



*I Mina'trentai Kuåttro na Liheslaturan Guåhan*  
*34<sup>th</sup> Guam Legislature*

**OFFICE OF THE VICE SPEAKER**  
**THERESE M. TERLAJE**  
Chairperson of the Committee  
On Culture and Justice

June 27, 2018

**The Honorable Chuck Grassley**  
Chairman  
U.S. Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

**RE: Testimony regarding S. 197 and the inclusion of Guam as Downwind Area**

Hafa Adai Honorable Senator and Chairman Grassley,

I am writing to thank you for the Senate Judiciary Committee hearing, and to express my support for Senate Bill 197, also known as the Radiation Exposure Compensation Act (RECA) Amendments Act of 2017, which would include Guam as one of the downwind areas exposed to radiation as a result of nuclear weapons testing conducted in the Marshall Islands, approximately 1,200 miles from Guam, between 1945 and 1962. In support of the bill, and in follow up to my letter of September 20, 2017, I am also transmitting to the Judiciary Committee a copy of Guam Legislature Resolution No. 39-34 (COR), which was unanimously adopted. The resolution expresses the support of *I Mina 'trentai Kuattro Na Lisheslaturan Guahan* (the 34th Guam Legislature) for S. 197. The Guam Legislature has consistently by resolution over the past six terms petitioned and endorsed the inclusion of Guam as downwind area under RECA. Committee reports on these resolutions document support from cancer victims, veteran organizations and government leaders. (See links below).

Guam's inclusion under RECA was recommended by an independent committee convened by the Board on Radiation Effects Research (BRER) Committee, at the request of Congress, in a 2005 Assessment of the Scientific Information for the Radiation Exposure Screening and Education Program (RESEP) Report, which concluded that "as a result of analysis, the committee concludes that Guam did receive measurable fallout from atmospheric testing of nuclear weapons in the Pacific. Residents of Guam during that period should be eligible for compensation under RECA in a way similar to that of persons considered to be downwinders".

As you know, without the amendments included in this bill, RECA compensation will expire in July 2022 and the people of Guam exposed to radiation in support of the U.S. defense efforts will continue to suffer cancer without assurance of medical care and without compassionate compensation. These people of Guam are U.S. citizens who had in 1944, when the nuclear testing in the Marshall Islands began, survived or been born immediately following three years of Japanese occupation of Guam during World War II and helped rebuild Guam after the war.

I also stand in support of Mr. Robert Celestial, President of Pacific Association of Radiation Survivors, and thank you for inviting him to testify before the Judiciary Committee. Mr. Celestial was recognized by the Guam Legislature for his years of research and advocacy for just inclusion of the people of Guam in

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RECA, and submitted testimony before the BRER Committee at the request of Congress, which led to the recommendation that Guam should be included.

According to the U.S. Census, the population of Guam between 1940 and 1960 ranged from 22,290 to 67,044 inhabitants. This is the number of people who were exposed to radiation as downwinders during the time of nuclear testing in the Marshall Islands. Since then, we have already lost many in our community to cancer and other related illnesses.

Cancer is the second leading cause of death in Guam, and both cancer incidence and mortality have increased over the periods of 2003-2012 by 20% and 2.6% respectively. During this same time period in the U.S., the rate of cancer incidence and mortality has been declining. Between 2008 and 2012, there were 1,904 new incidences of cancer and 736 cancer deaths on Guam. At least 60% of new cancer cases and cancer deaths during 2008-2012 are comprised of those types of cancers compensable under RECA. While we do not have the exact number of cancer patients who lived on Guam between 1946 and 1962 who would be eligible for RECA compensation if S.B. 197 is passed, about 1,194 of the new cancer incidences between 2008 and 2012 occurred in patients who are 54 and older, according to Guam Comprehensive Cancer Control.

I fervently appeal for your support to help ensure that the people of Guam suffering from cancer and other illness as a result of radiation exposure are no longer excluded or dismissed, but rather placed at the forefront of this long painful battle. S.197 would justly extend the resources of the United States to those U.S. citizens in Guam who were directly afflicted by and continue to suffer from the nuclear fallout from testing in the Pacific.

Thank you again for the hearing on S. 197 and if there is any information or other way in which my office could assist the committee, please do not hesitate to let me know.

Sincerely,



**Therese M. Terlaje**

Vice Speaker of 34<sup>th</sup> Guam Legislature

Cc: Senate Judiciary Committee members

## References

National Research Council. 2005. Assessment of the Scientific Information for the Radiation Exposure Screening and Education Program. Washington, DC: The National Academies Press.

<https://doi.org/10.17226/11279> p. 199-200 and Appendix C

Briscoe, Charles L.S. Blue Ribbon Panel Committee Action Report On Radioactive Contamination in Guam Between 1946-1958. 26<sup>th</sup> Guam Legislature. Offices of Senator Angel L.G. Santos and Senator Mark Forbes. [http://www.guamagentorange.info/yahoo\\_site\\_admin/assets/docs/BLUE-RIBBON-PANEL-COMMITTEE-ACTION-REPORT.142184849.pdf](http://www.guamagentorange.info/yahoo_site_admin/assets/docs/BLUE-RIBBON-PANEL-COMMITTEE-ACTION-REPORT.142184849.pdf)

The following are links to committee reports of past resolutions in support of the inclusion of Guam into RECA.

- 2017 - Resolution No. 39-34:  
[http://www.guamlegislature.com/Committee\\_Reports\\_34th/Res.%2039-34%20\(COR\)%20ComReport.pdf](http://www.guamlegislature.com/Committee_Reports_34th/Res.%2039-34%20(COR)%20ComReport.pdf)
- 2015 - Resolution No. 39-33:  
[http://guamlegislature.com/Committee\\_Reports\\_33rd/Res.%20No.%2039-33%20\(LS\).pdf](http://guamlegislature.com/Committee_Reports_33rd/Res.%20No.%2039-33%20(LS).pdf)
- 2013 - Resolution No. 127-32:  
[http://guamlegislature.com/Committee\\_Reports\\_32nd/Res.%20No.%20127-32%20\(LS\)%20ComReport.pdf](http://guamlegislature.com/Committee_Reports_32nd/Res.%20No.%20127-32%20(LS)%20ComReport.pdf)
- 2011 - Resolution No. 171-31:  
[http://guamlegislature.com/Committee\\_Reports\\_31st/Res.%20No.%20R171-31%20\(COR\)%20ComReport.pdf](http://guamlegislature.com/Committee_Reports_31st/Res.%20No.%20R171-31%20(COR)%20ComReport.pdf)
- 2009 - Resolution No. 62-30:  
[http://www.guamlegislature.com/COR\\_Res\\_30th/Adopted/Res.%20No.%2030-62%20%28COR%29.pdf](http://www.guamlegislature.com/COR_Res_30th/Adopted/Res.%20No.%2030-62%20%28COR%29.pdf)
- 2007 - Resolution No. 5-29:  
[http://guamlegislature.com/Leg\\_Res\\_29th/Resolution%20No.%205\(EC\).pdf](http://guamlegislature.com/Leg_Res_29th/Resolution%20No.%205(EC).pdf)

Guam Comprehensive Cancer Control. Guam Cancer Facts and Figures 2008-2012. April 2015.

<http://www.guamcrc.org/wp-content/uploads/2016/10/GuamCancerFactsFigure2008%E2%80%942012.pdf>

***I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN***  
**2017 (FIRST) Regular Session**

**Resolution No. 39-34 (COR)**

As amended on the Floor.

Introduced by:

Therese M. Terlaje  
B. J.F. Cruz  
Thomas C. Ada  
Dennis G. Rodriguez, Jr.  
FRANK B. AGUON, JR.  
Michael F.Q. San Nicolas  
Telena Cruz Nelson  
Joe S. San Agustin  
Régine Biscoe Lee  
William M. Castro  
James V. Espaldon  
Fernando Barcinas Esteves  
Tommy Morrison  
Louise B. Muña  
Mary Camacho Torres

**Relative to seeking compensation for cancer and other illnesses caused by exposure to ionizing radiation, and expressing the support of *I Mina'Trentai Kuattro Na Liheslaturan Guåhan* (the 34<sup>th</sup> Guam Legislature) for the passage of S. 197, and H.R. 2049, “*The Radiation Exposure Compensation Act Amendments of 2017*,” introduced in the United States Congress on January 24, 2017 and April 6, 2017, which would amend the “*Radiation Exposure Compensation Act*” to include Guam as a downwind area.**

1        **BE IT RESOLVED BY *I MINA'TRENTAI KUATTRO NA***  
2        ***LIHESLATURAN GUÅHAN*:**

3        **WHEREAS,** the United States government conducted nuclear testing on a  
4        number of sites in the Marshall Islands and a few other places in the Pacific Ocean

1 between the years of 1946 and 1962. These sites became known as the “Pacific  
2 Proving Grounds.” On October 31, 1952 (GMT), Operation Ivy was conducted on  
3 Elugelab Island (“Flora”) in the Enewetak Atoll, in which the first true  
4 thermonuclear hydrogen bomb (a 10.4 megaton device), code named “Mike,” was  
5 detonated, destroying the entire island and leaving behind a crater six thousand two  
6 hundred forty (6240) feet across and one hundred sixty-four (164) feet deep in its  
7 aftermath; and

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

15         **WHEREAS**, Guam is located approximately one thousand two hundred  
16 (1,200) miles directly west of the test sites. The radioactive dust particles traveled  
17 through the westward flowing jet-streams from the Marshall Islands and settled on  
18 Guam. Ships present in the Marshall Islands during the nuclear testing were  
19 decontaminated in Guam harbors with acidic detergents and the runoff from the  
20 operations went directly into the local fishing and reef environments; and

21         **WHEREAS**, in the sworn testimony of retired U.S. Navy Lieutenant Charles  
22 Bert Schreiber on the fallout of the first hydrogen bomb test, the detonation of Ivy  
23 Mike, he states, “I was the Radiological Safety Officer for the Headquarters  
24 Command Guam. On or about November 3, 1952, I was making my monthly check  
25 sitting at the desk in that office that was about five (5) feet from the window screens  
26 that covered the wall all the way down to about a couple of inches from the floor. I  
27 took out the metal calibration rod (about as big as a normal soda straw and about six

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

12         **WHEREAS**, the inhabitants of Guam were never warned or informed by the  
13 U.S. Navy of an increase in radioactivity; and

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

21         **WHEREAS**, on July 10, 2000, an amendment to RECA (Public Law 106-  
22 245) broadened the scope of eligibility for benefit coverage to include new victim  
23 categories, and to modify the eligibility criteria for compensation. The amendment  
24 set forth to extend the time period for consideration and compensation, and to  
25 include other individuals related to nuclear exposure, such as uranium miners,  
26 uranium millers, ore transporters, and “downwinders”; and

1           **WHEREAS**, in order to address the issue of eligibility, the Board on  
2 Radiation Effects Research (BRER) Committee invited Guam’s Mr. Robert N.  
3 Celestial and Congresswoman Madeleine Z. Bordallo to give oral and written  
4 testimonies in 2004. After completing both testimonies, an independent committee  
5 was convened. Their conclusions are in the Radiation Exposure Screening and  
6 Education Program (RESEP) Report 2005, and it states: “As a result of its analysis,  
7 the committee concludes that Guam did receive measureable fallout from  
8 atmospheric testing of nuclear weapons in the Pacific. Residents of Guam during  
9 that period should be eligible for compensation under RECA in a way similar to that  
10 of persons considered to be downwinders”; and

11           **WHEREAS**, the bills S. 197 and H.R. 2049, cited as the “*Radiation Exposure*  
12 *Compensation Act Amendments of 2017*,” were introduced in the Senate and the  
13 House of Representatives by both Republicans and Democrats. This is the seventh  
14 (7th) version of a RECA amendment bill introduced in the last ten (10) years. The  
15 original legislation covered twenty-one (21) counties in Arizona, Utah, and Nevada.  
16 The bill would extend coverage to claimants throughout all of Arizona, Colorado,  
17 Idaho, Montana, Nevada, New Mexico, and Utah; and Guam would be included for  
18 the Pacific test sites. It would also increase RECA awards for “downwinders” from  
19 Fifty Thousand Dollars (\$50,000) to One Hundred Fifty Thousand Dollars  
20 (\$150,000), equal to what uranium workers and test-site participants are eligible to  
21 receive; and

22           **WHEREAS**, the amendment to the Act will also extend the fund claims for  
23 nineteen (19) more years as opposed to the originally stated twenty-two (22) years;  
24 and

25           **WHEREAS**, *I Liheslaturan Guåhan* (the Guam Legislature) unequivocally  
26 supports the proposed amendments to RECA, which would include Guam as a  
27 downwind area; now, therefore, be it

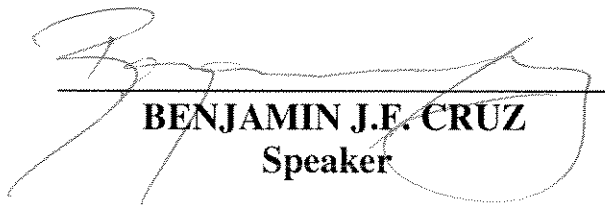
1           **RESOLVED**, that *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* (the 34<sup>th</sup>  
2 Guam Legislature) does hereby, on behalf of the people of Guam, seek compensation  
3 for cancer and other illnesses caused by exposure to ionizing radiation, and express  
4 its support for the passage of S. 197 and H.R. 2049, the “*Radiation Exposure*  
5 *Compensation Act Amendments of 2017*,” introduced in the United States Congress  
6 on January 24, 2017 and April 6, 2017, which would amend the “*Radiation Exposure*  
7 *Compensation Act*” to include Guam as a downwind area; and be it further

8           **RESOLVED**, that the Speaker and the Chairperson of the Committee on  
9 Rules certify, and the Legislative Secretary attest to, the adoption hereof, and that  
10 copies of the same be thereafter transmitted to the Honorable Donald J. Trump,  
11 President of the United States of America; to the Honorable Orrin Hatch, President  
12 Pro Tempore, U.S. Senate; to the Honorable Paul Ryan, Speaker, U.S. House of  
13 Representatives; to the Honorable David Roe, Chairman, Committee on Veterans’  
14 Affairs, U.S. House of Representatives; to the Honorable Timothy Walz, Ranking  
15 Member, Committee on Veterans’ Affairs, U.S. House of Representatives; to the  
16 Honorable Mac Thornberry, Chairman, Armed Services Committee, U.S. House of  
17 Representatives; to the Honorable Johnny Isakson, Chairman, Committee on  
18 Veterans’ Affairs, U.S. Senate; to the Honorable Jon Tester, Ranking Member,  
19 Committee on Veterans’ Affairs, U.S. Senate; to the Honorable John McCain,  
20 Chairperson, Committee on Armed Services, U.S. Senate; to the Honorable Jack  
21 Reed, Ranking Member, Committee on Armed Services, U.S. Senate; to the  
22 Honorable Mike Crapo, U.S. Senate; to the Honorable Tom Udall, U.S. Senate; to  
23 the Honorable James Risch, U.S. Senate ; to the Honorable Martin Heinrich, U.S.  
24 Senate; to the Honorable Michael Bennet, U.S. Senate; to the Honorable Madeleine  
25 Z. Bordallo, Guam Delegate, U.S. House of Representatives; to the Secretary of the  
26 Department of Veterans Affairs; to the Secretary of the Department of the Interior;  
27 to the Deputy Assistant Secretary for Insular Affairs; to the Administrator of the



1 Guam Office of Veterans Affairs; to the Guam Veterans Commission; to Mr. Fred  
2 Schafer, Managing Director National Commander, National Association of Atomic  
3 Veterans; to Mr. Bob Kiltbau, Hawaii State Commander, National Association of  
4 Atomic Veterans; to all the State and Area Commanders of the National Association  
5 of Atomic Veterans; to Mr. Robert N. Celestial, Pacific Association of Radiation  
6 Survivors President; to the Guam Office of Veterans' Affairs; and to the Honorable  
7 Edward J.B. Calvo, *I Maga'låhen Guåhan*.

**DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN* ON THE 27<sup>TH</sup> DAY OF FEBRUARY 2017.**



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**BENJAMIN J.F. CRUZ**  
Speaker



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**RÉGINE BISCOE LEE**  
Legislative Secretary