

Mr. Fred M. Zeder, II
Director of Territorial Affairs
Department of Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Dear Mr. Zeder,

We would like to call attention to the fact that the bill before our Congress for compensation for radiation effects of the Marshallese people of Rongelap and Utirik Atolls who were exposed to fallout radiation in 1954 allows for compensation of those undergoing thyroid surgery for thyroid tumors and for malignancies, namely leukemia related to radiation exposure. Recently, certain other types of malignancy have been reported to be associated with radiation exposure with sufficient frequency to be included (The Effects on Populations of Exposure to Low Levels of Ionizing Radiation, Report of the Advisory Committee on Biological Effects of Ionizing Radiation, NAS-NRC, U.S. Gov't Printing Office, Washington, D.C., Nov. 1972; A Report of the United Nations Scientific Committee on the Effects of Atomic Radiation to the General Assembly, with annexes, United Nations, N.Y. 1972). Therefore, in addition to leukemias and cancer of the thyroid glands, malignancies developing in the following organs should be included: gastrointestinal tract and stomach, breast and lungs. Although the number of such cancers would be expected to be very small or even unlikely to occur and the role of radiation in the development of such a cancer could never be proved, it is nevertheless recommended that any individual in the exposed groups developing such types of malignancy be included for compensation.

On the basis of the above facts the name of a Rongelap man (#68, who died last year of cancer of the stomach should be added to the list of those considered for compensation. We will keep you informed of any further people who might develop such malignancies.

Sincerely,

James L. Liverman

PRIVACY ACT MATERIAL REMOVED

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95TH CONGRESS
1ST SESSION

H. R. 6110

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1977

Mr. PHILIP BURTON introduced the following bill; which was referred
to the Committee on Interior and Insular Affairs

A BILL

To authorize certain appropriations for the territories of the
United States, to amend certain Acts relating thereto, 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 TITLE I

4 SEC. 101. (a) Section 2 of the Act of June 30, 1954
5 (68 Stat. 330), as amended, is further amended by chang-
6 ing "and such amounts as were authorized but not appro-
7 priated for fiscal year 1975," to read "and such amounts
8 as were authorized but not appropriated for fiscal years
9 1975, 1976, and 1977; and for fiscal year 1978 and each

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1 of the next succeeding four fiscal years \$80,000,000 per
2 annum;”

3 (b) Section 1 of the Act of March 21, 1972 (86
4 Stat. 87; 48 U.S.C. 1688), is amended by changing “Sec-
5 TION 1” to “SECTION 1. (a)” and inserting at the end
6 thereof the following new subsection (b) :

7 “(b) To further promote economic development in the
8 Trust Territory of the Pacific Islands, \$5,000,000 is au-
9 thorized to be appropriated to the Secretary of the Interior
10 for payment, as a grant, to the Trust Territory Economic
11 Development Loan Fund. All such appropriations shall be
12 used in accordance with the provisions of this Act, but at
13 least 50 per centum of the appropriations made available
14 to the Fund pursuant to this paragraph shall be available
15 only to assist qualified cooperative ventures.”

16 SEC. 102. Until the provisions of the covenant to
17 establish a Commonwealth for the Northern Mariana Islands
18 (90 Stat. 263) have been met and approved as required
19 in section 1003 (b) thereof, there is hereby authorized
20 to be appropriated \$13,515,000 for the government of the
21 Northern Mariana Islands. When such conditions are met,
22 the appropriations authorized in article VII, section 704, of
23 said covenant shall become effective.

24 SEC. 103. In addition to amounts heretofore authorized,
25 there are hereby authorized to be appropriated such amounts

1 as may be necessary to fully satisfy all adjudicated claims
2 and final awards made by the Micronesian Claims Com-
3 mission under title I and title II of the Micronesian Claims
4 Act of 1971 (85 Stat. 96).

5 Sec. 104. For the rehabilitation and resettlement of
6 Bnewetak Atoll in the Trust Territory of the Pacific Islands
7 there is hereby authorized to be appropriated \$12,400,000
8 (July 1976 prices) plus or minus such amounts, if any,
9 as may be justified by reason of ordinary fluctuations in con-
10 struction costs as indicated by engineering costs indexes ap-
11 plicable to the types of construction involved.

12 Sec. 105. (a) In addition to appropriations author-
13 ized to compensate inhabitants of Rongelap Atoll and
14 Utirik Atoll in the Trust Territory of the Pacific Islands
15 for radiation exposure sustained by them as a result of a
16 thermonuclear detonation at Bikini Atoll in the Marshall
17 Islands on March 1, 1954, pursuant to the Act of August 22,
18 1964 (78 Stat. 598), there are authorized to be appropriated
19 such amounts as may be necessary to carry out the provisions
20 of this Act and the Secretary of the Interior (hereafter
21 in this section referred to as the "Secretary") is authorized
22 and directed to make the payments as hereafter provided
23 in this paragraph to individuals, or to their heirs or legatees,
24 as the case may be, who were on March 1, 1954, residents
25 on Rongelap Atoll or Utirik Atoll in the Marshall Islands.

1 (1) The Secretary shall pay \$25,000 to each such
2 individual from whom the thyroid gland or a neuro-
3 fibroma in the neck was surgically removed, or who has
4 developed ^{or} thyroid atrophy resulting in myxedema, or
5 who develops a radiation related malignancy, such as
6 leukemia,

7 (2) The Secretary shall pay \$1,000 to each indi-
8 vidual who, on such date, was a resident on Utirik
9 Atoll, and

10 (3) Where circumstances warrant, as he shall
11 determine, the Secretary shall pay an amount not in
12 excess of \$25,000 as he determines to be an appro-
13 priate compassionate compensation to each such indi-
14 vidual who has suffered any physical injury or harm
15 from a radiation related cause but who is not an indi-
16 vidual described in paragraph (1) or (2).

17 (4) In addition to the payments provided in para-
18 graphs (1), (2), and (3) of this subsection, the Sec-
19 retary shall provide by appropriate means adequate
20 medical care and treatment for any person who has
21 a continuing need for the care and treatment of any
22 radiation injury or illness directly related to the ther-
23 monuclear detonation referred to in paragraph (a) of
24 this section.

25 (5) Not later than December 31, 1980, the Secre-

1 tary shall report to the appropriate committees of the
2 United States Congress for their consideration what, if
3 any, additional compassionate compensation may be
4 justified for those individuals continuing to suffer from
5 injuries or illnesses directly related to radiation result-
6 ing from the thermonuclear detonation referred to in
7 paragraph (a) of this section.

8 In the case of the demise of any individual entitled to receive
9 payment under this section who expires before receiving
10 such payment, the Secretary shall pay the amount which
11 that individual would have been entitled to receive under
12 this section to the heirs or legatees of such individual, in
13 accordance with an appropriate method of distribution per
14 stirpes, and not per capita.

15 (b) For the use of each of the island communities of
16 Rongelap, Utrik, and Bikini Atolls there is authorized to
17 be appropriated \$100,000. Such funds are to be paid by the
18 Secretary, in conjunction with guidelines to be established
19 by the High Commissioner of the Trust Territory of the
20 Pacific Islands, for such community purposes as the munic-
21 ipal councils of such island communities may direct.

22 (c) A payment made under the provisions of this Act
23 shall be in full settlement and discharge of all claims against
24 the United States arising out of the thermonuclear detona-
25 tion on March 1, 1954.

1 (d) The decisions of the Secretary in allowing or deny-
2 ing any claim for payment under this Act shall be final and
3 conclusive on all questions of law and fact and not subject to
4 review by any other official of the United States, or by
5 any court by mandamus or otherwise.

6 (e) The Secretary is authorized to make such rules
7 and regulations as he determines necessary to carry out the
8 provisions of this Act.

9 TITLE II

10 SEC. 201. In order to minimize the burden caused by
11 existing application and reporting procedures for certain
12 grant-in-aid programs available to the Commonwealth of
13 Puerto Rico, the Virgin Islands, Guam, American Samoa,
14 the Trust Territory of the Pacific Islands, and the Gov-
15 ernment of the Northern Mariana Islands (hereafter referred
16 to as "Insular Areas") it is hereby declared to be the policy
17 of the Congress that:

18 (a) Notwithstanding any provision of law to the
19 contrary, any department or agency of the Government
20 of the United States which administers any Act of Con-
21 gress which specifically provides for making grants to
22 any Insular Area under which payments received may
23 be used by such Insular Area only for certain specified
24 purposes (other than direct payments to classes of
25 individuals) may, acting through appropriate admin-

1 administrative authorities of such department or agency, con-
2 solidate any or all grants made to such area for any fiscal
3 year or years.

4 (b) Any consolidated grant for any insular area
5 shall not be less than the sum of all grants which such
6 area would otherwise be entitled to receive for such
7 year.

8 (c) The funds received under a consolidated grant
9 shall be expended in furtherance of the programs and
10 purposes authorized for any of the grants which are
11 being consolidated, which are authorized under any of
12 the Acts administered by the department or agency
13 making the grant, and which would be applicable to
14 grants for such programs and purposes in the absence
15 of the consolidation, but the insular areas shall deter-
16 mine the proportion of the funds granted which shall
17 be allocated to such programs and purposes.

18 (d) Each department or agency making grants-
19 in-aid shall, by regulations published in the Federal
20 Register, provide the method by which any insular
21 area may submit (i) a single application for a con-
22 solidated grant for any fiscal year period, but not more
23 than one such application for a consolidated grant shall
24 be required by any department or agency unless notice
25 of such requirement is transmitted to the appropriate

1 committees of the United States Congress together
2 with a complete explanation of the necessity for requir-
3 ing such additonal applications and (ii) a single report
4 to such department or agency with respect to each
5 such consolidated grant: *Provided*, That nothing in this
6 paragraph shall preclude such department or agency
7 from providing adequate procedures for accounting,
8 auditing, evaluating, and reviewing any programs or
9 activities receiving benefits from any consolidated
10 grant. The administering authority of any department
11 or agency, in its discretion, may waive the requirement
12 that any insular area submit an application or report
13 in writing with respect to any consolidated grant.

14 TITLE III

15 SEC. 301. (a) There is hereby authorized to be approp-
16 priated to the Secretary of the Interior (hereinafter referred
17 to as the Secretary), not to exceed \$15,000,000 for a grant
18 to the Government of Guam to assist in typhoon rehabilita-
19 tion, upgrading and construction of public facilities, and
20 maintenance of essential services.

21 (b) Funds provided under this Act may be used by
22 Guam as its matching share for Federal programs and
23 services.

24 (c) The Government of Guam in carrying out the
25 purpose of this Act may utilize, to the extent practicable,

1 the available services and facilities of agencies and instru-
2 mentalities of the United States Government on a reimburs-
3 able basis. Reimbursements may be credited to the appropria-
4 tion or fund which provided the services and facilities.
5 Agencies and instrumentalities of the United States Govern-
6 ment may, when practicable, make available to the Govern-
7 ment of Guam upon request of the Secretary such services
8 and facilities as they are equipped to render or furnish, and
9 they may do so without reimbursement if otherwise au-
10 thorized by law.

11 Sec. 302. Section 2 of the Guam Development Fund
12 Act of 1968 (82 Stat. 1172; 48 U.S.C. 1423) is amended
13 by changing "Sec. 2." to "Sec. 2. (a)" and adding at the
14 end thereof the following new subsection (b) :

15 (b) In addition to the appropriations authorized in sub-
16 section (a), \$1,000,000 is authorized to be appropriated to
17 the Secretary of the Interior to be paid to the Government
18 of Guam annually for five fiscal years commencing in fiscal
19 year 1978 to carry out the purposes of this Act."

20 Sec. 303. The Organic Act of Guam (64 Stat. 384)
21 as amended (48 U.S.C. 1421 et seq.) is further amended:

22 (a) by changing section 9 (a) to read as follows:

23 "Sec. 9. (a) Effective October 1, 1978, the office of
24 the government comptroller for Guam is abolished. The
25 Comptroller General of the United States shall assume

1 such functions of the government comptroller as he deems
2 necessary and appropriate with respect to the interest of
3 the Government of the United States, may audit any ac-
4 counts or review and recommend adjudication of any claims
5 pertaining to the revenue and receipts of the Government
6 of Guam where the interest of the Government of the United
7 States is involved. In order to effectuate the provisions of
8 this section, the Comptroller General may make such rules
9 and regulations as he deems necessary to carry out such
10 functions and duties and may delegate such responsibilities
11 as he deems appropriate to other officers or employees of
12 the General Accounting Office. The application of this sec-
13 tion may be suspended by the Secretary year by year:
14 *Provided, however, That the Government of Guam is re-*
15 *lieved of the responsibility to pay for such Comptroller costs*
16 *subsequent to September 30, 1977."*

17 (b) by changing the period at the end of section
18 31 (a) to a colon and inserting the following: "*Pro-*
19 *vided, That notwithstanding any other provision of law,*
20 *the Legislature of Guam may levy a surtax on all tax-*
21 *payers in an amount not to exceed 10 per centum of their*
22 *annual income tax obligation to the Government of*
23 *Guam."*

24 Sec. 304. (a) For the purpose of providing equitable
25 compensation to persons owning real estate in Guam which

1 was, or may have been, acquired between July 21, 1944, and
2 August 23, 1963, by the United States at less than fair
3 market value, \$5,000,000 is authorized to be appropriated
4 to the Secretary of the Interior (hereinafter referred to in
5 this section as the "Secretary") who shall make ex gratia
6 payments to promptly satisfy such claims as he determines
7 to be just and reasonable.

8 (b) To carry out the purposes of this Act, the Secretary
9 shall give appropriate public notice of the provisions of this
10 title; shall advise persons who may be entitled to file claims
11 pursuant to its provisions of their rights; shall give appro-
12 priate public notice of the time when, the place where, and
13 the manner in which any aggrieved person, his heirs or
14 legatees may enter his claim; shall provide reasonable assist-
15 ance in the preparation and filing of such claims; shall estab-
16 lish the time limit within which all claims must be filed and
17 specifically barring all subsequent claims from consideration
18 under the provisions of this Act; and shall make whatever
19 other rules and regulations he deems appropriate to assure
20 the prompt, fair, and complete consideration of all such
21 claims against the United States.

22 (c) To assist in the determination of any claim against
23 the United States, the Secretary or any person he may
24 designate pursuant to this section, may request, and the
25 agency or department of the Government of the United

1 States involved shall, to the best of its ability, deliver any
2 documents, records, and writings which are pertinent to
3 any claim which he has under review.

4 (d) In order to arrive at a just and equitable settle-
5 ment of such claims, the Secretary may designate appropriate
6 employees of the Department of the Interior to hear evidence
7 relating to the claim, to examine records, to prepare a
8 summary of testimony and other evidence and requests in
9 connection with each such claim, and to recommend ap-
10 propriate disposition thereof to the Secretary. As promptly
11 as possible after receiving such information the Secretary
12 shall determine what compensation, if any, should be paid
13 to satisfy the claim, shall notify the claimant of his decision,
14 and shall make whatever ex gratia payment, if any, he
15 determines to be just and equitable. The decision of the
16 Secretary shall be final and conclusive insofar as payments
17 under this Act are concerned on all questions of law and
18 fact relating to such claim and shall not be subject to review
19 by any other official, department, or agency of the United
20 States, or by any court by mandamus or otherwise.

21 (e) When all claims have been determined, the Secre-
22 tary shall prepare and submit to the Congress of the United
23 States a summary of the actions taken, together with a list-
24 ing of all claims showing the amount of each claim and the
25 amount of the award, if any.

TITLE IV

1
2 SEC. 401. (a) Section 7652 of the Act of August 16,
3 1954 (68A Stat. 907, 908), as amended, is further amended
4 by inserting "including, but not limited to, the taxes imposed
5 by section 4081 of title 26, United States Code" between
6 "taxes" and "imposed" in subsection (b) (3) of such section.

7 (b) The United States shall pay to the Virgin Islands
8 in five annual installments an amount equal to the amount of
9 taxes heretofore collected and required to be transferred and
10 paid over to the Government of the Virgin Islands pursuant
11 to section 7652 (b) of the Act of August 16, 1954 (68 Stat.
12 907, 908), as herein amended.

13 SEC. 402. Section 17 of the Revised Organic Act of the
14 Virgin Islands (68 Stat. 504) as amended (48 U.S.C.
15 1599) is further amended as follows:

16 "Sec. 17. Effective October 1, 1977, the office of the
17 government comptroller for the Virgin Islands is abolished.
18 The Comptroller General of the United States shall assume
19 such functions of the government comptroller as he deems
20 necessary and appropriate with respect to the interest of
21 the Government of the United States, may audit any ac-
22 counts or review and recommend adjudication of any claims
23 pertaining to the revenue and receipts of the Government of
24 the Virgin Islands where the interest of the Government of
25 the United States is involved. In order to effectuate the pro-

1 visions of this section, the Comptroller General may make
2 such rules and regulations as he deems necessary to carry
3 out such functions and duties and may delegate such re-
4 sponsibilities as he deems appropriate to other officers or
5 employees of the General Accounting Office. The applica-
6 tion of this section may be suspended by the Secretary
7 year by year: *Provided, however,* That the Government of
8 the Virgin Islands is relieved of the responsibility to pay
9 for such Comptroller costs subsequent to September 30,
10 1977.”.

11 TITLE V

12 SEC. 501. Ineffective on the date of enactment of this Act,
13 the laws which are referred to in section 502 (a) (1) except
14 for “the Micronesian Claims Act as it applies to the Trust
15 Territory of the Pacific Islands” and “section 228 of title II
16 and”; and section 502 (a) (2) except for the words “which
17 are applicable to Guam and” of the Covenant to Establish
18 a Commonwealth of the Northern Mariana Islands in Politi-
19 cal Union with the United States of America, approved by
20 the joint resolution approved on March 24, 1976 (90 Stat.
21 263), shall be applicable to the Territory of Guam and the
22 Virgin Islands on the same terms and conditions as such laws
23 are applied to the Northern Mariana Islands.

24 SEC. 502. (a) The Secretary of the Interior is author-
25 ized to make separate grants to the Government of American

1 Samoa, the Government of Guam, and the Government of
2 the Virgin Islands for the operation of such Governments.
3 The grant to the government of a particular possession shall
4 be in an amount necessary to offset income tax revenue losses
5 incurred by the Government of each of the territories by
6 reason of the provisions of the Tax Reduction Act of 1975
7 (89 Stat. 26) and the Tax Reform Act of 1976 (90 Stat.
8 1525). Such amounts shall be paid by the Secretary of the
9 Interior upon certification to him by the Secretary of the
10 Treasury of the amounts due each territory.

11 (b) There is hereby authorized to be appropriated, out
12 of any funds in the Treasury not otherwise appropriated,
13 such sums as may be necessary to carry out the provisions of
14 this section.