further

8 **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan*, does
9 hereby, on behalf of the people of Guam, respectfully request that the
10 Honorable Madeleine Z. Bordallo, Guam Delegate to Congress, co-sponsor the
11 Agent Orange Equity Act; and be it further

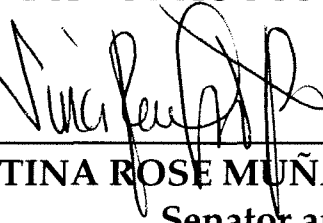
12 **RESOLVED**, that the Speaker certify, and the Secretary of the
13 Legislature attest to, the adoption hereof, and that copies of the same be
14 thereafter transmitted to Fred Gofigan, Administrator of the Guam Office of
15 Veterans Affairs; to the Guam Veterans Commission; to the Secretary of the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

1 the Honorable Nancy Pelosi, Speaker of the United States House of
2 Representatives; to the Honorable George W. Bush, President of the United
3 States; and to the Honorable Felix P. Camacho, *I Maga'lahaen Guåhan*.

**DULY AND REGULARLY ADOPTED BY I MINA'BENTE NUEBI NA
LIHESLATURAN GUÅHAN ON THE 9TH DAY OF AUGUST 2008.**



JUDITH T. WON PAT, Ed. D.
Speaker



TINA ROSE MUÑA BARNES
Senator and
Secretary of the Legislature