




I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN
2015 (FIRST) Regular Session

Resolution No. 39-33 (L9)

Introduced by:

J. T. Won Pat, Ed.D. 
T.R. Muña Barnes 
B.J. Cruz 

Relative to petitioning the United States Congress to *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 TRES NA LIHESLATURAN***
2 ***GUÁHAN*:**

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

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

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

12 **WHEREAS**, on October 31, 1952 (GMT) Operation Ivy was conducted
13 on Elugelab Island (“Flora”) in the Enewetak Atoll, in which the first true
14 thermonuclear hydrogen bomb (a 10.4 megaton device) code named Mike was

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1 detonated, destroying the entire island leaving behind a 6,240 foot across and 164
2 foot deep crater in its aftermath; and

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

6 **WHEREAS**, radioactive fallout is the after-effect of the detonation of a
7 nuclear bomb where radioactive particles and earth debris, which comprise the
8 mushroom cloud, are released into the atmosphere and remain in the atmosphere
9 for about 24 hours before descending back to earth; and

10 **WHEREAS**, before the descent back to earth, these radioactive particles
11 can be carried through jet-streams in the atmosphere to locations over a thousand
12 miles away from the actual test site and settle into the environment, causing
13 multiple health and environmental problems; and

14 **WHEREAS**, Guam is located approximately one thousand two hundred
15 (1,200) miles directly west of the test sites; and

16 **WHEREAS**, the radioactive dust particles traveled through the westward
17 flowing jet-streams from the Marshall Islands and settled on Guam; and

18 **WHEREAS**, the sworn testimony of retired US Navy Lieutenant Charles Bert
19 Schreiber, on the fallout of the First Hydrogen Bomb Test – the detonation of Ivy
20 Mike – states, “I was the Radiological Safety Officer for the Headquarters Command
21 Guam. On or about November 3, 1952, I was making my monthly check sitting at the
22 desk in that office that was about five (5) feet from the window screens that covered
23 the wall all the way down to about a couple of inches from the floor. I took out the
24 metal calibration rod (about as big as a normal soda straw and about six (6) inches
25 long) stored in the instrument that has a small radioactive source on its end. I put the
26 counter on the low setting (it has three (3); low, medium, and high) and was ready to
27 place the rod near the detection windows (two (2) of them), but the dial needle was

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

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

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

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

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

21 **WHEREAS**, the law covered those who were affected by nuclear fallout
22 during atmospheric testing in Nevada and the Marshall Islands; and

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

1 **WHEREAS**, a trust fund was instituted and \$100,000,000 was
2 appropriated for claim compensation of persons meeting a specific health criteria
3 after exposure to ionizing radiation; and

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

5 **WHEREAS**, on July 10, 2000, an amendment to RECA (Public Law 106-
6 245) broadened the scope of eligibility for benefit coverage to include new victim
7 categories and to modify the eligibility criteria for compensation; and

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

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

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

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

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

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

10 **WHEREAS**, Senator Tom Udall (D-N.M) and Congressman Ben Ray
11 Lujan (D-N.M) have introduced legislation in their respective Houses of Congress
12 to expand RECA which included Guam as one of the amendments in 2010 as S.
13 3224 and H.R. 5119, and in 2011 as S. 791 and H.R. 1490 and in 2013 as S. 773
14 and H.R. 1645; and the Guam Legislature has consistently urged and supported
15 the expansion of RECA to include Guam as a downwind site, and has delivered to
16 the U.S. Congress and to the President of the United States evidence of its support
17 through Guam Legislature Resolution 73 (2005), Resolution 5 (2007), Resolution
18 30-62 (2009), Resolution 171-31 (2011) and Resolution 127-32 (LS) (2013); and

19 **WHEREAS**, on February 2, 2015, Mike Crapo (R-ID) along with Senator
20 Tom Udall (D-N.M), Senator Michael F. Bennet (D-CO), Senator Martin
21 Heinrich (R-NM) and Senator James E. Risch (R-ID) introduced S. 331 in the
22 U.S. Senate to amend "Radiation Exposure Compensation Act of 1990"; and

23 **WHEREAS**, on February 13, 2015, Congressman Ben Ray Lujan (D-N.M)
24 along with Congressman Raul M. Grijalva (D-AZ-3), Congresswoman Michelle
25 Lujan Grisham (D-NM-1), Congresswoman Ann Kirkpatrick (D-AZ-1),
26 Congressman Ed Perlmutter (D-CO-7), Congresswoman Dina Titus (D-NV-1)
27 and Congressman Stevan Pearce (R-NM-2) introduced H.R. 994 in the U.S.

1 House of Representatives to amend "Radiation Exposure Compensation Act of
2 1990"; and

3 **WHEREAS**, the proposed amendment will expand the "downwind" areas
4 covered by RECA to include all of Arizona, Nevada, New Mexico, Colorado,
5 Idaho, Montana, and Utah for the Nevada Test Site; New Mexico for the
6 "Trinity" Test Site; and Guam for the Pacific tests; and

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

10 **WHEREAS**, the amendment to the act, known as the "Radiation
11 Exposure Compensation Act Amendments of 2015" will extend the fund claims
12 for nineteen (19) years; and

13 **WHEREAS**, the Guam Legislature unequivocally supports the proposed
14 Amendments to RECA which would include Guam as a downwind area and
15 does continue to support and urge the passage of RECA amendments to include
16 Guam as a downwind area, and does specifically support the passage of S. 331 and
17 H.R. 994; now, therefore be it

18 **RESOLVED**, that *I Mina'Trentai Tres Na Liheslaturan Guahan* does
19 hereby, on behalf of the people of Guam, urgently petition the United States
20 Congress to expand the "Radiation Exposure Compensation Act of 1990", Public
21 Law 101-426, as amended by Public Law 101-510, 3139 (42 US.C. 2210) and
22 Public Law 106-245 to include Guam as a downwind area, and to increase and
23 improve the compensation to Guam and the other states covered by the RECA
24 and to pass S. 331 and H.R. 994; and be it further

25 **RESOLVED**, that the Speaker and the Legislative Secretary attest to the
26 adoption hereof and that copies of the same be thereafter transmitted to the
27 Honorable Barack Hussein Obama II, President of the United States of America; to

1 the Honorable Mike Crapo, Member of Congress, United States Senate; to the
2 Honorable Tom Udall, Member of Congress, United States Senate; to the
3 Honorable Michael Bennett, Member of Congress, United States Senate; to the
4 Honorable Martin Heinrich, Member of Congress, United States Senate; to the
5 Honorable James E. Risch, Member of Congress, United States Senate; to the
6 Honorable Chuck Grassley, Chairman, Committee on the Judiciary, United States
7 Senate; to the Honorable Patrick J. Leahy, Ranking Member, Committee on the
8 Judiciary, United States Senate; to the Honorable Ben Ray Luján, Member of
9 Congress, U.S. House of Representatives; to the Honorable Raul M. Grijalva,
10 Member of Congress, U.S. House of Representatives; to the Honorable Michelle
11 Lujan Grisham, Member of Congress, U.S. House of Representatives; to the
12 Honorable Ann Kirkpatrick, Member of Congress, U.S. House of Representatives;
13 to the Honorable Ed Perlmutter, Member of Congress, U.S. House of
14 Representatives; to the Honorable Dina Titus, Member of Congress, U.S. House
15 of Representatives; to the Honorable Stevan Pearce, Member of Congress, U.S.
16 House of Representatives; to the Honorable Bob Goodlatte, Chairman, Committee
17 on the Judiciary, United States House of Representatives; to the Honorable John
18 Conyers, Jr., Ranking Member, Committee on the Judiciary, United States House
19 of Representatives; to the Honorable Fred Upton, Chairman, Committee on Energy
20 and Commerce, United States House of Representatives; to the Honorable Frank
21 Pallone, Jr., Ranking Member, Committee on Energy and Commerce United States
22 House of Representatives; to the Honorable John Kline, Chairman, Committee on
23 Education and the Workforce, United States House of Representatives; to the
24 Honorable Robert Scott, Ranking Member, Committee on Education and the
25 Workforce, United States House of Representatives; to the Honorable Madeleine
26 Z. Bordallo, Member of Congress, U. S. House of Representatives; to Attorney
27 General Eric H. Holder, Jr., Attorney General of the United States; to Mr. Fred

1 Schafer, Managing Director - National Commander, National Association of
2 Atomic Veterans; to Mr. Bob Kilthau, Hawaii State Commander, National
3 Association of Atomic Veterans; to all the State and Area Commanders of the
4 National Association of Atomic Veterans; to Mr. Robert N. Celestial, PARS
5 President; and to the Honorable Edward B. Calvo, *I Maga'lahaen Guahan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN* ON THE _____ DAY OF _____

JUDITH T. WON PAT, Ed.D.
Speaker

TINA ROSE MUÑA BARNES
Legislative Secretary