

***I MINA'TRENTA NA LIHESLATURAN GUAHAN***  
**2009 (FIRST) Regular Session**

Resolution No. *62 (cor)*

Introduced by:

v. c. pangelinan  
T.R. Muna-Barnes  
J. T. Won Pat, Ed.D.

2009 MAR 26 PM 2:42 - wmw

Relative to petitioning the United States Congress to amend the Radiation Exposure Compensation Act of 1990, Public Law 101-426, as amended by Public Law 101-510, 3139 (42 U.S.C. 2210) and Public Law 106-245, to include Guam in the jurisdiction (Downwinders).

1 BE IT RESOLVED BY THE EXECUTIVE COMMITTEE  
2 OF *I MINA'TRENTA NA LIHESLATURAN GUAHAN*:  
3 **WHEREAS**, the United States conducted testing of atomic  
4 nuclear weapons on Enewetok and Bikini Atolls in the Marshall  
5 Islands, from 1946 to 1962. A total of sixty-seven (67) atomic and  
6 thermonuclear bombs were detonated which resulted in radiation  
7 fallout across a wide area of the Pacific including Guam. Similarly,  
8 Continental United States residents were exposed to radiation  
9 resulting from the Nevada nuclear weapons testing sites. Many  
10 subsequently developed serious diseases, including various types of

1 cancer. On October 1990, in order to establish a procedure to make  
2 partial restitution to radiation exposure victims for their suffering,  
3 President George H. Bush signed into law the Radiation Exposure  
4 Compensation Act (RECA). RECA established the Radiation  
5 Exposure Compensation Program (RECP) with the Civil Division of  
6 the Department of Justice to administer its responsibilities under the  
7 Act. In April 1992, RECP began processing claims. RECA has been  
8 amended since then. The RECA, as amended on July 10, 2000,  
9 further broadened the scope or eligibility for benefits coverage to  
10 include new victim categories and modify the criteria for  
11 determining eligibility for compensation; and

12 **WHEREAS**, RECA establishes a procedure to make partial  
13 restitution to individuals who contracted serious diseases, such as  
14 certain types of cancers, presumably resulting from their exposure to  
15 radiation from aboveground nuclear test or as a result of their  
16 employment in uranium mines. The law established five (5) claimant  
17 categories - uranium miners, uranium millers, ore transporters, and  
18 "downwinders" (Those who were located downwind from  
19 aboveground nuclear weapons tests conducted at the Nevada test  
21 sites), and onsite participants (those who actually participated  
22 onsite); and

23 **WHEREAS**, RECA as amended; broadens the population  
24 covered by the Radiation Exposure Compensation Act, which  
25 authorizes monetary compensation to individuals who were present  
26 or nearby when nuclear weapons tests were conducted at the  
27 Nevada test site, or who worked in uranium mines, and later  
28 developed certain diseases; adds more qualifying occupations

1 relating to uranium production; increases the number of states  
2 covered and extends the time period considered for radiation  
3 exposure; adds more diseases which may qualify individuals for  
4 compensation; decreases the level of radiation exposure that is  
5 necessary to qualify, makes certain that the medical criteria are less  
6 stringent for potential claimants; and

7           **WHEREAS**, nuclear tests that the United States Government  
8 conducted in the Marshall Islands from 1946 until 1962 have led to  
9 increased levels of radiation in some of the Micronesia Islands; and

10           **WHEREAS**, such increased levels of radiation may lead to  
11 serious health and other environmental problems for life in such  
12 areas; and

13           **WHEREAS**, Guam is approximately one thousand two-  
14 hundred (1200) miles directly west of the test sites; and

15           **WHEREAS**, the Atomic Energy Commission detonated sixty  
16 seven (67) nuclear devices with a total yield of one hundred eight  
17 thousand four hundred ninety-two point two (108,492.2) kilotons in  
18 or around the Marshall Islands; and

19           **WHEREAS**, the jet-stream travels generally westward from  
20 the Marshall Islands carrying the radioactive material as fine as dust  
21 particles; these particles collected ice crystals at high altitudes and  
22 descended as cloud condensation. This process is known as the  
23 scavenging effect; and

24           **WHEREAS**, the material drops to land surfaces and enters the  
25 food and water supply consumed by the local population; and

26           **WHEREAS**, there were no less than ten (10) detonations that  
27 had the yield necessary [five (5) to ten (10) megatons] to project

1 material from the center of the explosion to the height of between  
2 twelve (12) to fifty-five (55) miles, into the jet-stream; and

3 **WHEREAS**, on October 31, 1952, (GMT) the first true  
4 thermonuclear H-bomb, the Mike shot of operation Ivy was  
5 detonated at Elugelab ("Flora") Island, Enewetak Atoll. This 10.4  
6 megaton device is the 4th largest device ever tested by the U.S.  
7 Elugelab (code named Flora), was entirely destroyed. The resulting  
8 crater was 6240 ft. across and 164 ft deep; and

9 **WHEREAS**, the mushroom cloud climbed to 57,000 feet in  
10 only 90 seconds, entering the stratosphere. One minute later it reached  
11 108,000 feet, eventually stabilizing at a ceiling of 120,000 ft. Half an  
12 hour after the test the mushroom stretched 60 miles across, with the  
13 base of the mushroom head joining the stem at 45,000 feet; and

14 **WHEREAS**, the sworn testimony of Charles Bert Schreiber,  
15 Lt, USN-Ret on the Fallout of the First Hydrogen Bomb Test, the  
16 detonation of Ivy Mike, states that "I was the Radiological Safety  
17 Officer for the Headquarters Command Guam. On or about  
18 November 3, 1952 I was making my monthly check sitting at the desk  
19 in that office that was about 5 feet from the window screens that  
20 covered the wall all the way down to about a couple of inches from  
21 the floor. I took out the metal calibration rod (about as big as a  
22 normal soda straw and about 6 inches long) stored in the instrument  
23 that has a small radioactive source on its end. I put the counter on the  
24 low setting (it has three; low, medium, and high) and was ready to  
25 place the rod near the detection windows (two of them), but the dial  
26 needle was way over on the scale and the audible signal was clicking  
27 like mad, or almost a continuous sound; sounds like constant static

1 on a radio. My original thought was that the counter was  
2 malfunctioning, but when I raised it up and put it nearer the screen  
3 window, the dial needle swung even further over and the sound  
4 increased still further. I then put it close to the screen near the floor  
5 and the needle went off the scale (as far as it could swing right). I  
6 knew it was not the counter, but that there was some radioactivity  
7 outside. I panicked. My first thought was that Guam had been  
8 subjected to some radioactive dust attack."; and

9           **WHEREAS**, the National Research Council's committee's  
10 analytical findings as noted in page 328 of their report corroborates  
11 Mr. Schreiber's testimony; and

12           **WHEREAS**, reports from the United States Navy indicated  
13 they had full knowledge and did not warn the local population; and

14           **WHEREAS**, ships present during the nuclear testing were  
15 decontaminated in Guam harbors with acidic detergents and the  
16 runoff from the operations went directly in the local fishing and reef  
17 environments; and

18           **WHEREAS**, according to the Department of Justice and in  
19 accordance with Code of Federal Regulation Title 28, part 78 - Claims  
20 under the Radiation Exposure Compensation Act, Subpart E -  
21 Eligibility Criteria for Claims by Onsite Participants, Guam now  
22 meets the eligibility criteria for the wash down of military  
23 vessels/aircraft from the nuclear testing conducted at the Pacific  
24 Proving Grounds Marshall Islands; and

25           **WHEREAS**, on May 2004 at the Guam Delegate's office a  
26 round table teleconference meeting with Ms. Dianne Spellberg,  
27 Assistant Director for Civil Division, Radiation Exposure

1 Compensation Program, Dr. Evan B. Douple Director, Board on  
2 Radiation Effects Research committee, met with Guam local leaders  
3 to discuss Guam's eligibility as "On site participant/Downwinders";  
4 and

5 **WHEREAS**, Ms. Dianne Spellberg indicated that Guam meets  
6 the eligibility criteria as an "Onsite participant" and she suggested  
7 for Congresswoman Madeleine Z. Bordallo to submit a statutory  
8 amendment to the U.S. Congress to amend Title 28CFR79, Subpart E,  
9 Sec. 79.40 in order to include the population of Guam during that  
10 time period; and

11 **WHEREAS**, on March 2004, Ms. Isaf Al-Nabulsi PhD. (Senior  
12 Study Director) BRER gave an invitation to W. Chris Perez M.D., Dr.  
13 Wesley Youngberg MPH, Mr. Robert N. Celestial, and Delegate  
14 Madeleine Z. Bordallo to attend a BRER committee hearing in  
15 Washington D.C.; and

16 **WHEREAS**, on March 24, 2004, a Guam delegation of  
17 Delegate Madeleine Z. Bordallo, Guam Senator Carmen Fernandez  
18 and Mr. Robert N. Celestial presented oral testimony and submitted  
19 documented evidence, gathered and prepared by Mr. Celestial and  
20 the doctors, before the Committee to Assess the Scientific Information  
21 for the Radiation Exposure Screening and Education Program, under  
22 the auspices meeting of the National Research Council and mandated  
23 by Congress; and

24 **WHEREAS**, Ms. Isaf AI-Nabulsi PhD, has recently informed  
25 Guam officials that the final review report was sent to the sponsor for  
26 review, and a copy of the report has been sent to Guam officials; and

27 **WHEREAS**, the aforementioned committee's final report will

1 be sent to Congressional committee for action; and

2           **WHEREAS**, as previously stated supra, on October 15, 1990  
3 former President George H. Bush signed into law H.R. 2372 and was  
4 assigned Public Law No. 101-426 the "Radiation n Exposure  
5 Compensation Act." "This bill establishes new entitlement  
6 programs for persons physically present in areas near the Nevada  
7 Nuclear Test Site during atomic testing at the site. Atmospheric  
8 testing of atomic devices-important to national security during the  
9 darkest days of the "cold war"-ended in 1963 when, under  
10 President Kennedy, the United States signed and ratified the Limited  
11 Test Ban Treaty. Prior to the Treaty, the Unites States detonated over  
12 200 atomic devices in the open air, in both the South (sic) Pacific and  
13 in Nevada. The bill provides compassionate payments to persons  
14 with specified diseases who fear that their health was harmed  
15 because of fallout from atmospheric atomic testing at the Nevada test  
16 site, regardless of whether causation can be scientifically established.  
17 The bill entitles each person meeting specific criteria to a payment of  
18 \$50/000. Uranium miners meeting separate criteria will be entitled to  
19 compassionate payments in the amount of \$100/000. These payments  
20 fairly resolve the claims of persons present at the test site and of  
21 downwind residents, as well as claims of uranium miners. The bill,  
22 which is fiscally responsible, establishes a trust fund, and  
23 \$100/000/000 is authorized to be appropriated to be paid into the  
24 fund. H.R. 2372 is the result of close cooperation between the  
25 Administration and the Congress. As a result of the  
26 Administration/s initial concerns, many earlier objections have been  
27 addressed, and the bill has been vastly improved. This legislation

1 establishes a compensation system in the executive branch that can  
2 be administered efficiently and permit eligible claimants to receive  
3 compensation without the expense and delay of traditional  
4 litigation."; and

5 **WHEREAS**, the people of Guam U.S.A. humbly request that  
6 they be included under RECA as downwinders; and

7 **WHEREAS**, the Assessment of the Scientific Information for  
8 the Radiation Exposure Screening and Education Program reports  
9 that the committee has explicitly concluded; and

10 **WHEREAS**, "As a result of its analysis, the committee  
11 concludes that Guam did receive measurable fallout from the  
12 atmospheric testing of nuclear weapons in the Pacific. Residents of  
13 Guam during that period should be eligible for compensation under  
14 RECA in a way similar to that of persons considered to be  
15 downwinders"; and

16 **WHEREAS**, H.R. 3379 entitled, "To amend the Radiation  
17 Exposure Compensation Act to include the Territory of Guam in the  
18 list of affected areas with respect to which claims relating to  
19 atmospheric nuclear testing shall be allowed, and for other purposes."  
20 was introduced in the 110<sup>th</sup> Congress by Guam Delegate Madeleine Z.  
21 Bordallo on August 3, 2007 and the bill never became law and was  
22 cleared from the books; and

23 **WHEREAS**, the bill was re-introduced as H.R. 1630 in the  
24 111<sup>th</sup> Congress on March 19, 2009 and has since been referred to  
25 the House Committee on the Judiciary; and be it

26 **RESOLVED**, that I *Mina'Trenta Na Liheslaturan Guahan*  
27 does hereby, on behalf of the people of Guam, petition the United

1 States Congress to amend the "Radiation Exposure Compensation  
2 Act of 1990", Public Law 101-426, as amended by Public Law 101-  
3 510, 3139 (42 US.C. 2210) and Public Law 106-245, to include Guam  
4 in the jurisdictions (Downwinders /onsite participants) covered by the  
5 Act; and be it further

6 **RESOLVED**, that the affected population previously and  
7 currently on Guam (those residing who have been exposed to  
8 radiation resulting from the Atomic Energy Commission tests in the  
9 Marshall Islands) be recognized as being "downwinders" of such  
10 test, and eligible for compensation with compassionate payments  
11 under the original intent of RECA regardless of whether causation  
12 can be scientifically established; and be it further

13 **RESOLVED**, that the Speaker and the Legislative Secretary  
14 attest to, the adoption hereof and that copies of the same be thereafter  
15 transmitted to the Honorable Senator Patrick J. Leahy., Chairman,  
16 Committee on the Judiciary, United States Senate; to the Honorable  
17 Senator Arlen Specter, Ranking Member, Committee on the  
18 Judiciary, United States Senate; to the Honorable Senator Edward M.  
19 Kennedy, Chairman, Committee on Health, Education, Labor, and  
20 Pensions, United States Senate; to the Honorable Senator Michael B.  
21 Enzi, Ranking Member, Committee on Health, Education, Labor, and  
22 Pensions, United States Senate; to the Honorable Senator Daniel K.  
23 Akaka, United States Senate; to the Honorable Congressman John  
24 Conyers, Jr., Chairman, Committee on the Judiciary, United States  
25 House of Representatives; to the Honorable Congressman Lamor S.  
26 Smith, Ranking Member, Committee on the Judiciary, United States  
27 House of Representatives; to the Honorable Congressman Henry A.

1 Waxman, Chairman, Committee on Energy and Commerce, United  
2 States House of Representatives; to the Honorable Congressman Joe  
3 Barton, Ranking Member, Committee on Energy and Commerce,  
4 United States House of Representatives; to the Honorable  
5 Congressman Neil Abercrombie, United States House of  
6 Representatives; to Mr. RJ Ritter, National Commander,  
7 National Association of Atomic Veterans; to Mr. Bob Kilthau,  
8 Hawaii State Commander, National Association of Atomic Veterans;  
9 to all the State and Area Commanders of the National Association of  
10 Atomic Veteran; to Mr. Robert N. Celestial, PARS President; to the  
11 family of the late Honorable Angel L.G. Santos, Carmen Fernandez,  
12 former Senator; Vice-Speaker Benjamin J.F. Cruz; to the family of the  
13 late Speaker Antonio R. Unpingco; and to Dr. Robert Underwood,  
14 former Congressman; to the Honorable Barack Hussein Obama II,  
15 President of the United States of America; to the Honorable William  
16 Jefferson Clinton, former President of the United States of America;  
17 to the Honorable George H. W. Bush, former President of the United  
18 States of America; to W. Chris Perez MD., Doctors Clinic, to Dr.  
19 Wesley Youngberg, SDA Wellness Center, Dr. Pablo Guzman, MD,  
20 (FACP) to the Honorable Madeleine Z. Bordallo, Member of  
21 Congress, U. S. House of Representatives; and to the  
22 Honorable Felix P. Camacho, *I Maga'lahaen Guahan*.

1 **DULY AND REGULARLY ADOPTED BY *I MINA'TRENTA***  
2 ***NA LIHESLATURAN GUAHAN* ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009.**

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5 \_\_\_\_\_  
Judith T. Won Pat

\_\_\_\_\_

6 Speaker

Legislative Secretary