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110TH CONGRESS
1ST SESSION

H. R. 3379

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

AUGUST 3, 2007

Ms. BORDALLO (by request) introduced the following bill; which was referred to the Committee on the Judiciary

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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

Section 4(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking ''and'' at the end of subparagraph (B); and

(2) by adding at the end the following:

''(D) the Territory of Guam; and''.

SEC. 2. FINDINGS.

Congress finds the following:

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

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

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

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

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

(5) On April 27, 2005, the National Research Council of the National Academies submitted to Congress a report on the Assessment of the Scientific Information for the Radiation Exposure Screening and Education Program.

(6) The National Research Council stated in their report on ''ADDITIONAL POPULATIONS ENVIRONMENTALLY AT RISK FOR RADIATION EXPOSURE'', Nuclear Testing: Downwinders and Onsite Participants, that the Committee to Assess the Scientific Information for the Radiation Exposure Screening and Education Program reviewed the locations where nuclear-weapons tests were performed, and that ''The current RECA downwinder population is concentrated in the area around the NTS, and the 1997 NCI 131 I report (NCI, 1997) dealt with emissions from the

NTS. In RECA, Congress found that fallout from atmospheric nuclear tests exposed people to radiation that is presumed to have caused an excess of cancer and that this risk was borne by these people to serve the national security interests of the United States. The United States has conducted nuclear-weapons tests in areas other than NTS, and populations exposed to fallout from these tests may also be considered as possible candidates for RECA compensation, if Congress so chooses. The tests in question include the Trinity test near Alamogordo, New Mexico, and the Pacific tests. Onsite participants in the tests are already included under RECA, but RECA coverage may be extended to the downwinder populations in those areas. Over the last several years, there has been a concern about the health effects associated with radioactive fallout that reached Guam during the testing of nuclear weapons in Micronesia. The Pacific Association for Radiation Survivors was formed. In 2002, a blue ribbon panel, authorized by the Government of Guam, submitted the Committee Action Report on Radioactive Contamination in Guam between 1946 and 1958.''.

(7) The National Research Council's assessment and recommendation for Guam is stated on

page 200 of the ''Assessment of the Scientific Information for the Radiation Exposure Screening and Education Program'', which reads: ''Conclusions. As a result of its 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.''.

(8) In 1974, the Laboratory of Radiation Ecology began a program to determine the radionuclides found in food, plants, animals, and soils of the Central Pacific. As part of this program, the study was undertaken to determine the radionuclides found in common foods and soils in Guam. All samples were analyzed for gamma-emitting radionuclides while some were also analyzed for Strontium 90 or Plutonium 239,240. Cesium 137,210 PB and 235 U were also on the soil on Guam. ''Plants; Most values of 137 Cs were less than 1 pCi/g, but a value of 18. pCi/g was measured in the edible portion of a pandanus fruit from Guam. The inedible portion of this fruit also had a high 137 Cs value, 16 pCi/g.''.

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

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

(1) in subclauses (I) and (II), by inserting ''described in subparagraph (A), (B), or (C) of subsection (b)(1)'' after ''affected area'';

(2) in subclause (II)—

(A) by striking ''in the'' before ''affected area'' and inserting ''in an''; and

(B) by striking ''or'' at the end;

(3) by redesignating subclause (III) as subclause (V); and

(4) by inserting after subclause (II) the following:

''(III) was physically present in the affected area described in subsection (b)(1)(D) for a period of at least 1 year during the period beginning on June 30, 1946, and ending on November 30, 1974;

''(IV) was physically present in the affected area described in subsection (b)(1)(D) for the period begin-

ning on June 30, 1946, and ending on November 30, 1974;''.

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

(1) in subparagraphs (A) and (B)—

(A) by striking ''in the'' before ''affected area'' and inserting ''in an''; and

(B) by inserting ''described in subparagraph (A), (B), or (C) of subsection (b)(1)'' after ''affected area'';

(2) in subparagraph (B), by striking ''or'' at the end;

(3) by redesignating subparagraph (C) as subparagraph (E); and

(4) by inserting after subparagraph (B) the following:

''(C) was physically present in the affected area described in subsection (b)(1)(D) for a period of at least 2 years during the period beginning on June 30, 1946, and ending on November 30, 1974.

''(D) was physically present in the affected area described in subsection (b)(1)(D) for the

period beginning on June 30, 1946, and ending on November 30, 1974.''.

SEC. 4. AMENDMENTS TO RECA.

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

''(c) ADDITIONAL RELIEF.—

''(1) OTHER AREAS.—

''(A) IN GENERAL.—An individual who resided in the Territory of Guam not covered under subsection (b)(1)(D) during the time period described in subsection (a)(1)(A)(i) may apply for compensation under this Act.

''(B) PROCEDURE.—The National Cancer Institute, in collaboration with the Centers for Disease Control and Prevention, shall evaluate whether an individual submitting an application under subparagraph (A) is eligible for compensation under this Act on a case-by-case basis.

''(2) OTHER EXPENSES.—An individual who is eligible for compensation under subsection (b)(1)(D) or paragraph (1) shall also receive compensation from the Fund for the costs of screening, complications of screening, follow-up referrals, work-up diag-

nosis, and treatment related to the specific disease contracted by the individual.''.

SEC. 5. EDUCATION PROGRAM.

The Health Resources and Services Administration shall conduct an enhanced program of education and communication about the health risks posed by ionizing radiation exposure from fallout from the United States nuclear-weapons testing.

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