

*I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN*  
2005 (FIRST) Regular Session

Resolution No. 736E9

Introduced by:

Mark Forbes  
B.J. F. Cruz

Relative to petitioning the United States Congress to amend the Radiation Exposure Compensation Act of 1990, Public Law 101-426, as amended by Public Law 101-510, 3139 (42 U.S.C. 2210) and Public Law 106-245, to include Guam in the jurisdiction (Downwinders).

1 **BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF THE**  
2 **TWENTY-EIGHTH GUAM LEGISLATURE:**

3       **WHEREAS**, the United States conducted testing of atomic  
4 nuclear weapons on Enewetok and Bikini Atolls in the Marshall  
5 Islands, from 1946 to 1958. A total of sixty-seven (67) atomic and  
6 thermonuclear bombs were detonated which resulted in fallout  
7 across a wide area of the Pacific. Continental United States residents  
8 exposed to radiation resulting from the nuclear weapons testing  
9 subsequently developed serious diseases, including various types of  
10 cancer. On October 1990, in order to establish a procedure to make  
11 partial restitution to radiation exposure victims for their suffering,

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1 President George H. Bush signed into law the Radiation Exposure  
2 Compensation Act (RECA). RECA established the Radiation  
3 Exposure Compensation Program (RECP) with the Civil Division of  
4 the Department of Justice to administer its responsibilities under the  
5 Act. In April 1992, RECP began processing claims. RECA was  
6 amended several times, most recently on July 10, 2000 amendments  
7 further broaden the scope or eligibility for benefits coverage to  
8 include new victim categories and modify the criteria for determining  
9 eligibility for compensation: and

10       **WHEREAS**, RECA establishes a procedure to make partial  
11 restitution to individuals who contracted serious diseases, such as  
12 certain types of cancers, presumably resulting from their exposure to  
13 radiation from aboveground nuclear test or as a result of their  
14 employment in uranium mines. The law established five (5) claimant  
15 categories – uranium miners, uranium millers, ore transporters,  
16 “downwinders” (those who were located downwind from  
17 aboveground nuclear weapons tests conducted at the Nevada test  
18 sites), and onsite participants (those who actually participated  
19 onsite); and

1           **WHEREAS**, as enacted, the law broadens the population  
2 covered by the Radiation Exposure Compensation Act, which  
3 authorizes monetary compensation to individuals who were present,  
4 or nearby when nuclear weapons test conducted at the Nevada test  
5 site or who worked in uranium mines, and later developed certain  
6 diseases; adds more qualifying occupations relating to uranium  
7 production; increases the number of states covered and extends the  
8 time period considered for radiation exposure; adds more diseases  
9 which may qualify individuals for compensation; decreases the level  
10 of radiation exposure that is necessary to qualify, makes certain that  
11 the medical criteria less stringent for potential claimants; and

12           **WHEREAS**, nuclear test that the United States Government  
13 conducted in the Marshall Islands from 1946 until 1962 have led to  
14 increased levels of radiation in some of the Micronesia Islands; and

15           **WHEREAS**, such increased levels of radiation may have led to  
16 serious health and other environmental problems for life in such  
17 areas; and

18           **WHEREAS**, Guam is approximately one thousand two-  
19 hundred (1,200) miles directly west of the test sites; and,

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

5           **WHEREAS**, there were at least ten (10) detonations that had  
6 the yield necessary of five (5) to ten (10) megatons) to project material  
7 from the center of the explosion to the height of between twelve (12)  
8 to fifty-five (55) miles, into the jet-stream; and

9           **WHEREAS**, on October 31, 1952, (GMT) the first true H-bomb,  
10 Ivy Mike was detonated at Elugelab ("Flora") Island, Enewetak Atoll.  
11 The 10.4 megaton device was the 4<sup>th</sup> largest device ever tested by the  
12 U.S. 77% (8megatons) of the yield was due to the fast fission of the  
13 natural uranium pusher/tamper, with the remainder (2.4 megatons)  
14 coming directly from fusion of the deuterium fuel. Elugelab (code  
15 named Flora), was entirely destroyed. The resulting crater was 6240  
16 ft. across and 164 ft deep; and

17           **WHEREAS**, the mushroom cloud climbed to 57,000 feet in only  
18 90 seconds, entering the stratosphere. One minute later it reached  
19 108,000 feet, eventually stabilizing at a ceiling of 120,000 ft. Half an

1 hour after the test the mushroom stretched 60 miles across, with the  
2 base of the mushroom head joining the stem at 45,000 feet; and,

3           **WHEREAS**, sworn testimony of Charles Bert Schreiber, Lt.,  
4 USN-Ret on the Fallout of the First Hydrogen Bomb Test. Three days  
5 after the detonation of Ivy Mike, "I was the Radiological Safety  
6 Officer for the Headquarters Command Guam. On or about  
7 November 3, 1952 I was making my monthly check sitting at the desk  
8 in that office that was about 5 feet from the window screens that  
9 covered the wall all the way down to about a couple of inches from  
10 the floor. I took out the metal calibration rod (about as big as a  
11 normal soda straw and about 6 inches long) stored in the instrument  
12 that has a small radioactive source on its end; and,

13           **WHEREAS**, "I put the counter on the low setting (it has three;  
14 low, medium, and high) and was ready to place the rod near the  
15 detection windows (two of them), but the dial needle was way over  
16 on the scale and the audible signal was clicking like mad, or almost a  
17 continuous sound; sounds like constant static on a radio; and,

18           **WHEREAS**, "my original thought was that the counter was  
19 malfunctioning, but when I raised it up and put it nearer the screen

1 window, the dial needle swung even further over and the sound  
2 increased still further. I then put it close to the screen near the floor  
3 and the needle went off the scale (as far as it could swing right). I  
4 knew it was not the counter, but that there was some radioactivity  
5 outside. I panicked. My first thought was that Guam had been  
6 subjected to some radioactive dust attack.”; and,

7       **WHEREAS**, the jet-stream travels generally westward from the  
8 Marshall Islands carrying the radioactive material as fine as dust  
9 particles; these particles collected ice crystals at high altitudes and  
10 descended as cloud condensation. This process is known as the  
11 scavenging effect; and

12       **WHEREAS**, the material drops to land surfaces and enters the  
13 food and water supply consumed by the local population; and,

14       **WHEREAS**, reports from the United States Navy indicated that  
15 they had full knowledge and did not warn the local population; and,

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

1           **WHEREAS**, in accordance with Code of Federal Regulation  
2 Title 28, part 78 – Claims under the Radiation Exposure  
3 Compensation Act, Subpart E – Eligibility Criteria for Claims by  
4 Onsite Participants. Guam meets the eligibility criteria for the wash  
5 down of military vessels/aircraft from the nuclear testing conducted  
6 at the Pacific Proving Grounds Marshall Islands; and,

7           **WHEREAS**, on March 24, 2004, Ms. Isaf Al-Nabulsi PhD.  
8 (Senior Study Director) Board of Radiation Effects Research  
9 Committee gave an invitation to Dr. W. Chris Perez M.D., Dr. Wesley  
10 Youngberg MPH, Mr. Robert N. Celestial, and Delegate Madeleine Z.  
11 Bordallo to attend a BRER committee hearing in Washington D.C.;  
12 and,

13           **WHEREAS**, Delegate Madeleine Z. Bordallo and Mr. Robert N.  
14 Celestial presented oral testimony and submitted documented  
15 evidence before the committee to assess the scientific information for  
16 the Radiation Exposure Screening and Education Program, a meeting  
17 of the National Research Council; and,

18           **WHEREAS**, Ms. Isaf Al-Nabulsi PhD, has recently informed  
19 Guam officials that the final review report was sent to the sponsor for



1 review and once the report is published a copy will be sent to Guam  
2 officials; and

3       **WHEREAS**, the National Research Council committee’s final  
4 report will be sent to Congressional committee for action.; and

5       **WHEREAS**, On October 15, 1990 President George H. Bush  
6 signed into law H.R. 2372 and was assigned Public Law No. 101-426  
7 the “Radiation Exposure Compensation Act.” “This bill establishes  
8 new entitlements programs for persons physically present in areas  
9 near the Nevada Nuclear Test Site during atomic testing at the site.  
10 Atmospheric testing of atomic devices – important to national  
11 security during the darkest days of the “cold war” – ended in 1963  
12 when, under President Kennedy, the United States signed and  
13 ratified the Limited Test Ban Treaty. Prior to the Treaty, the United  
14 States detonated over 200 atomic devices in the open air, in both the  
15 South Pacific and in Nevada. The bill provides compassionate  
16 payments to persons with specified diseases who fear that their  
17 health was harmed because of fallout from atmospheric atomic  
18 testing at the Nevada test site, **regardless of whether causation can**  
19 **be scientifically established.** The bill entitles each person meeting

1 specific criteria to a payment of \$50,000. Uranium miners meeting  
2 separate criteria will be entitled to compassionate payments in the  
3 amount of \$100,000. These payments fairly resolve the claims of  
4 persons present at the test site and of downwind residents, as well as  
5 claims of uranium miners. The bill, which is fiscally responsible,  
6 establishes a trust fund, and \$100,000,000 is authorized to be  
7 appropriated to be paid into the fund. H.R. 2372 is the result of close  
8 cooperation between the Administration and the Congress. As a  
9 result of the Administration's initial concerns, many earlier objections  
10 have been addressed, and the bill has been vastly improved. This  
11 legislation establishes a compensation system in the executive branch  
12 that can be administered efficiently and permit eligible claimants to  
13 receive compensation without the expense and delay of traditional  
14 litigation."

15       **WHEREAS**, We the people of Guam U.S.A. humbly request  
16 that Guam be included under RECA with the same criteria that was  
17 made for Nevada test site in 1990 for **compassionate payments**.

18       **WHEREAS**, "The Assessment of the Scientific Information for  
19 the Radiation Exposure Screening and Education Program." " The

1 Committee has recommended in the Executive Summary section 7,  
2 page 182 National Research Councils Committee Report “ The  
3 committee reviewed the locations where nuclear-weapons test were  
4 performed. The current RECA downwinder population is connected  
5 in the area around the NTS, and the 1997 NCI <sup>131</sup> report (NCI, 1997)  
6 dealt with emissions from the NTS. In RECA, Congress found that  
7 fallout from atmospheric nuclear test exposed people to the radiation  
8 that is presumed to have caused an excess of cancer and that this risk  
9 was borne by these people to serve the national security interest of  
10 the United States. The United States conducted nuclear-weapons test  
11 in areas other than the NTS, and population exposed to fallout from  
12 these tests may also be considered as possible candidates for RECA  
13 compensation if Congress so chooses. The tests in question include  
14 the Trinity test near Alamogordo, New Mexico, and the Pacific tests.  
15 Onsite participants in the test are already included under RECA, but  
16 RECA coverage may be extended to the downwinder populations in  
17 those areas.

18 **WHEREAS**, the committee’s conclusion “ As a result of its  
19 analysis, the committee concludes that Guam did receive measurable

1 fallout from the atmospheric testing of nuclear weapons in the  
2 Pacific. Residents of Guam during that a period should be eligible for  
3 compensation under RECA in a way similar to that of persons  
4 considered to be downwinders.

5         **RESOLVED**, that *I Mina' Bente Ocho Na Liheslaturan Guåhan*  
6 does hereby, on behalf of the people of Guam, petition the United  
7 States Congress to amend the "Radiation Exposure Compensation  
8 Act of 1990", Public Law 101-426, as amended by Public Law 101-510,  
9 3139 (42 U.S.C. 2210) and Public Law 106-245, to include Guam in the  
10 jurisdictions Downwinders covered by the Act; and be it further

11         **RESOLVED**, that the affected population previously and  
12 currently on Guam (those residing who have been exposed to  
13 radiation resulting from the Atomic Energy Commission tests in the  
14 Marshall Islands) be recognized as being "downwinders" of such  
15 test; and be it further

16         **RESOLVED**, that the Speaker and and the Legislative Secretary  
17 attest to, the adoption hereof and that copies of the same be thereafter  
18 transmitted to the

1 Honorable Senator Arlen Specter, Chairman, Committee on the  
2 Judiciary, United States Senate; to the Honorable Senator Patrick J.  
3 Leahy, Ranking Member, Committee on the Judiciary, United States  
4 Senate; to the Honorable Senator Mike Enzi, Chairman, Committee  
5 on Health, Education, Labor, and Pensions, United States Senate; to  
6 the Honorable Senator Christopher Dodd, Ranking Member,  
7 Committee on Health, Education, Labor, and Pensions, United States  
8 Senate; to the Honorable Senator Daniel K. Akaka, United States  
9 Senate; to the Honorable Congressman F. James Sesenbrenner, Jr.,  
10 Chairman, Committee on the Judiciary, United States House of  
11 Representatives; to the Honorable Congressman John Conyers, Jr.,  
12 Ranking Member, Committee on the Judiciary, United States House  
13 of Representatives; to the Honorable Congressman Joe Bodd,  
14 Chairman, Committee on Energy and Commerce, United States  
15 House of Representatives; to the Honorable Congressman John D.  
16 Dingell, Ranking Member, Committee on Energy and Commerce,  
17 United States House of Representatives; to the Honorable  
18 Congressman Neil Abercrombie, United States House of  
19 Representatives; to Mr. Charles L. Wisner, National Commander,

1 National Association of Atomic Veterans; to Mr. Charlie Clark,  
2 Hawaii State Commander, National Association of Atomic Veterans;  
3 to all the State and Area Commanders of the National Association of  
4 Atomic Veterans; to Mr. Robert Celestial, Guam atomic vetran; to the  
5 family of the late Honorable Angel L.G. Santos, former Senator; to  
6 the Honorable George Herbert Walker Bush, former President of the  
7 United States of America; to the Honorable William Jefferson Clinton,  
8 former President of the United States of America; to the Honorable  
9 George W. Bush, President of the United States of America; to Dr. W.  
10 Chris Perez .D., Doctors Clinic, to Dr. Wesley Youngberg, SDA  
11 Wellness Center, Dr. Pablo Guzman, MD, FACP) to the Honorable  
12 Madeleine Z. Bordallo, Member of Congress, U. S. House of  
13 Representatives; and to the Honorable Felix P. Camacho, *I Maga'laha*  
14 *Guåhan*.

15 **DULY AND REGULARLY ADOPTED BY I MINA'BENTE OCHO**  
16 **NA LIHESLATURAN GUÅHAN ON THE \_\_\_ DAY OF \_\_\_ 2005.**

17 \_\_\_\_\_  
18 **MARK FORBES**  
19 **Speaker**  
20

\_\_\_\_\_  
**EDWARD J.B. CALVO**  
**Secretary of the Legislature**