

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
RESOLUTION STATUS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED
40-34 (COR)	Therese M. Terlaje B.J.F. Cruz Thomas C. Ada Dennis G. Rodriguez, Jr. FRANK B. AGUON Michael F.Q. San Nicolas Telena C. Nelson Joe S. San Agustin 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 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.	02/22/17 1:34 p.m.						

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

Resolution No. 40-34 (COR)

Introduced by:

Therese M. Terlaje
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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 GUÁHAN* (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.

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

1 **WHEREAS**, the United States Government and the Atomic Energy
2 Commission conducted nuclear tests in the South Pacific from 1946 to 1962; and

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

6 **WHEREAS**, no less than ten (10) of those detonations yielded between five (5)
7 to ten (10) megatons of radioactive material from the center of the explosion to the
8 height of between twelve (12) to fifty-five (55) miles into the jet-stream; and

9 **WHEREAS**, on October 31, 1952 (GMT), Operation Ivy was conducted on
10 Elugelab Island (“Flora”) in the Enewetak Atoll, in which the first true thermonuclear
11 hydrogen bomb (a 10.4 megaton device) code named Mike was detonated, destroying
12 the entire island leaving behind a six thousand two hundred forty (6,240) foot across
13 and one hundred sixty-four (164) foot deep crater in its aftermath; and

14 **WHEREAS**, in ninety (90) seconds the mushroom cloud climbed to fifty-seven
15 thousand (57,000) feet into the atmosphere, and within thirty (30) minutes had
16 stretched sixty (60) miles in diameter with the base of the mushroom head joining the
17 stem at forty-five thousand (45,000) feet; and

18 **WHEREAS**, it is estimated that thirty-five (35) percent of those who handled
19 nuclear waste at Enewetak atoll now suffer from some form of cancer. Several
20 veterans from Guam were part of the group of U.S. armed forces who participated in
21 the cleanup of Enewetak atoll during the period beginning on January 1, 1977, and
22 ending on December 31, 1980; unaware of the danger from the radiation exposure and
23 without protective gear, these military members moved debris, dirt, and other material
24 from the nuclear testing sites into a hole, and built a dome to cap it; and

25 **WHEREAS**, under the 1988 Radiation-Exposed Veterans Compensation Act it
26 is presumed that a veteran’s disease was caused by radiation if the veteran was present

1 at a nuclear detonation, or some associated activities, and if the veteran developed one
2 of the presumptive diseases, regardless of the veteran's dose; however, cleanup of
3 Enewetak from 1977 to 1980 was not considered "present at a nuclear detonation" for
4 purposes of the Radiation-Exposed Veterans Compensation Act; and

5 **WHEREAS**, the presumptive law listed thirteen (13) cancers as radiogenic:
6 leukemia (other than chronic lymphocytic leukemia); multiple myeloma; lymphoma,
7 except Hodgkin's disease; primary liver cancer; and cancer of the thyroid, breast,
8 pharynx, esophagus, stomach, small intestine, pancreas, bile duct, and gall bladder.
9 Cancers of the salivary gland and urinary tract were added in 1992 and bronchiolo-
10 alveolar carcinoma was included in 1999. In 2002, cancer of the bone, brain, colon,
11 lung, and ovary were added, bringing the total number of cancers considered
12 radiogenic under the presumptive law to twenty-one (21); and

13 **WHEREAS**, the regulations authorize the VA to provide medical care and pay
14 compensation benefits to confirmed onsite participants and dependents of onsite
15 participants in a test involving the atmospheric detonation of a nuclear device and
16 indemnity compensation to certain survivors; and

17 **WHEREAS**, a Veteran may be eligible for presumptive service connection
18 (SC) under 38 CFR 3.309(d) (38 U.S.C. 1112) if present at the test site during the
19 official operational period of an atmospheric nuclear test to perform official military
20 duties in connection with ships, aircraft or other equipment used in direct support of
21 the nuclear test; during the six month period following the official operational period
22 of an atmospheric nuclear test, presence at the test site or other test staging area to
23 perform official military duties in connection with completion of projects related to
24 the nuclear test including decontamination of equipment used during the nuclear test;
25 Service as a member of the garrison or maintenance forces on Enewetak during the
26 periods June 21, 1951, through July 1, 1952, August 7, 1956, through August 7, 1957,

1 or November 1, 1958, through April 30, 1959; or assignment to official military duties
2 at Naval Shipyards involving the decontamination of ships that participated in
3 Operation Crossroads; and

4 **RESOLVED**, that *I Mina'trentai Kuåttro Na Liheslaturan Guåhan* (the 34th
5 Guam Legislature) does hereby, on behalf of the people of Guam, petition the United
6 States Congress to expand the Radiation-Exposed Veterans Compensation Act to
7 provide for the treatment of veterans who participated in the cleanup of Enewetak
8 atoll as radiation exposed veterans for purposes of the presumption of service-
9 connection of certain disabilities by the Secretary of Veterans Affairs; and be it further

10 **RESOLVED**, that *I Mina'trentai Kuåttro Na Liheslaturan Guåhan* does
11 hereby, on behalf of the people of Guam, advocate for the inclusion of Veterans who
12 participated in the cleanup Enewetak Atoll as radiation exposed veterans for purposes
13 of the presumption of service-connection of certain disabilities by the Secretary of
14 Veterans Affairs, and for other purposes and to expressing the support of *I*
15 *Mina'trentai Kuåttro Na Liheslaturan Guåhan* (The 34th Guam Legislature) for H.R.
16 632 and S. 283, the *Mark Takai Atomic Veterans Healthcare Parity Act*, introduced in
17 the United States Congress; and be it further

18 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to,
19 the adoption hereof, and that copies of the same be thereafter transmitted to the
20 Honorable Donald Trump, President of the United States of America; to the
21 Honorable Orrin Hatch, President Pro Tempore, U.S. Senate; to the Honorable Paul
22 Ryan, Speaker, U.S. House of Representatives; to the Honorable David Roe,
23 Chairman, Committee on Veterans' Affairs, U.S. House of Representatives; to the
24 Honorable Timothy Walz, Ranking Member, Committee on Veterans' Affairs, U.S.
25 House of Representatives; to the Honorable Mac Thornberry, Chairman, Armed
26 Services Committee, U.S. House of Representatives; to the Honorable Johnny

1 Isakson, Chairman, Committee on Veterans' Affairs, U.S. Senate; to the Honorable
2 Jon Tester, Ranking Member, Committee on Veterans' Affairs, U.S. Senate; to the
3 Honorable John McCain, Chairperson, Committee on Armed Services, U.S. Senate; to
4 the Honorable Jack Reed, Ranking Member, Committee on Armed Services, U.S.
5 Senate; to the Honorable Grace Meng, Member of Congress, U.S. House of
6 Representatives; to the Honorable Madeleine Z. Bordallo, Member of Congress, U.S.
7 House of Representatives; to the Honorable Al Franken, Chairperson, Committee on
8 Health, Education, Labor and Pensions, U.S. Senate; to the Secretary of the
9 Department of Veterans Affairs; to the Secretary of the Department of the Interior; to
10 Deputy Assistant Secretary for Insular Affairs; to the Administrator of the Guam
11 Office of Veterans Affairs; to the Guam Veterans Commission; to Mr. Fred Schafer,
12 Managing Director National Commander, National Association of Atomic Veterans;
13 to Mr. Bob Kilthau, Hawaii State Commander, National Association of Atomic
14 Veterans; to all the State and Area Commanders of the National Association of
15 Atomic Veterans; to Mr. Robert N. Celestial, Pacific Association of Radiation
16 Survivors President; to the Guam Office of Veterans' Affairs; and to the Honorable
17 Edward B. Calvo, *I Maga'lahren 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