

111TH CONGRESS
1ST SESSION

H. R. 1630

To amend the Radiation Exposure Compensation Act to include the Territory of Guam in the list of affected areas with respect to which claims relating to atmospheric nuclear testing shall be allowed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2009

Ms. BORDALLO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Radiation Exposure Compensation Act to include the Territory of Guam in the list of affected areas with respect to which claims relating to atmospheric nuclear testing shall be allowed, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITION OF AFFECTED AREA TO INCLUDE**
4 **ADDITIONAL DOWNWIND AREA EXPOSED TO**
5 **IONIZING RADIATION (NUCLEAR FALLOUT).**

6 Section 4(b)(1) of the Radiation Exposure Com-
7 pensation Act (42 U.S.C. 2210 note) is amended—

1 (1) by striking “and” at the end of subpara-
2 graph (B); and

3 (2) by adding at the end the following:

4 “(D) the Territory of Guam; and”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) The United States conducted testing of
8 atomic nuclear weapons on Enewetak and Bikini
9 Atolls in the Marshall Islands, from 1946 to 1962.
10 A total of sixty-seven (67) atomic and thermonuclear
11 bombs were detonated which resulted in fallout
12 across a wide area in the Pacific.

13 (2) The Atomic Energy Commission detonated
14 sixty-seven (67) nuclear devices with a total yield of
15 one hundred eight thousand four hundred ninety-two
16 point two (108,492.2) kilotons in or around the
17 Marshall Islands.

18 (3) There were at least ten (10) detonations
19 that had a yield necessary of five (5) to ten (10)
20 megatons to project material from the center of the
21 explosion to the height of between twelve (12) to
22 fifty-five (55) miles into the jet-stream.

23 (4) On October 31, 1952 (GMT), the first true
24 H-Bomb, Ivy Mike was detonated at Elugelab
25 (“Flora”) Island, Enewetak Atoll. The 10.4 megaton

1 device was the fourth largest device ever tested by
2 the United States. The mushroom cloud climbed to
3 57,000 feet in only 90 seconds entering the strato-
4 sphere. One minute later it reached 108,000 feet,
5 eventually stabilizing at a ceiling of 120,000 feet.
6 Half an hour after the test, the mushroom stretched
7 sixty (60) miles across, with the base of the mush-
8 room head joining the stem at 45,000 feet.

9 (5) On April 27, 2005, the National Research
10 Council of the National Academies submitted to
11 Congress a report on the Assessment of the Sci-
12 entific Information for the Radiation Exposure
13 Screening and Education Program.

14 (6) The National Research Council stated in
15 their report on “ADDITIONAL POPULATIONS
16 ENVIRONMENTALLY AT RISK FOR RADI-
17 ATION EXPOSURE”, Nuclear Testing:
18 Downwinders and Onsite Participants, that the
19 Committee to Assess the Scientific Information for
20 the Radiation Exposure Screening and Education
21 Program reviewed the locations where nuclear-weap-
22 ons tests were performed, and that “The current
23 RECA downwinder population is concentrated in the
24 area around the NTS, and the 1997 NCI 131 I re-
25 port (NCI, 1997) dealt with emissions from the

1 NTS. In RECA, Congress found that fallout from
2 atmospheric nuclear tests exposed people to radi-
3 ation that is presumed to have caused an excess of
4 cancer and that this risk was borne by these people
5 to serve the national security interests of the United
6 States. The United States has conducted nuclear-
7 weapons tests in areas other than NTS, and popu-
8 lations exposed to fallout from these tests may also
9 be considered as possible candidates for RECA com-
10 pensation, if Congress so chooses. The tests in ques-
11 tion include the Trinity test near Alamogordo, New
12 Mexico, and the Pacific tests. Onsite participants in
13 the tests are already included under RECA, but
14 RECA coverage may be extended to the downwinder
15 populations in those areas. Over the last several
16 years, there has been a concern about the health ef-
17 fects associated with radioactive fallout that reached
18 Guam during the testing of nuclear weapons in Mi-
19 cronesia. The Pacific Association for Radiation Sur-
20 vivors was formed. In 2002, a blue ribbon panel, au-
21 thorized by the Government of Guam, submitted the
22 Committee Action Report on Radioactive Contami-
23 nation in Guam between 1946 and 1958.”.

24 (7) The National Research Council’s assess-
25 ment and recommendation for Guam is stated on

1 page 200 of the “Assessment of the Scientific Infor-
2 mation for the Radiation Exposure Screening and
3 Education Program”, which reads: “Conclusions. As
4 a result of its analysis, the committee concludes that
5 Guam did receive measurable fallout from atmos-
6 pheric testing of nuclear weapons in the Pacific.
7 Residents of Guam during that period should be eli-
8 gible for compensation under RECA in a way similar
9 to that of persons considered to be downwinders.”.

10 (8) In 1974, the Laboratory of Radiation Ecol-
11 ogy began a program to determine the radionuclides
12 found in food, plants, animals, and soils of the Cen-
13 tral Pacific. As part of this program, the study was
14 undertaken to determine the radionuclides found in
15 common foods and soils in Guam. All samples were
16 analyzed for gamma-emitting radionuclides while
17 some were also analyzed for Strontium 90 or Pluto-
18 nium 239,240. Cesium 137,210 PB and 235 U
19 were also on the soil on Guam. “Plants; Most values
20 of 137 Cs were less than 1 pCi/g, but a value of
21 18. pCi/g was measured in the edible portion of a
22 pandanus fruit from Guam. The inedible portion of
23 this fruit also had a high 137 Cs value, 16 pCi/g.”.

1 **SEC. 3. ELIGIBILITY TO FILE A CLAIM BASED ON PRESENCE**
 2 **DURING PERIOD OF TESTING.**

3 (a) CLAIMS RELATING TO LEUKEMIA.—Section
 4 4(a)(1)(A)(i) of the Radiation Exposure Compensation
 5 Act (42 U.S.C. 2210 note) is amended—

6 (1) in subclauses (I) and (II), by inserting “de-
 7 scribed in subparagraph (A), (B), or (C) of sub-
 8 section (b)(1)” after “affected area”;

9 (2) in subclause (II)—

10 (A) by striking “in the” before “affected
 11 area” and inserting “in an”; and

12 (B) by striking “or” at the end;

13 (3) by redesignating subclause (III) as sub-
 14 clause (V); and

15 (4) by inserting after subclause (II) the fol-
 16 lowing:

17 “(III) was physically present in
 18 the affected area described in sub-
 19 section (b)(1)(D) for a period of at
 20 least 1 year during the period begin-
 21 ning on June 30, 1946, and ending on
 22 November 30, 1974;

23 “(IV) was physically present in
 24 the affected area described in sub-
 25 section (b)(1)(D) for the period begin-

1 ning on June 30, 1946, and ending on
2 November 30, 1974;”.

3 (b) CLAIMS RELATING TO SPECIFIED DISEASES.—
4 Section 4(a)(2) of the Radiation Exposure Compensation
5 Act (42 U.S.C. 2210 note) is amended—

6 (1) in subparagraphs (A) and (B)—

7 (A) by striking “in the” before “affected
8 area” and inserting “in an”; and

9 (B) by inserting “described in subpara-
10 graph (A), (B), or (C) of subsection (b)(1)”
11 after “affected area”;

12 (2) in subparagraph (B), by striking “or” at
13 the end;

14 (3) by redesignating subparagraph (C) as sub-
15 paragraph (E); and

16 (4) by inserting after subparagraph (B) the fol-
17 lowing:

18 “(C) was physically present in the affected
19 area described in subsection (b)(1)(D) for a pe-
20 riod of at least 2 years during the period begin-
21 ning on June 30, 1946, and ending on Novem-
22 ber 30, 1974.

23 “(D) was physically present in the affected
24 area described in subsection (b)(1)(D) for the

1 period beginning on June 30, 1946, and ending
2 on November 30, 1974.”.

3 **SEC. 4. AMENDMENTS TO RECA.**

4 (a) **ADDITIONAL RELIEF.**—Section 4 of the Radi-
5 ation Exposure Compensation Act (42 U.S.C. 2210 note)
6 is amended by adding at the end the following:

7 “(c) **ADDITIONAL RELIEF.**—

8 “(1) **OTHER AREAS.**—

9 “(A) **IN GENERAL.**—An individual who re-
10 sided in the Territory of Guam not covered
11 under subsection (b)(1)(D) during the time pe-
12 riod described in subsection (a)(1)(A)(i) may
13 apply for compensation under this Act.

14 “(B) **PROCEDURE.**—The National Cancer
15 Institute, in collaboration with the Centers for
16 Disease Control and Prevention, shall evaluate
17 whether an individual submitting an application
18 under subparagraph (A) is eligible for com-
19 pensation under this Act on a case-by-case
20 basis.

21 “(2) **OTHER EXPENSES.**—An individual who is
22 eligible for compensation under subsection (b)(1)(D)
23 or paragraph (1) shall also receive compensation
24 from the Fund for the costs of screening, complica-
25 tions of screening, follow-up referrals, work-up diag-

1 nosis, and treatment related to the specific disease
2 contracted by the individual.”.

3 **SEC. 5. EDUCATION PROGRAM.**

4 The Health Resources and Services Administration
5 shall conduct an enhanced program of education and com-
6 munication about the health risks posed by ionizing radi-
7 ation exposure from fallout from the United States nu-
8 clear-weapons testing.

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