



**Association  
of  
Pacific  
Island  
Legislatures**

American Samoa  
Commonwealth of the Northern Mariana Islands  
FSM, State of Chuuk  
FSM, State of Kosrae  
FSM, State of Pohnpei  
FSM, State of Yap  
Island of Guam  
Republic of Kiribati  
Republic of the Marshall Islands  
Republic of Nauru  
Republic of Palau  
State of Hawaii

**A RESOLUTION**

**Resolution No. 26-GA-13**

**“REQUESTTING THE UNITED STATES CONGRESS TO *AMEND* THE RADIATION EXPOSURE COMPENSATION ACT OF 1990, TO INCLUDE THE PEOPLE OF ALL THE ISLAND ENTITIES OF APIL, ONCE QUALIFIED AS ‘DOWNWINDER’ CLAIMANTS AND THAT THE APIL SUPPORTS AND ENCOURAGES THE APIL ISLAND MEMBER ENTITIES TO CONDUCT AND COLLECT DATA OF NUCLEAR FALLOUT IN THEIR OWN REGION.”**

1       **WHEREAS**, the United States conducted testing of atomic nuclear weapons on Enewetok and Bikini Atolls in the  
2       Marshall Islands, from 1946 to 1962. A total of 67 atomic and thermonuclear bombs were detonated causing radiation  
3       fallout across a wide area of the Pacific, including Guam. Similarly, Continental United States residents were exposed to  
4       radiation resulting from the Nevada nuclear weapons testing sites. Many subsequently developed serious diseases, including  
5       various types of cancer. On October 1990, in order to establish a procedure to make partial restitution to radiation exposure  
6       victims for their suffering, President George H. Bush signed into law the Radiation Exposure Compensation Act (RECA).  
7       RECA established the Radiation Exposure Compensation Program (RECP) with the Civil Division of the Department of  
8       Justice to administer its responsibilities under the Act. In April 1992, RECP began processing claims. The RECA, as  
9       amended on July 10 2000, broadened the scope of eligibility for benefits to include new victim categories and to modify the  
10      criteria for eligibility for compensation; and

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

16      **WHEREAS**, RECA, as amended, broadens coverage to authorize monetary compensation to individuals who  
17      were present or nearby when nuclear weapons tests were conducted at the Nevada test site, or who worked in uranium  
18      mines, and later developed certain diseases; adds more qualifying occupations relating to uranium production; increases the  
19      number of states covered and extends the time period considered for radiation exposure; adds more diseases which may  
20      qualify individuals for compensation; decreases the level of radiation exposure that is necessary to qualify; and establishes  
21      medical criteria that are less stringent for potential claimants; and

22      **WHEREAS**, nuclear tests conducted by the United States Government in the Marshall Islands from 1946 until  
23      1962 have led to increased levels of radiation in some of the Micronesian Islands; and

24      **WHEREAS**, such increased levels of radiation have led to serious health and other environmental problems for  
25      life in such areas; and



1           **WHEREAS**, all islands of the membership of the APIL with the exception of the State of Hawaii and American  
2 Samoa come within the "DOWNWINDER" distance range of the nuclear test conducted in the Marshall Islands; and

3           **WHEREAS**, the Atomic Energy Commission detonated 67 nuclear devices with a total yield of 108,492.2  
4 kilotons in or around the Marshall Islands; and

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

8           **WHEREAS**, the material drops to land surfaces and enters the food and water supply of the local population; and

9           **WHEREAS**, there were no fewer than ten detonations that had a yield necessary five to ten megatons to project  
10 material from the center of the explosion to a height of twelve to fifty-five miles into the jet-stream; and

11           **WHEREAS**, on October 31, 1952, (GMT) the first true thermonuclear H-bomb, the Mike shot of operation Ivy  
12 was detonated at Elugelab ("Flora") Island, Enewetak Atoll. This 10.4 megaton device, the 4<sup>th</sup> largest device ever tested by  
13 the U.S. Elugelad (code named Flora) was destroyed in its entirety. The resulting crater was measured 6240 feet across and  
14 164 feet deep; and

15           **WHEREAS**, the mushroom cloud at Elugelab climbed to 57,000 feet in only ninety seconds, entering the  
16 stratosphere. One minute later it reached 108,000 feet, eventually stabilizing at a ceiling of 120,000 feet. One half an hour  
17 after the test, the mushroom stretched sixty miles across, with the base of the mushroom head joining the stem at 45,000  
18 feet; and

19           **WHEREAS**, the sworn testimony of Charles Bert Schreiber, Lt., USN-Ret, on the fallout of the First Hydrogen  
20 Bomb Test, the detonation of Ivy Mike, states that "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 desk in that office that was about five  
22 feet from the window screens that covered the wall all the way down to about a couple of inches from the floor. I took out  
23 the metal calibration rod (about as big as a normal soda straw and about six inches long) stored in the instrument that has a  
24 small radioactive source on its end. I put the counter on the low setting (it has three; low, medium, and high) and was ready  
25 to place the rod near the detection windows (two of them), but the dial needle was way over on the scale and the audible  
26 signal was clicking like mad, or almost a continuous sound; sounds like constant static on a radio. My original thought was  
27 that the counter was malfunctioning, but when I raised it up and put it neared the screen window, the dial needle swung even  
28 further over and the sound increased still further. I then put it close to the screen near the floor and the needle went off the  
29 scale (as far as it could swing right). I knew it was not the counter, but that there was some radioactivity outside. I panicked.  
30 My first thought was that Guam had been subjected to some radioactive dust attack"; and

31           **WHEREAS**, the National Research Council's committee's analytical findings, as noted on page 328 of their  
32 report, corroborate, Mr. Schreiber's testimony; and

33           **WHEREAS**, the United States Navy admits full knowledge of the test and there was no warning given to the local  
34 population; and

35           **WHEREAS**, according to the Department of Justice and in accordance with Code of Federal Regulation Title 28,  
36 Part 78 – Claims under the Radiation Exposure Compensation Act, Subpart E – Eligibility Criteria for Claims by Onsite  
37 Participants, Guam and all the "Downwinders" of the Marshall Island nuclear testing, now meet the eligibility criteria due to  
38 the wash down of military vessels/aircraft from the nuclear testing conducted at the Pacific Proving Grounds Marshall  
39 Islands; and



1       **WHEREAS**, in May 2004, Assistant Director Dianne Spellberg, for the Civil Division of the Radiation Exposure  
2       Compensation Program and Director Dr. Evan B. Douple of the Board of Radiation Effects Research committee met with  
3       Guam leaders to discuss Guam's eligibility as "Onsite participant/Downwinders", Assistant Director Spellberg indicated that  
4       Guam meets the eligibility criteria as an "Onsite participant", and suggested that Congresswoman Madeleine Z. Bordallo  
5       submit a bill to the U.S. Congress to amend Title 28 C.F.R. 79, Subpart E, Sec. 79.40, to include the population of Guam  
6       during that time period; and

7       **WHEREAS**, on March 2004, Ms. Isaf Al-Nabulsi Ph.D. (Senior Study Director) BRER invited W. Chris Perez,  
8       M.D., Dr. Wesley Youngberg M.P.H., Mr. Robert N. Celestial, and Delegate Madeleine Z. Bordallo to attend a BRER  
9       committee hearing in Washington D.C.; and

10       **WHEREAS**, on March 24, 2004, a Guam delegation of Delegate Madeleine Z. Bordallo, Guam Senator Carmen  
11       Fernandez and Mr. Robert N. Celestial presented oral testimony and documented evidence, gathered and prepared by Mr.  
12       Celestial and the doctors, to the BRER Committee to Assess the scientific information for the Radiation Exposure Screening  
13       and Education Program, under the auspices of the National Research Council as mandated by Congress. The  
14       aforementioned committee's final report will be sent to Congress for action and in support of this request; and

15       **WHEREAS**, the fact that the numerous "DOWNWINDERS" are islands/atolls which are part of the Marshall  
16       Islands speaks for itself on the effects the nuclear testing had on the people. It is a historical fact which continues to haunt  
17       the present for the entire APIL membership region (with the exception of the State of Hawaii and American Samoa); and

18       **WHEREAS**, sadly, this nuclear legacy is a part of the U.S. history and will continue to haunt the United States  
19       until the "same standards of care, safety, redress of grievance and justice" that Congress has adopted with respect to nuclear  
20       testing that was conducted in the U.S. mainland is applied to the membership island states of the APIL (with the exception  
21       of the State of Hawaii and American Samoa); and

22       **WHEREAS**, as previously states, on October 15, 1990, President George H. Bush signed into law Public Law No.  
23       101-426, the "Radiation Exposure Compensation Act." "This bill establishes new entitlement programs for persons  
24       physically present in areas near the Nevada Nuclear Test Site during atomic testing at the site. Atmospheric testing of  
25       atomic devices—important to national security during the darkest days of the "cold war"—ended in 1963 when, under  
26       President Kennedy, the United States signed and ratified the Limited Test Ban Treaty. Prior to the Treaty, the United States  
27       detonated over 200 atomic devices in the open air, in both the South Pacific and in Nevada. The bill provides  
28       compassionate payments to persons with specified diseases who fear that their health was harmed because of fallout from  
29       atmospheric atomic testing at the Nevada test site, regardless of whether causation can be scientifically established. The bill  
30       entitles each person meeting specific criteria to a payment of \$50,000. Uranium miners meeting separate criteria will be  
31       entitled to compassionate payments in the amount of \$100,000. These payments fairly resolve the claims of persons present  
32       at the test site and of downwind residents and uranium miners. The bill, which is fiscally responsible, establishes a trust  
33       fund, and \$100,000,000 is authorized to be appropriated to be paid into the fund. H.R. 2372 is the result of close  
34       cooperation between the Administration and the Congress. As a result of the Administration's initial concerns, many earlier  
35       objections have been addressed and the bill has been vastly improved. This legislation establishes a compensation system in  
36       the executive branch that can be administered efficiently and permit eligible claimants to receive compensation without the  
37       expense and delay of traditional litigation"; and

38       **WHEREAS**, the Assessment of the Scientific Information for the Radiation Exposure Screening and Education  
39       Program reports that: "As a result of its analysis, the committee concludes that Guam did receive measurable fallout from  
40       the atmospheric testing of nuclear weapons in the Pacific. Residents of Guam during that period should be eligible for  
41       compensation under RECA in a way similar to that of persons considered to be DOWNWINDERS"; and



1       **WHEREAS**, it therefore goes to show that all APIL island states (with the exception of the State of Hawaii and  
2 American Samoa) should be included under RECA as DOWNWINDERS if not onsite participants; and

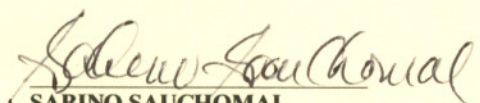
3       **WHEREAS**, the people of the island states of the APIL staunchly request that they be included under RECA as  
4 DOWNWINDERS, as recommended by BRER committee, with eligibility criteria for the time period of exposure to nuclear  
5 fallout from 1946 through 1974 and under the current law (P.L. 101-426);

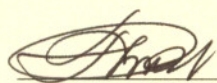
6       **NOW THEREFORE, BE IT RESOLVED** by the Association of Pacific Island Legislatures, 26<sup>th</sup> General  
7 Assembly Conference, June 21-23, 2007, American Samoa, that the Association of Pacific Island Legislatures does hereby,  
8 on behalf of the peoples, petition the United States Congress to amend the "Radiation Exposure Compensation Act of 1990",  
9 Public Law 101-426, as amended by Public Law 101-510, 3139 (42 U.S.C. 2210) and Public Law 106-245, to include all the  
10 island states of the Association of Pacific Island Legislatures as DOWNWINDERS and/or onsite participants; and

11       **BE IT FURTHER RESOLVED**, that the population previously and currently residing in the island states of the  
12 Association of Pacific Island Legislatures with the exception of Hawaii and American Samoa who were exposed to radiation  
13 resulting from the Atomic Energy Commission tests in the Marshall Islands be recognized as "DOWNWINDERS" of such  
14 tests and therefore eligible for compensation from compassionate payments under the original intent of RECA regardless of  
15 whether causation can be scientifically established; and

16       **BE IT FURTHER RESOLVED**, that the APIL President shall certify, and the APIL Secretary shall attest to the  
17 adoption hereof and that copies of the same shall be thereafter transmitted to the to the Honorable Senator Daniel K. Akaka,  
18 United States Senate; to the Honorable Senator Daniel K. Inouye, Hawaii; to the Honorable Congressman Neil  
19 Abercrombie, United States House of Representative; to the Honorable Madeleine Z. Bordallo, Delegate to Congress, U.S.  
20 House of Representatives and to the Presiding Legislative Officers and the Chief Executive Officers of all members of the  
21 Association of Pacific Island Legislatures.

**DULY AND REGULARLY ADOPTED ON THE 23<sup>RD</sup> DAY OF JUNE, 2007.**

  
**SABINO SAUCHOMAL**  
**APIL PRESIDENT**

  
**JUDITH T. WON PAT, Ed. D.**  
**APIL ACTING SECRETARY**

