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Bill could grant benefits to veterans exposed to Agent Orange, herbicides

Haidee V Eugenio, Pacific Daily News Published 1:09 p.m. ChT Feb. 10, 2019

Guam Del. Mike San Nicolas is one of at least two members of Congress working on a bill that seeks to grant benefits for presumptive exposure to herbicides with toxic components, such as Agent Orange, to U.S. service members who served on Guam, the Commonwealth of the Northern Mariana Islands, American Samoa and Johnston Atoll.

If the veteran disability benefits bill becomes law, it could open the door for Guam residents to also seek medical help for presumptive exposure to Agent Orange and other herbicides, during and after the Vietnam War.



San Nicolas said he's agreed to introduce legislation advocating veterans' causes related to Agent Orange and that the bill is now under review.

Michael San Nicolas (Photo: Frank San Nicolas/PDN)

The delegate acknowledged in a Facebook Live address that a lot of groundwork has been done by people in and outside Guam on the issue of Agent Orange exposure.

Attorney John Wells, executive director of the Louisiana-based Military Veterans Advocacy, and Brian Moyer, a retired Marine and organizers for the Agent Orange Survivors of Guam, met with San Nicolas on Tuesday in Washington, D.C.

Wells and Moyer later said that Rep. Gus M. Bilirakis, R-Fla., also agreed to be an original sponsor of the bill, "The Lonnie Kilpatrick Central Pacific Herbicide Relief Act."

More: [Vessel carrying Agent Orange stopped at Guam during Vietnam War: GAO says](#)

Bill named for veteran

Kilpatrick, a Navy veteran stationed on Guam, died last year shortly after the U.S. Department of Veterans Affairs granted him service-connected compensation. Prior to that, the VA misdiagnosed his diseases related to herbicide exposure.

The military has denied the use of Agent Orange on Guam.

"Despite evidence to the contrary, the VA refuses to recognize a presumption of herbicide exposure for veterans assigned to these islands. While some Board of Veterans Appeals have granted service-connected benefits, legislation is needed to provide uniform coverage for all casualties of military toxic exposure," the draft bill states.

The proposed bipartisan bill seeks to establish presumptive coverage for veterans who, during active military, naval or air service, served on Guam, American Samoa and the Northern Mariana Islands, or



within harbors and territorial seas of those islands from Jan. 9, 1962 to July 31, 1980, and those who served on Johnston Island from Jan. 1, 1972 to Sept. 30, 1977.

Photos of drums of Agent Orange marked with destination information and an orange band included

Source: National Archives and Records Administration. | GAO-19-24

in a Government Accountability Office report released Nov. 15, 2018. (Photo: Government Accountability Office)

The Agent Orange Survivors of Guam, with Wells' help, has been pursuing different avenues to get exposure medical benefits to service members stationed on Guam. Last year, they formally asked Veterans Affairs Secretary Robert Wilkie to issue rules recognizing the presumption of Agent Orange exposure to veterans who served on Guam from Jan. 9, 1962 through Dec. 31, 1980.

Federal court ruling

The U.S. Court of Appeals for the Federal Circuit ruled on Jan. 29 that the VA cannot deny disability benefits to Vietnam veterans who claim exposure to cancer-causing chemical defoliants such as Agent Orange simply because those vets served in the waters off the country's coastline and not inland.

Wells, of the Agent Orange Survivors of Guam, helped file the so-called "blue water" Vietnam veterans case that reached the federal court.

Moyer said after the victory, Guam now moves to the forefront of their efforts to get disability benefits for those stationed on Guam, the CNMI, American Samoa and Johnston Atoll.

More: [Veterans' request, if granted, could open doors residents to claim benefits](#)

Guam, he said, had a large military personnel presence and health reports show that Chamorus have high rates of cancers, diabetes and birth anomalies that Moyer said could be linked to exposure to herbicides including Agent Orange.

"Those health issues that have and, are still causing serious issues on Guam, CNMI American Samoa are also showing up in the military dependents, their spouses, children, grandchildren and now even great-grandchildren. The veterans who served on Guam and the other locations are falling through the cracks and nothing is being recorded, as far as we know, statistically, by the VA," Moyer said.



In this file photo, U.S. EPA officials collect soil samples for Agent Orange testing. (Photo: Guam EPA)

GAO report

A Nov. 15, 2018, U.S. Government Accountability Office report found at least one vessel carrying Agent Orange stopped on Guam en route to Vietnam in 1968 and at least three vessels stopped on Guam in 1969 and 1970 on the return from Vietnam.

But the report from the investigative arm of Congress said a review of available shipment documentation found no evidence indicating that Agent Orange or any other tactical herbicides were offloaded from these vessels or used on Guam or the CNMI.

Wells, of the Agent Orange Survivors of Guam, said whether the exposure came from Agent Orange, another tactical herbicide or a commercial herbicide is of no moment because the determining factor is the chemical composition.

More: [Some veterans got Agent Orange benefits, many more still waiting](#)

He said any disease or disorder flowing from that chemical component should be service-connected pursuant to law.

Meanwhile, the federal and local government have yet to release the test results of the second round of soil sampling done in 2018 on Andersen Air Force Base and other areas where veterans said they sprayed or saw the spraying of Agent Orange when they were stationed on Guam decades ago.

Reporter Haidee Eugenio covers Guam's Catholic church issues, government, business and more. Follow her on Twitter [@haidee_eugenio](#). Follow Pacific Daily News on [Facebook/GuamPDN](#) and [Instagram @guampdn](#).