





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

Resolution No. /7/-31 (Co )

Introduced by:

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

2011 AUG 11 AM 8:45

**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.**

**BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF I**

***MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN:***

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

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

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

**WHEREAS**, on October 31, 1952 (GMT) Operation Ivy was conducted on Elugelab Island ("Flora") in the Enewetak Atoll, in which the first true thermonuclear H-bomb (a 10.4 megaton device) code named Mike was detonated, destroying the entire island leaving behind a 6240 foot across and 164 foot deep crater in its stead; and

1           **WHEREAS**, in 90 seconds the mushroom cloud climbed to 57,000 feet into the  
2 atmosphere and within 30 minutes had stretched 60 miles in diameter with the base of the  
3 mushroom head joining the stem at 45,000 feet; and

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

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

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

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

11           **WHEREAS**, Charles Bert Schreiber, Lt., USN-Ret., in his sworn testimony regarding  
12 the fallout of the first hydrogen Bomb tests of 1952, stated that Geiger readings indicated  
13 significant radiation found its way to Guam from the detonation of Ivy Mike; and

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

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

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

21           **WHEREAS**, October 15, 1990 former President George H. Bush signed into law  
22 H.R. 2372 (Public Law 101-426) relative to the "Radiation Exposure Compensation Act"  
23 (RECA); and

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

1       **WHEREAS**, RECA established the Radiation Exposure Compensation Program  
2 (RECP) with the Civil Division of the Department of Justice to administer its responsibilities  
3 under the act; and

4       **WHEREAS**, a trust fund was instituted and \$100,000,000 was appropriated for claim  
5 compensation of persons meeting a specific health criteria; and

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

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

10       **WHEREAS**, the amendment set forth to extend the time period for consideration and  
11 compensation and include other individuals related to nuclear exposure such as uranium  
12 miners, uranium millers, ore transporters, “downwinders” and onsite participants; and

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

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

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

25       **WHEREAS**, Ms. Isaf Al-Nabulsi PhD., Senior Study Director of the Board on  
26 Radiation Effects Research (BRER) invited W. Chris Perez M.D., Dr. Wesley Youngberg

1 MPH, Mr. Robert N. Celestial, and Delegate Madeleine Z. Bordallo to attend a committee  
2 hearing in Washington, D.C.; and

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

8 **WHEREAS**, *I Liheslaturan Guahan* has submitted Resolution 73 (2005), Resolution  
9 5 (2007), and Resolution 30-62 (2009) to the U.S. Congress and the President of the United  
10 States in support of the delegation's findings and testimony to extend inclusion of Guam into  
11 RECP; and

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

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

18 **WHEREAS**, the amendment, if passed, would allow for all claimants equal  
19 compensation of \$150,000 regardless if they are milers, miners, ore transporters, onsite  
20 participants or "downwinders"; and

21 **WHEREAS**, the amendment to the act, known as the "Radiation Exposure  
22 Compensation Act Amendments of 2011" will extend the fund for nineteen (19) years from  
23 2011; and be it

24 **RESOLVED**, that *I Mina'Trentai Unu Na Liheslaturan Guahan* does hereby, on  
25 behalf of the people of Guam, petition the United States Congress to amend the "Radiation  
26 Exposure Compensation Act of 1990", Public Law 101-426, as amended by Public Law 101-

1 510, 3139 (42 US.C. 2210) and Public Law 106-245 via the passage of H.R.1490 and it  
2 companion bill S. 791 which seeks to increase and improve the compensation to Guam and  
3 the other states covered by the Act; and be it further

4 **RESOLVED**, that the Speaker and the Legislative Secretary attest to, the adoption  
5 hereof and that copies of the same be thereafter transmitted to the Honorable Senator Patrick  
6 J. Leahy, Chairman, Committee on the Judiciary, United States Senate; to the Honorable  
7 Senator Chuck Grassley, Ranking Member, Committee on the Judiciary, United States  
8 Senate; to the Honorable Senator Tom Harkin, Chairman, Committee on Health, Education,  
9 Labor, and Pensions, United States Senate; to the Honorable Senator Michael B. Enzi,  
10 Ranking Member, Committee on Health, Education, Labor, and Pensions, United States  
11 Senate; to the Honorable Senator Daniel K. Akaka, United States Senate; to the Honorable  
12 Congressman Lamar S. Smith, Chairman, Committee on the Judiciary, United States House  
13 of Representatives; to the Honorable Congressman John Conyers, Jr., Ranking Member,  
14 Committee on the Judiciary, United States House of Representatives; to the Honorable  
15 Congressman Fred Upton, Chairman, Committee on Energy and Commerce, United States  
16 House of Representatives; to the Honorable Congressman Joe Barton, Ranking Member,  
17 Committee on Energy and Commerce United States House of Representatives; to Mr. RJ  
18 Ritter, National Commander, National Association of Atomic Veterans; to Mr. Bob Kilthau,  
19 Hawaii State Commander, National Association of Atomic Veterans; to all the State and  
20 Area Commanders of the National Association of Atomic Veteran; to Mr. Robert N.  
21 Celestial, PARS President; to the family of the late Honorable Angel L.G. Santos, Carmen  
22 Fernandez, former Senator; Vice-Speaker Benjamin J.F. Cruz; to the family of the late  
23 Speaker Antonio R. Unpingco; and to Dr. Robert Underwood, former Congressman; to the  
24 Honorable Barack Hussein Obama II, President of the United States of America; to the  
25 Honorable William Jefferson Clinton, former President of the United States of America; to  
26 the Honorable George H. W. Bush, former President of the United States of America; to W.

1 Chris Perez M.D., Doctors Clinic, to Dr. Wesley Youngberg, SDA Wellness Center, Dr.  
2 Pablo Guzman, MD, (FACP) to the Honorable Madeleine Z. Bordallo, Member of  
3 Congress, U. S. House of Representatives; and to the Honorable Edward B. Calvo, *I*  
4 *Maga'lahaen Guahan.*  
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**DULY AND REGULARLY ADOPTED BY *I MINA' TRENTAI UNU NA*  
*LIHESLATURAN GUÅHAN* ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2011.**

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**JUDITH T. WON PAT**  
**Speaker**

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**TINA ROSE MUÑA-BARNES**  
**Senator and**  
**Secretary of the Legislature**