

12

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

2008 AUG -4 PM 4: 21
EDM

Bill No. *349* (LS)

Introduced by:

B.J.F. Cruz
J.P. Guthertz
R.J. Respicio
T.R. Muña Barnes

AN ACT TO APPROPRIATE ONE HUNDRED THOUSAND DOLLARS (\$100,000) FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES, ENVIRONMENTAL HEALTH DIVISION, FOR AN INDEPENDENT INVESTIGATION AND STUDY OF THE LEAKAGE OF RADIOACTIVE MATERIAL INTO APRA HARBOR BY A UNITED STATES NAVY NUCLEAR SUBMARINE, AND TO REQUIRE THAT A PERMANENT MONITORING DEVICE BE LOCATED AT THE ENTRANCE OF APRA HARBOR TO DETECT AND PROVIDE THE PEOPLE OF GUAM WITH AN EARLY WARNING OF THE PRESENCE OF RADIOACTIVE CONTAMINANTS THAT HAVE DISCHARGED INTO GUAM'S WATERS.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan*
3 finds that one of the common goals of the various military branches of the
4 United States government is to maintain secrecy and deniability over
5 various matters that are considered by the military hierarchy to be

1 confidential, and for which they deem the general public need not be
2 informed.

3 *I Liheslatura* finds that Guam has been affected, sometimes negatively,
4 by the military's tight-lipped stance on topics that may and have caused
5 unnecessary endangerment and injury to some of the American citizens
6 who live and work in Guam. The military's actions have ranged from total
7 denial, to neglecting to warn local residents of possible hazards, to
8 downplaying the effects of any possible hazards.

9 The latest example is that of the U.S.S. Houston, a nuclear powered
10 fast attack submarine stationed in Guam, which we now know through
11 news reports leaked what has been called a small amount of radiation into
12 Guam's waters. The leaky valve in the vessel was not discovered until the
13 ship was drydocked at Pear Harbor Naval Shipyard in Hawaii last month,
14 and it could have leaked radioactive material in Japan as well.

15 There is a long history of the Federal Government and its various
16 entities, particularly the United States Armed Forces, withholding valuable
17 information on potential life-threatening dangers from an innocent public
18 in Guam. Examples include:

1 **Agent Orange.** While the United States government has
2 acknowledged that there exists a correlation between herbicide agents
3 containing dioxin or 2,4-dichlorophenoxyacetic acid, more commonly
4 referred to as Agent Orange, they have never acknowledged that this
5 powerful herbicide was ever used in Guam.

6 In spite of this lack of confirmation, in 2005 the U.S. Court of Appeals
7 for Veterans ruled in favor of an airman who developed diabetes mellitus
8 after exposure to defoliants while on duty at Andersen Air Force Base
9 (AAFB) from 1966 to 1968. In another case that was concluded in March of
10 2007, the Veterans Administration approved the claim of another Vietnam
11 War veteran who developed cancer because of his exposure to Agent
12 Orange at AAFB between 1968 and 1969.

13 **Nuclear Fallout.** Between 1946 and 1962 the United States conducted
14 tests on a total of sixty-seven (67) atomic and thermonuclear bombs on
15 Enewetok and Bikini Atolls in the Marshall Islands, with a total yield of
16 one hundred eight thousand four hundred ninety-two (108,492) kilotons,
17 causing radiation fallout across a wide area of the Pacific, including Guam.

18 Shortly after the first hydrogen bomb test in 1952, the Radiological
19 Safety Officer for Headquarters Command, Guam, detected a large amount

1 of radioactivity in the air and his first thought was that Guam had been
2 subjected to some kind of radioactive dust attack. That National Research
3 Council has corroborated the Safety Officer's report of airborne radioactive
4 fallout reaching Guam, 1,200 miles from the test site.

5 In addition, U.S. Navy ships present during the nuclear testing were
6 decontaminated in Guam harbors with acidic detergents, with the runoff
7 going directly into the local fishing and reef environments. Aircraft present
8 during the testing were also brought to Guam and washed down here,
9 with the runoff going into the earth.

10 The people of Guam were never warned about the testing or the
11 potential hazards of radiation exposure. Although Guam now meets the
12 eligibility criteria for Claims by Onsite Participants, it is because of the
13 wash-down of ships and aircraft here. The possibility of airborne
14 radioactivity contamination has not been acknowledged by the military or
15 the Federal Government.

16 *I Liheslatura* finds that other examples exist (such as the burial of tons
17 of polychlorinated biphenyls (PCBs) in Guam by the United States military)
18 in which the Federal Government or their agents have kept important
19 health and safety information from the people of Guam in order to serve

1 what they believe to be national security interests. While we are loyal
2 Americans and understand the need for cooperation, secrecy and
3 patriotism, we also recognize that in situations in which the health and
4 safety of our island and people are threatened, we may need to act
5 independently of our Federal Government.

6 It is therefore the intent of *I Liheslatura* to require that an independent
7 investigation and test of the waters in Apra Harbor be conducted to ensure
8 that radiation levels are indeed as low as the military suggests. It is further
9 the intent of *I Liheslatura* that a permanent monitoring device be placed
10 near the mouth of Apra Harbor in order for the people of Guam to have an
11 early warning should vessels leaking nuclear radiation enter our harbor.

12 **Section 2. Appropriation for independent study and investigation.**

13 The sum of \$100,000 (One-Hundred Thousand Dollars) is
14 appropriated from the General Fund to the Department of Public Health &
15 Social Services, Environmental Health Division, to conduct or cause to be
16 conducted an independent study and investigation into the leakage of
17 radioactive material into Guam's waters by the United States Navy nuclear
18 submarine USS Houston while in Guam's waters in May and June, 2008.

1 The findings of the study and investigation shall be reported to *I*
2 *Maga'Lahen Guåhan* and *I Liheslaturan Guåhan* within 180 days of the
3 effective date of this act.

4 **Section 3. Monitoring Device.** the Department of Public Health &
5 Social Services, Environmental Health Division, shall determine the cost,
6 feasibility and time frame to install a radioactivity monitoring device at or
7 near the entrance to Apra Harbor, either on a buoy or on the floor of the
8 harbor, that will monitor and report any sign of an increase in radioactivity
9 in the waters of Guam's harbor, and the possible source or sources and
10 reasons for such increase.

11 The findings of this study shall be reported to *I Maga'Lahen Guåhan*
12 and *I Liheslaturan Guåhan* within 180 days of the effective date of this act.