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COMMITTEE REPORT ON

Resolution No. 25-34 (COR) As Introduced

“Relative to expressing support of I Mina’trentai Kuåtto na Liheslaturan Guåhan for H.R. 809, the Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam war-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.”



OFFICE OF THE VICE SPEAKER
THERESE M. TERLAJE
Chairperson of the Committee
On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

April 12, 2017

The Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa
Hagåtña, Guam 96910

2017 APR 17 PM 4:15

VIA: The Honorable Michael F.Q. San Nicolas
Chairperson, Committee on Rules

RE: Committee Report on Resolution No. 25-34 (COR)

Dear Speaker Cruz:

Transmitted herewith is the **Committee Report on Resolution No. 25-34 (COR), As Introduced - "Relative to expressing support of *I Mina'trentai Kuåttro na Liheslaturan Guåhan* for H.R. 809, the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act*, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam war-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam."**

Votes are as follows:

- 8 TO DO PASS
- 0 TO NOT PASS
- 0 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Therese M. Terlaje

COR
received
4/13/17 2:01 PM



OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee


On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

April 12, 2017

MEMORANDUM

To: All Members
34th Guam Legislature

From: Vice Speaker Therese M. Terlaje 
Author

Subject: Committee Report on Resolution No. 25-34 (COR), As Introduced

Transmitted herewith for your consideration is the Committee Report on Resolution No. 25-34 (COR) – As Introduced – “Relative to expressing support of I Mina'trentai Kuåttro na Liheslaturan Guåhan for H.R. 809, the Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam war-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.”

This report includes the following:

- Copy of COR Referral of Res. No. 25-34 (COR)
- Copy of COR Pre-Referral Checklist on Res. No. 25-34 (COR)
- Copy of Res. No. 25-34 (COR)
- Notices of Public Hearing
- Public Hearing Sign-in Sheet
- Copy of the Public Hearing Agenda
- Copies of Submitted Testimony & Supporting Documents
- Related News Reports
- Committee Report Digest
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589 Email: senatorterlajeguam@gmail.com
www.guamlegislature.com

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
RESOLUTION STATUS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED
25-34 (COR)	Therese M. Terleje Dennis G. Rodriguez, Jr. B.J.F. Cruz Joe S. San Agustin Fernando Esteves Telena Cruz Nelson	Relative to expressing the support of I Mina'trentai Kuáttro na Liheslaturan Guáhan for H.R. 809, the Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.	2/6/17 2:13 p.m.			2/13/2017	The Author		

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
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25-34 (COR)	Therese M. Terlaje Dennis G. Rodriguez, Jr. B. J.F. Cruz Joe S. San Agustin Fernando Esteves Telena Cruz Nelson	Relative to expressing the support of <i>I Mina'trenta Kuåttro na Liheslaturan Guåhan</i> for H.R. 809, the <i>Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act</i> , introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.	2/6/17 2:13 p.m.			2/13/2017	The Author	4/4/17 5:30 p.m.	4/17/17 4:15 p.m.	



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



MEMO

To: Ms. Rennae Meno
Clerk of the Legislature

Attorney Julian Aguon
Legislative Legal Counsel

From: Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules

Date: February 13, 2017

Re: Referral of Resolution No. 25-34 (COR)

Buenas yan Háfa adai.

As per my authority as Chairman of the Committee on Rules, I am forwarding the referral of **Resolution No. 25-34 (COR)**.

Please ensure that the subject resolution is referred, in my name, to **Vice Speaker Therese M. Terlaje, author of Resolution No. 25-34 (COR)**.

If you have any questions or concerns, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-6453.

Thank you for your attention to this important matter.

Respectfully,


Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules





Senator Therese Terlaje <senatorterlajeguam@gmail.com>

FIRST Notice for Public Hearing - Tuesday, April 4, 2017 at 5:30 PM

2 messages

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Tue, Mar 28, 2017 at 9:10 AM

To: phnotice@guamlegislature.org, Senator Therese Terlaje <senatorterlajeguam@gmail.com>
Cc: Joe San Agustin <protocol@guamlegislature.org>, MIS Guam Legislature <mis@guamlegislature.org>, RennaeVanessa Meno <clerks@guamlegislature.org>, Tom Unisog <sgtarms@guamlegislature.org>

Håfa adai,

Please see pasted below and attached public hearing notice from Vice Speaker Therese M. Terlaje.

Should you have any questions, please contact our office.

Thank you,
Ryan Cabanero
Policy Analyst

March 28, 2017

MEMORANDUM

From: Vice Speaker Therese M. Terlaje
Chairperson, Committee on Culture and Justice

Subject: FIRST NOTICE of Public Hearing - Tuesday, April 4, 2017 at 5:30 PM

Håfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Tuesday, April 4, 2017, beginning at 5:30 PM in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña). On the agenda are the following items:

Resolutions:

- **Resolution No. 25-34 (COR):** Relative to expressing the support of *I Mina'trentai Kuåttro na Liheslaturan Guåhan* for H.R. 809, the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act*, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.
- **Resolution No. 40-34 (COR):** Relative to advocating for the inclusion of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the secretary of Veterans Affairs, and for other purposes, and to expressing the support of *I Mina'trentai Kuåttro na Liheslaturan Guåhan* (the 34th Guam Legislature) for

H.R. 632 and S. 283, the *Mark Takai Atomic Veterans Healthcare Parity Act*, introduced in the United States Congress.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via *I Liheslaturan Guåhan*'s live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Vice Speaker Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Vice Speaker Therese M. Terlaje at the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje, 163 Chalan Santo Papa, at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse'

--


The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice
I Mina'trentai Kuttro na Liheslaturan Guåhan
34th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 472-3589

senatorterlajeguam@gmail.com

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 **First notice PH 4.4.17 Agent Orange.pdf**
71K

Joe San Agustin <joesa@guamlegislature.org>
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Tue, Mar 28, 2017 at 9:47 AM

Now posted, Thank You.
[Quoted text hidden]

--

Joe San Agustin

Chief Protocol Officer (Acting)
I Mina'trentai Kuåttro na Liheslaturan Guåhan
155 Hesler Place, Suite 201, Hagåtña, Guam 96910
www.guamlegislature.com / protocol@guamlegislature.org




**OFFICE OF THE VICE SPEAKER
THERESE M. TERLAJE**
Chairperson of the Committee
On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

March 28, 2017

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Chairperson, Committee on Culture and Justice

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We look forward to your attendance and participation.

Si Yu'os Ma'åse'

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589 Email: senatorterlajeguam@gmail.com
www.senatorterlaje.com

Grandparents' pink grad gift comes right out of the blue



DEAR ABBY
JEANNE
PHILLIPS

DEAR ABBY: My daughter is graduating from high school in May. She has been accepted to a prestigious university, entirely due to her own hard work and dedication.

My father-in-law recently informed us that his new wife had selected our daughter's graduation present, and they are excited to give it to her. They chose a pink luggage set. My husband and I are mystified about why they decided this would be the perfect gift for our daughter. We know she will be embarrassed — but gracious — if she receives this gift in front of our family and friends on graduation

day. We would like to spare her the awkwardness and having to return an inappropriate gift.

Abby, would it be rude of us to strongly encourage them to rethink their gift? — **MYSTIFIED MOTHER**

DEAR MOTHER: I do not advise your becoming involved with this. Warn your daughter in advance what the gift will be so she isn't caught flat-footed on graduation day. If she chooses to exchange the luggage for something she feels will be more appropriate, she should do so. Luggage that stands out like a sore thumb may be easier to spot on an airport carousel, but it can also be more vulnerable to theft than something that blends in.

DEAR ABBY: I have a tough problem. I care very much for my girl-

friend. She keeps me in check and does everything for me. However, my best friend's sister and I are extremely close. By close, I mean we have conversations about how things would be if we were dating. We have so much fun together. We never, ever argue, whereas my girlfriend and I are constantly fighting. I legitimately want the other girl, but I don't know what I should do. — **SCARED AND STUCK IN ST. PAUL**

DEAR SCARED AND STUCK: You are a free man, neither married nor engaged. Because you have romantic feelings for someone else, gather your courage and level with your girlfriend. The news will probably come as a shock to her, but it's the honest thing to do and better for both of you.

DEAR ABBY: My ex-husband re-

cently died, and I have just learned he had an illegitimate son 25 years ago. The son tracked me down wanting to know things about his biological father. My late husband and I had two children before this one was born. So, do I tell my children they have a half-brother and his aunts they have another nephew? — **TRACKED DOWN IN ILLINOIS**

DEAR TRACKED DOWN: I see no reason to make any announcements right now. Keep the news to yourself until you are sure that the man wants more contact with his relatives and isn't just looking for medical information that could affect him.

Contact Dear Abby at www.DearAbby.com or P.O. Box 69440, Los Angeles, CA 90069.

GOVERNMENT MEETINGS

April 4

► The Guam Legislature's Committee on Culture and Justice will convene a Public Hearing beginning at

5:30 p.m. April 4 in I Libeslaturan Guåhan's Public Hearing Room (Guam Congress Building, 163 Chalan Santo Papa, Hagåtña). On

the agenda are the following items: Resolution No. 25-34 (COR), related to supporting the Fighting for Orange-Stricken Territories in Eastern Regions (FOSTERS) Act which would provide Agent Orange Status to Vietnam

War-era veterans who served in specific areas, including Guam, and seeks justice for veterans and civilians exposed to Agent Orange and Resolution No. 40-34 (COR), related to advocating for the inclusion of veterans who participated in the clean-up at Enewetak Atoll as radiation exposed veterans and expressing support for the Mark Takai Atomic Veterans Healthcare Parity Act. The public is invited to attend and provide comments. For more information, contact Vice Speaker Therese M. Terlaje at 472-3586 or senatorterlaje@gmail.com.

►► The Guam Workforce Development Board General Membership meeting will be at 4 p.m. April 5 at the American Job Center, 3rd floor, Bell Tower Plaza, 710 West Marine Corps Drive. For information, contact 475-7074/4 or email joleen.santos@dol.guam.gov.

April 6

► The University of Guam Regent Nominating Council meeting will be held at noon April 6 in the President's conference room, on the 2nd floor of the Jesus S. & Eugenia A. Leon Guerrero School of Business and Public Administration Building. For information, contact



Diabetes coalition: Should Guam consider sugar tax?

By Manny Cruz
manny@postguam.com

The Guam Diabetes Control Coalition presented plans to drastically curb diabetes rates on Guam by 2020 at a Rotary Club of Guam meeting on Tuesday, and raised the issue of whether Guam could consider a tax on sugary drinks.

"The main thing we want to drive home is the importance of getting a risk assessment done and getting screened," spokeswoman Jina Rojas

taxes on sugar-sweetened beverages, syrups and powders by 4 cents an ounce, but Rojas said more research will have to be done.

Currently, three cities and two states across the continental United States maintain "sugar tax" legislation.

Last November, four soda tax measures on local ballots in California and Colorado passed with overwhelming support, according to the California-based public health advocacy group Kick the Can Network.

Drinking one or two sugary drinks

lance System Report.

The coalition's five-year plan includes four key measures to curb the island's diabetes epidemic: data collection and consolidation; policy implementation; prevention and health promotion; and clinical services.

Other policy actions would implement non-communicable disease education across public schools.

"Ideally, these would be introduced into existing health science classes that students are already required to take," Rojas said.

World War II.

"If you think about it, before the war we didn't have these problems," Rojas said. "We need to revert back to eating more greens, and limit starch consumption."

Later during the presentation, Rojas said, "Healthy foods are expensive, but so is paying health care costs. Which one would you rather pay for?"

Meanwhile, Glynis Almonte, executive director of the Guam Nurses Association, questioned why there are so many dialysis centers on island.

BANG continued from page 1

Leonora Taulung and injured two men and a 3-year-old child.

Bang's guilty plea was deferred for a minimum of three years, so long as he complies with the conditions of his probation. If he violates his probation, he could serve up to 10 years' imprisonment.

Cenzon also approved the requested \$53,807 in restitution to Taulung's family. She noted the full amount must be paid by the end of Bang's probation.


Taulung's husband sat in the courtroom on Tuesday, still suffering from the loss of his wife.

“It’s frustrating. Every day it causes me so much pain. My daughter still asks about her mom.”

- Husband of fatal crash victim Leonora Taulung

“It’s frustrating. Every day it causes me so much pain,” he said in a written statement issued in court. “My daughter still asks about her mom. We had so many plans together for our daughter. Everything is changed now.”

I Mina'trentai Kuáattro na Liheslaturan Guåhan
34th Guam Legislature



VICE SPEAKER THERESA M. TERLAJE
Committee on Culture and Justice

Public Hearing
Tuesday, April 4, 2017
6:30 p.m.

Guam Legislature Public Hearing Room, Guam Congress Building, Hagatña

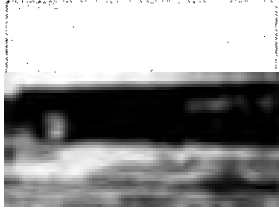
AGENDA

- Resolution No. 25-34 (COR): Relative to expressing the support of I Mina'trentai Kuáattro na Liheslaturan Guåhan for H.R. 808, the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act*, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.
- Resolution No. 40-34 (COR): Relative to advocating for the inclusion of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, and for other purposes, and to expressing the support of I Mina'trentai Kuáattro na Liheslaturan Guåhan (the 34th Guam Legislature) for H.R. 632 and S. 283; the *Mark Takai Atomic Veterans Healthcare Parity Act*, introduced in the United States Congress.

If you require any special accommodations, auxiliary aids, or other special services, or for further information, please call the Office of Vice Speaker Theresa M. Terlaje at 472-3586. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com. Testimonies may be submitted directly to our office at the Guam Congress Building at 163 Chalan Santo Pape in Hagatña or at the Protocol Office of the Guam Congress Building, via fax at 472-3586, or via email at secretariat@postguam.com. This ad is paid for with government funds.

Resolutions support inclusion in bills dealing with Guam contamination

Kyla P Mora , kmora@guampdn.com 8:39 p.m. ChT March 29, 2017



(Photo: Courtesy of Robert Burgatt)

A public hearing scheduled for 5:30 p.m. April 4 will address two resolutions supporting Guam inclusion in bills dealing with radiation and Agent Orange contamination on Guam.

The hearing will be held the Guam Legislature's public hearing room.

The hearing will address Resolution 25-34, which declares official support for the Fighting for Orange-Stricken Territories in Eastern Regions Act (FOSTER) Act (<https://www.congress.gov/bill/115th-congress/house-bill/809>). The resolution also requests Congress recognize the use of Agent Orange on Guam during the Vietnam War and petitions for service-connection presumption to veterans presumed to be

exposed to Agent Orange on Guam.

The hearing also will address Resolution 40-34, which petitions Congress to expand the Radiation-Exposed Veterans Compensation Act (<https://www.justice.gov/civil/common/reca>) to include veterans who participated in the cleanup of Enewetak Atoll. The resolution also expresses official support for the Mark Takai Atomic Veterans Healthcare Parity Act (<https://www.congress.gov/bill/115th-congress/house-bill/632/text>), which would grant service-connected presumption to veterans exposed to radiation.

READ MORE:

Group presses for radiation compensation

(<http://www.guampdn.com/story/news/2016/11/26/group-presses-radiation-compensation/94464822/>)

Congressman introduces Guam-inspired Agent Orange bill

(<http://www.guampdn.com/story/news/2017/02/02/congressman-introduces-guam-inspired-agent-orange-bill/97419880/>)

More veterans allege Agent Orange use at military bases

(<http://www.guampdn.com/longform/news/2017/01/14/more-veterans-allege-agent-orange-use-military-bases/96568368/>)

Read or Share this story: <http://www.guampdn.com/story/news/2017/03/29/resolutions-support-inclusion-bills-dealing-guam-contamination/99718930/>



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CLICK HERE FOR MORE INFORMATION**



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

SECOND Notice for Public Hearing - Tuesday, April 4, 2017 at 5:30 PM

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com> Fri, Mar 31, 2017 at 8:08 AM
To: phnotice@guamlegislature.org, Senator Therese Terlaje <senatorterlajeguam@gmail.com>
Cc: Rennae Vanessa Meno <clerks@guamlegislature.org>, Joe San Agustin <protocol@guamlegislature.org>, Tom Unisog <sgtarms@guamlegislature.org>, MIS Guam Legislature <mis@guamlegislature.org>

Håfa adai,

Please see pasted below and attached public hearing notice from Vice Speaker Therese M. Terlaje.

Should you have any questions, please contact our office.

Thank you,
Ryan Cabanero
Policy Analyst

March 31, 2017

MEMORANDUM

From: Vice Speaker Therese M. Terlaje
Chairperson, Committee on Culture and Justice

Subject: SECOND NOTICE of Public Hearing - Tuesday, April 4, 2017 at 5:30 PM

Håfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Tuesday, April 4, 2017, beginning at 5:30 PM in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña). On the agenda are the following items:

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- **Resolution No. 25-34 (COR):** Relative to expressing the support of *I Mina'trentai Kuåttro na Liheslaturan Guåhan* for H.R. 809, the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act*, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.
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The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via *I Liheslaturan Guåhan*'s live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Vice Speaker Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Vice Speaker Therese M. Terlaje at the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje, 163 Chalan Santo Papa, at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse'

--

The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice
I Mina'trentai Kuttro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
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OFFICE OF THE VICE SPEAKER
THERESE M. TERLAJE
Chairperson of the Committee
On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

March 31, 2017

MEMORANDUM

From: Vice Speaker Therese M. Terlaje 
Chairperson, Committee on Culture and Justice

Subject: SECOND NOTICE of Public Hearing - Tuesday, April 4, 2017 at 5:30 PM

Håfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Tuesday, April 4, 2017, beginning at 5:30 PM in *I Liheslaturan Guåhan*'s Public Hearing Room (Guam Congress Building, Hagåtña). On the agenda are the following items:

Resolutions:

- **Resolution No. 25-34 (COR):** Relative to expressing the support of *I Mina'trentai Kuåttro na Liheslaturan Guåhan* for H.R. 809, the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act*, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.
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We look forward to your attendance and participation.

Si Yu'os Ma'åse'

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I Mina'trentai Kuáttro na Liheslaturan Guåhan

34th Guam Legislature

OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee
On Culture and Justice

Public Hearing

Tuesday, April 4, 2017

5:30 p.m.

AGENDA

Resolution No. 25-34 (COR) - Introduced by: Therese M. Terlaje
RELATIVE TO EXPRESSING SUPPORT OF *I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN* FOR H.R. 809, THE *FIGHTING FOR ORANGE-STRICKEN TERRITORIES IN EASTERN REGIONS (FOSTER) ACT*, INTRODUCED BY THE HONORABLE CONGRESSMAN DENNIS ROSS, R-FLORIDA, ON FEBRUARY 1, 2017, WHICH WOULD PROVIDE PRESUMPTIVE AGENT ORANGE EXPOSURE STATUS TO VIETNAM WAR-ERA VETERANS WHO SERVED IN SPECIFIC AREAS, INCLUDING GUAM, AND SHOW SYMPTOMS OF MEDICAL CONDITIONS CURRENTLY ASSOCIATED WITH EXPOSURE TO AGENT ORANGE IN ORDER TO RECEIVE U.S. DEPARTMENT OF VETERANS AFFAIRS BENEFITS; AND TO SEEKING JUSTICE FOR VETERANS AND CIVILIANS EXPOSED TO AGENT ORANGE ON GUAM.

Resolution No. 40-34 (COR) - Introduced by: Therese M. Terlaje
RELATIVE TO ADVOCATING FOR THE INCLUSION OF VETERANS WHO PARTICIPATED IN THE CLEANUP OF ENEWETAK ATOLL AS RADIATION EXPOSED VETERANS FOR PURPOSES OF THE PRESUMPTION OF SERVICE-CONNECTION OF CERTAIN DISABILITIES BY THE SECRETARY OF VETERANS AFFAIRS, AND FOR OTHER PURPOSES, AND TO EXPRESSING THE SUPPORT OF *I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN* (THE 34TH GUAM LEGISLATURE) H.R. 632 AND S. 283, THE *MARK TAKAI ATOMIC VETERANS HEALTHCARE PARITY ACT*, INTRODUCED IN THE UNITED STATES CONGRESS.

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I Mina'trentai Kuáttro na Liheslaturan Guáhan
 Office of the Vice Speaker
 Senator Therese M. Terlaje
 Committee On Culture and Justice

Date: Tuesday, April 04, 2017
 Resolution No.: 25-34 (COR)

Time: 5:30 PM

Relative to expressing the support of I Mina'trentai Kuáttro na Liheslaturan Guáhan for H.R. 809, the Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Duenas, Daniel A	P.O. Box 3043 Hagatña, Guam	686-3070	daniel.duenas@unstare.com		✓		
2	MARTINEZ, MICHAEL G	P.O. Box 25086 BARRIGADA, GU. 96921	482-9001	michael.martinez@westcom			✓	
3	ROBERT N. Celestial		688-7277	N. A	✓	✓		
4	Daniel Mendiala	112 N. Keda Gu San. 96900	487-8406	danielmendiala@teleguam.net		✓		
5	Brian Mesenda	Po Box 20308 Barrigada Gu 96921	7889519	bmesenda@fisher.com				
6	JOE BLAS	YONA	789-2356	jcbblas@williams.com			✓	
7	Jose U. GARRIDO	Dededu	686-9075	humatakd@guam.net		✓		✓
8	JOE A SAN ANTONIO	Dededu	688-5117	Tankais @ hotmail	✓	✓	✓	✓
9	Bryan L. Mesa	Santa Rita	565-2632	bigb@teleguam.net	✓	✓		✓
10	AbuRose	MangILAD	747-3542	aburose.tantingfong@gmail	✓	✓	✓	✓
11	Mary Jo Quenga	Riti Guam	689-2296	mjoquengad@gmail	✓			
12								



I Mina'trentai Kuáttro na Liheslaturan Guåhan
 Office of the Vice Speaker
 Senator Therese M. Terlaje
 Committee On Culture and Justice

~~Resolution~~ Date: Tuesday, April 04, 2017
 Bill No.: 25-34 (COR)

Time: 5:30 PM

Relative to expressing the support of I Mina'trentai Kuáttro na Liheslaturan Guåhan for H.R. 809, the Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Enrique Torres	172 M. U. Wilson Rd	789-2894			✓	✓	
2								
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I Mina'trentai Kuáttro na Liheslaturan Guåhan
 Office of the Vice Speaker
 Senator Therese M. Terlaje
 Committee On Culture and Justice

Date: Tuesday, April 04, 2017
 Resolution Bill No.: 25-34 (COR)

Time: 5:30 PM

Relative to expressing the support of I Mina'trentai Kuáttro na Liheslaturan Guåhan for H.R. 809, the Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Howard E Collins	347 Sis Eucharist YONA	747-1755			<input checked="" type="checkbox"/>		
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1/AG

UT 11/11/17
2017
Abu Rose

When Nations war with another Nation, it is inevitable that the stragity of winning demands quick actions.

We are all aware the fragility of our Earth home, it's environment, seasons, plants, animals, and yes, our human lives. But all that is forsaken as collaterel damage. Safety, care, and justice are compromised.

But when a war is over, every survivor rejoices with whoops and Hollars. Then, to go see what's left of our homes, crop fields, and to search the bodies of our missing beloved.

We can not cry over our losses and the changes that startled us.

Gaam was beholden onto a quieting guilt. We've been reminded too often of who saved us, who we owe our lives to. We felt ashamed to refuse their choosing over our lands, honor, and crop fields — as they snatched the rug from under our feet.

Must the quite indebtness continue on? After their war, we rejoiced that they removed their Japanese enemies from our mist.

It is not us, the Native inhabitants, who should bear this shame, it be the colonizing aliens who wears an egg on their face, if, they'd realize that,

2/A6

04 April 2017

AbuRose

As it was with their war
bombs and bullets, and lethal chemicals
were everywhere.

During Operation New Life in
1976, a nasty swamp of mosquitoes
are found only in a limited area
down Polaris area. Their sting
caused a hot red swelling of an
unbearable painful itch. The U.S.
Navy sprayed DDT outside their
forces. DDT had been banned
three years earlier. It killed all
our Island birds — but those nasty
mosquitoes are still down there.

Of that same year, Rip
loaded with bombs destined for
Vietnam, sped daily up and down
Marine Drive from the Big Navy to
Anderson. It wasn't just bombs,
so were Agent Orange.

I believe, I want to
believe, that the U.S. acknowledges
the harmful effect it has had
done onto people, military and
civilians alike, that their hearts
are open and their minds at ease,
to do, finally, to do the right thing.

Stop dithering on your stingy Tom,
do what's right, and close this Chapter.
Yes, I, AbuRose, wholeheartly support Bill

25-34.

April 4, 2017

34th Guam Legislature
163 Chalan Santo Papa St.
Hagatna, Guam 96910

RE: Resolution 25-34

I am writing to request your support to establish the identification of Guam as an agent orange/dioxin "Hot Spot" indicated as an area in which the soil is contaminated by a high level of this herbicidal and defoliant chemical.

There are substantial reasons to immediately act on this bill, not only in support of all humanitarian rights to live, but the urgency to realize that the shelf life of this matter will linger if not remediated immediately.

Because of the lapse of attention to the issue, people have died a violent death with significant suffering. The identification and acknowledgment of this issue will weaken our economy, cause drastic changes to environmental international law, and most importantly bring awareness and information to people suffering from exposure in the areas in which the contamination exists.

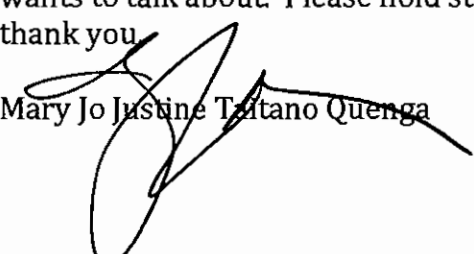
I urge you to begin the testing immediately as most of the people who can give first hand personal accounts in sworn testimony are dying.

Reach out to international partners who have already established a 20-year research based study mainly Thailand, New Zealand, Korea, Australia and Cambodia. There are numerous bases in the United States who have been identified as storage and sprayed sites in these states reports have been in compilation since 1971. There are also key documentation that USDA holds that can be used as supplemental evidence proving your argument.

Help build on the case that has already been documented through written and sworn testimony by service members who did the actual spraying on Anderson Air force base, Guam. The efforts were to maintain logistical control of flight line, pipeline, and other areas to keep the base secure. I would like to respectfully remind you that this pipeline begins in Apra Harbor spanning all the way through the middle of our island. Lets start here.

You have a long an arduous journey ahead of you. I offer you my gratitude for all your efforts to advance the research and identification of this poison that no one wants to talk about. Please hold steadfast and help our people. Good luck and thank you

Mary Jo Justine Taitano Quenga



Joe A. San Agustin
Administrator Guam Veterans Affairs Office



4-4-2017

Vice Speaker Senator Therese M. Terlaje.
Chairperson, Committee on Culture and Justice

Subj: Testimony Resolution No. 25-34 (COR)

Hafa Adai Vice Speaker and honorable Senators

My name is Joe A. San Agustin Special Assistant to the Governor Acting administrator Guam Veterans Affairs Office. I'm here this evening to testify in support of Resolution no. 25-34 (COR) Relative to expressing the support of I Mina' Trintai Kuattro na Liheslaturan Guahan for H.R. 809, the fighting for Orange-Stricken Territories in the Eastern Region (FOSTER) Act, introduced by the Honorable Congressman Dennis Ross, R-Florida on February 2, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and shows symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs Benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.

If it is determined that a service member or in this case civilians were exposed to Agent Orange on Guam, and all the symptoms of the ailments and life threatening conditions are evident, The right thing to do is for the Veterans Administration to provide medical and health care services and render other VA benefits, and to hold the Department of Defense Accountable.

I thank you for the opportunity to testifying in support of this Resolution.,

Respectfully,

Joe A. San Agustin



TESTIMONY ON
Resolution 25-34 (COR)
BARRY L. MEAD

Hafa Adai, my name is Barry Mead, I am a Viet Nam Veteran, a VFW Gold Legacy Life Member, a DAV Life Member, and the Service Officer for VFW Post 2917. I am here today speaking to Resolution 25-34 (COR) for myself and only as a Viet Nam Veteran that has been diagnosed and being treat for Agent Orange related illnesses.

The fact that many Viet Nam Veterans who served in country between 1962 – 1975 were exposed to Agent Orange and have passed away or are being treated for the illnesses that are related to that exposure it is those service members that were exposed in ways other than by being “in county” that must also be included. Currently the VA recognizes exposure to Agent Orange and other herbicides for members that served in Thailand, where tested and stored outside of Viet Nam, C-123 planes flown after the Viet Nam war and what needs to be pursued by this Committee and veteran’s groups on Guam, “Veterans associated with DOD projects to test, dispose of, or store HERBICIDES in the U.S.”

Consideration is underway in Congress as well for Blue Water service members that may have been exposed.

In addition, consideration needs to be taken and made for non-service members exposed as estimates range as high as 1.5 Million people in Viet Nam suffer from the effects of Agent Orange exposure. I raise this point because even though the DOD has denied using Agent Orange specifically in Guam, other herbicides were! I personally have spoken to Veterans who have filed claims and been denied for exposure to Agent Orange and/or these other herbicides, because they were told they were not in the areas affected, meaning Guam.

When looking at the Agent Orange Related Illnesses and comparing them to the prevalent illnesses found in Guam it becomes easy to ask ones-self are they connected.

It has been recognized that the children of female service members that served in Viet Nam are affected by their mother’s exposure. Currently Congress and the VA are making strides in recognizing the children of male service members may also be affected. (I have the

application on my computer desk top) I raise this point as the correlation is that if non-service members were exposed while working in an area affected, then it can be presupposed that their children may as well be affected.

Though the provisions of Public Law 32-210 authorizing \$50,000 to implement the Guam Veterans Registry as well as PL 32-101 which mandated this registry, have not been complied with and there as been little if no effort to establish this registry I would suggest that these laws be amended and mandate that the registry not only include all Veterans, but to include questions related to Agent Orange and other herbicidal exposure. This then would form a more solid base not only for discussion with the VA to provide better services in Guam for our Vets, but also in support of the purpose of this resolution, H.R 809, and with DOD for the prevalence of the use of Agent Orange and other herbicides in Guam.

Might I ask that this resolution also include a profound statement that we expect our Congresswoman to not only support H.R. 809, but work directly with Congressman Ross in a sincere bi-partisan effort since this directly speaks to Guam.

Let me say that I am glad to see the current Legislature taking to task issues that have for too long been neglected concerning our Veterans. We flaunt the fact that Guam has the highest per capita participation in Service to our country and the number of those that made the supreme sacrifice. There are five (5) members of this Legislature that are Veterans, one third of the entire body. My platform when I ran to serve in this body was for better service to our Veterans, and know that I hold you five (5) members as accountable as I would hold myself. With those 5 members, it is still beyond my comprehension why there is not a separate committee or at least a sub-committee for Veterans Affairs.

Si Yu'us Ma'ãse, and thank you for your time and indulgence.

Barry "B" L. Mead

Viet Nam - May 68 – Dec 69
VFW Post 2917 Service Officer
VFW Legacy Life Member
Life Member DAV
Member Viet Nam Veterans of America

"Paralyze resistance with persistence" Woody Hayes

Veterans Exposed to Agent Orange

Veterans who were exposed to [Agent Orange](#) or other herbicides during military service may be eligible for a variety of VA benefits, including disability compensation for diseases associated with exposure. Your [dependents and survivors](#) also may be eligible for benefits.

"Agent Orange" refers to a blend of tactical herbicides the U.S. military sprayed in the jungles of Vietnam and around the Korean demilitarized zone to remove trees and dense tropical foliage that provided enemy cover. Herbicides were also used by the U.S. military to defoliate military facilities in the U.S. and in other countries as far back as the 1950s.

In addition, VA has determined there is evidence of exposure to Agent Orange for Air Force and Air Force Reserve members who served during the period 1969 through 1986 and regularly and repeatedly operated, maintained, or served onboard C-123 aircraft (known to have been used to spray an herbicide agent during the Vietnam era). For more information about service qualifications and other eligibility criteria, visit our [Agent Orange C-123 web page](#).

VA and federal law presumes that certain [diseases](#) are a result of exposure to these herbicides. This "presumptive policy" simplifies the process for receiving compensation for these diseases since VA foregoes the normal requirements of proving that an illness began during or was worsened by your military service. A Veteran who believes he or she has a disease caused by Agent Orange exposure that **is not** one of the conditions listed below must show an actual connection between the disease and herbicide exposure during military service.

Eligibility - Service in Vietnam or Korea

VA presumes that Veterans were exposed to Agent Orange or other herbicides if they served:

- In Vietnam anytime between January 9, 1962 and May 7, 1975, including brief **visits ashore** or service aboard a ship that operated on the **inland waterways** of Vietnam
- In or near the Korean demilitarized zone anytime between April 1, 1968 and August 31, 1971

If you fall into either category listed above, you do not have to show that you were exposed to Agent Orange to be eligible for disability compensation for [diseases](#) VA presumes are associated with it. Check the list of [U.S. Navy and Coast Guard ships that operated in Vietnam](#) to confirm whether your service aboard a ship allows VA to concede you were exposed to Agent Orange..

Eligibility - Service Outside of Vietnam or Korea

Even if you did not serve in Vietnam or the Korean demilitarized zone during the specified time periods, you can still apply for disability compensation if you were exposed to an herbicide while in the military and believe it led to the onset of a disease. This includes:

- Veterans who served on or near the perimeters of military bases in Thailand during the Vietnam Era.
- Veterans who served where herbicides were tested and stored outside of Vietnam.
- Veterans who were crew members on C-123 planes flown after the Vietnam War.
- Veterans associated with Department of Defense (DoD) projects to test, dispose of, or store herbicides in the U.S.

If eligible, you must prove that you were exposed to Agent Orange or other herbicides during your military service to be eligible for service-connection for disease VA presumes are related to Agent Orange exposure.

Exception: Blue Water Veterans with non-Hodgkin's lymphoma may be granted service-connection without showing inland waterway service or that they set foot in Vietnam. This is because VA also recognizes non-Hodgkin's lymphoma as related to service in Vietnam or the waters offshore of Vietnam during the Vietnam Era.

Agent Orange-Related Illnesses

We believe that contact with Agent Orange, a toxic chemical used to clear trees and plants during the Vietnam War, likely causes several illnesses. Find out if you can get disability compensation or benefits if you had contact with Agent Orange while serving in the military and now have 1 or more of the illnesses listed below.

Cancers believed to be caused by contact with Agent Orange

- **Chronic B-cell Leukemia** : A type of cancer that affects your white blood cells (cells in your body's immune system that help to fight off illnesses and infections)
- **Hodgkin's Disease** : A type of cancer that causes your lymph nodes, liver, and spleen to get bigger and your red blood cells to decrease (called anemia)
- **Multiple Myeloma** : A type of cancer that affects your plasma cells (white blood cells made in your bone marrow that help to fight infection)
- **Non-Hodgkin's Lymphoma** : A group of cancers that affect the lymph glands and other lymphatic tissue (a part of your immune system that helps to fight infection and illness)
- **Prostate Cancer** : Cancer of the prostate (the gland in men that helps to make semen)
- **Respiratory Cancers (including lung cancer)**: Cancers of the organs involved in breathing (including the lungs, larynx, trachea, and bronchus)
- **Soft Tissue Sarcomas (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma)**: Different types of cancers in body tissues such as muscle, fat, blood and lymph vessels, and connective tissues

Other illnesses believed to be caused by contact with Agent Orange

- **AL Amyloidosis** : A rare illness that happens when an abnormal protein (called amyloid) builds up in your body's tissues, nerves, or organs (like your heart, kidneys, or liver) and causes damage over time
- **Chloracne (or other types of acneform disease like it)**: A skin condition that happens soon after contact with chemicals and looks like acne often seen in teenagers. Under our rating

regulations, it must be at least 10% disabling within 1 year of contact with herbicides.

- **[Diabetes Mellitus Type 2](#)** : An illness that happens when your body is unable to properly use insulin (a hormone that turns blood glucose, or sugar, into energy), leading to high blood sugar levels
- **[Ischemic Heart Disease](#)** : A type of heart disease that happens when your heart doesn't get enough blood (and the oxygen the blood carries). It often causes chest pain or discomfort.
- **[Parkinson's Disease](#)** : An illness of the nervous system (the network of nerves and fibers that send messages between your brain and spinal cord and other areas of your body) that affects your muscles and movement—and gets worse over time
- **[Peripheral Neuropathy, Early Onset](#)** : An illness of the nervous system that causes numbness, tingling, and weakness. Under our rating regulations, it must be at least 10% disabling within 1 year of contact with herbicides.
- **[Porphyria Cutanea Tarda](#)** : A rare illness that can make your liver stop working the way it should and can cause your skin to thin and blister when you're out in the sun. Under VA's rating regulations, it must be at least 10% disabling within 1 year of contact with herbicides.

If you have an illness you think is caused by contact with Agent Orange—and you don't see it listed here—you can still apply for benefits. You'll need to show that you have a disability and include a doctor's report or a hospital report stating that your illness is believed to be caused by contact with Agent Orange.

[Apply for benefits](#) .

4/4/2017

I am here in support of Res. 25-34 and 40-34

Our Veterans are suffering from the effects of agent orange that was supposed to give us the advantage of a neutralized landing zone or field of fire. When food source are contaminated and our enemies cannot eat from them, then we physically try and break them down, before we engage them. Sounds strange or in other words unconventional. But where American Soldiers Lives are at stake then we want to give them all the supports we can provide.

When a Commander is certain that the enemy will over run him, then the only recourse is to call in the Code. To lay everything inside his perimeter. "Broken Arrow"

We are alive maybe because Decisions are made to do so. So we get to live another day. We were given the chance to tell our story. So-----

IN AS MUCH AS HOW GROSS WE LOOKED AT THE EFFECTS OF AGENT ORANGE . ALWAYS REMEMBER THAT ITS POSSIBLE THAT IT DID IN FACT GAVE US THE ADVANTAGE BACK THEN.

SENATORS, PLEASE FORMULATE THE PLAN WELL TO EXECUTE 25-34 and 40-34 SO THAT OUR PEOPLE AND VETERANS WILL GET WHAT THEY DESERVED.

THANK YOU

DAN MENDIOLA

CHAIRMAN / GUAM VETERANS COMMISSION

4 April 2017

The Honorable Vice Speaker Therese M. Terlaje
34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Re: Resolution No. 25-34 Public Hearing

Hafa Adai Honorable Vice Speaker:

My name is Joe Blas, from the village of Yona. I am a Vietnam Veteran, having served in country Vietnam on active duty in the U.S. Navy assigned to the U.S. Army Explosive Ordnance Disposal Team in 1970 and 1971. I sincerely appreciate your introduction of Resolution Number 25-34. Many issues relating to "Agent Orange" for Vietnam Veterans are in my own opinion has been on the "back burner" for some time.

From 1965 to 1970, U.S. planes sprayed twenty (20) million gallons of dioxin over South Vietnam. This was done to strip the jungle of trees, bushes, etc., to expose the enemy. For city hall, using dioxin was necessary to save lives at that time.

The 50th Anniversary of the Vietnam War came, and "Killing Me Slowly" would be the song of choice at City Hall, dedicated to Vietnam Veterans. In the 1990's, the United States accepted the responsibility

for helping to clean up dioxin “hot spots” in Vietnam. Here at home, on the Island of Guam, many of us Vietnam Veterans, suffer from certain illnesses “associated” with dioxin exposure. I speak for all my brothers that gave some, and for my brothers that gave all.

I pray that you are seriously considering this fight for all veterans; those who had boots on the ground and those who worked with and were exposed to herbicides in support of the Vietnam Conflict.

I am in full support of Resolution Number 25-34. In comparison to the national level, Guam is way, way behind in supporting Vietnam Veterans. I further pray that sometime in the near future, the United States and Guam will recognize and fully support the Sons of Guam who fought for freedom and welcome us home from the war. As Vietnam Veterans we have been and still reaping the harvest...in the negative effects of “Agent Orange. “Them is dying, and them is us”.

Siana Maase,

Joe Blas

Vietnam Veteran



Catherine M. R. Castro

224 Roy T. Damian Jr. Street ☉ Mongmong, Guam 96910

April 10, 2017

Re: Resolution No. 25-34 (COR)

Buenas yan Hafa Adai Vice Speaker Terlaje
and Senators of the 34th Guam Legislature,

My name is Cathy Rivera Castro and I'm a resident of Mongmong. I volunteer for several organizations that promote creating a healthier island community. I am also a member of a recently formed Health Task Force on Agent Orange. My most important role however, is that of a mother and a grandmother.

I often speak about my son Andre, his medical condition and the challenges he and our family has had and continues to face. Andre was diagnosed with Osteoclastoma in 2008. It is a Giant Cell Tumor in his Thoracic 10, in his spine. Over the last several years, we have received much assistance from many different organizations and entities. Because of this, my son is still with us today – he lives in California where he continues treatment for his cancer. How does this mother say thank you for having her son today? By being involved in the community: advocating for policy changes, improving awareness of the needs of our people and working collaboratively to create a healthier island. I have watched my son fight for his life more than once and no one should have to experience this with a loved one. When he was first diagnosed, one of the things I promised him was.... *“Son, you concentrate on fighting this disease for only you can do that; but I promise you that I will fight anyone and anything to get you what you need to survive.”* Thus, began my quest. What better way to honor him and fulfill the promise I made than to provide my support and take on the quest to help others beyond Andre?

I am happy to **support** this resolution because it will assist cancer patients and their families who have been impacted by exposure to the Agent Orange chemical. The financial burden of cancer is enormous, the physical challenges are many and the need for assistance and support is great. Our people have always been faced with the hardships of access to comprehensive cancer care due to our distance from specialty cancer treatment centers, and are thus faced with the additional burden of having to travel far to access specialized care. This in itself adds additional financial implications on top of the already high cost of cancer care and treatment. Having Guam included in the **HR 809 – *The Fighting for Orange-stricken Territories in the Eastern Regions (Foster) Act*** will truly benefit our people who will be able to avail of compensation to assist them in their cancer journey.

Our family members that lived during the period of exposure, uncertain of the dangers at the time, are just now realizing that there might be a link to the medical conditions they suffer. Cancer is so prevalent in our community. I have family members whose parents have cancer and this dreadful disease has been passed on to the next generation and the generation after them. I remember stories from my grandparents, my mother and her siblings about resources being scarce after the war. Our families mostly lived off the land. They did not know the soil and water were contaminated and naturally did not consider the possibility that the world around them, which had always provided for them, would be detrimental to their health and the health of their offspring. I also have family members that have served in the Vietnam War and have suffered many serious health related conditions that are similar with the symptoms of exposure to Agent Orange. Some of these family members have already succumb to their health conditions. Those that served in during the Vietnam War were young and upon returning married and started families. There is evidence that their children have contracted diseases too. There are also those family members whose parents had served in the military at this time and stayed on the military installations on Guam. Exposure from their residence was a possibility.

There have been so many that have lost their battle to this dreadful disease. But there are still many that continue to fight with everything they have. We must continue to stand with them and with their families. I stand with them and I appeal to President Donald Trump and members of the U.S. Congress to include our island of Guam, the Commonwealth of the Northern Marianas and American Samoa in the **HR 809 – The Fighting for Orange-stricken Territories in the Eastern Regions (Foster) Act**. Our people who have been impacted by exposure to Agent Orange deserve to be acknowledged – that their suffering is not without recognition and without cause. We are a proud Island Community of Chamoru People but we are also proud American Citizens that have served our country with much commitment and dedication that can be asked of anyone. Let them know that a life matters – their lives matter.

Thank you once again for allowing me this opportunity to make my voice heard.

Saina Ma'ase yan Bendesion
(Thank you and Blessings)



Cathy Rivera Castro
224 Roy T. Damian Street
Mongmong, Guam 96910
Mobile: 671.686.6872
Email: catcastro44@gmail.com

Help make a **FIGHTER** a **SURVIVOR!**
Create and Support Awareness for Sarcoma - Bone Cancer
Wear a Yellow Ribbon for Dre - **Andre Jon Rivera Castro**

Resolution No. 39-34 relative to Radiation Exposure Compensation Act (RECA)

Downwinder Definition

Any person who was exposed downwind to fallout from the atmospheric detonation at the Nevada Test Site

Senate Bill 197, if passed, would add Guam to definition as "downwind" from Pacific Test Site

Eligibility Dates

Resided on Guam between June 30, 1946 and August 19, 1958 or between April 25, 1962 and November 5, 1962

Eligible Downwinder Illness

- leukemia (other than chronic lymphocytic leukemia)
- multiple myeloma
- lymphomas (other than Hodgkin's disease.)
- Primary cancer of the larynx, thyroid, breast (female/male), small intestines, pancreas, ovary, salivary gland, lung, esophagus, stomach, brain, urinary bladder, bile ducts, liver, colon, and gall bladder



115TH CONGRESS
1ST SESSION

H. R. 809

To amend title 38, United States Code, to clarify presumptions of service-connection relating to the exposure to herbicides of certain veterans who served in the Armed Forces during the Vietnam Era, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2017

Mr. ROSS introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to clarify presumptions of service-connection relating to the exposure to herbicides of certain veterans who served in the Armed Forces during the Vietnam Era, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fighting for Orange-Stricken Territories in the Eastern Region Act".

1 **SEC. 2. CLARIFICATION OF PRESUMPTIONS OF SERVICE-**
2 **CONNECTION FOR VETERANS EXPOSED TO**
3 **CERTAIN HERBICIDES WHILE SERVING IN**
4 **THE ARMED FORCES DURING THE VIETNAM**
5 **ERA.**

6 (a) COMPENSATION.—Section 1116 of title 38,
7 United States Code, is amended by adding at the end the
8 following new subsection:

9 “(g) In this section, the term ‘Republic of Vietnam’
10 includes each of the following:

11 “(1) The territorial seas of the Republic of
12 Vietnam.

13 “(2) Guam.

14 “(3) The Northern Mariana Islands.

15 “(4) American Samoa.”.

16 (b) HEALTH CARE.—Section 1710(e)(4) of such title
17 is amended—

18 (1) by striking “subsection—” and inserting
19 “subsection.”; and

20 (2) by adding at the end the following new sub-
21 paragraph:

22 “(C) The term ‘Republic of Vietnam’ has the
23 meaning given such term in section 1116(g) of this
24 title.”.

3

1 (c) EFFECTIVE DATE.—The amendments made by
2 subsections (a) and (b) shall take effect as of September
3 25, 1985.

○

In yet other soil samples total petroleum hydrocarbons (TPH) reflect dioxin levels up to 94 ppm, and metals were detected at levels above comparison values. Another site soil sample had dioxin levels up to 120 ppm, and metals (lead levels up to 15,700 ppm) were detected at levels above comparison values. Lastly, the EPA found in soil sample at another location on Anderson AFB dioxins levels up to 0.78 ppm, volatile organic compounds up to 9.8 ppm, semi-volatile organic compounds up to 1.8 ppm, pesticides up to ppm, and metals (chromium levels up to 830 ppm) were detected, some at levels above at comparison values.

SOURCE: EPA Conclusions about Hazardous Waste Clean Up on Anderson AFB, Guam http://www.atsdr.cdc.gov/HAC/pha/anderson/and_p3.htm#F4A
(http://www.atsdr.cdc.gov/HAC/pha/anderson/and_p3.htm#F4A)

The above scientific jargon aside, which most of our readers can't understand, and I had to pull out a dictionary, the fact of the matter is that although the EPA reports do not mention Agent Orange, or any of the other Rainbow Colors, specifically, the significant presence of dioxins at so many different locations at landfills used during different historical time frames, including during the Vietnam War, and dioxins in concentrations that can compete with or surpass many major regions in Vietnam where Ranch Hand and related Herbicide Warfare missions took place, common sense tells one that there is more to this than what the Pentagon is telling the VA, and Veterans who served on Guam during the Vietnam War.

Point: The scientific evidence of the significant presence of dioxins that the EPA has found on Guam goes beyond the Pentagon's explanation of burn pits. It would behoove VSOs and Congress to work more closely with the EPA that is not under command and control of the Pentagon to determine the extent or use of Agent Orange related chemicals on Anderson AFB to include at least two landfills found UNDER base housing areas prior to construction and base personnel (military families) moving in. What we have here is a Pandora's box and the Pentagon fears opening it. The VA is simply taking advantage of the box being closed and working closely with the DoD to delay, delay, and deny until you die Veterans claims.

Researcher at the University of Guam WARNED to back off on claims of Agent Orange exposure on Guam then terminated

We are forwarding detailed research done by Medical Doctor Luis Szyfres, M.D., M.P.H. Clinical Epidemiology; Clinical Pathology; Clinical Research at the University of Guam who has done extensive research in Hazardous Waste contamination on Guam in general, and Anderson AFB in particular for several years.

We believe that given the political climate on Guam today where some of the population and government officials are concerned about the expansion of a military (Marine) presence on Guam given the Toxic Waste clean up by the Air Force that Dr. Szyfres has been warned by University administration to back off on his study and claims of Agent Orange exposure.

In Dr. Szyfres research study and report "GUAM.... THE LAND OF THE ROSARIES," this scientist and medical doctor with twenty-six years (last sixteen years in managerial positions) in private, public, academic, and international organizations, including: The Johns Hopkins University/Medical Center and SPH (Baltimore, Maryland), BMC and Mount Sinai Medical Center/City University of New York (Manhattan, NY), IT&E International Corporation (San Jose, CA), US Department of Health and Human Services, DHHS/OMI (Washington, DC), World Health Organization (WHO) specialized agency of the United Nations (UN), Washington, DC. Director, World Health Organization (WHO) / United Nations (UN), Strategic Center for Bioinformatics & Publications, for the United States & its territories AND Member Guam's Legislature: Guam Right to Know Commission. Hagatna, Guam AND A. Professor, College of Natural & Applied Sciences. University of Guam (UOG) should be threatened, warned to cease his research on the relationship between Agent Orange and Guam. AND we believe Dr. Szyfres may have been terminated for his refusal to remain SILENT.

Why the enthusiasm about silencing such an experienced researcher into Agent Orange on Guam?

The cover sheet of Dr. Szyfres' study reads:

It is a very sad & dramatic situation, the University of Guam has been conducting studies for more than 30 years, involving more than 20 professors.

All these studies prove that the environment of Guam is heavily contaminated with very toxic chemical, and their association with very severe diseases end/or death. But instead of informing their own students (more than 3,000) their families, and the community how to prevent and treat the constant accumulation of these deadly poisons in their bodies... UOG published an editorial in the newspaper (M. VARIETY) denying any contamination of the food they eat, and the water they drink.

Veterans Today Editorial Comment: Dr. Szyfres' concerns may be reinforced by what the EPA found on Anderson AFB, this is not only a health issue but a political issue, thus we believe he is being silenced. However, it was his views on Agent Orange on Guam that caught our eye for he is not a Veteran, but believes the dioxins found on Anderson AFB are related to the family of Agent Orange chemical use and storage and set out to prove it thus the attempt to shut him up.

His cover sheet also states that:

EXAMPLE OF THE CONCENTRATIONS, DISPERSION, AND ASSOCIATED DISEASES OF A TOXIC CHEMICAL IN GUAM – DIOXINS, TCDD, AGENT ORANGE

Federal Agency for Toxic Substances & Disease Registry (ATSDR)

TCDD: sites, dates, and concentrations/comparison values (CVs).

One of the most toxic man made substances known.

Veterans Today: Damn the politics on Guam or anywhere else, our VSOs, the U.S. Congress, and the EPA on Guam need to at the minimum scrutinize Dr. Szyfres' findings as accurate enough to add Guam to the listing of preemptive assumptions of locations where Agent Orange existed or was used. The very fact that efforts have been made to silence him convinces us at Veterans Today that he is onto something and on the right track.

Veterans Service Organizations, Congress, and the VA take Note Dr. Szyfres' is not under Pentagon or VA command and control

Dr. Szyfres' findings are that:

Three ounces of dioxin can kill in excess of one million people.

The toxicity of TCDD is 1,000 times more lethal than potassium cyanide.

Shallow Subsurface Soil testing on Anderson AFB

GUAM, YIGO – (SITE NO. 26) Fire Training Area No.2-Operable Unit. [Anderson AFB] Main Base: used between 1958 and 1988. TCDD: concentrations "above" CVs — up to 19,000 ppm



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STREAM GUAM'S FAVORITE 24/7

Forbes comments on Right to Know Commission

Updated: Feb 28, 2007 12:51 AM

As many Guamanians look to the future of military buildup on Guam, there are many who are still seeking answers from the past military functions on Guam. Because of this the Legislature passed a resolution creating the Right to Know Commission, of which Speaker Mark Forbes (R) is a member.

He said of the organization, "[It] was established by resolution by the last legislature and the purpose of it was to follow along the lines of nationally proposed Right to Know Commissions in Congress, the purpose of which is to obtain information about Agent Orange and other defoliants and other similar types of chemicals that the people of Guam may have been exposed to in the post-war period going through the period of the Vietnam War things like Agent Orange defoliants and other chemicals that might have been stored and used on Guam."

About the meeting set for March 5, Forbes said, "The meeting is going to be primarily between the legislative members of the Commission, the resolution that was passed in the last legislature lists out legislative members of the Commission and our purpose would be just to basically just start to organize the work and also have the group determine who should be appointed as the non-legislative members."

The meeting for the Right to Know Commission will be held in the Public Hearing Room of the Legislature Building in Hagatna.

Citation Nr: 1547770

Decision Date: 11/12/15 Archive Date: 11/25/15

DOCKET NO. 09-13 094) DATE
)
)

On appeal from the
Department of Veterans Affairs Regional Office in New York, New York

THE ISSUE

Entitlement to service connection for prostate cancer with erectile dysfunction and incontinence, claimed as the result of herbicide exposure.

REPRESENTATION

Veteran represented by: Katrina Eagle, Attorney

WITNESSES AT HEARING ON APPEAL

Veteran and L.F.

ATTORNEY FOR THE BOARD

P. Lopez, Associate Counsel

INTRODUCTION

The Veteran had active service from June 1968 to June 1972.

This matter came before the Board of Veterans' Appeals (Board) from February 2008 and July 2008 rating decisions of the Department of Veterans Affairs (VA) Regional Office (RO) in New York, New York. The Board remanded the appeal for additional development of the record in April 2010. In September 2012, while the appeal was in remand status, the Veteran was afforded a hearing before RO personnel. A transcript of his hearing has been associated with the record.

In a March 2014 decision, the Board denied entitlement to service connection for prostate cancer with erectile dysfunction, incontinence, and kidney stones. The Veteran appealed the Board's decision to the United States Court of Veterans Claims (Court). In an April 2015 Memorandum Decision, the Court vacated the Board's March 2014 decision and remanded the case to the Board.

The Board finds that several issues have been raised by the record and, since the Board does not have jurisdiction over them, must be referred to the AOV for appropriate action. A review of the procedural history will be useful.

In April 2006, the Veteran filed claims of service connection for prostate cancer (secondary to herbicide exposure), skin cancer (secondary to herbicide exposure), hearing loss, tinnitus, low back pain, high cholesterol, recurrent kidney stones, and recurrent bladder stones, and increased ratings for residuals of pilonidal cyst and hemorrhoids. In November 2006, he added claims of service connection for erectile dysfunction, depression, and incontinence, all as secondary to his prostate cancer.

In the February 2008 rating decision, the RO granted an increased rating for residuals of pilonidal cyst, denied an increased rating for hemorrhoids, granted service connection tinnitus and hearing loss, and denied service connection for prostate cancer (with erectile dysfunction, incontinence, and kidney stones), skin cancer, depression, and high cholesterol. Following this decision, the Veteran submitted new evidence regarding his claim for prostate cancer. In July 2008, the RO readjudicated the issue of prostate cancer (with erectile dysfunction, incontinence, and kidney stones) and again denied the Veteran's claim.

Ever since the February 2008 rating decision, the RO has characterized the claim for prostate cancer as encompassing secondary claims for erectile dysfunction, incontinence, and kidney stones. It is not clear why the RO characterized the issue of kidney stones as secondary to the Veteran's prostate cancer, especially when the April 2006 claim appears to be seeking service connection for recurrent kidney stones on a direct basis. In fact, the Veteran specified which claims were based on alleged herbicide exposure (prostate and skin cancer), and the claim for kidney stones was not one them. In light of this, the Board finds that the issue of service connection for recurrent kidney stones was mischaracterized as secondary to prostate cancer; the RO should have adjudicated the issue as a stand-alone claim of service connection. As this issue has still not been properly adjudicated by the RO, the Board does not have jurisdiction over it and must refer it to the Agency of Original Jurisdiction (AOJ) for appropriate action. Further, the Board has recharacterized the issue on appeal to reflect this determination.

Similarly, the Board notes that the February 2008 rating decision considered the issue of service connection for depression only on a direct basis and not as secondary to prostate cancer, as the Veteran asserted in his November 2006 claim. In light of this, the Board finds that the Veteran's claim of secondary service connection for depression has not been properly adjudicated. As such, and since the Veteran's notice of disagreement did not include this issue, the Board does not have jurisdiction over it and must also refer it to the AOJ for appropriate action.

Last, the Board notes that the neither the February 2008 or July 2008 rating decisions adjudicated the issue of service connection for recurrent bladder stones. See April 2006 claim. As such, the Board does not have jurisdiction over it and must also refer it to the AOJ for appropriate action.

In sum, the Board finds that the Veteran's claims of service connection for recurrent kidney stones, depression (as secondary to prostate cancer), and recurrent bladder stones have still not been adjudicated by the RO. As such, the Board does not have jurisdiction over these issues and must refer them to the AOJ for appropriate action. 38 C.F.R. § 19.9(b) (2014).

FINDINGS OF FACT

1. The weight of the evidence supports a finding that the Veteran was exposed to herbicides in service and that his prostate cancer is related to such exposure.
2. The weight of the evidence supports a finding that the Veteran's erectile dysfunction and incontinence are secondary to his prostate cancer.

CONCLUSION OF LAW

1. The criteria for entitlement to service connection for prostate cancer have been met. 38 U.S.C.A. §§ 1101, 1110, 1112, 1116 (West 2014); 38 C.F.R. §§ 3.303, 3.307, 3.309 (2014).
2. The criteria for service connection for erectile dysfunction have been met. 38 U.S.C.A. §§ 1101, 5107(b) (West 2014); 38 C.F.R. §§ 3.6, 3.303 (2014).
3. The criteria for service connection for urinary incontinence have been met. 38 U.S.C.A. §§ 1101, 5107(b) (West 2014); 38 C.F.R. §§ 3.6, 3.303 (2014).

REASONS AND BASES FOR FINDINGS AND CONCLUSION

Service connection will be granted for disability resulting from disease or injury incurred in or aggravated by service. 38 U.S.C.A. §§ 1110, 1131; 38 C.F.R. § 3.303(a). Where a disease is first diagnosed after discharge, service connection will be granted when all of the evidence, including that pertinent to service, establishes it was incurred in active service. 38 U.S.C.A. § 1113(b); 38 C.F.R. § 3.303(d).

Service connection requires evidence showing: (1) the existence of a present disability; (2) in-service incurrence or aggravation of a disease or injury; and (3) a causal relationship between the present disability and the condition incurred or aggravated by service. *Shedden v. Principi*, 381 F.3d 1163, 1167 (Fed. Cir. 2004).

When there is an approximate balance of positive and negative evidence regarding any material issue, or the evidence is in relative equipoise, all reasonable doubt will be resolved in favor of the claimant. 38 U.S.C.A. § 5107; 38 C.F.R. § 3.102.

The Veteran seeks service connection for prostate cancer, and the associated conditions of erectile dysfunction and incontinence. He contends that his prostate cancer diagnosis is related to herbicide exposure during service at Andersen Air Force Base in Guam. Service personnel records do reflect that the Veteran served at Andersen Air Force Base from January 1970 to June 1971.

The Veteran concedes that he did not serve in Vietnam or any other location that would entitle him to the presumption of herbicide exposure under 38 C.F.R. § 3.307. Rather, he is seeking service connection on a direct basis. See, e.g., September 2012 RO hearing transcript. He further concedes that his prostate cancer manifested many years after service.

The evidence of record shows that the Veteran has prostate cancer, with incontinence and erectile dysfunction. See VA examinations from December 2006 and April 2010. Further, both the Veteran's oncologist and a VA examiner have opined that his prostate cancer is likely related to his alleged herbicide exposure, if such exposure was established. See October 2006 statement from oncologist; VA examinations from December 2006 and April 2010. Thus, the Veteran's case turns on whether the evidence supports a finding of herbicide exposure in service. The Board finds that the evidence is in relative equipoise in this regard.

In March 2007, the VA Compensation and Pension Service responded to the RO's request for information pertaining to the Veteran's alleged exposure to herbicides on Guam. The author of the message indicated that the Department of Defense (DoD) did not list any herbicide test or use sites on Guam, and noted that the Veteran appeared to be referring to small-scale brush clearing activity. He indicated that DoD did not have a record of such activity, and there was no way to know the chemical content of any such claimed herbicide use. He also addressed the Veteran's contention that he smelled herbicide aboard a military aircraft flying within the United States from Massachusetts to Nebraska during December 1969, indicating that there was no record of transport of herbicide associated with the Veteran. He indicated that Agent Orange was used primarily in Vietnam and was transported there on private merchant ships. The RO was advised to refer the claim to the U.S. Army and Joint Services Records Research Center (JSRRC) for any information it had to corroborate the Veteran's claimed exposure.

In September 2007, the director of the JSRRC responded that the organization could not document or verify that the Veteran was exposed to herbicides while serving at Andersen Air Force Base or at Offutt Air Force Base. He noted that the DoD listing of herbicide use and test sites was reviewed and neither base was listed. He also noted that unit historical data did not document any herbicide spraying, testing, storage, or usage at Andersen or Offutt during 1969 or 1970.

Articles submitted by the Veteran in March 2008 include an excerpt from a Micronesian Newspaper. It indicates that Agent Orange on Guam was confirmed, and quotes retired airmen and former federal employees' accounts of Agent Orange and other toxic herbicides being stored and sprayed on Guam from the 1960s to the 1990s. An additional document lists and discusses

various contaminant sites on Guam and specifically at Andersen Air Force Base. They do not include herbicides. An associated statement by the Veteran's representative indicates the Veteran's contention that herbicides were used during his time on Guam to clear dense vegetation areas for construction and recreation.

In a March 2010 statement, the Veteran's attorney alleged that there were government reports and related documents showing the presence and use of Agent Orange and other herbicides at Andersen contemporaneous to the Veteran's service there. She pointed to a Dow Chemical Investor Risk Report, which suggests that soldiers stationed on Guam who handled Agent Orange had become ill.

In July 2011, the VA Compensation and Pension Service provided the RO with a document titled "Guam (Negative findings)." The report stated that the information provided by the DoD does not identify any test, storage, or use sites in Guam. The report, however, also states that "[t]here may have been some small scale commercial herbicide use for brush or weed clearing activity around military bases at every location in the world, but there is no record of such activity with [the DoD] and no way to know the chemical content of any such non-tactical herbicide use."

A May 2012 response by the JSRRC indicates that it researched available historical information and was unable to document or verify that the Veteran's squadron flew aboard a cargo aircraft that he believed was previously used to transport tactical herbicides. Also in May 2012, the RO made a formal finding of a lack of information required to corroborate herbicide exposure.

At his RO hearing, the Veteran testified that, while stationed at Andersen Air Force Base in Guam, he personally witnessed herbicides being sprayed to clear vegetation and that he had also seen the effects of such spraying. He witnessed such spraying around the perimeter of the airbase and around the Marbo Complex, where he was housed. He argued that the herbicide used was Agent Orange, and that he was regularly exposed to it. In this regard, he indicated that every night he would go onto the airfield to retrieve canisters of film from the landing planes and that he made daily trips across the base's perimeter to reach the Marbo Complex.

At that hearing, a fellow service member testified on the Veteran's behalf. This witness testified that he was a fuel specialist stationed at Andersen Air Force Base in Guam from September 1968 to March 1969, September 1969 to May 1971, and May 1976 to June 1978. He testified that his duties entailed handling the Agent Orange herbicides and mixing them with diesel fuel, as well as other powdered herbicides such as Agent White, Agent Blue, and Super Agent Orange. He also stated that he personally sprayed the herbicides on the flight line, around the security fences, and at the Marbo Complex, around the laundromat.

Having reviewed the record and weighing the evidence both in support of and against the claim, the Board finds that the evidence is in relative equipoise as to whether the Veteran was exposed to Agent Orange during service at Andersen Air Force Base in Guam. As stated above, the evidence of record includes the testimony of a service member that served at Andersen Air Force at the same time as the Veteran. Military records submitted by the Veteran's attorney show that the witness served in Andersen Air Force Base as a fuels management officer from March 1970 to September 1970, a period during which the Veteran also served there. The witness testified that he sprayed herbicides, to include Agent Orange, around the base's perimeter and the Veteran's living quarters. Additionally, the Veteran testified that he saw herbicides being sprayed near Marbo complex, where he was housed, and noticed the effects of herbicides around the base's perimeter.

There is no documented evidence that herbicides were tested, stored, or used in Guam. Notwithstanding, the VA Compensation and Pension Service, in the report titled "Guam (Negative findings)" (received in July 2011) conceded the possibility that commercial herbicides might have been used for brush or weed clearing activity around military bases at every location in the world. Furthermore, the report indicated that the DoD did not have records of such activity and there was no way of knowing the chemical content of any such non-tactical herbicide use.

The evidence is at least in equipoise as to whether herbicides were used, in a small-scale

capacity, in Guam for brush or weed clearing activity. The only evidence as to the nature of these herbicides is the testimony of a service member who served at Andersen Air Force Base at the same time as the Veteran and who testified that he sprayed a mixture of fuels and herbicides, to include Agent Orange, around the base's perimeter and the Veteran's living quarters. Although such activity is not documented in military records, there is no evidence of record that contradicts or disproves the witness's testimony. In this regard, the Board notes that while Andersen Air Force Base is not listed in the DoD list of locations in which herbicide agents were used, this list is not exhaustive. As such, it is not sufficient to conclude that a Veteran was not exposed to herbicides solely because he or she claimed exposure at a location that is not on the list. See, e.g., *Wheeler v. Shinseki*, 2014 WL 1275449, *4 (Mem. Dec.). Furthermore, the VA Compensation and Pension Service stated that the DoD did not have a record of small-scale brush clearing activity, such as the one described by the Veteran, and there was no way to know the chemical content of any such claimed herbicide use. In view of the above, the Board finds that the evidence is in relative equipoise as to whether the Veteran was exposed to Agent Orange during service in Guam.

Resolving all doubt in favor of the Veteran, the evidence supports a finding that his prostate cancer is related to herbicide exposure during service. As stated, the Veteran has a current diagnosis of prostate cancer and two medical professionals have opined that this diagnosis is likely related to herbicide exposure in service. Therefore, entitlement to service connection for prostate cancer is warranted.

The Veteran is also claiming service connection for erectile dysfunction and incontinence, as secondary to his as of now service-connected prostate cancer.

Service connection may be granted for a disability that is proximately due to or the result of a service-connected disease or injury. When service connection is thus established for a secondary condition, the secondary condition shall be considered a part of the original condition. 38 C.F.R. § 3.310(a). Service connection may also be granted on a secondary basis where a condition is aggravated by a service-connected disability. 38 C.F.R. § 3.310(b). To warrant service connection on a secondary basis, the evidence must show that the current disability was either (a) proximately caused by or (b) proximately aggravated by a service-connected disability. Compensation for secondary service connection based on aggravation of a non-service-connected condition is only warranted for the degree of disability over and above the degree of disability existing prior to the aggravation. *Allen v. Brown*, 7 Vet. App. 439 (1995).

The medical evidence shows that the Veteran has erectile dysfunction and urinary incontinence. See VA examinations from December 2006 and April 2010. Further, the April 2010 VA examiner stated that these are secondary to the Veteran's prostatectomy. In light of this, and having found that service connection for prostate cancer is warranted, the Board concludes that service connection on a secondary basis for erectile dysfunction and incontinence is also warranted.

ORDER

Entitlement to service connection for prostate cancer is granted.

Entitlement to service connection for erectile dysfunction is granted.

Entitlement to service connection for urinary incontinence is granted.

Eric S. Leboff
Veterans Law Judge, Board of Veterans' Appeals

3/9/2016

www.va.gov/vetapp15/Files6/1547770.txt

Department of Veterans Affairs

of VA's duties to notify and assist is necessary.

In general, a veteran is entitled to service connection for a disability resulting from a disease or injury incurred or aggravated during active service. See 38 U.S.C.A. §§ 1110, 1131; 38 C.F.R. § 3.303(a). Service connection also is permissible for any disease diagnosed after discharge, when all the evidence, including that pertinent to service, establishes the disease was incurred in service. 38 C.F.R. § 3.303(d).

A veteran who had active service in the Republic of Vietnam during the period beginning on January 9, 1962 and ending on May 7, 1975 will be presumed to have been exposed to an herbicide agent during such service unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service. See 38 U.S.C.A. § 1116(f); 38 C.F.R. § 3.307(a)(6)(iii). If a veteran was exposed to an herbicide agent during active service, Type 2 diabetes (also known as Type II diabetes mellitus or adult-onset diabetes) shall be service-connected if the requirements of 38 C.F.R. § 3.307(a)(6) are met, even though there is no record of such disease during service, provided further that the rebuttable presumption provisions of 38 C.F.R. § 3.307(d) are also satisfied. 38 C.F.R. § 3.309(e). The disease shall have become manifest to a degree of 10 percent or more at any time after service. 38 C.F.R. § 3.307(a)(6)(ii). VA has extended the presumption of service connection for diabetes mellitus to a Vietnam-era veteran who service in Thailand at certain designated bases and whose duties placed him on or near the perimeter of the base, where Agent Orange was sprayed. VA Adjudication Procedures Manual, M21-1MR, Part IV, Subpart ii, 2.C.10.q.

The Veteran asserts that he developed diabetes mellitus type II as a result of exposure to herbicides in Guam during his service at Andersen Air Force Base (AFB) in Guam from July 1969 to January 1970. He testified that while in Guam, he was a dog handler who patrolled the AFB perimeter on a daily basis and saw chemical and foliage spray barrels, saw spraying being conducted at the AFB, and noticed that the ground was brown. The Veteran's service in Guam has been verified. Service or visitation in Vietnam or Thailand has not been verified. See *Haas v. Nicholson*, 20 Vet. App. 257 (2006), rev'd sub nom. *Haas v. Peake*, 525 F.3d 1168 (Fed. Cir. 2008). The presumption of service connection for diabetes mellitus based on exposure to herbicides has not been extended to claims based on service in Guam.

Notwithstanding the foregoing presumptive provisions, a claimant is not precluded from establishing service connection for a disease claimed to be related to herbicide exposure, as long as there is proof of such direct causation. See *Combee v. Brown*, 34 F.3d 1039 (Fed. Cir. 1994). See also *Brock v. Brown*, 10 Vet. App. 155 (1997). In the absence of a presumptive basis to grant a claim, to establish a right to compensation for a present disability on a direct basis. That is, the evidence must show the existence of a present disability; in-service incurrence or aggravation of a disease or injury; and a causal relationship between the present disability and the disease or injury incurred or aggravated during service. *Shedden v. Principi*, 381 F.3d 1163 (Fed. Cir. 2004).

The evidence of record includes the Veteran's testimony as to his duties in Guam (that he was a dog handler who patrolled the AFB perimeter on a daily basis and saw chemical and foliage spray barrels, saw spraying being conducted at the AFB, and noticed that the ground was brown) and a September 2013 news article that details high levels of dioxin soil contamination found at Andersen AFB.

The Veteran underwent a VA examination in November 2014 which resulted in a negative opinion, with the rationale that "Agent Orange was not found in [the] area where he was stationed in Guam..." Further, his "diabetes was not diagnosed until 1995, 20 years after discharge" from service.

Because that examiner failed to address the significance of the Veteran's consistent statements that he was exposed to herbicides and the news articles that detail high levels of dioxin soil contamination in that area of Guam, the Board sought an advisory medical opinion in March 2015. That opinion was provided by an endocrinologist. The endocrinologist considered the Veteran's history and the reports of dioxin in the soil and opined that it is "at least as likely as not that the diagnosed diabetes is etiologically related to the Veteran's military service with exposure to herbicide and pesticides."

The Board finds that the Veteran is credible. He has been consistent in his general assertions as to the circumstances of his walking the perimeter of the base in Guam. The Board also finds the advisory medical opinion weighs in favor of granting service connection.

In light of the foregoing, the Board finds that service connection for diabetes mellitus type II is warranted.

ORDER

Service connection for diabetes mellitus type II is granted.

M. E. LARKIN
Veterans Law Judge, Board of Veterans' Appeals

Department of Veterans Affairs

3.303 (2004).

REASONS AND BASES FOR FINDINGS AND CONCLUSION

VA's Duties to Notify and Assist

On November 9, 2000, the Veterans Claims Assistance Act of 2000 (VCAA), codified at 38 U.S.C.A. §§ 5100, 5102, 5103, 5103A, 5106, 5107, 5126 (West 2002), became law. Regulations implementing the VCAA were published at 66 Fed. Reg. 45,620, 45,630-32 (August 29, 2001) and codified at 38 C.F.R. §§ 3.102, 3.156(a), 3.159 and 3.326 (2004). The VCAA and its implementing regulations are applicable to this appeal.

The VCAA and its implementing regulations provide that VA will assist a claimant in obtaining evidence necessary to substantiate a claim but is not required to provide assistance to a claimant if there is no reasonable possibility that such assistance would aid in substantiating the claim. They also require VA to notify the claimant and the claimant's representative, if any, of the information and medical or lay evidence not previously provided to the Secretary that is necessary to substantiate the claim. As part of the notice, VA is to specifically inform the claimant and the claimant's representative, if any, of which portion of the evidence is to be provided by the claimant and which portion of the evidence VA will attempt to obtain on behalf of the claimant.

The United States Court of Appeals for Veterans Claims (Court) has mandated that VA ensure strict compliance with the provisions of the VCAA. See *Quartuccio v. Principi*, 16 Vet. App. 183 (2002). In this case, VA has strictly complied with the VCAA by providing the veteran adequate notice and assistance with regard to his claim. Regardless, given that the decision explained below represents a full grant of the benefit being sought on appeal, the Board's decision to proceed in adjudicating this claim does not prejudice the veteran in the disposition thereof. See *Bernard v. Brown*, 4 Vet. App. 384, 392-94 (1993).

Analysis of Claim

In multiple written statements submitted during the course of this appeal and during his personal hearing, the veteran alleged that he developed diabetes mellitus as a result of his exposure to herbicide agents while serving on active duty in Guam. His military occupational duties as an aircraft maintenance specialist allegedly required him to work in an air field, the perimeter of which was continuously brown due to herbicide spraying every three months. The veteran also alleges that he recalls seeing storage barrels at the edge of the base, which he now knows housed herbicides. Following discharge, Anderson Air Force base in Guam, where the veteran was stationed, underwent an environmental study, which showed a significant amount of dioxin contamination in the soil and prompted the federal government to order a clean up of the site.

Service connection may be granted for disability resulting from disease or injury incurred in or aggravated by service. 38 U.S.C.A. § 1110 (West 2002); 38 C.F.R. § 3.303 (2004).

Service connection may also be granted for any disease diagnosed after discharge when all of the evidence, including that pertinent to service, establishes that the disease was incurred in service. 38 C.F.R. § 3.303(d).

Subsequent manifestations of a chronic disease in service, however remote, are to be service connected, unless clearly attributable to intercurrent causes. For the showing of chronic disease in service there is required a combination of manifestations sufficient to identify the disease entity, and sufficient observation to establish chronicity at the time, as distinguished from merely isolated findings or diagnosis including the word "chronic." Continuity of symptomatology is required only where the condition noted during service is not, in fact, shown to be chronic or when the diagnosis of chronicity may be legitimately questioned. When the fact of chronicity in service is not adequately supported, then a showing of continuity after discharge is required to support the claim. 38 C.F.R. § 3.303(b).

In some circumstances, a disease associated with exposure to certain herbicide agents will be presumed to have been incurred in service even though there is no evidence of that disease during the period of service at issue. 38 U.S.C.A. § 1116(a) (West 2002); 38 C.F.R. §§ 3.307(a)(6), 3.309(e) (2004). In this regard, a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era shall be presumed to have been exposed during such service to a herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service. 38 U.S.C.A. § 1116(a)(3).

Diseases associated with such exposure include: chloracne or other acneform diseases consistent with chloracne; Type 2 diabetes (also known as Type II diabetes mellitus or adult-onset diabetes); Hodgkin's disease; multiple myeloma; non-Hodgkin's lymphoma; acute and subacute peripheral neuropathy; porphyria cutanea tarda; prostate cancer; respiratory cancers (cancer of the lung, bronchus, larynx, or trachea); and soft-tissue sarcomas (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma). 38 C.F.R. § 3.309(e) (2004); see also 38 U.S.C.A. § 1116(f), as added by § 201(c) of the Veterans Education and Benefits Expansion Act of 2001, Pub. L. No. 107-103, 115 Stat. 976 (2001).

These diseases shall have become manifest to a degree of 10 percent or more at any time after service, except that chloracne or other acneform disease consistent with chloracne, porphyria cutanea tarda, and acute and subacute peripheral neuropathy shall have become manifest to a degree of 10 percent or more within a year after the last date on which the veteran was exposed to an herbicide agent during active military, naval, or air service. 38 C.F.R. § 3.307(a)(6)(ii). The last date on which such a veteran shall be presumed to have been exposed to an herbicide agent shall be the last date on which he or she served in the Republic of Vietnam during the Vietnam era. "Service in the Republic of Vietnam" includes service in the waters offshore and service in other locations if the conditions of service involved duty or visitation in the Republic of Vietnam. 38 C.F.R. §

3.307(a)(6)(iii).

The Secretary of Veterans Affairs has determined that there is no positive association between exposure to herbicides and any other condition for which the Secretary has not specifically determined that a presumption of service connection is warranted. See Notice, 59 Fed. Reg. 341, 346 (1994); see also 61 Fed. Reg. 41,442, 41,449 and 57,586, 57,589 (1996); 67 Fed. Reg. 42,600, 42,608 (2002).

Notwithstanding the aforementioned provisions relating to presumptive service connection, which arose out of the Veteran's Dioxin and Radiation Exposure Compensation Standards Act, Pub. L. No. 98-542, § 5, 98 Stat. 2,725, 2,727-29 (1984), and the Agent Orange Act of 1991, Pub. L. No. 102-4, § 2, 105 Stat. 11 (1991), the United States Court of Appeals for the Federal Circuit has determined that a claimant is not precluded from establishing service connection with proof of direct causation. *Combee v. Brown*, 34 F.3d 1039, 1042 (Fed. Cir. 1994); see also 38 C.F.R. § 3.303(d).

In order to prevail with regard to the issue of service connection on the merits, "there must be medical evidence of a current disability, see *Rabideau v. Derwinski*, 2 Vet. App. 141, 143 (1992); medical or, in certain circumstances, lay evidence of in-service incurrence or aggravation of a disease or injury; and medical evidence of a nexus between the claimed in-service disease or injury and the present disease or injury. See *Caluza v. Brown*, 7 Vet. App. 498, 506 (1995), *aff'd*, 78 F.3d 604 (Fed. Cir. 1996).

Except as otherwise provided by law, a claimant has the responsibility to present and support a claim for benefits under laws administered by the Secretary. The Secretary shall consider all information and lay and medical evidence of record in a case before the Secretary with respect to benefits under laws administered by the Secretary. When there is an approximate balance of positive and negative evidence regarding any issue material to the determination of a matter, the Secretary shall give the benefit of the doubt to the claimant. 38 U.S.C.A. § 5107 (West 2002); see also *Gilbert v. Derwinski*, 1 Vet. App. 49, 53 (1990).

The veteran's service medical records reflect that, during service, the veteran did not report herbicide exposure. In addition, he did not receive treatment for and was not diagnosed with diabetes mellitus. His DD Form 214, DD Form 7 and Airmen Performance Reports dated in March 1968 and October 1968, however, confirm that he had active service from December 1966 to December 1970, including at Anderson Air Force base in Guam from December 1966 to October 1968.

He has submitted copies of articles indicating that Agent Orange may have been stored and/or used on Guam from 1955 to the late 1960s, which is the time period during which the veteran served there. These articles also reflect that in the 1990s, the Environmental Protection Agency listed Anderson Air Force base as a toxic site with dioxin contaminated soil and ordered clean up of the site. Given this evidence, particularly, the articles reflecting the latter information, and the veteran's testimony, which is credible, the Board accepts that the veteran was exposed to herbicides during his active service in Guam.

The veteran did not serve in Vietnam; therefore, he is not entitled to a presumption of service connection for his diabetes mellitus under the aforementioned law and regulations governing claims for service connection for disabilities resulting from herbicide exposure. As previously indicated, however, the veteran may be entitled to service connection for this disease on a direct basis if the evidence establishes that his diabetes mellitus is related to the herbicide exposure.

Post-service medical evidence indicates that, since 1993, the veteran has received treatment for, and been diagnosed with, diabetes mellitus. One medical professional has addressed the question of whether this disease is related to such exposure. In June 2005, a VA examiner noted that the veteran had had the disease for 12 years, had no parental history of such a disease, and had served in Guam, primarily in an air field, which was often sprayed with chemicals. She diagnosed diabetes type 2 and opined that this disease was 50 to 100 percent more likely than not due to the veteran's exposure to herbicides between January 1968 and April 1970, when he served as a crew chief for the 99th bomb wing on the ground and tarmac. She explained that such exposure, rather than hereditary factors, better explained the cause of the disease given that the veteran's parents did not have diabetes.

As the record stands, there is no competent medical evidence of record disassociating the veteran's diabetes mellitus from his in-service herbicide exposure or otherwise from his active service. Relying primarily on the VA examiner's opinion, the Board thus finds that diabetes mellitus is related to the veteran's service. Based on this finding, the Board concludes that diabetes mellitus was incurred in service. Inasmuch as the evidence supports the veteran's claim, that claim must be granted.

ORDER

Service connection for diabetes mellitus secondary to herbicide exposure is granted.

ROBERT E. SULLIVAN
Veterans Law Judge, Board of Veterans' Appeals

Department of Veterans Affairs



**OFFICE OF THE VICE SPEAKER
THERESE M. TERLAJE
Chairperson of the Committee
On Culture and Justice**

*I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature*

SUBSTANTIVE RESOLUTION VOTE SHEET

Resolution No. 25-34 (COR), As Introduced – Relative to expressing support of *I Mina'trentai Kuåttro na Liheslaturan Guåhan* for H.R. 809, the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act*, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam war-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Speaker B.J.F. Cruz						
Vice Speaker Therese M. Terlaje		✓				
Senator Régine Biscoe Lee						
Senator Thomas C. Ada		✓				
Senator Joe S. San Agustin		✓				
Senator Telen Cruz Nelson		✓				
Senator Michael F.Q. San Nicolas						
Senator Dennis G. Rodriguez, Jr.		✓				
Senator Frank B. Aguon, Jr. 13 APR 2017		✓				
Senator James V. Espaldon						
Senator Tommy Morrison						
Senator Mary Camacho Torres						
Senator Louise B. Muña						
Senator William M. Castro		✓				
Senator Fernando Esteves		✓				



I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee
On Culture and Justice

COMMITTEE REPORT DIGEST

Resolution No. 25-34 (COR), As Introduced – Therese M. Terlaje – “Relative to expressing the support of *I Mina'trentai Kuåttro na Liheslaturan Guåhan* for H.R. 809, the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act*, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.”

I. OVERVIEW

Resolution No. 25-34 (COR) was introduced by Vice Speaker Therese M. Terlaje on February 6, 2017, and referred to the Author on February 13, 2017.

The Author convened a public hearing on Tuesday, April 4th, 2017, beginning at 5:30 p.m. in the Guam Congress Building’s Public Hearing Room. The hearing for Resolution No. 25-34 (COR) and Resolution No. 40-34 (COR) began at 5:36 p.m. and concluded at 8:01 p.m.

Public Notice Requirements.

Notices for this public hearing were disseminated via email to all senators and all main media broadcasting outlets on March 28, 2017 and again on March 31, 2017 and published in the Pacific Daily News on March 29th, April 3rd, and 4th, 2017. The notice was also published in the Guam Daily Post on March 29th, 2017.

Senators Present

Vice Speaker Therese M. Terlaje	Senator Frank B. Aguon, Jr.
Senator Telen Cruz Nelson	Speaker Fernando B. Esteves
Senator Régine Bisco Lee	

Appeared Before the Committee

Robert N. Celestial	Joe A. San Agustin, Administrator, GVAO
Daniel A. Duenas	Barry L. Mead
Daniel Mendiola, Veterans Commission	Abu Rose
Joe Blas	Howard E. Collins
Jose Garrido	

Submitted Written Testimony

Abu Rose	Joe Blas
Mary Jo Justine Taitano Quenga	Catherine R. Castro
Joe A. San Agustin, Administrator, GVAO	
Barry L. Mead	
Daniel Mendiola, Veterans Commission	

II. SUMMARY OF TESTIMONY & DISCUSSION

Vice Speaker Therese M. Terlaje called the public hearing to order on Tuesday, April 4, 2017, at 5:36 p.m. Resolution No. 25-34 (COR) was the first item on the Agenda.

Vice Speaker Therese M. Terlaje:

Hafa Adai. Hafa Adai everyone. The Committee on Culture and Justice is now called to order. Today is Tuesday, April 4, 2017. The time is 5:36 p.m. Notices for this public hearing were disseminated via email to all senators and all main media broadcasting outlets on March 28, 2017 and again on March 31, 2017. The notice was also published in the Guam Daily Post on March 29, 2017 and in the Pacific Daily News on March 29, 2017 and April 3rd and 4th, 2017.

There are two (2) agenda items; two Resolutions. One is Resolution No. 25-34 (COR) introduced by myself, Therese Terlaje, relative to expressing the support of I Mina'trentai Kuáttro na Liheslaturan Guåhan for H.R. 809, the Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.

The second Resolution on our agenda today is Resolution No. 40-34, introduced by myself, B.J.F. Cruz, Thomas C. Ada, Dennis G. Rodriguez Jr., Frank B. Aguon Jr., Michael F.Q. San Nicolas, Telena Cruz Nelson, Joe S. San Agustin, and Régine Biscoe Lee. Relative to advocating for the inclusion of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, and for other purposes, and to expressing the support of I Mina'trentai Kuáttro na Liheslaturan Guåhan (the 34th Guam Legislature) for H.R. 632 and S. 283, the Mark Takai Atomic Veterans Healthcare Parity Act, introduced in the United States Congress.

I'd like to thank my colleagues for attending this evening to my right is Senator Telena

Nelson, the Honorable Senator Frank Aguon, Jr., and the Honorable Senator Régine Biscoe Lee. I'd also like to thank you all for attending tonight's public hearing. We will begin with Resolution No. 25-34 (COR).

As the sponsor of the Resolution I'm just going to begin with some very brief remarks:

This Resolution supports a Bill in Congress that seeks justice for veterans exposed to Agent Orange on Guam. Now the U.S. Congress has recognized the correlation between Agent Orange exposure and diseases later contracted by veterans of the Vietnam War. However, Congress has not yet allowed for compensation of Agent Orange exposure on Guam. And the Department of Defense has denied that Agent Orange was used on Guam.

The diseases associated with exposure to Agent Orange are shown on this slide; I'm seeing it's kind of small now. *(See attached slide show presentation)*. And they include: chloracne, Type 2 diabetes, Hodgkin's disease, myeloma, non-Hodgkin's lymphoma, acute and sub acute peripheral neuropathy, porphyria cutanea tarda, prostate cancer, respiratory cancers, and soft-tissue sarcomas.

The Congressman from Florida introduced H.R. 809 which would include Guam, CNMI, American Samoa, and the territorial seas of Vietnam as additional eligible locations where veterans were exposed to Agent Orange and include them to be eligible to receive U.S. Department of Veterans Affairs benefits. The presumption is, as shown on this slide, if you are a Vietnam veteran and you contract one of these diseases, then the presumption is you will be covered for benefits, for compensation and healthcare.

And so we're trying to get this coverage to extend to those who were exposed to this on Guam also. We know of a couple of cases where Veterans Affairs has acknowledged the disease to be a result of exposure to Agent Orange on Guam; there are two Veterans Affairs cases. And we know, of course, Foster who the bill in Congress is named after, to also have submitted testimony as to his role at Anderson Air Force Base spraying pesticides which he believed contained Agent Orange and in Anderson along where the fuel was stored, along the fences and along the fuel lines to name a few places.

We will now accept testimony from those on this list and I'm going to call your name and you may have a seat on this table. Please, if you want to give oral testimony. Michael Martinez? Did you want to give oral testimony? Oh I'm sorry. Robert Celestial, Daniel Mendiola, Joe Blas, Jose Garrido, Joe San Agustin, Barry Mead, Abu Rose and that's all that signed up for oral testimony.

If any of you signed up and want to give oral testimony you're welcome to have a seat. Let my staff know so I can call your name. Thank you. We will begin with Mr. Robert Celestial; I'm just going to go in order.

Robert Celestial:

Buenas and Hafa Adai. Guahu si Robert Namauleg Celestial. Vice Speaker and Honorable

Senators, I am an atomic veteran and I do support this Resolution to support the veterans stationed at Andersen Air Force Base for compensation for their exposure to Agent Orange. My testimony is that Doctor Louis Szyfres who was here as a professor at the University of Guam was a good friend of mine and we worked together not only for the Enewetak veterans or RECA, but also for Agent Orange. I'd like to read the document from Major retired Air Force Hanafin, and he writes: "In Dr. Szyfres report "Guam... The Land of the Rosaries", which I also have a copy of it, is that Major Hanafin says (*refer to article given by Mr. Celestial titled "Rainbow Colored Chemical Agents on Guam" under "Researcher at the University of Guam Warned to back off on claims of Agent Orange exposure on Guam then terminated"*).

I also submitted here in 2007 former Speaker Mark Forbes enacted the "Right to Know Commission" (*see attached article*) so my testimony is that here you have a highly trained and educated physician that was here on Guam and told to leave at the time because of his report because of the Agent Orange and TCG and high contamination in Anderson Air Force Base. So my testimony is that if our government can continue to pursue this and support the veterans, especially their families, that were stationed in Andersen Air Force Base; it's very detrimental because, I also submitted in this packet the three individuals who were awarded and granted for their prostate cancer and diabetes because they were stationed at Andersen Air Force Base (*see attached citation documents*). That will conclude my testimony for right now. Thank you. Si Yu'os Ma'åse'.

Vice Speaker Therese M. Terlaje:

Si Yu'os Ma'åse'. Mr. Dan Mendiola.

Dan Mendiola:

Good afternoon Ms. Chairperson Terlaje, Senator Nelson, Senator Aguon and Senator Lee. My name is Dan Mendiola. I am a three tour war veteran: the Vietnam war. I am here in support of Resolution No. 25-34 and probably as well also for the 40-34 on the next hearing. I'm here not to be too specific and probably not to march in depth to how much the veterans have suffered during the Vietnam War because that's the experience I went through. But as I go through and glide through my little statement here I hope that everybody would understand where I'm coming from and we can find a little justice and peace in what we want to do with this particular situation that we have. (*Refer to attached written testimony for Dan Mendiola*) Agent Orange happens to be one of them.

Anybody that's been in Vietnam understood that when you're going in fighting for battle, that at least you have affected the enemy in part so that in your mission, you have a lot better success. When a commander has shown that an enemy will overrun his post, he will give the code to lay everything.... A contamination also which means you're calling all the airpower; all the artillery power from ships to shore to lay in your pod. That is a contamination of the physical form in ways of artillery and everything which is what Agent Orange really did. We are alive because decisions are made to do so. Our commanders tells us to go through the field on a secondary exposure on an area Agent Orange was sprayed. But at the first stage it

was to neutralize the area, to give us an advantage; and we took part. So we get to live another day. We were given the chance to tell our story. *(Refer to last paragraph of written testimony)*. Thank you.

Vice Speaker Therese M. Terlaje:

Thank you Mr. Mendiola. Mr. Joe Blas.

Joe Blas:

Buenas Vice Speaker Terlaje, Senator Nelson, Senator Aguon and Senator Biscoe Lee. Buenas and Hafa Adai. *(Refer to attached written testimony from Joe Blas.)*
Si Yu'os Ma'åse'. Siana Ma'åse'.

Vice Speaker Therese M. Terlaje:

Si Yu'os Ma'åse'. Mr. Jose Garrido.

Jose Garrido:

My name is Jose Ulloa Garrido. I thank you for having this public hearing on this Resolution. I truly support Resolution 25-34. I am a veteran. I served in the U.S. Army in 1964-1967. I am not a Vietnam combat veteran, I am a Vietnam era Veteran. I served in France and Germany in full support of the Vietnam war. I remember many of the instances where the folks were searching for bombs and ammunitions in Germany to ship to Vietnam because the boys were running out of ammunition. Be that as it may, I support everybody who is contaminated or afflicted with Agent Orange or Purple Orange or whatever kind of herbicide that was being used at the time. I'm pretty sure that our brothers who served in Vietnam know exactly what painful situation it has become.

I am speaking on behalf of my two brothers who served in Vietnam while I served in Germany. Both of them were combat veterans and afflicted with the kinds of stress that only another veteran suffering from it can probably recognize. The Navy did not serve my brother, the Navy brother that I have who got wounded and spent six months in the hospital in Japan to recover from the injuries, he received when his ship was attacked by rocket by the Vietnamese Viet-cong when they raided Danang; I'm not exactly sure. But he was not served well by the Veterans' Administration until just recently. He's suffering now; he's been on dialysis for the last twenty (20) years. I don't know what's wrong with him. He's still alive but I wish he was here to testify.

Anyway, I was just looking at the language in this Resolution and you would notice that the Department of Defense completely denied that Agent Orange was ever used on Guam and in other overseas areas. But there were also several guys that testified who were probably suffering from the affliction of these chemicals that said that they sprayed Agent Orange practically all over the areas where the military had jurisdiction. I'm talking about Andersen

Air Force Base and Harmon cliff line and I just want to point out the entire cross country pipe line, I have to say that this pipe line is the NSD fuel line from Sasa NSD fuel farm that goes through all the villages all the way up to Dededo, all the way to Andersen Air Force Base.

These gentlemen who were working there spraying Agent Orange to make sure that the grass didn't grow without realizing they were killing, you know they were killing birds? You can see that way back. I cannot testify far enough because I really don't have much more to say. I am not a Vietnam Veteran but I fully support everybody that served in Vietnam and is suffering. That's what they're seeing, the military they neither confirm or deny that they're guilty of lying, but I happen to know that the military is used to lying. I believe that they're completely lying. I was going to say something else, oh.

The byproduct of what they call dioxin is also a byproduct of PCB. And when PCB burns or explodes, it produces dioxin and it's a very carcinogenic and cancer causing and it kills and it causes your body to have a nervous breakdown; your muscles collapse, you shake. Both of your hands are numb. You can't feel anything in your feet. Unfortunately that's me. I served in the Piti power plant when it exploded and we were forced to repair the power plant in such condition. I would imagine that that's the same for Agent Orange. In any case, thank you very much for allowing me to speak and hopefully justice can be served in the near future. Thank you.

Vice Speaker Therese M. Terlaje:

Thank you Mr. Garrido. Mr. Joe A. San Agustin.

Joe A. San Agustine:

Ms. Vice Speaker Hafa Adai; and honorable Senators. My name is Joe A. San Agustin; I am the Special Assistant to the Governor, Acting Administrator for the Guam Veterans Affairs office. I do have an oral testimony that I will be providing this evening but a written testimony as well. But I want to deviate a little bit away from my written testimony here and just kind of insert some of my experiences growing up as a child of the Vietnam war. Of course I was born in 1960 and I'm proud to say that I am now fifty-seven (57) years old. I did not fight in Vietnam, however, I was engaged in Operation Desert Shield, Desert Storm.

Where the path of the B-52 bombers fly in and out of Andersen Air Force Base was a farm in which my family and I lived, my mother and father and 10 other children. So growing up was quite an honor to see B-52's flying back and forth into Vietnam. I bring this about because growing up I heard about Agent Orange in Vietnam. I had a step-brother who fought in Vietnam as well; a brother-in-law that fought in Vietnam as well. It almost explains why their behavior is the way that it is and I want to sum this up because I don't want to drag this on but the pipeline that Mr. Garrido was talking about, I lived about half a mile away from it. This is Guam and it's a high vegetation territory or island if you may; it rains a lot and vegetation grows a lot.

But it all makes sense when I pass by the pipeline. It all makes sense now why is it that everywhere jungle and dense grass, brush but except for the pipeline that runs between Andersen Air Force Base and Naval Station. There was almost no grass. So it's starting to make sense to me and the reason I am here is because I really want to work with you all and all the veterans that were involved and that were exposed to Agent Orange. Because now I'm sensing that this did not just happen in Vietnam, it's happening in our own front. And so in saying this I hope to hold each and every one of you senators committed to continuing the fight for what is due to these individuals that were exposed and to include the civilians that live next to that pipeline if in fact that they do have those illnesses described as associated with Agent Orange. I will not pinpoint or blame, however, it becomes our responsibility to go after the agencies and the entities that we should hold responsible because it's painful for me to know, for me to see and read stories of Vietnam vets even though they did not go to Vietnam and say they were exposed to Agent Orange.

They also say their kids are disabled because of association with this illness. And that's very unfair for those that have served. I would say that we should pursue it. The position where I'm at, I would like to continue to collaborate with you all and go after it. We cannot let the ball drop on this and I say this with all my heart because I've only been with the Veteran's Affairs Office for eight (8) months and I'm finding out that many of our Vietnam vets that have gone to Vietnam has not come forth to file because they've lost faith in the system. We have the responsibility and duties to continue to fight these issues up to the very top so that we provide them the care and the benefits that they are entitled to. So in closing (*refer to written testimony of Joe San Augustin attached*).

Vice Speaker Therese M. Terlaje:

Si Yu'os Ma'åse' Mr. San Agustin and I want share with you and every member of the panel and in the audience and listening at home, this Resolution is really just one part of a concerted effort by all of our government agencies by the Veterans Commission headed by Mr. Dan Mendiola and your office. And everyone, all the veterans organizations and particularly those Vietnam veterans who are already entitled to these benefits just by their service in Vietnam and their having these diseases, we need to assist them in every way possible with their claims for these compensations and for these benefits. And yes, I totally agree with you. This is part of a concerted effort and this is to get compensation for those on Guam. But those who went to Vietnam, absolutely my office is behind that all the way. We're going to help you. Mr. Barry Mead.

Barry Mead:

Thank you for having us today. Later on towards the end I'll express my sincere gratitude about seeing so many nice, new, fresh faces in our Legislature. Hafa Adai, my name is Barry Mead. I am a Vietnam Veteran. I served in Vietnam from May of 1968 to December of 1969. During that time I served on army vessels that sailed on the Mei Cong River and the entire Mei Cong Delta. I might tell you that from the coast of Vung Tao all the way to Saigon, there

was not to be seen one tree or one blade of grass on either side of the river extending almost three (3) miles inland. They had sprayed that to prevent the Vietcong from rocket attacks on the ships going up to Saigon. And until I was diagnosed with ischemic heart disease and diabetes two (2), and you don't have that on your list of diseases. It never really struck me that for eighteen (18) months I swam in a river that contained the runoff of this chemical. What an eye opener. And if I can continue I am a VFW Gold Legacy Life Member, a DAV Life Member, and the Service Officer for VFW Post 2917. Today I'm speaking to the Resolution 25-34 for myself and only as a Vietnam veteran that has been diagnosed and being treated for Agent Orange related illness. Though I suffer from the neuropathy that my friend over to my left spoke of, the VA has a limit on that if you were not or did not have the symptoms within one (1) year of service after Vietnam, you don't, it doesn't apply to you. How they came to that consensus with the realization that my diagnosis of diabetes was almost fifty (50) years after I left Vietnam, and my diagnosis of heart disease was some forty-five (45) years after I left Vietnam, I'm old, but for them to say this and to deny me for that and then if you hang around me long enough you'll know what I'm talking about.

The fact that many Vietnam Veterans who served in the country between 1962-1975 were exposed to Agent Orange and have passed away or are being treated for the illnesses that are related to that exposure, it is those service members that were exposed in ways other than by being "in country" that must also be included. Currently the VA recognizes exposure to Agent Orange and other herbicides and I want to drive home the fact that they use the word "herbicides". This is not something that's directly or not directly related to Agent Orange but not only Agent Orange. One of my fellow veterans here on Guam applied to the VA and never used the word Agent Orange and they denied him for the herbicide because it's Agent Orange but they're different.

Anyway, let me go on. Currently the VA recognizes exposure to Agent Orange and other herbicides for members that served in Thailand, were tested and stored outside Vietnam, C-123 planes flown after the Vietnam War and what needs to be pursued by this Committee and veteran's groups on Guam, "Veterans associated with DOD projects to test, dispose of, or store "Herbicides" in the U.S."; we are a territory of the United States. The gentleman sitting behind me can testify to the fact that this junk was here and he's been exposed. (*Refer to written testimony from Barry Mead attached*).

And I mentioned the gentleman sitting behind me. He is one of those persons who I have spoken to and I hope he would come up. He didn't put his name on the list because he came late but I'd like for you to hear his story if you would please. When looking at the Agent Orange related illnesses and comparing them to the prevalent illnesses found in Guam, it becomes easy to ask one's self, "are they connected?" It has been recognized that the children of female service members that served in Vietnam are affected by their mother's exposure. Currently Congress and the VA are making strides in recognizing the children of male service members may also be affected. I have a son in the States who was born with a heart defect. I have ischemic heart disease.

I have the application on my computer desktop. I raise this point as the correlation is that if

non-service members were exposed while working in an area affected, we have a lot of civilians. We have a lot of Guam people who worked on the Naval Base, Andersen Air Force Base, Naval Air Station during this period of time. It can be presupposed that their children may as well be affected. This isn't a one generation issue. It's now grown to where grandchildren are being looked at as having been affected by their grandparents association, if you will, with this chemical. *(Refer to written testimony from Barry Mead attached).*

Vice Speaker Therese M. Terlaje:

Si Yu'os Ma'åse' Mr. Mead. I actually think that there might be but I'm not going to confirm that right now, I thought there was. Okay, I thank you for your testimony and your ideas. Those were very good suggestions and I'm going to follow up on those. Do my colleagues have any questions or comments for this panel? I'm sorry Mr. Blas just one more second, I'm going to allow them, any questions or comments? Senator Biscoe Lee.

Senator Régine Biscoe Lee:

Thank you Madam Chair very much and Dangkulo na Si Yu'os Ma'åse'. My heartfelt appreciation to all of you for testifying, and for sharing your stories, and for being here today as well as the members in the audience. Thank you to the Vice Speaker for giving us this opportunity to have this discussion. I did want to just mention as I'm hearing Mr. Garrido, and I'm hearing Mr. Mead, and many of you talk a little bit about some of the things that happened to you personally in Vietnam, it really brings to mind some of the issues that our family is dealing with, with my dad who is a Vietnam veteran as well. He served in the U.S. Navy in Vietnam.

And he deals with a lot of issues regarding peripheral neuropathy in his leg and it's extremely painful for him; it's extremely painful for us to see him go through that. I really appreciate you coming here and testifying. And I also really appreciate bringing up the fact that we should include civilians as well, local civilians who may have been affected by Agent Orange and other chemicals that were sprayed on our land. I really again appreciate the Vice Speaker for bringing, raising this issue for us to discuss. I have two questions that I wanted to ask. I did have the opportunity to meet with Mr. Celestial at my office a few weeks ago and we had an in-depth conversation and I just want to thank him for his institutional knowledge and his long-time advocacy on this issue.

He continues to come to the table, time and time again, to educate our community on this issue and to make sure that we don't stop fighting until we get the recognition and the support and the services that we need to keep our community healthy and right these wrongs. So Mr. Celestial just for the record, can you please let everyone know how many people or do you know how many people in Guam may have passed away or currently still suffer from the illnesses due to the exposure of Agent Orange?

Robert Celestial:

That's a difficult question to answer. I don't have the answer to that. Even our medical doctors don't have the answer to that because a lot of diagnoses are made in the States so they get the credit for that. A lot of veterans know about that and that's why our percentage is not as high as it's supposed to be. I want to bring the fact that a lot of, since I'm an atomic veteran and this issue is on Vietnam Agent Orange Veterans, if you read a lot of the documents today on Google, it was Dr. Luis Szyfres that brought this to light because his report is quoted a lot in Congress and through the VSO's in the States especially with Sergeant Foster from Florida and when it brought, the Land of the Rosaries brought this to light in Congress. And that's why it's very important to understand the chronology of the effects when they started the "Right to Know Commission" in 2007.

What had happened to Dr. Luis Szyfres was he was ejected from Guam because of his Report. So it's very important that our Congressman Ross from Florida working with Sergeant Foster and with the other VSO's to really understand the depths of the contamination on Guam because if you read especially Major Hanafin's report, is that in his report he states that even though the Department of Defense or the VA said that no Agent Orange was here in Guam, they say that however if you read Dr. Szyfres' report, there's a lot of superfunds and CERCLA reports of the clean-up of TCD and all the dioxins and all the people in Andersen Air Force Base were contaminated.

How many water wells had to be closed because the drinking water we were drinking at that time. And so I believe that a lot of credit should be given to Dr. Szyfres and I thank a lot of the Vietnam Veterans and those who served in Andersen Air Force Base; some of them, I have three (3) reports here who were given compensation through the VA when they served in Andersen Air Force Base but none of them said that it was because they were exposed to Agent Orange. It said that they were exposed to herbicides. That's very important because as a Legislature in the government of Guam, the Congresswoman needs to bring this to light in Congress that the civilian population was affected also. So I thank you very much and it's not just me, there's a lot of people that have worked on this issue over the years and a lot of them have passed away. By the grace of God I'm still alive. Thank you Senator Biscoe Lee.

Senator Régine Biscoe Lee:

Thank you. And just one more question, thank you so much to Mr. Mead for your very thorough testimony. You mentioned that the provisions of public law 32210 authorized fifty thousand dollars (\$50,000) to implement the Guam Veterans Registry and you talked a little bit about the registry. It was mandated but has not been complied with and there has been little to no effort to establish the registry. You suggest that the laws be amended, that the registry include not only veterans, but include questions related to Agent Orange and other herbicidal exposure. I wanted to ask you and actually anybody sitting on the panel if there's anything more that the Office of Veterans Affairs locally can be doing to bolster or help track the incipencies, the impacts or the possible cases as we seek congressional action. So I want to invite Mr. San Agustin to definitely mention what they're already doing but if any of you can give us any insight as to what more we can do especially if there's low hanging fruit that we might be able to do immediately, we're very interested in hearing that. My office is very

interested in hearing that. I'm sure the offices of the committee are interested as well. So thank you and yes?

Barry Mead:

I think part of the problem was that although there was an appropriation, the funds were never given, if you will. In that law there was also the provision the GVAO to hire two (2) additional employees. Clerks to help facilitate that need and if I remember Command Sergeant Major (CSM) Matanona's testimony, this last year, with the problems that he encountered in trying to hire people, that didn't happen either.

So, it's not so much that the Guam Commission, the Vet's Commission with Dan (Mendiola), who inherited this and with GVAO that Joe (San Agustin) inherited, it stems from their boss or Joe's boss and with the previous administrator of the GVAO as well, and a lack of support that's coming out of Adelup. I don't—it doesn't bother me to say where it comes from.

But, that's the fact. If you look back to the testimony of the last public hearing that Senator Ada held, where CSM Matanona testified about the money that he spent out of his own pocket, and the money that had not been paid to the employees, and the process of trying to get those people hired, I don't know if Joe's still having that problem there or not, but with the General and his ability to get things done, I hope it's improved. And Joe (San Agustin) gave a testimony to the fact that things are improving. But if Adelup and those that have the ability to find, as we so easily used that term, money, when are we going to find that \$50,000 (dollars)? Is that going to have to be re-appropriated, because that was done in the 32nd Legislature? Are we going to have to go all over that process again? And begin again? Because that registry is important not for as I pointed out, that registry is important for VA benefits to get the VA to understand, we receive \$890 per vet in Guam, where the average is \$1,249 (dollars), close to that number for a veteran in Hawaii. And the VA has allocated the same amount of funds per vet.

And we just had this Town Hall meeting and some of you are provided my e-mails that I am sending to Honolulu lately. I'm not going to let them off the hook this time. It's time to put it up. We've talked and yak yak about these things for years, but yet, they don't get done. This time, this has to be the time. This has to be the time when the veterans of this island, the Legislature, the Governor's office, get their act together, get together and push this thing forward.

You ask how many folks have died, I know of four (4) vets who have died in the last year, if not more. My compatriot, who knows more about it and has left, he can quote you the exact number. And, I'll tell you, with Agent-Orange and Vietnam Vets and Agent-Orange, our attitude is, and this is a nation-wide attitude, they were not just veterans' names that were on the wall that actually could be. We could actually just have another wall, because it's related to that war and its related to that chemical. That's related to what our government did and lied to us.

We cannot let them lie anymore. As I've said, I'm serious when I said that about our children. You look at what's going on in the diseases in Guam today, and we cannot let our children be afflicted in the same way. So, when I said that in my testimony it is not anything in reference to the two (2) gentlemen to my right, but to the situation that persisted for years and needs to be fixed. And I'm glad Senator Esteves joined us and we've had many discussions on this area and I appreciate the time and thank you.

Vice Speaker Therese M. Terlaje:

Thank you. Mr. Mendiola?

Dan Mendiola:

Thank you very much. While I was just listening to all the testimonies and things that are going on, I'm trying to, let me just say one thing that I think if we play this thing right, and execute it properly, I know there's a lot of veterans out there that have lost, as I mentioned before, they've lost faith in the VA system. And not to take customers away from Mr. San Agustin, but, Vietnam Vets are just like that. They are very reserved. They are probably hiding and we will never know who they are until they pass away. So, if we deal with what we're doing and we are going forward, positively, maybe we can get their attention and if they don't want to come down and see Mr. San Agustin, maybe they'll come and see me at the Commission and with all the senators' help in forwarding this thing forward, to make it, to see things that we are looking for, better treatment, compensation, and whatever. Maybe the veterans that are in hiding may just come forward and come to your office tomorrow, or down the line. So, we're still searching.

We want to continue to march on that. Just on an experience on that, I'm a military brat myself, but the gentleman to the end was talking about the effects of chemicals and stuff like that in the Marshall Islands and everything else. And I'd just like to say that I was, at a very young age, my dad was hospitalized at Naval Hospital, but next to him was a gentleman from Kosrae, and they didn't know what was wrong with him. He was in pain. My father, my dad was just there, he was hospitalized himself and he was very concerned. Because the guy was going through a lot of pain, but, when we mentioned Enewetak ground, you know Kosrae isn't too far away from there. So, you know, it's possible. I don't have solid proof about the effects, but maybe it's affecting people out there to as well. Thank you.

Vice Speaker Therese M. Terlaje:

Thank you very much. Could I invite Abu Rose, and Enrique Torres. Mr. Mead you referred to another person who wanted to testify? What's his name? Would you like to come up sir and testify? The rest of you could also stay seated if, Winston, if you could bring three (3) more chairs? My colleagues would like to continue to dialogue with you, so I would like to recognize these three (3). The original panel, if we could fit them, can stay for questions from the rest of my colleagues. I just want to hear from three (3) more people and then we

will take questions. Alright and then we have the other resolution. Okay. Alright. Did you sign up?

Daniel Duenas:

The first one I think.

Vice Speaker Therese M. Terlaje:

Okay. Alright.

Daniel Duenas:

I didn't check yet whether I wanted to testify but after listening I think I should.

Vice Speaker Therese M. Terlaje:

Okay. Mr. Duenas please proceed.

Daniel Duenas:

Vice Speaker and your colleague Senators, my name is Daniel A. Duenas. I'm from the village of Sinajana. So, I'm speaking as a veteran and one of the things is (disruption of someone's cell phone ringing). One of the things is a, I'm also a Vietnam Veteran. And I didn't know I had Agent-Orange.

The only thing I knew is when I got out of Vietnam they say after 40 years there's that incubation stage that by the time you reach a certain exposure you're going to start having illness. So, the information wasn't available to veterans. So, this is something, back then it was the VA Clinic known as CBOCs (Community-Based Outpatient Clinics) now, didn't really give out information to veterans saying, "Why don't you go fill out the Agent-Orange forms, survey, then make a physical appointment so they could find out.

This information would fit in. I'm glad Mr. Mead got diagnosed. Some of us didn't. So, when I went for that it was a lot of hostility that I had to go through to be able just to find out information. It wasn't given. You had to be then service-connected to be entertained by the VA Clinic. So, how can you say this is what they have if that wasn't available? But I manage to do and the thing is, they say, "Congratulations! You're diabetic too! Now you can go apply for compensation."

So, now I'm hearing this is something that's going to be available to my fellow veterans who got exposure in Vietnam and for those that are getting exposed here. I am in support of both resolutions. But the thing is, a lot of the veterans, if you know, having to come forward and say you're sick, bad enough as it is, to admit that you're sick, and then again you have to prove, this is not just automatically given to you, you have to prove. So, when you say,

“What’s your pain from a scale of one (1) to ten (10)?” Man, when you are in pain, does it really have to have a series of, but this is the thing a veteran has to go through. That makes it difficult for those if you’re saying, “Hey, why don’t you come forward?” You being the veteran being exposed is just having to feel you’re begging for a hand out. It’s an embarrassing thing. It’s not proud. And the thing is, I don’t know about the rest of the other guys, but when I came to basic everybody seemed so proud, no? Vietnam is almost like home; the same people. When I was in basic training, they say, “How does Charlie look like?” You know, I being used as Charlie was something different. So even that exposure going in, I didn’t know Charlie looked like me until I was in Vietnam. And I said, “Hey man, this is almost like Jose down the block.” So there are a lot of similarities in our culture, but, then having to be there.

You know, one of my anger excuses is knowing that the country you’re fighting for is trying to kill you. At the same time is spraying Agent-Orange. You know, the psychiatrist in CBOC doesn’t seem to catch that picture. You know, you’re serving a country, Guam’s very patriotic, but for those veterans who’ve been there, the idea that you’re fighting and you’re being exposed at the same time they’re killing you slowly by spraying this herbicide, so-called Agent-Orange.

So, this is the thing I decided to come up, because it’s not all the information is available to the veterans. How do you apply? What information do you need? And are you going to be happy to know that you are diagnosed with diabetes? I wasn’t. Are you telling me I’m a diabetic, hey...and they say now I can go (get) compensation? You know, what are you trying to say? And that was the thing. That was a very difficult moment in my time I’m going through, and as you get older, you get sicker. And the thing I’m afraid of is one day they say you (have) cancer. So, I just want to take the time and share it with everybody. Thank you.

Vice Speaker Therese M. Terlaje:

Thank you Mr. Duenas, I very much appreciate that. I have Abu Rose and Enrique Torres and are you Mr. Howard Collins? (Mr. Collins raises his right hand.) Okay. So, Abu Rose?

Abu Rose:

Buenas hamyu todus. Guahu si Abu Rose. Nu, there’s so many problems this island has endured, that I don’t know where to begin. My mind is overwhelmed with flashes with all these atrocities happened here. But come to think of it, it is not just the native inhabitants it also is their own people in uniform. So, they have no value for their own people, they have no value for Guam, or anyone. I don’t know where to begin, so I just started with: (*Refer to attached written testimony for Abu Rose*).

Vice Speaker Therese M. Terlaje:

Si Yu’os Ma’åse’ Abu Rose.

Abu Rose:

Saina Ma'åse'.

Vice Speaker Therese M. Terlaje:

Enrique Torres?

Enrique Torres:

Thank you again for providing us this public forum Vice Speaker and the rest of the Senators; Senator Esteves, Senator Biscoe Lee, and Senator Nelson.

I'm here before you to at least tell you the story of my uncle and my father. They both worked for the Navy. One was a truck driver. My uncle was a truck driver and my father was a NSD (Naval Supply Depot) Supplier. They were doing delivery of goods. My dad died of diabetes, the complications from that and a stroke. And as the others that have testified before you that it's also a generational problem. There is associated attention deficits attributed to this type of exposure that has increased from in the past and I don't have the exact records before me, but I'm pretty sure they're close to one in, let's say seventy (70) child/children are exposed, are having attention deficit disorders, throughout the nation.

So, why is it that, I believe, that the exposure for my dad and my uncle was exposed to this type of agent. Remember, first of all, the use of this agent was tactical. It's called Tactical Herbicide. And yet, it shipped. If we're still the spearhead, the spearhead of the United States, then, back then, trans-shipment either via aircraft or via shipped air/water vessels, had to be trans-shipped to Guam, through Guam, either for deployment or to dispose of these chemicals and hazardous materials. In fact, I did read an article from the researcher for the Under Secretary of State in 2006, Mr. Paul Young, Dr. Paul Young, stated that after the testing was successful in the other proving grounds, there was five thousand (5,000) drums immediately sent to Guam. If there are no records to prove this, at least there is documentation and research that is out there that you could always use.

So, I'm closing with this in mind, yes, I am also a retired military person and I do feel the pains and the trials and tribulation of my fellow comrades at arms. They are fighting a battle and a battle that should never have been theirs to fight. It was ours. We're supposed to be protected. You know you protect your soldiers from harm's way. Yet, this is a neglect on the fact that the tactical weapon of herbicide was used not only to kill the enemy but to kill our own soldiers and airman and sailors. I thank you again.

Vice Speaker Therese M. Terlaje:

Thank you very much Mr. Torres. Mr. Collins?

Howard E. Collins:

Good evening Senators. Thank you for your time in listening to us; I hope it does some good

for all of us. I think I can really speak on behalf of our Vietnam veterans. You know we're tired of being denied everything. We get these nice letters; it's good for the garbage can, just straight forward. We're tired of being told there's no such thing as Agent Orange. I don't know why, I don't wear glasses or I'm blind; you're telling me I don't see it. There's something wrong. I came here in 1965. I was stationed in NES Agana, Guam, 1965 to 1967. I got out and went to work in the Navy Fire Department. I'm a retired Assistant Fire Chief of thirty-two (32) years. This is home. I made it my home. Nobody took a shotgun to my head and told me to stay here. I'm here because I love the island, love the people. But we are so mistreated. I really feel what the other people are talking about. I have applied for help. I don't get anywhere. It's just like the gentleman said over here, it's like running up a wall, a concrete wall, you're not going nowhere. I don't know why our people can't get together and unite and try to help. Talk, talk, talk, I've been to all these meetings, people from Hawaii. I asked her a question last time she was here, she can't answer it. You know we get these nice letters in the mail, everyone gets it. Can you name at least ten (10) people who were with you? Name, did they see the same thing you see? Your witnesses? You know ma'am anybody who's been in service knows generally. You know the first name or their last name. You don't know a complete name. I asked her because she just got out of the service. She couldn't answer. She didn't answer my question, come back thirty (30) minutes she said you know Mr. Collins you hit below the belt. That's not fair; you know I couldn't answer those questions. I said what about the questions you're asking me?

Where are my witnesses? I don't think there's too many alive my age right now surviving. And we've never been around the Agent Orange because it's never been on Guam. That's the letters we get. So what we see, we didn't see. I don't believe that; you cannot. Why's it that these people in Florida and everywhere coming out, now the pilots are coming out. Yeah I have seen those too. I know, I'm talking to my doctor now. I got to bed and dream. I can't sleep a lot of times at night. I still see the boys from Vietnam. I help unload and see them to the Naval hospital. I was also admitted in the Naval hospital. I know what it is up there. But you're telling me no, those things didn't stay there. I wish there was some miracle drug but there isn't one is there? And we're only asking rightfully what should be ours. Not asking for anything else. We're just asking to be treated correctly, that's all. I'm tired of this runaround and that's all we're getting, runaround, runaround, runaround. And it's not getting anywhere and we're all suffering from the same thing.

Every one of us has a problem from these things. You're talking about asking our congressman for help? I don't believe so. I got denied assistance and I was on vacation from a VA hospital. I'm in an ambulance, "oh you can't bring him here, we can't handle him". I had to go to another hospital. It's lucky that I have good coverage. They took care of me. And I'm asking the Congressman why can't they at least look at me? That's right. All of us that have a veteran's card, try to get into Naval hospital. You can't get into the gate. I'll tell you how to get in the gate. All you guys want to get in the gate? Get out of the ambulance at the gate, lay down, call the ambulance inside to come and pick you up. It's happening. I'm not just talking, it's taking place. What is our VA care for? I asked for service in California and couldn't get it. I didn't know where I was when I had problems and found out the VA hospital is just across the freeway.

A gentleman taking care of me held my hand and he said, "you don't worry; I'm a Vietnam corp man, you ain't going nowhere, you hold my hand. I will not leave you." He didn't. He took me to the hospital and went straight to the man in the hospital. They took care of me. But why do I have to look like this? Huh? Why? And denied; and I'm a rated veteran. Not just a veteran, I am a rated veteran. And I'm still being denied. I asked the Congresswoman for help, I went to her office many times. I waited and waited. I even asked her, I said "wait, I'm coming to the States I'll just go to your office over there. You can't see me on Guam." I know how to get to there too. I just don't want to go in the backdoor. Why do I have to go in the backdoor? Yes, Admiral Phillip Caldwell was the admiral here, he's my uncle. He's hollering at me "let me take you" I said "no I don't want it". I didn't even know he was my uncle; I don't know my side of the family. I'm getting ready to meet a brother and sister I've never seen in my life just now and I'm seventy two (72) years old. Amazing world.

I thought I had a messed up world now it's getting more (messed up.) The configuration is getting really deeper. I don't know what you can do to help us but every one of us veterans here on Guam are asking something, relief from all of this. And you are correct, what about all the civilians that worked at NES? Worked at Andersen? I watched them haul the dirt from NES. You're telling me now I didn't see what I saw. I've said this to the people in Hawaii. I even told her right here when they come here, right to her face. You're telling me I didn't see them load the contaminated dirt, soil? Why do you load dirt? There's no dirt in the U.S. you're going to take it? Leave our dirt on Guam we only have so much.

Why? Why did they do that? You know we just lost the best gentleman that knows the dirt so well. A retired chief that worked in Harmon field, Filipino chief. I think he worked at NES field for forty (40) some years, owned an alternator shop. That's the man who knew NES like the back of his hand. We've lost, I don't know how many people, that know so much about this; they're not veterans. They've been in the military like myself, as I've said I put the four (4) years in the Navy and went right into civil service, thirty two (32) years and I worked right there. I entered NES and I retired there. And you're telling me I didn't see all of this stuff? Now I'm a diabetic. I've had a stent put in. Now I've got a defibrillator put in. I don't know what else. Maybe they need to open this up and loosen some screws or something but we need help. We need somebody to get to the bottom of this. All this, I don't know what's going on. Us are the ones that are hurting over here; us veterans. Why?

We've got to look as a whole unit, not every direction. Put it together and make something. You have the people here who would come over and soon. You don't have a list of registered veterans. You let it out and let them know we're doing something. I'm sure they'll be here. Sure they will and I really think so. All I can say is don't give in man. It's true. You give up, it's nothing. We will not let them beat us. I'm not giving up man. No, I'll fight until my last breath. I'm just asking what's right, simple; nothing humongous. Thank you for your time. I'd be willing to try to answer anything you have for me.

Vice Speaker Therese M. Terlaje:

Thank you very much Mr. Collins, Chief Collins. I think that the testimony of eyewitnesses or the sworn statements of eyewitnesses like yourself, I would like to invite everyone who is listening out there on the TV or who hears it from you or your organizations, to invite those who have some eyewitness testimonies to please come to my office or go to the Veterans Commission or the Veterans office. I'm sure we can find ways to get these sworn testimonies documented and we'll share them with each other and compile them. I think those will also help very much with all of our efforts and so I would like to take yours if that's possible. I am going to contact you for that and more details but I very much appreciate your testimony. I appreciate the testimonies of all of you. Mr. Blas, did you have a follow-up question? And then I'm going to open this for my colleagues.

Joe Blas:

Yes, ma'am. I don't have a talking paper to address that issue that Senator Biscoe Lee had but I have some constructive support I want to give about the VA. Many years ago we tried to settle the issue of the accountability of how many Vietnam veterans or veterans of foreign wars or veterans of Guam there were. We haven't met that threshold yet of how many were involved. I believe there are many. I know we have a lot of outreach programs out there. And thank you very much. A while back we had a free drivers' license. But the federal government looks at numbers. We found the exact numbers of how many veterans are involved. There's little money for that. If we have enough people out there like me, Vietnam veterans, all the Vietnam veterans of foreign wars that are part of this second and even going on third generation, maybe Guam should do this. And again I don't have a talking paper but I have constructive support. The VA doesn't have enough funds.

You know this; you read it on the print media that some directors down there have spent their own personal funds to make that happen. I pray that the government will help Mr. San Augustin do his job. He can't do it with the current funding and if we group up and support that issue in our island, that outreach program, put more funding in there so he can do his job. I believe he can go out more. When you said let them come to us, many of the Vietnam Veterans that I've seen don't have transportation. Some of them, they are out in the sticks. When they did this outreach program to find out how many homeless people there are, I don't think they asked how many Vietnam veterans there are. They should have a two-fold system like census does.

Senator Regine Biscoe Lee:

Yes. I think on the homeless count sheet that is one of the second or third questions that we were asking. I participated in that up in Dededo and my entire staff got trained and that was one of the first things that we asked and we were trained to asked that. I know we have representatives from WestCare here today and I know that they do a lot of work in that outreach effort. So I want to thank you so much for giving additional suggestions on how we can reach folks and continue. And I know again what you were mentioning about transportation and our difficulties with access. We are definitely going to try to continue to try to work on that and take a better look at how we can use all of our government resources

to try to connect with those folks and make sure we address their issues and let them know about the current resources that are available and get them to buy into this and to register so that we can continue to get the maximum amount of federal funding for all of our vets.

Joe Blas:

To continue, sorry, also I'm thinking out loud here. Some of the areas that the veterans do go to, they are not ADA accessible and some of our veterans are in wheelchairs or need assistance in getting around, so that too should be part of the funding for the VA to make sure that we assist the veterans. And basically, Guam should do that and maybe the federal government will say, "hey, hold it," there is more. It's not enough that we don't vote however I think in groups and in numbers, I think that we can be heard and with your support, I pray that you support Mr. San Augustine and the VA. And maybe also, like my nephew here, the VA clinic is made for 15 people and there are in my mind or the friends that I know, there are over 2000 people that need assistance out there. We can't wait all day so hopefully you will support that also. Thank you and si Yu'os Ma'åse'.

Vice Speaker Therese M. Terlaje:

Thank you Mr. Blas. I would just like to add that in addition to the suggestions that were made today that when I spoke with the Attorney General regarding the CERCLA suit, she's filing a Superfund suit to get some contribution from the Department of Navy for what they added to the Ordodump or their part in that. We are hoping the lawyers that we spoke to will find, as part of their investigation into Ordodump, what part the Navy had contributed to that. They are going to determine what other contaminants are in there and of course seek whatever other avenues we can for that. And hopefully while they are at it, they'll find the other areas that might have been exposed. And I also know that Congressman Ross, and I know this from Robert Celestial pointing it out to me, that Congressman Ross as part of his bill that was introduced requested that the GAO investigate the presence of Agent Orange on Guam so there are additional avenues. And now I'd like to open it up to any of my colleagues for any one of the people who testified today. So, Senator Nelson?

Senator Telena Nelson:

Thank you Madam Chair. First of all, I would like to thank all of you for coming here this evening. You know I empathize with the suffering that you have endured and I deeply respect the continued fight that you do because it is not only for your benefit, it is also for other veterans down the line who have been exposed to various chemicals in different types of wars that we have experienced. There is no question as Vietnam veterans or even on Guam that we have been exposed to Agent Orange and the Vietnam veterans have been exposed to Agent Orange. But in an effort, I would like to add to the resolution, several types of diseases such as Parkinson's disease, Ischemic heart disease, and hairy cell leukemia. And that is also in accordance with the Institute of Medicine. Throughout time, they have observed that these are also diseases that were effectuated from exposure to Agent Orange. I want to reassure you that your voices will not fall on deaf ears. I know it is probably tiring

and exhausting and sometimes even disheartening because of the many times that you continue to come forward and you feel like very little is being done but here today are senators who really want to fight for you and support this cause because we believe in it. The people of Guam have been affected by it and it is time that we really show a true united front that we cannot let this go unnoticed. I also understand some of the challenges that you shared Chief as far as seeking medical care and you know the biggest disservice to our island is the CBOC.

It was meant to service our veterans. It was meant to help us but essentially it does exactly the opposite. It does not provide the continuum of care and the constant medical attention that is needed to serve our veterans. So, I would really like to work with the Veteran Affairs office to sit down and to plan accordingly what we can do to impact this in a positive way. Sometimes they are short staffed. The doctors are continuously rotating so you don't have the same doctor that you saw 3 months ago and there is also a line for appointments and special referrals and essentially that is an injustice because by the time that you are a retired veteran or a veteran well into your 60's, you know, time is really essentially not on our side. So, this is something that I want to work with each and everyone of you to improve. And I cannot express how grateful I am to see our veterans, especially myself being a veteran, to come up here before us and to fight for what is right. It's very inspiring for me because you have endured this for 40 plus years. I hope that if I ever reach your age, God willing, that I will continue the fight also. So thank you very much and thank you for your sacrifice.

Vice Speaker Therese M. Terlaje:

Si Yu'os Ma'åse'. Yes, Mr. Duenas?

Daniel Duenas:

Since you are addressing a lot of the presumptive illnesses, one of the things that is still, I believe, under research is hypertension. Most everyone that had diabetes is associated with hypertension and I don't know about cholesterol, but when I got my results, I had all three. This is the thing that you try to let the doctor know that it is a part of Agent Orange and they say "no, diabetes, hypertension, Agent Orange, there is no relationship." But there are studies that seem to move towards making hypertension a presumptive illness equal to diabetes, so I hope that is something as senators you can look into.

Vice Speaker Therese M. Terlaje:

That is correct. I believe that the way this law was written, the one that Congress has already adopted, allows for additional diseases. And there are some to still be recognized by the Department of Veteran Affairs. They have recognized the others like diabetes, the birth defects, and it allows them to continue to recognize others that according to their criteria are proven. So, you are right and that is already built into the law. But I did not mention all of them that is correct. Ok, Senator Estevez.

Senator Fernando Esteves:

Thank you Madam Chair. Good evening gentlemen. Thank you for being here. On a side note, I do have a special place in my heart for the Vietnam veterans. It is not just my friends who we sit and exchange stories with over a couple of drinks. My namesake died in Vietnam and was one of the few casualties we had from Vietnam from Guam of Chamorro heritage and decent. As you know, I have been working on this task force for a while and to address some of the concerns here, and I do owe you report on that. But speaking as a disabled veteran myself, I feel your sentiment and I agree. As military servicemen and members as we served, there were the highest expectations that were thrown upon us and then for most of us, we met that with honorable service. And to your point, sir, all we ask in return is what was promised. It is just the bare minimum and it is very disappointing. And that there is a reason that we demand, because the demand was put upon us and I feel you on that. And the fight must continue. I agree. For those who may not know the purpose of the task force, really it is to provide that longevity to keep the fight. As we have seen time and time again, something comes up, something goes away. Something comes up, something goes away. It just seems like it is trying to appease the people at the time. And the focus on the task force, as of right now and where we are at, is developing the framework for longevity that is going to last. The central repository for the sworn statements that we have been collecting and of course I welcome you to deliver whatever statements you have and eye witness accounts, affidavits and sworn testimonies to my office so that we can archive that as well. Now with my support on this resolution, really again, as I focus on the presumption, the presumption is very important. There has been concern and to share with you, why can't we just add the civilian population of Guam with Ross' bill? I wish it were that easy but the unfortunate part is our very own delegate Congresswoman hasn't even signed up to support this bill yet, which is very unfortunate. So making an amendment to it, especially as severe as this, is difficult. Now understanding how the process works, it is easy to pass something or move something into law that affects a specific agency, however there doesn't exist any federal government agency that will address these problems that will pay for it, that will handle it, that will administer it. So it makes it problematic to add it into the bill.

Of course, with input from my colleagues and the community, as of now, the strategy is to push for a civil suit which there is much precedent for in the history of the country in terms of places that have been contaminated negatively due to different industries and things going on by both private entities and the government. And so that's the direction we are going right now. So, every piece of evidence that is provided to us, both written accounts and affidavits and sworn statements, is very very important so I keep encouraging that. The fight has just begun or the fight continues on and I encourage you to please reach out if you have any other questions and thank you ladies and gentlemen for your attendance.

Vice Speaker Therese M. Terlaje:

Thank you very much. Thank you all very much.

The second agenda item was heard after Resolution 25-34 (COR). The public hearing was adjourned at 8:01 p.m.




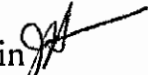

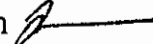
III. FINDINGS AND RECOMMENDATIONS

Vice Speaker Therese M. Terlaje, author of the resolution, hereby reports out Resolution No. 25-34 (COR), As Introduced, with the recommendation To Do Pass.

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Resolution No. 25-34 (COR)

Introduced by:

Therese M. Terlaje 
Dennis G. Rodriguez, Jr. 
B. J. F. Cruz 
Joe S. San Agustin 
Fernando Esteves 
Telena Cruz Nelson 

2017 FEB -6 PM 2:13
KC

Relative to expressing the support of *I Mina'trenta Kuáttro na Liheslaturan Guáhan* for H.R. 809, the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act*, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.

1 **BE IT RESOLVED BY *I MINA'TRENTAI KUÁTTRO NA***
2 ***LIHESLATURAN GUÁHAN*:**

3 **WHEREAS**, the people of Guam have a long history of distinguished service
4 in the U.S. armed forces, and an even longer history of strong support for all of the
5 many veterans of American wars, ranking among the highest enlistment levels in the
6 U.S., and having suffered more casualties on a per capita basis than any other

1 territory, state or insular area of the United States in both the Korean conflict and the
2 Vietnam War; and

3 **WHEREAS**, the resources and location of the island of Guam, and the service
4 of the people of Guam played a critical role in U.S. military strategy during the
5 Korean War, the Vietnam War, and World War II; and

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

10 **WHEREAS**, the Agent Orange Act of 1991 defines the scope of eligibility for
11 compensation, to include all of those who were in active military, naval *or* air service
12 in the Republic of Vietnam during the use of the herbicide Agent Orange; and a
13 veteran who, during active military, naval, or air service, served in the Republic of
14 Vietnam during the Vietnam era shall be presumed to have been exposed during such
15 service to a herbicide agent, unless there is affirmative evidence to establish that the
16 veteran was not exposed to any such agent during that service. 38 U.S.C.A. §
17 1116(a)(3); and

18 **WHEREAS**, veterans that did not serve in Vietnam are currently not entitled to
19 a presumption of service connection for diseases associated with exposure to certain
20 herbicide agents. However, the veteran may be entitled to service connection for this
21 disease on a direct basis if the evidence establishes that his disease is related to the
22 herbicide exposure; and

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

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

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

8 **WHEREAS**, both military and civilian personnel handled trans-shipment of
9 these goods and although the Department of Defense has never officially admitted to
10 storing and using Agent Orange and other herbicides on Guam, media reports cite a
11 Dow Chemical Corporation's report which disclosed that "Soldiers stationed on Guam
12 who handled Agent Orange have become ill and symptoms of TCDD (dioxin)
13 poisoning are apparent in the general population of the island as well. TCDD
14 contamination as a result of Agent Orange handling has been measured at up to 1900
15 ppm in some areas of Andersen Air Force Base on Guam. Given that safe levels of
16 TCDD have been placed at below 1 ppb by the EPA and even lower by many state
17 regulatory agencies (toxic effects have been measured at parts per trillion), this
18 implies an extraordinary level of contamination. TCDD has been shown in laboratory
19 animals to have multigenerational impacts, not just on the offspring of exposed
20 animals, but on the next generation as well."; and

21 **WHEREAS**, the DOD denies Agent Orange was ever used outside of Vietnam
22 and Thailand during the Vietnam War, despite the veterans coming forth with claims
23 of exposure outside of these areas, including Guam; and many of the Guam-based
24 veterans point to studies about Vietnam's Agent Orange contamination and say they
25 show that the herbicides sprayed forty years ago still remain in Guam's soil, water
26 table and food chain—just as it does in Vietnam. These veterans blame the herbicide's

1 of the Northern Mariana Islands and American Samoa, and show symptoms of
2 medical conditions currently associated with exposure to Agent Orange so they
3 can receive U.S. Department of Veterans Affairs benefits; and

4 **WHEREAS**, the H.R. 809 was named after Master Sgt. Foster, of Lakeland,
5 Florida, who in sworn testimony said he sprayed Agent Orange in Guam while
6 serving at Andersen Air Force Base during the Vietnam War and suffers from
7 associated diseases and multiple cancers due to his exposure to Agent Orange in
8 Guam; and

9 **WHEREAS**, in a phone interview, Foster said “I was shocked when I heard
10 that they named it after me. I felt very honored for them to do that, but it's not about
11 me. It's about all the people who were affected who are living there on Guam, and all
12 the veterans and their families. Every day I hear more and more stories coming out
13 and it's very, very sad. I'm hoping help comes quickly to the people of Guam.” Foster
14 despite his illness actively advocates that veterans and Guam families who were
15 affected by Agent Orange will see financial and medical benefits as a result of the
16 FOSTER Act; and

17 **WHEREAS**, diseases associated with exposure to Agent Orange include:
18 chloracne or other acneform diseases consistent with chloracne; Type 2 diabetes (also
19 known as Type II diabetes mellitus or adult-onset diabetes); Hodgkin's disease;
20 multiple myeloma; non-Hodgkin's lymphoma; acute and subacute peripheral
21 neuropathy; porphyria cutanea tarda; prostate cancer; respiratory cancers (cancer of
22 the lung, bronchus, larynx, or trachea); and soft-tissue sarcomas (other than
23 osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma). 38 C.F.R. §
24 3.309(e) (2004); see also 38 U.S.C.A. § 1116(f), as added by § 201(c) of the Veterans
25 Education and Benefits Expansion Act of 2001, Pub. L. No. 107-103, 115 Stat. 976
26 (2001); and

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

5 **RESOLVED**, that *I Mina'trentai Kuåttro na Liheslaturan Guåhan* (the 34th
6 Guam Legislature) does hereby, on behalf of the people of Guam, express its strong
7 support for resolving the numerous health care needs of the many veterans of
8 American military service who live in Guam, and the health care needs of United
9 States citizens residing on Guam; and be it further

10 **RESOLVED**, that *I Mina'trentai Kuåttro na Liheslaturan Guåhan* (the 34th
11 Guam Legislature), does hereby, on behalf of the people of Guam, respectfully request
12 that the Congress of the United States correct injustice and amend 38 U.S.Code §
13 1116 to include Vietnam War staging areas, such as Guam, for which evidence exists
14 that Agent Orange exposure has taken place; and be it further

15 **RESOLVED**, that *I Mina'trentai Kuåttro na Liheslaturan Guåhan* (the 34th
16 Guam Legislature), does hereby, on behalf of the people of Guam, express support of
17 the *Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act*,
18 introduced by the Congressman Dennis A. Ross in the United States House of
19 Representatives on February 1, 2017, that seeks to correct injustice, clarify the
20 eligibility of affected veterans, and expedite the processing of veteran claims of health
21 conditions caused by Agent Orange exposure; and be it further

22 **RESOLVED**, that *I Mina'trentai Kuåttro na Liheslatuan Guåhan* (the 34th
23 Guam Legislature) does hereby, on behalf of the people of Guam, urgently petition the
24 United States Congress to clarify presumptions of service-connection relating to the
25 exposure to herbicides of certain veterans who served in the Armed Forces on Guam
26 during the Vietnam Era which would provide presumptive Agent Orange exposure

1 status to Vietnam War-era veterans who served in specific areas, including Guam, the
2 Commonwealth of the Northern Mariana Islands and American Samoa, and show
3 symptoms of medical conditions currently associated with such exposure so they
4 can receive U.S. Department of Veterans Affairs benefits; and be it further

5 **RESOLVED**, that the Speaker certify and the Legislative Secretary attest to the
6 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable
7 Donald Trump, President of the United States of America; to the Honorable Orrin
8 Hatch, President Pro Tempore, U.S. Senate; to the Honorable Paul Ryan, Speaker,
9 U.S. House of Representatives; to the Honorable David Roe, Chairman, Committee on
10 Veterans' Affairs, U.S. House of Representatives; to the Honorable Timothy Walz,
11 Ranking Member, Committee on Veterans' Affairs, U.S. House of Representatives; to
12 the Honorable Mac Thornberry, Chairman, Armed Services Committee, U.S. House
13 of Representatives; to the Honorable Johnny Isakson, Chairman, Committee on
14 Veterans' Affairs, U.S. Senate; to the Honorable Jon Tester, Ranking Member,
15 Committee on Veterans' Affairs, U.S. Senate; to the Honorable John McCain,
16 Chairperson, Committee on Armed Services, U.S. Senate; to the Honorable Jack
17 Reed, Ranking Member, Committee on Armed Services, U.S. Senate; to the
18 Honorable Dennis A. Ross, Member of Congress, U.S. House of Representatives;
19 to the Honorable Madeleine Z. Bordallo, Member of Congress, U.S. House of
20 Representatives; to the Secretary of the Department of Veterans Affairs; to the
21 Secretary of the Department of the Interior; to Deputy Assistant Secretary for Insular
22 Affairs; to the Administrator of the Guam Office of Veterans Affairs; to the Guam
23 Veterans Commission; to the Speaker of *I Liheslaturan Guåhan* (the Guam
24 Legislature); and to the Honorable Edward B. Calvo, *I Maga'lahaen Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN* ON THE ___ DAY OF _____, 2017.

BENJAMIN J.F. CRUZ
Speaker

REGINE BISCOE LEE
Legislative Secretary

Veterans share frustrations at hearing on Agent Orange, radiation resolutions

Res. # 40-34 (C)

Kyla P Mora , kmora@guampdn.com 2:33 p.m. ChT April 7, 2017



(Photo: Kyla P Mora | PDN)

Multiple residents offered oral testimony at a recent public hearing on Agent Orange contamination and radiation exposure, mostly on the same theme: frustration over Guam's leaders' inaction.

On April 4, the Guam Legislature's Committee on Culture and Justice convened a hearing to discuss Resolution 25-34, related to supporting the Fighting for Orange-Stricken Territories in Eastern Regions, or FOSTER, Act, and Resolution 40-34, related to recognizing the radiation exposure of Enewetak Atoll cleanup veterans and including them in the Merk Takai Atomic Veterans Healthcare Parity Act.

Robert Celestial, Pacific Association for Radiation Survivors president, was joined by Vietnam veterans and former military civil service personnel to testify about atomic radiation and Agent Orange exposure on Guam.

Frustration at lack of recognition was a common theme for many who testified.

Navy veteran and Yona resident Howard Collins, who served as assistant fire chief for 32 years after four years of active service, said he is tired "of being told there is no such thing as Agent Orange on Guam."

"We get these nice letters that are only good for the garbage cans. We're getting tired of this runaround," Collins said. "You're telling me I don't see something's wrong? What about all the civilians that worked at Naval Station? You're telling me I didn't see them load contaminated dirt and soil to take away from the base? We've lost I don't know how many people, and you're telling me I didn't see this stuff."

Collins said he's lost faith in leaders to help.

"They're talking about getting congressmen to help. I don't believe so," Collins said. "I've asked the congresswoman for help. I've been to her office many times."

On April 3, Guam Del. Madeleine Bordallo issued a letter to Comptroller General Gene Dodaro of the U.S. Government Accountability Office, asking for information about where the federal government stored, transferred and used Agent Orange during the Vietnam War.

Bordallo also requested information about dioxin-contaminated hot spots and plans to remediate contaminated sites, including how much the Department of Defense has spent to date on site cleanup.

Many giving up

Even as investigations inch forward, however, some disillusioned veterans on Guam have stopped seeking assistance.

Guam Veterans Affairs Office Administrator Joe A. San Agustin said after only eight months in his current position, he has seen many give up.

"I'm finding that many of our vets have not come forth to file for benefits because they've lost faith in the system," San Agustin said. "We have the responsibility and duties to continue to fight these issues up to the very top so that we provide them with the care and benefits that they are entitled to."

San Agustin urged Vice Speaker Therese Terlaje to include civilians affected by the toxic herbicide Agent Orange in any reparative measures taken. He also supports current investigations into Agent Orange on Guam.

The hearing also brought to light insufficient veteran care and support on Guam.

In June 2013, Sen. Frank Aguon Jr. introduced Bill 134 to create a Guam Veterans Registry. The stated goal of the registry is to create an accurate database to provide veterans with current information on health care, benefits and activities. The registry was to be maintained and updated by the Office of Veterans Affairs.

However, the registry "has not been compiled, and there has been little to no effort to compile this registry," Terlaje said.

https://www.postguam.com/news/local/advocate-hopes-for-guam-survivors-of-us-nuclear-bomb-tests/article_b104af06-177b-11e7-872d-1371429b545b.html

Advocate hopes for Guam survivors of US nuclear bomb tests to receive help

Manny Cruz | The Guam Daily Post 6 hrs ago



ADVOCATE: Pacific Association of Radiation Survivors President Robert Celestial is shown in this file photo. Post file photo

"You know what our decontamination process was back then? They (higher-ups) told us to jump in the ocean to wash ourselves off – that was our decontamination process." – Robert Celestial, advocate for radiation survivors

Radiation compensation advocate Robert Celestial said this year could be promising for Guam radiation survivors and veterans exposed to U.S. atomic bomb testing decades ago.

Earlier this year, Idaho Sen. Mike Crapo introduced Bill 197, which adds Guam to the list of "downwind states" included in the Radiation Exposure Compensation Act, or RECA.

The measure, among many things, fully funds the medical expenses of people suffering from radiation exposure linked to the Department of Defense's radioactive bomb tests in the continental U.S. and the Pacific.

Locally, Vice Speaker Therese Teriaje is pushing just compensation for affected people through two separate resolutions that support the Senate's Mark Takai Atomic Veterans Healthcare Party Act, and the FOSTERS Act, which would provide Agent Orange status to Vietnam War-era veterans and civilians.

Between 1946 and 1962, the U.S. conducted 67 reported nuclear bomb tests in the Marshall Islands, east of Guam.

Celestial has been advocating for compensation for Guam veterans and civilians for more than a decade.

Celestial has also documented jet streams flowing from the Marshall Islands to Guam during that time, which carried radiation toward the Marianas.

Guam was also a stopping point for U.S. Navy ships coming from the Marshall Islands after detonations to decontaminate, according to Celestial.

"Our island and our people – were undoubtedly exposed," Celestial said at the National Association of Social Workers conference on March 29.

The Army veteran has first-hand experience with nuclear radiation.

Between 1977 and 1980, Celestial, alongside other Pacific Islander and Asian Army personnel, helped fill the U.S. military's Runit Dome in the Marshall Islands with nuclear waste and affected debris.

"You know what our decontamination process was back then?" he asked the NASW audience rhetorically. "They (higher-ups) told us to jump in the ocean to wash ourselves off – that was our decontamination process."

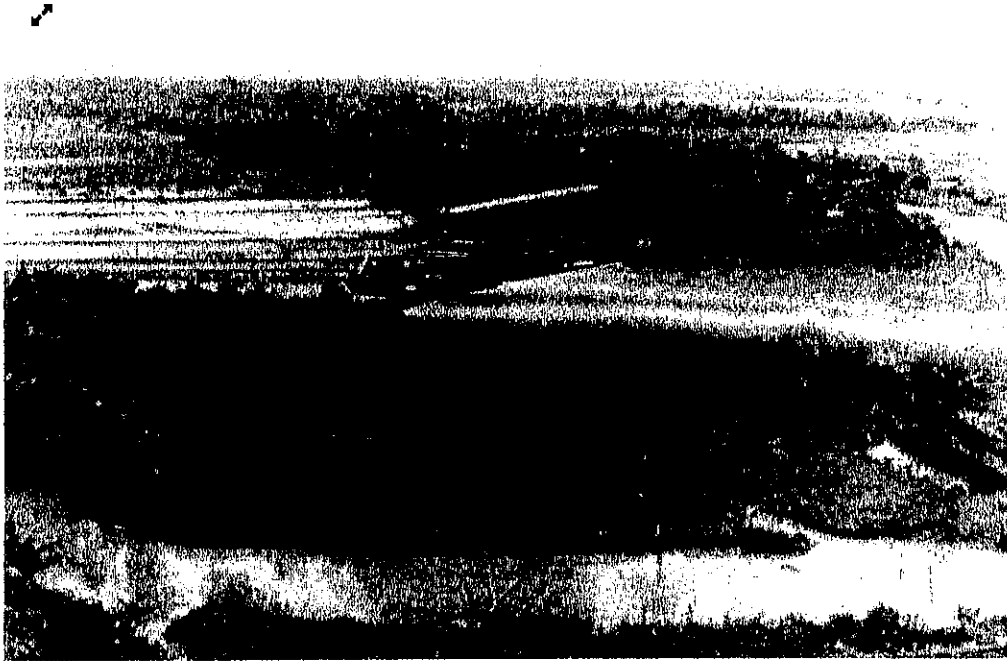
Many of his comrades have succumbed to their illnesses, like Ed Blas, whom Celestial said passed away four years ago.

"He was with me back then," Celestial said. "He had so many diseases: kidney failure, diabetes, spinal cancer. I know there are others from Guam who helped with the cleanup process. I hope they'll come to the public hearing on Tuesday."

https://www.postguam.com/news/local/bordallo-seeks-gao-review-of-agent-orange-on-guam/article_f6ca5c62-1b7b-11e7-bae5-3b6de9f8909b.html

Bordallo seeks GAO review of Agent Orange on Guam

Daily Post Staff Apr 9, 2017 Updated 11 hrs ago



AGENT ORANGE: A U.S. Army Huey helicopter sprays Agent Orange over Vietnamese agricultural land during the Vietnam War. The Department of Defense has said Agent Orange was never present or transited through Guam, but veterans who were stationed on Guam during the Vietnam War claim otherwise. Post file photo

Guam Delegate Madeleine Bordallo has asked the Government Accountability Office to review all documentation regarding the use of Agent Orange and other dioxin-based herbicides on Guam.

The Department of Defense has said Agent Orange was never present or transited through Guam, but veterans who were stationed on Guam during the Vietnam War, like Leroy Foster, have said they were forced to spray Agent Orange in military facilities and defense properties on Guam.

Foster, 68, now resides in Florida and said he now suffers from 33 diseases, including five different cancers as a result of spraying the herbicide that was widely used by the United States to kill vegetation during the Vietnam War.

In a letter to the GAO sent Friday, Bordallo asked that the agency review all documentation related to the handling and transport of Agent Orange to hold DoD accountable and address this situation based off the findings.

"We need updated information in order to make the right recommendations," Bordallo stated in a press release.

The GAO is an independent watchdog agency that serves as a legislative check on the executive branch. Because of its access to sensitive records not made available to private organizations, the GAO is uniquely capable of reviewing DoD's assertion, Bordallo noted.

OUR VIEW: Feds, GovGuam must do more for island veterans

Pacific Daily News , news@guampdn.com Published 4:28 p.m. ChT Feb. 8, 2017 | Updated 18 hours ago



(Photo: PDN file)

The government of Guam, and the federal government, must do much more to help our island's veterans.

The men and women who have served our nation in uniform deserve the services they earned with that service. We have an obligation to ensure they get health care and the other benefits to which they are entitled.

On Guam, and across the nation, that hasn't happened, and we all should be ashamed of this failure.

The Veterans Administration's Guam Community Based Outpatient Clinic lacks the staff and resources it needs to provide adequate services to our veterans. Plans to augment staff and other improvements haven't been realized. The process to get needed help often is bogged down by red tape, and the distance to the VA offices in Hawaii that handle Guam veterans leaves many frustrated.

[Town hall on VA services to address resource issues](http://www.guampdn.com/story/news/2017/02/07/town-hall-va-services-address-resource-issues/97575960/)

[\(http://www.guampdn.com/story/news/2017/02/07/town-hall-va-services-address-resource-issues/97575960/\)](http://www.guampdn.com/story/news/2017/02/07/town-hall-va-services-address-resource-issues/97575960/)

Wednesday night, Sen. Dennis Rodriguez Jr. held a town hall meeting with veterans to help inform them about the services that are available to them. Rodriguez is the new chairman of the Legislature's military affairs committee.

"In my initial listening session with veterans, there was a lot of confusion about where to get services and who does what," Rodriguez said.

The town hall meeting is a start; what's important now is the follow-through. The government needs to be more aggressive with outreach and education efforts, so that veterans can easily access the resources and services they've earned. It also must do what it can to bolster services.




We also need the federal government to start living up to its promises and obligations to our island's veterans. As of 2012, Guam ranked dead last in per capita in medical spending by Veterans Affairs — just \$822. The next lowest rate was \$1,275 per veteran.

Our veterans deserve better. It's past time our island, and our country, rectify the situation.

[Two more veterans allege personally spraying Agent Orange on both Air Force and Navy bases](http://www.guampdn.com/story/news/2017/02/08/two-more-veterans-allege-personally-spraying-agent-orange-both-air-force-and-navy-bases/97619046/)

[\(http://www.guampdn.com/story/news/2017/02/08/two-more-veterans-allege-personally-spraying-agent-orange-both-air-force-and-navy-bases/97619046/\)](http://www.guampdn.com/story/news/2017/02/08/two-more-veterans-allege-personally-spraying-agent-orange-both-air-force-and-navy-bases/97619046/)

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https://www.postguam.com/news/local/one-stop-center-for-veterans-services-proposed/article_3d907686-ede1-11e6-9843-fb52cda4059c.html

One-stop center for veterans' services proposed

Tihu Lujan | Post News Staff 4 hrs ago

"I take it to heart that many of the veterans, especially the younger ones that have gone to serve our country, are now enduring medical and mental challenges from the service that they have provided in the defense of our country. I feel that not enough is being done for those veterans." – Jose San Agustin, administrator, Guam Veterans Affairs Office

A Veterans Community Center, which would centralize all services for military veterans in one location, and also serve as a meeting place for the island's veterans groups, is being proposed.

Sen. Dennis Rodriguez Jr. said he and his legislative committee's vice chairman, Sen. Joe San Agustin, are hoping to lead efforts to create the center.

The legislative Committee on Military Affairs, chaired by Rodriguez, also held the first of its planned town hall meetings with veterans last night in the legislature, and one of the goals was to inform veterans of services they may not be aware of.

Rodriguez said he concluded that while some offices and programs may lack certain resources, there are a good amount of services available for veterans, but some are unaware of certain services.

"I don't know if it's miscommunication, or a lack of communication causing some veterans to not know where or who provides what services," Rodriguez said. "This town hall gives the opportunity for these programs to present what it is they do, and also for me and other senators to be educated on what they do as well."

Services fall short

Guam Veterans Affairs Office Administrator Jose San Agustin, a veteran, had a personal reflection at the meeting. Remembering fellow comrades who gave up their freedoms and lives to war, he said services for local veterans must grow, for the benefit of the island's large veteran community.

"This is in fact a big step forward in working together to help our veterans out here who continue to strive and struggle through many challenges out here in this isolated area," San Agustin said. "I take it to heart that many of the veterans, especially the younger ones that have gone to serve our country, are now enduring medical and mental challenges from the service that they have provided in the defense of our country, I feel that not enough is being done for those veterans."

In his capacity as chairman of the Committee on Military Affairs, Rodriguez recently took a "listening tour" around the island's veteran's service providers, including the Guam Veterans Cemetery, Guam Community Based Outpatient Clinic, and the island's local and federal veterans' affairs offices.

While most of Guam's veteran organizations have open doors and hold regular meetings, soliciting their advice and expertise at one town hall meeting made it convenient for veterans, Rodriguez said. He also wants to include veterans' families and caretakers in these meetings.

Rodriguez invited several local veterans' offices and service providers to give educational presentations on the services and programs they offer, including the Guam Veterans Affairs Office, the Guam Veterans Commission, the U.S. Department of Veterans Administration Guam office, WestCare and other community stakeholders.

A main concern Rodriguez found throughout his tour was the continuing veteran saga of agencies and programs being underfunded, and without ample resources. The senator is looking to work with Guam Delegate Madeleine Bordallo and federal partners to further improve services.

The island boasts one of the nation's largest number of military enlistments per capita, but ranks dead last as a recipient of federal veterans affairs funding.

Tihu Lujan

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Town hall on VA services to address resource issues

Shawn Raymundo, sraymundo@guampdn.com 5:18 p.m. ChT Feb. 7, 2017



(Photo: PDN file photo)

Island veterans interested in learning more about the various services local veterans agencies offer can attend a town hall meeting at the Legislature's public hearing room Wednesday evening.

After meeting with several veterans who didn't know where to go for certain services, Sen. Dennis Rodriguez Jr., D-Dededo, the new chairman of the Legislature's military affairs committee, said he wanted to host the meeting.

"In my initial listening session with veterans, there was a lot of confusion about where to get services and who does what," Rodriguez said.

During the meeting, various veterans groups will give presentations, highlighting the services each provides to Guam's vets.

And based on his recent tours and reviews of certain agencies, such as the Guam Veterans Cemetery and VA Guam Community Based Outpatient Clinic, Rodriguez said he plans to give a report outlining some of the issues with which those agencies struggle.

"I want to give them my report of my visits there, so they understand the issues," Rodriguez said, adding the meeting also is "to see how we're going to approach the challenges they face."

As one example, Rodriguez pointed out that the Community-Based Outpatient Clinic has inadequate resources. He said it isn't just a local issue but a federal one as well.

"There's great people up there, but clearly they don't have the necessary resources ... for our veterans," he said.

Rodriguez said he plans to work with Guam Del. Madeleine Bordallo and federal officials to advocate for better resources at Guam's veterans agencies.

IF YOU GO

- What: Veterans town hall meeting
- When: 5:30 to 8 p.m Wednesday
- Where: Guam Legislature Public hearing room, Hester Place, Hagåtña

Read or Share this story: <http://www.guampdn.com/story/news/2017/02/07/town-hall-va-services-address-resource-issues/97575960/>

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Two more veterans allege personally spraying Agent Orange on both Air Force and Navy bases

Kyla P Mora , kmora@guampdn.com 3:45 p.m. ChT Feb. 8, 2017



(Photo: Courtesy of Cleveland Walters)

Two more veterans have come forward, stating they witnessed and participated in spraying what they now believe to be the toxic herbicide Agent Orange while stationed at Andersen Air Force Base and Naval Base Guam during the Vietnam War.

Despite veteran accounts, the military has said Agent Orange was not used, stored or moved through Guam during the war.

Bruce Borton's story

Navy veteran Bruce Borton, who was stationed at Naval Facilities Engineering Command on Guam from Feb. 21, 1971 to Dec. 3, 1973, said he personally sprayed an herbicide as part of the Seabee detachment at Ritidian Point.

Borton was enlisted as a Petty Officer 3rd Class. His job title was utilities man 3, which included working in plumbing, A/C repair and general maintenance, he said. Borton also drove a bus to and from Naval Communications Station and Ritidian Point, where he described seeing "the little tractor spraying from the gate into Northwest Field, down to the point."

Borton said usage was widespread on the then-Navy property, and he personally sprayed the jungle with herbicide from a hand-held sprayer.

"One of our tasks was to spray the jungle to keep it back off the road," Borton said. "Seabees sprayed along the road where the guard shack was, on both sides of the hill, up to where the road flattens out. We also sprayed around the buildings and in the compound under the fuel tanks."

Seabees refilled portable sprayers by hand from a drum kept in storage, Borton said.

"The chemical we used was stored outside in a 55-gallon drum, away from the compound on the north. There was a field there behind the engine room and shop areas with a high security fence," Borton said. "The drum was outside the security fence, and surprisingly, we never had to mow that field. We would fill up a can sprayer from the drum that sat upright. I know we spilled the chemical in the dirt there while filling up the spray can."

Borton now experiences diabetes, high blood pressure, prostate cancer, erectile dysfunction and hearing loss. His two children, born in 1978 and 1979, both have incomplete albinism and ADHD, he said.

Cleveland Walters' story

Air Force veteran Cleveland Walters was stationed for temporary duty at Andersen AFB from July 23 to Dec. 29, 1972. Walters originally deployed with the 96th Bomb Wing, but once on Guam he was assigned to the 43rd Transportation Squadron, as an airman.

Walters' official job title was supply point for the transportation unit, but said that at age 18, "being the youngest in age and rank, you get every doggone detail known to man thrown at you. And when that happens, that goes unknown on your records. This is wartime, and they use you wherever they want to put you, outside of your job title."



One of those assignments was "helping with those hand spray pumps," spraying around the fence line, buildings, bath houses, temporary housing in "Tin City" and "Canvas Court," and on the back side of base roads, he said.

"We did a lot of spraying, trying to get rid of the weeds. It's unbelievable how quickly the foliage grows back over the roads, probably because it rains there every day," Walters said. "Then, of course, we had to haul drums from the transportation to the dump."

Walters described the drums as "rotten" and "rusted," which made it hard to see any distinguishing colors. However, the drums that weren't rusted were often used as makeshift barbecue grills.

Cleveland Walters poses by his tent in "Tin City" on Andersen Air Force Base. Walters alleges that he personally sprayed Agent Orange in Tin City and around the base. (Photo: Courtesy of Cleveland Walters)

Florida resident and veteran Leroy Foster is one of the first veterans to report Agent Orange was used on Guam ([/story/news/2017/01/05/68-year-old-air-force-veteran-said-he-sprayed-agent-orange-guam-60s-70s/96187572/](http://www.guampdn.com/story/news/2017/01/05/68-year-old-air-force-veteran-said-he-sprayed-agent-orange-guam-60s-70s/96187572/)). He said he personally sprayed thousands of gallons of Agent Orange at Andersen Air Force Base, while stationed there with the 43rd Supply Squadron Fuels Division during the Vietnam War.

Walters was originally housed in a tent on the fence of the flight line at Andersen AFB, which Foster described as part of his primary spray route.

From the time he was on base, Walters battled "jungle rot," or chloracne – rashes and boils around his face and hair line – as well as digestive problems, dizzy spells and blackouts. He sought medical attention for his skin nearly every day, Walters said. Years later, with the help of Sen. John Cornyn (R-Texas), Walters obtained a partial copy of his Guam medical records, supporting his claim.

The U.S. Department of Veterans Affairs presumes chloracne (<http://www.publichealth.va.gov/exposures/agentorange/conditions/chloracne.asp>) as Agent Orange-related for Vietnam veterans.

Foster also reported experiencing severe chloracne during his time on Guam.



U.S. Air Force veteran Cleveland Walters alleges personally spraying Agent Orange at Andersen Air Force Base. (Photo: Courtesy of Cleveland Walters)

Walters also stated that his two older brothers, who served in Vietnam during Operation Ranch Hand, experienced the same symptoms.

Walters now suffers from hearing loss, severe acid reflux, neuropathy, restless leg syndrome and intermittent tremors, and continued cysts and rashes on his skin. Four of Walters' daughters have asthma and allergies, and one daughter had to have an ovary removed at age 13. Walters' grandson and granddaughter, he believes, have ADHD, and his granddaughter is currently undergoing medical treatment for abnormal development of her teeth.

Walters said he never discussed his time on Guam with anyone until his birthday in 2010, when he finally caved to pressure from his wife and daughter and started using a computer.

"I never would have put this together. The first thing I did was punch in my unit in Guam. I started reading, and all of a sudden people were talking about their health. I told my wife, 'Everything they're talking about is what I have'," Walters said. "The skin rashes, the neuropathy, all this stuff. I figured they probably would, because we all lived in those tents."

Walters is happy about the introduction of the FOSTER Act ([/story/news/2017/02/02/congressman-introduces-guam-inspired-agent-orange-bill/97419880/](http://www.guampdn.com/story/news/2017/02/02/congressman-introduces-guam-inspired-agent-orange-bill/97419880/)) — named after Foster — which would provide presumptive Agent Orange exposure status to veterans who served on Guam during the Vietnam War.

"They said that those in Vietnam are presumed to have been exposed. Fine, I go along with that. But what about the places that stored it before they even get there? The people who touched it? Somebody had to get it to Vietnam and get it away from there, and it had to stop two places before it even got there," Walters said.

"I just don't understand. They know it's there, why don't they just turn around and take care of us? As we raised our hands up and were sworn in, they also made the promise that they would take care of us," he added. "I wish some of those guys in Congress would turn around and just live in my skin right now, and see what I've been going through for 40-something years."

Related stories:

Task force will investigate reports of Agent Orange use on Guam
(<http://www.guampdn.com/story/news/2017/01/10/task-force-investigate-agent-orange-use-guam/96381364/>)

Guam EPA announces active Agent Orange investigation following Calvo order
(<http://www.guampdn.com/story/news/2017/01/23/calvo-orders-agent-orange-testing/96937432/>)

More veterans allege Agent Orange use at military bases
(<http://www.guampdn.com/story/news/2017/01/14/more-veterans-allege-agent-orange-use-military-bases/96568368/>)

Read or Share this story: <http://www.guampdn.com/story/news/2017/02/08/two-more-veterans-allege-personally-spraying-agent-orange-both-air-force-and-navy-bases/97619046/>



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Mainland bill helps those exposed to Agent Orange



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Ross Introduces Expanded Agent Orange Bill to Help Veterans

Washington, February 2, 2017 | [D.ross@congress.gov](#)

WASHINGTON, D.C., Feb. 2, 2017 – U.S. Rep. Dennis A. Ross (FL-15), Senior Deputy Majority Whip, made the following statement after introducing the [Expanding for Veterans' Substantive Testimony in Eastern Regions \(FOSTER\) Act](#), which would provide presumptive Agent Orange exposure status to Vietnam War Era veterans who served in specific areas and show symptoms of medical conditions currently associated with such exposure in order to receive U.S. Department of Veterans Affairs (VA) benefits:

"Nearly every day, I speak to or hear about Vietnam veterans who say they were exposed to Agent Orange, but are unable to receive VA benefits for their diseases associated with this toxic herbicide because the Department of Defense (DOD) does not acknowledge Agent Orange was used in the areas they claim to have been exposed. These brave men and women cannot be denied help any longer, which is why I introduced the FOSTER Act to help them qualify for VA benefits."

Posted: Feb 03, 2017 5:43 PM
Updated: Feb 03, 2017 5:43 PM

By Sabrina Salas Matanane [CONNECT](#)

Florida congressman Dennis Ross has [introduced a bill](#) that would provide presumptive Agent Orange exposure status to Vietnam War veterans who served in areas, including Guam, and show symptoms of medical conditions associated with the chemical. Currently, veterans who served in Guam are not presupposed to have AO exposure and must file claim applications with Veterans Affairs - most of which have been denied - since the Department of Defense stands by its claim that there is no evidence to prove AO was ever tested, stored, or used in Guam.

A 68-year-old Air Force veteran said he sprayed Agent Orange on Guam in '60s, '70s

Kyla P Mora , kmora@guampdn.com Published 4:31 p.m. ChT Jan. 5, 2017 | Updated 3:08 p.m. ChT Jan. 6, 2017

(Photo: PDN file photo)

A 68-year-old Air Force veteran, now suffering from cancers and auto-immune diseases, said he sprayed “hundreds of thousands of gallons” of the toxic herbicide Agent Orange on Guam while stationed at Andersen Air Force Base in the 1960s and '70s.

Florida’s NBC News Channel 8 aired a [news report](#) Jan. 4 in which Leroy Foster, who lives in Lakeland, Florida, said he “bears enormous guilt for exposing other veterans and their families.”

According to the report, Foster was assigned to vegetation control while stationed at Andersen. He said he sprayed “two and three trailer fulls” of the herbicide a day “along the flight line, sidewalks, fences, fuel tank farms and barracks” at the base.

Foster said he was told the chemical was harmless enough “that I could brush my teeth in it, wouldn’t hurt anybody.”

Foster said he now suffers from 33 diseases, including rectal cancer, colon cancer, thyroid cancer, bladder cancer, prostate cancer and numerous autoimmune disorders.

The report also stated Foster’s grandchild was born with 24 fingers and toes.

As of 2003, the military hadn't reported using or storing Agent Orange on Guam, Pacific Daily News files show. Veterans of Vietnam may receive benefits based on exposure to Agent Orange, but those who claim exposure on Guam must provide proof of dates and locations of exposure. But because no official verification of the presence of Agent Orange on Guam has been issued, even if veterans can provide dates and locations as evidence, they still may be denied benefits.

For example, in a ruling issued by the Department of Veterans Affairs in Hartford, Connecticut, on Aug. 12, 2015, one veteran’s Agent Orange claim was denied precisely because he alleged that exposure occurred on Guam, not in Vietnam or Korea: “As he has not asserted, and as the record does not reflect, that he served in the Republic of Vietnam or in Korea during the Vietnam Era, the presumption of herbicide exposure is inapplicable.”

In their report, Channel 8 cited a [2004 report](#) to investors of Dow Chemical, which made Agent Orange, that discussed symptoms of dioxin contamination in “soldiers stationed on Guam who handled Agent Orange.”

Similar information can be found in a January 2005 [Monsanto Investor Risk Report](#). In addition, a [public health assessment](#) of Andersen Air Force Base was prepared by the Federal Facilities Assessment Branch of the Division of Health Assessment and Consultation Agency for Toxic Substances and Disease Registry in January 2002.

From that assessment, “Appendix A: Evaluation of Potential IRP Sites at Andersen AFB” was cited in a Dow Chemical “Risk for Investors” report discussing the handling of Agent Orange on Guam,

according to a Department of Veterans Affairs appeal decided in Winston-Salem, North Carolina, on Aug. 31, 2016.

According to the ruling, that appeal was denied because "even assuming this document supported a finding of exposure at Andersen Air Force Base," the evidence did not sufficiently show that the veteran submitting at the appeal had served at the base.

A search of Department of Veterans Affairs' records for denied claims regarding Agent Orange exposure on Guam returned 422 docket items dating from 1992 to 2016.

Related stories:

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[Veteran reflects on the price of service](#)

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COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



COMMITTEE REPORT CHECKLIST

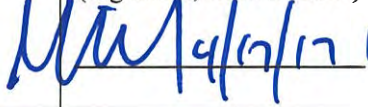
Part 1 / 1

RESOLUTION NO. 25-34 (COR)	
Relative to expressing the support of <i>I Mina'trentai Kuåttro na Liheslaturan Guåhan</i> for H.R. 809, the Fighting for Orange-Stricken Territories in Eastern Regions (FOSTER) Act, introduced by the Honorable Congressman Dennis Ross, R-Florida, on February 1, 2017, which would provide presumptive Agent Orange exposure status to Vietnam War-era veterans who served in specific areas, including Guam, and show symptoms of medical conditions currently associated with exposure to Agent Orange in order to receive U.S. Department of Veterans Affairs benefits; and to seeking justice for veterans and civilians exposed to Agent Orange on Guam.	
Referred to: Vice Speaker Therese M. Terlaje, <i>Sponsor</i>	
(A) PUBLIC HEARING	(1) HEARING NOTICES SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8)
	<input checked="" type="checkbox"/> (a) Five (5) working days prior (ALL Senators & ALL Media) Date and Time of Notice: 3/28/17 9:10am
	<input checked="" type="checkbox"/> (b) Forty-eight (48) hours prior (ALL Senators & ALL Media) Date and Time of Notice: 3/31/17 8:08am
	(2) Date and Time of Hearing: 4/4/17 5:30 pm or (4) HEARING WAIVED by Speaker in case of emergency SR § 6.04(a)(1)
	(3) Location: Public Hearing Room, Guam Congress Bldg. <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A If YES: Attach memo indicating WAIVER



Committee Report Checklist on Resolution No. 25-34 (COR)

Part 1/1

	(1) Committee Report filed with COR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES:</i> Date & Time: 4/13/17 2:01 pm	Notes:	<i>If NO:</i> UNABLE TO PLACE ON SESSION AGENDA SR § 6.04(d)(1)
	(1)(a) Secondary CMTE Report filed with COR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <i>If YES:</i> Date & Time:		
(B) C COMMITTEE REPORT	(2) COMMITTEE REPORT COMPONENTS		
	(a) Front Page Transmittal to Speaker		<input checked="" type="checkbox"/>
	(a)(1) COR Chair Signature Line		<input checked="" type="checkbox"/>
	(b) Title Page		<input checked="" type="checkbox"/>
	(c) Committee Chair Memo to All Committee Members		<input checked="" type="checkbox"/>
	(d) COR Referral Memorandum		<input checked="" type="checkbox"/>
	(e) Notice of Public Hearing & Other Correspondence		<input checked="" type="checkbox"/>
	(f) Public Hearing Agenda		<input checked="" type="checkbox"/>
	(g) Public Hearing Sign-in Sheet		<input checked="" type="checkbox"/>
	(h) Written Testimonies & Additional Documents		<input checked="" type="checkbox"/>
	(i) Committee Vote Sheet(s)		<input checked="" type="checkbox"/>
	(j) Committee Report Digest(s)		<input checked="" type="checkbox"/>
	(k) Resolution History		<input checked="" type="checkbox"/>
	(k)(1) Copy of Resolution as introduced		<input checked="" type="checkbox"/>
	(k)(2) Copy of Bill as amended/substituted by Committee (if applicable)	N/A	<input type="checkbox"/>
(n) Related News Reports (optional)		<input checked="" type="checkbox"/>	
(o) Miscellaneous (optional)	N/A	<input type="checkbox"/>	
(p) Committee Report Checklist(s)		<input checked="" type="checkbox"/>	
(C) COR Action	<input checked="" type="checkbox"/> CMTE Report duly filed; Available for Placement on Session Agenda <input type="checkbox"/> CMTE Report non-conforming for acceptance; Return to Committee	COR CHAIR (Signature, Date & Time)  4/17/17 11:26	