

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Resolution No. 171-31(COR)

As amended.

Introduced by:

v. c. pangelinan
T. R. Muña Barnes
Judith T. Won Pat, Ed.D.

T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Duenas
Judith P. Guthertz, DPA
Adolpho B. Palacios, Sr.
R. J. Respicio
Dennis G. Rodriguez, Jr.
Sam Mabini, Ph.D.
M. Silva Taijeron
Aline A.Yamashita, Ph.D.

Relative to petitioning the United States Congress to pass H.R. 1490 and S. 791, which will *amend* the Radiation Exposure Compensation Act of 1990 to include Guam, and to improve and increase compensation for those affected by ionizing radiation.

- 1 **BE IT RESOLVED BY *I MINA'TRENTAI UNU NA LIHESLATURAN***
2 ***GUÅHAN*:**
3 **WHEREAS,** the United States Government and the Atomic Energy
4 Commission conducted nuclear tests in the South Pacific from 1946 to 1962; and

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

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

7 **WHEREAS**, on October 31, 1952 (GMT), Operation Ivy was conducted on
8 Elugelab Island (“Flora”) in the Enewetak Atoll, in which the first true thermonuclear
9 H-bomb (a 10.4 megaton device) code named Mike was detonated, destroying the
10 entire island leaving behind a six thousand two hundred forty (6240) foot across and
11 one hundred sixty-four (164) foot deep crater in its stead; and

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

16 **WHEREAS**, Guam is located approximately one thousand two hundred (1,200)
17 miles directly west of the test sites; and

18 **WHEREAS**, the jet-stream travels generally westward from the Marshall
19 Islands; and

20 **WHEREAS**, radioactive material as fine as dust particles drop onto land
21 surfaces and enters the food and water supplies, which is consumed by local
22 populations; and

23 **WHEREAS**, radioactive particles have led to increased health and
24 environmental problems in such areas within the jet-stream path; and

25 **WHEREAS**, Charles Bert Schreiber, Lt., USN-Ret., in his sworn testimony
26 regarding the fallout of the first hydrogen bomb tests of 1952, stated that Geiger

1 readings indicated significant radiation found its way to Guam from the detonation of
2 Ivy Mike; and

3 **WHEREAS**, the National Research Council Committee’s analytical findings as
4 noted in page 328 of their report corroborates Lt. Schreiber’s testimony; and

5 **WHEREAS**, reports from the United States Navy indicated full knowledge of
6 the situation and failed to warn the local population; and

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

10 **WHEREAS**, on October 15, 1990, former President George H. Bush signed
11 into law H.R. 2372 (Public Law 101-426), relative to the “Radiation Exposure
12 Compensation Act” (RECA); and

13 **WHEREAS**, the law covered those who were affected by nuclear fallout during
14 atmospheric testings in Nevada and the Marshall Islands; and

15 **WHEREAS**, RECA established the Radiation Exposure Compensation
16 Program (RECP) with the Civil Division of the Department of Justice to administer its
17 responsibilities under the Act; and

18 **WHEREAS**, a trust fund was instituted and One Hundred Million Dollars
19 (\$100,000,000) was appropriated for claim compensations of persons meeting a
20 specific health criteria; and

21 **WHEREAS**, in April 1992, RECP began processing claims; and

22 **WHEREAS**, on July 10, 2000, an amendment to RECA broadened the scope of
23 eligibility for benefit coverage to include new victim categories and modify the
24 eligibility criteria for compensation; and

25 **WHEREAS**, the amendment set forth to extend the time period for
26 consideration and compensation, and include other individuals related to nuclear

1 exposure, such as uranium miners, uranium millers, ore transporters, “downwinders,”
2 and onsite participants; and

3 **WHEREAS**, according to the Department of Justice and in accordance with
4 Code of Federal Regulation Title 28, part 78 – Claims under the Radiation Exposure
5 Compensation Act, Subpart E-Eligibility Criteria for Claims by Onsite participants,
6 Guam meets the eligibility criteria from the wash down of military vessels/aircraft
7 from the nuclear testings conducted at the Pacific Proving Grounds Marshall Islands;
8 and

9 **WHEREAS**, after a meeting in 2004 between Guam leaders, Ms. Dianne
10 Spellberg, Assistant Director for Civil Division, RECP, and Dr. Evan B. Douple,
11 Director of the Board on Radiation Effects Research Committee, it was determined
12 that Guam was eligible for onsite participants and “downwinders”; and

13 **WHEREAS**, that meeting resulted in the submission of a statutory amendment
14 by Congresswoman Madeleine Z. Bordallo to the U.S. Congress to amend Title
15 28CFR79, Subpart E, Section 79.40 in order to include the population of Guam;

16 **WHEREAS**, Ms. Isaf Al-Nabulsi PhD., Senior Study Director of the Board on
17 Radiation Effects Research (BRER) invited W. Chris Perez M.D., Dr. Wesley
18 Youngberg MPH, Mr. Robert N. Celestial, and Delegate Madeleine Z. Bordallo to
19 attend a committee hearing in Washington, D.C.; and

20 **WHEREAS**, a Guam delegation, composed of Delegate Bordallo, Senator
21 Carmen Fernandez and Mr. Robert Celestial, presented oral testimony and submitted
22 documented evidence before the Committee to Assess the Scientific Information for
23 the Radiation Exposure Screening and Education Program, under the auspices meeting
24 of the National Research Council and mandated by Congress; and

25 **WHEREAS**, *I Liheslaturan Guåhan* had transmitted Resolution No. 73 (EC) in
26 2005, Resolution No. 5 (EC) in 2007, and Resolution No. 30-62 (COR) in 2009 to the

1 U.S. Congress and the President of the United States in support of the delegation's
2 findings and testimony to extend the inclusion of Guam in the RECP; and

3 **WHEREAS**, on April 12, 2011, Senator Tom Udall (NM) and Congressman
4 Ben Lujan (NM) introduced S. 791 and H.R. 1490, respectively, to amend the
5 "Radiation Exposure Compensation Act of 1990"; and

6 **WHEREAS**, the amendment will expand the "downwind" areas to include all
7 of Arizona, Nevada, New Mexico, Colorado, Idaho, Montana, and Utah for the
8 Nevada Test Site; New Mexico for the "Trinity" Test Site; and Guam for the Pacific
9 tests; and

10 **WHEREAS**, the amendment, if passed, would allow for all claimants equal
11 compensation of One Hundred Fifty Thousand Dollars (\$150,000), regardless if they
12 are milers, miners, ore transporters, onsite participants or "downwinders"; and

13 **WHEREAS**, the amendment to the Act, known as the "Radiation Exposure
14 Compensation Act Amendments of 2011", will extend the fund for nineteen (19) years
15 from 2011; now therefore, be it

16 **RESOLVED**, that *I Mina'Trentai Unu Na Liheslaturan Guåhan* (the 31st Guam
17 Legislature) does hereby, on behalf of the people of Guam, petition the United States
18 Congress to amend the "Radiation Exposure Compensation Act of 1990", Public Law
19 101-426, as amended by Public Law 101-510, 3139 (42 U.S.C. 2210) and Public Law
20 106-245, via the passage of H.R. 1490 and its companion bill, S. 791, which seeks to
21 increase and improve the compensation to Guam and the other states covered by the
22 Act; and be it further

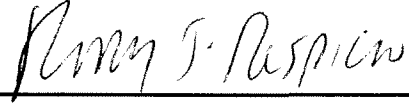
23 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to,
24 the adoption hereof, and that copies of the same be thereafter transmitted to the
25 Honorable Senator Patrick J. Leahy, Chairman, Committee on the Judiciary, United
26 States Senate; to the Honorable Senator Chuck Grassley, Ranking Member,

1 Committee on the Judiciary, United States Senate; to the Honorable Senator Tom
2 Harkin, Chairman, Committee on Health, Education, Labor, and Pensions, United
3 States Senate; to the Honorable Senator Michael B. Enzi, Ranking Member,
4 Committee on Health, Education, Labor, and Pensions, United States Senate; to the
5 Honorable Senator Daniel K. Akaka, United States Senate; to the Honorable
6 Congressman Lamar S. Smith, Chairman, Committee on the Judiciary, United States
7 House of Representatives; to the Honorable Congressman John Conyers, Jr., Ranking
8 Member, Committee on the Judiciary, United States House of Representatives; to the
9 Honorable Congressman Fred Upton, Chairman, Committee on Energy and
10 Commerce, United States House of Representatives; to the Honorable Congressman
11 Joe Barton, Ranking Member, Committee on Energy and Commerce, United States
12 House of Representatives; to Mr. RJ Ritter, National Commander, National
13 Association of Atomic Veterans; to Mr. Bob Kilthau, Hawaii State Commander,
14 National Association of Atomic Veterans; to all the State and Area Commanders of
15 the National Association of Atomic Veterans; to Mr. Robert N. Celestial, PARS
16 President; to the family of the late Honorable Angel L.G. Santos; to the Honorable
17 Carmen Fernandez, former Senator; to the Honorable Benjamin J.F. Cruz, Vice-
18 Speaker; to the family of the late Honorable Speaker Antonio R. Unpingco; to the
19 Honorable Dr. Robert Underwood, former Congressman; to the Honorable Barack
20 Hussein Obama II, President of the United States of America; to the Honorable
21 William Jefferson Clinton, former President of the United States of America; to the
22 Honorable George H. W. Bush, former President of the United States of America; to
23 W. Chris Perez, M.D., Doctors Clinic; to Dr. Wesley Youngberg, SDA Wellness
24 Center; to Dr. Pablo Guzman, MD, (FACP); to the Honorable Madeleine Z. Bordallo,
25 Guam Delegate to the U. S. House of Representatives; and to the Honorable Edward
26 J.B. Calvo, *I Maga'lahaen Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN* ON THE 8TH DAY OF NOVEMBER 2011.



JUDITH T. WON PAT, Ed.D.
Speaker



RORY J. RESPICIO
Acting Legislative Secretary