

FIFTH CONGRESS OF MICRONESIA

FIRST REGULAR SESSION, 1973

S. D. NO.

89

BEST COPY AVAILABLE

A BILL FOR AN ACT

To provide for certain care and benefits to the people of Rongelap and Utirik Atolls exposed to the March 1, 1954 H-bomb test fallout; to provide for care and benefits to certain other people from Rongelap and Utirik, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF MICRONESIA:

1 Section 1. Short title. This act is known and may be cited as
2 the Trust Territory Fallout Survivors Act.

3 Section 2. Statement of intent: As a result of the March 1,
4 1954 "Bravo" shot of the Castle Test Series conducted by Joint Task
5 Force Seven at Bikini Atoll, 82 Rongelapese, 157 Utirikese, 23
6 Japanese fishermen, and 28 American servicemen were exposed to radio-
7 active fallout which contaminated their places of habitation. It is
8 thus the sense of the Congress of Micronesia that the exposed Rongelapese
9 and Utirikese represent unique groups of people in the Trust Territory
10 because of their experience. It is the further sense of the Congress
11 that because of the special and unique effects of radiation which, in
12 the case of the Rongelapese, have been manifested in cases of thyroid
13 nodules, thyroid cancer, one possible case of leukemia, and other effects--
14 that these people should be accorded special care and treatment by the
15 Trust Territory Government in order to preserve and protect their health.
16 Finally, it is also the sense of the Congress, that examination of these
17 exposed people requires the examination of nonexposed persons; that the
18 health of these nonexposed persons must be maintained at the same level
19 as those exposed; and that these nonexposed persons as provided for in
20 this act should also be entitled to the same care and benefits as ex-
21 posed persons.

22 Section 3. Definitions. In this act, unless the context otherwise
23 requires, the following definitions shall apply:

24 (1) "Exposed person" means any Micronesian citizen who was
25 on Rongelap Atoll, Alinginae Atoll, or Utirik Atoll on March 1, 1954, or

REPOSITORY

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1 who was born within ten months after that date.

2 (2) "Descendants of exposed persons" means children whose
3 mother or father was an exposed person.

4 (3) "Control" means those persons now living in the Marshall
5 Islands District who were not exposed to fallout from the March 1, 1954
6 test, but who agree as hereinafter provided in this act, to be examined
7 and tested in like manner as exposed persons.

8 Section 4. Benefits. The care and benefits provided by the Trust
9 Territory for the exposed, children of exposed, and control persons
10 shall be:

11 (1) Transportation from the place of residence to the hospi-
12 tal on Majuro, or Ebeye, when that facility is completed, and return to
13 place of residence. Transportation for one immediate member of the
14 family of the person will also be provided at no expense.

15 (2) Per diem at standard Trust Territory rates will be
16 provided to the person requesting examination and also to the one person
17 allowed to accompany him; PROVIDED, HOWEVER, that if one of these persons
18 is less than 18 years of age, he shall receive no more than five dollars
19 (\$5) per diem, AND PROVIDED, FURTHER, that if the exposed, child of ex-
20 posed, or control person is hospitalized, he is to receive no more than
21 five dollars (\$5) per diem for the period of his hospitalization. The
22 office of the District Director of Health Services shall be responsible
23 for assisting such persons in securing their proper per diem.

24 (3) Housing at no cost to the requestor shall be provided by
25 the Marshall Islands District Government; PROVIDED, HOWEVER, that this

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1 Section shall not be construed to require such persons to live in
2 government housing should they choose to make their own housing
3 arrangements.

4 (4) Free medical care including medication, treatment, and
5 hospitalization shall be accorded to the persons mentioned in Section
6 3 of this act.

7 Section 5. Record of expenses. The District Director of Health
8 Services and the District Director of Finance shall be responsible for
9 maintaining records of all expenses incurred under the provisions of this
10 act and the District Director of Health Services shall provide a quarterly
11 report to the Office of the High Commissioner, the Office of the Legis-
12 lative Counsel of the Congress of Micronesia, and to the Director of the
13 Department of Health Services of the Trust Territory. The annual ex-
14 penses as incurred by provisions of this act shall be defrayed as pro-
15 vided for in Section 10 of this act.

16 Section 6. Procedures. The persons mentioned in Section 3 of this
17 act shall initiate their request for transportation to a hospital faci-
18 lity with the health aide or other representative of the Trust Territory
19 Department of Health Services. If a field trip vessel is at the island,
20 the health aide, if he believes the request is valid, shall so advise
21 the doctor aboard or the master of the ship in lieu of a doctor. If the
22 health aide is not on the island, the person should ask the magistrate,
23 council member, school teacher or other recognized community leader to
24 act in his behalf. This Section shall not be construed to allow persons
25 the aforesaid benefits if the ailment or complaint could have been treated

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1 at the person's place of residence, by the health personnel
2 available. It should further not be construed to require the
3 rerouting of ships or planes for minor ailments or complaints
4 which can be treated on the island; PROVIDED, HOWEVER, that an
5 exposed, descendant of an exposed, or a control person who has a
6 serious and acute complaint, illness, or accident shall be
7 transported in a like manner as any other emergency patient.

8 Section 7. Handbook. The Department of Health Services, the
9 District Office of Health Services and the Special Joint Committee
10 Concerning Rongelap and Utirik Atolls in conjunction with the Brookhaven
11 National Laboratory, shall cause to be created and reproduced a
12 handbook to be given to exposed, descendants of exposed, and
13 control persons. Said handbook shall contain, but not be limited
14 to, the following information: Exposed or nonexposed status,
15 date of birth, sex, name, and Brookhaven National Laboratory case
16 number of the person. Space shall also be provided for a record
17 of medical examinations and findings in the Marshallese language.

18 Section 8. Eligibility. The first and second classes of
19 persons described in Section 3 of this act are automatically
20 eligible for the benefits provided under this act. Persons in
21 the "control" class shall become eligible only upon signing a written
22 agreement in both Marshallese and English which provides that said
23 person will become eligible for the aforementioned benefits only
24 if he or she agrees to act as a control. The District Director of
25 Health Services shall be responsible for drafting said agreement

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1 in conjunction with the Director of the Department of Health
2 Services and Brookhaven National Laboratory.

3 Section 9. Enforcement. The Director of the Marshall Islands
4 District Health Services shall be nominally responsible for carrying
5 out and enforcing the provisions of this act, but may, at his
6 discretion, confer with other district officials, the Department
7 of Health Services and the Special Joint Committee or the presiding
8 officers of the Congress of Micronesia. The District Director
9 shall insure that those eligible receive the full benefits available,
10 and that those persons visiting the district center hospital, or
11 other medical facility, shall be returned to their island as soon
12 as is appropriate to their condition and within the constraints of
13 normal ship schedules. The District Director shall also include in
14 his quarterly report any and all flagrant or continuous abuses or vio-
15 lations of the intent of this act. Continued abuse of the privileges
16 and benefits of this temporary or permanent act will result in suspension
17 of the offender from eligibility. Suspension of eligibility will be
18 determined by presentation of the appropriate documentation by the
19 District Director to the Marshall Islands delegation of the Congress of
20 Micronesia. Appeal by any decision thus reached can only be obtained
21 through petition to the Director of the Department of Health Services
22 and the Special Joint Committee Concerning Rongelap and Utirik Atolls,
23 or by designees appointed by the presiding officers.

24 Section 10. Expenses. The Office of the High Commissioner is
25 directed to seek an executive agreement with the Atomic Energy

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1 Commission whereby the expenses incurred under the provisions of this
2 act will be defrayed either directly or on a reimbursable basis by
3 the Atomic Energy Commission and report his findings no later than
4 thirty days after the effective date of this act.

5 Section 11. Effective date. This act shall take effect
6 upon the approval of the High Commissioner, or upon its becoming
7 law without suth approval.

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Date: 1/24/73

Introduced by: 
Olympio T. Borja