

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Resolution No. 171-37 (LS)**

As Amended by the Author, and Substituted on the Floor

Introduced by:

Therese M. Terlaje  
Sabina Flores Perez  
Chris Barnett  
Joanne M. Brown  
Frank Blas, Jr.  
Jesse A. Lujan  
Tina Rose Muña Barnes  
Amanda L. Shelton  
Dwayne T.D. San Nicolas  
Joe S. San Agustin

**Relative to expressing the support of *I Mina'trentai Siette Na Liheslaturan Guåhan* (the 37<sup>th</sup> Guam Legislature) for amendment of the “*Radiation Exposure Compensation Act*” to include the people of Guam as “downwinders” of U.S. Pacific nuclear test sites, extend the claims period, and improve compensation and benefits.**

1           **BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I***  
2 ***MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*:**

3           **WHEREAS**, the United States government detonated sixty-seven (67) nuclear  
4 devices in the Bikini and *Enewetak* Atolls of the Republic of the Marshall Islands  
5 between the years of 1946 and 1962. These nuclear test sites in the Marshall Islands, in  
6 addition to other locations in the Pacific Ocean, became known as the “Pacific Proving  
7 Grounds.” On October 31, 1952 (GMT), one (1) U.S. nuclear test titled “Operation Ivy”  
8 was conducted on Elugelab Island (“Flora”) in the Enewetak Atoll, in which the first  
9 true thermonuclear hydrogen bomb (a 10.4 megaton device), code-named “Mike,” was  
10 detonated, destroying the entire island, and leaving behind a crater six thousand two

1 hundred forty (6,240) feet across and one hundred sixty-four (164) feet deep in its  
2 aftermath; and

3 **WHEREAS**, radioactive fallout occurs after a detonation of a nuclear bomb  
4 where radioactive particles and earth debris, which form the mushroom cloud, are  
5 released into the atmosphere, and remain there for about twenty-four (24) hours before  
6 descending back to Earth. Before the descent back to Earth, these radioactive particles  
7 can be carried through jet-streams in the atmosphere to locations over a thousand miles  
8 away from the actual test site and settle into the environment causing multiple health  
9 and environmental problems; and

10 **WHEREAS**, in a 2005 Assessment of the Scientific Information for the  
11 Radiation Exposure Screening and Education Program reported by the National  
12 Research Council on behalf of the Committee to Assess the Scientific Information for  
13 the Radiation Exposure Screening and Education Program and Board on Radiation  
14 Effects Research Division on Earth and Life Studies, it was confirmed that Guam “did  
15 receive radioactive debris from fallout during the nuclear-weapons testing in the Pacific  
16 Ocean” and was a harbor for the decontamination of ships present in the Marshall  
17 Islands during the nuclear testing; and

18 **WHEREAS**, in the sworn testimony of retired U.S. Navy Lieutenant Charles  
19 Bert Schreiber on the fallout of the first hydrogen bomb test, the detonation of Operation  
20 Ivy’s Mike, he states, “I was the Radiological Safety Officer for the Headquarters  
21 Command Guam. On or about November 3, 1952, I was making my monthly check  
22 sitting at the desk in that office that was about five (5) feet from the window screens  
23 that covered the wall all the way down to about a couple of inches from the floor. I took  
24 out the metal calibration rod (about as big as a normal soda straw and about six (6)  
25 inches long) stored in the instrument that has a small radioactive source on its end. I put  
26 the counter on the low setting (it has three (3); low, medium, and high) and was ready

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

10 **WHEREAS**, Guam’s local residents were never warned or informed by the U.S.  
11 Navy of an increase in radioactivity, and documents with this information were  
12 classified until 1994; and

13 **WHEREAS**, on October 15, 1990, H.R. 2372 (U.S. Public Law 101-426),  
14 relative to the “*Radiation Exposure Compensation Act*” (RECA), was enacted. The law  
15 covered some of those who were affected by nuclear fallout during atmospheric testing  
16 in Nevada and the Marshall Islands. RECA established the Radiation Exposure  
17 Compensation Program (RECP) with the Civil Division of the U.S. Department of  
18 Justice to administer its responsibilities under RECA; and

19 **WHEREAS**, on July 10, 2000, an amendment to RECA (U.S. Public Law 106-  
20 245) broadened the scope of eligibility for benefit coverage to include new victim  
21 categories, and to modify the eligibility criteria for compensation. The amendment  
22 extended the time-period for consideration and compensation, and included other  
23 individuals who experienced radiation exposure, such as uranium miners, uranium  
24 millers, ore transporters, and “downwinders”; and

25 **WHEREAS**, to address the issue of eligibility under RECA, the Board on  
26 Radiation Effects Research (BRER) Committee invited Guam’s Mr. Robert N. Celestial

1 and then-Guam Representative Madeleine Z. Bordallo to give oral and written  
2 testimonies in 2004. After completing both testimonies, an independent committee was  
3 convened. Its conclusions are documented in the Radiation Exposure Screening and  
4 Education Program (RESEP) Report 2005, which states: “As a result of its analysis, the  
5 committee concludes that Guam did receive measurable fallout from atmospheric  
6 testing of nuclear weapons in the Pacific. Residents of Guam during that period should  
7 be eligible for compensation under RECA in a way similar to that of persons considered  
8 to be downwinders”; and

9           **WHEREAS**, the Guam Legislature supports extension of RECA coverage to  
10 claimants who were residents of Guam for at least one year from 1946 to 1962 and  
11 diagnosed with RECA covered illness as “downwinders” of U.S. Pacific test sites; an  
12 increase to RECA awards for “downwinders” from Fifty Thousand Dollars (\$50,000)  
13 to One Hundred Fifty Thousand Dollars (\$150,000); coverage for additional forms of  
14 cancer and medical benefits; and an extension of the fund claims period for nineteen  
15 (19) more years; and

16           **WHEREAS**, the cancer diagnoses eligible under RECA include leukemia,  
17 multiple myeloma, lymphoma (other than Hodgkin’s disease), and primary cancers of  
18 the thyroid, male or female breast, esophagus, stomach, pharynx, small intestine,  
19 pancreas, bile ducts, gallbladder, salivary gland, urinary bladder, brain, colon, ovary,  
20 liver (except if cirrhosis or hepatitis B is indicated), and lung; and

21           **WHEREAS**, incidence data reported from Guam to the Pacific Regional Central  
22 Cancer Registry between 2007 and 2018 shows that seven (7) of the top ten (10) adult  
23 cancers in Guam are compensable under RECA; and

24           **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette Na*  
25 *Liheslaturan Guåhan* (the 37<sup>th</sup> Guam Legislature) does hereby, on behalf of the people  
26 of Guam, express support for the passage of measures by the U.S. Senate and the U.S.

1 House of Representatives during the 118<sup>th</sup> Congress, which would amend the  
2 “*Radiation Exposure Compensation Act*” to include Guam as a “downwinder” of U.S.  
3 Pacific test sites, extend the fund claims period, improve compensation to \$150,000 and  
4 provide medical benefits; and does support the extension of RECA coverage to those  
5 persons who were present in Guam for at least one (1) year from 1946 to 1962 and  
6 diagnosed with RECA covered illness; and be it further

7       **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules  
8 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of  
9 the same be thereafter transmitted to the Honorable Joseph R. Biden, President, United  
10 States of America; to the Honorable Kamala Harris, Vice President, United States of  
11 America; to the Honorable Patty Murray, President Pro Tempore, U.S. Senate; to the  
12 Honorable Ben Ray Luján, New Mexico Senator, U.S. Senate; to the Honorable Dick  
13 Durbin, Chairperson, U.S. Senate Committee on the Judiciary; to the Honorable Teresa  
14 Leger Fernández, New Mexico Representative, U.S. House of Representatives; to the  
15 Honorable Jim Jordan, Chairperson, U.S. House of Representatives Committee on the  
16 Judiciary; to the Honorable Virginia Foxx, Chairperson, U.S. House of Representatives  
17 Committee on Education and the Workforce; to the Honorable Cathy McMorris  
18 Rodgers, Chairperson, U.S. House of Representatives Committee on Energy and  
19 Commerce; to the Honorable Mike Johnson, Speaker, U.S. House of Representatives;  
20 to the Honorable Hakeem Jeffries, Democratic Leader, U.S. House of Representatives;  
21 to the Honorable Burgess Owens, U.S. House of Representatives; to the Honorable Bob  
22 Good, Chairman of the House Freedom Caucus; to the Honorable James C. Moylan,  
23 Guam Representative, U.S. House of Representatives; to the Secretary of the U.S.  
24 Department of the Interior; to the Deputy Assistant Secretary for Insular Affairs; to the  
25 U.S. Attorney General, Department of Justice; to Mr. Robert N. Celestial, President,

- 1 Pacific Association of Radiation Survivors (PARS); and to the Honorable Lourdes A.
- 2 Leon Guerrero, *I Maga'hågan Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF  
*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN* ON THE DAY  
OF AUGUST 2023.**

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**THERESE M. TERLAJE**  
Speaker

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**CHRIS BARNETT**  
Chairperson, Committee on Rules

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**AMANDA L. SHELTON**  
Legislative Secretary