

**STATEMENT  
OF  
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**BEFORE THE  
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES**

**REGARDING  
S. 2941 MARSHALL ISLANDS SUPPLEMENTAL NUCLEAR COMPENSATION**

**May 19, 2010**

Mr. Chairman and members of the Committee on Energy and Natural Resources, thank you for the opportunity today to discuss S. 2941, the Republic of the Marshall Islands Supplemental Nuclear Compensation Act.

The four principal sections of S. 2941 deal with several issues arising from the nuclear weapons testing program that the United States conducted in the northern islands and atolls of the Marshall Islands from June 1946 until August 1958.

**Continued Monitoring on Runit Island – Section 2**

If enacted, section 2 of S. 2941 would require the Department of Energy to survey radiological conditions on Runit Island every four years and to report the results to relevant House and Senate committees. The partial clean-up of Enewetak Atoll conducted by the Department of Defense in the late 1970's resulted in the creation of an above-ground nuclear waste storage site on Runit Island capped by a dome. Inside Runit Dome are over 110,000 cubic yards of radioactive material scraped from other parts of Enewetak Atoll.

In 1986, the U.S. and Marshall Islands Governments fully settled all claims, past, present and future, of the government and citizens of the Marshall Islands which are based upon, arise out of, or are in any way related to the U.S. nuclear weapons testing program. In particular, Article VII of the agreement subsidiary to section 177 of the 1986 Compact of Free Association relieved the U.S. Government of all responsibility for controlling "the utilization of areas in the Marshall Islands affected by the Nuclear Testing Program" and placed that responsibility solely with the Marshall Islands Government. Nevertheless, radiological conditions at the Runit Island repository have remained for many years a point of friction in the otherwise mutually agreeable, bilateral relationship between the Marshall Islands and U.S. Governments. Representatives of the Marshall Islands Government have raised questions regarding Runit Island including:

- the safety of land, water and marine life;
- the radiological condition of the northern part of the island; and
- the structural integrity of the dome.

For many years the Department of Energy has performed environmental measurements at Bikini, Enewetak, Rongelap and Utrik Atolls, including, upon request, periodic environmental sampling around Enewetak Atoll's Runit Dome. The atoll communities set their own environmental goals and conduct all remedial actions. The Department of Energy takes environmental measurements before and after remedial actions to see if the actions have achieved their goals. In addition, the Department of Energy offers suggestions for remedial actions at the request of the Marshall Islands Government, to aid atoll communities' resettlement decisions.

### **Clarification of Eligibility under EEOICPA – Section 3**

Section 3 deals with the eligibility of the people of the former Trust Territory of the Pacific Islands for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). In the 1950's the U.S. Government hired U.S. citizens and people of the Trust Territory to clean up ground-zero locations on Bikini and Enewetak Atolls and to collect soil and other materials from contaminated areas in the Marshall Islands. Trust Territory inhabitants received certain benefits, e.g. consular, from the United States Government as administering authority, but they were not U.S. citizens. These individuals cannot currently receive EEOICPA benefits.

Section 3 is intended to place the former non-U.S. citizen Trust Territory workers on an equal footing with U.S. citizen workers.

Regarding section 3 of this bill, the Department of the Interior defers to the Department of Labor, which, since it has primary responsibility for administering EEOICPA, is the Federal agency best positioned to discuss this compensation program and provide technical assistance concerning the language of section 3.

### **Four Atoll Health Care Program – Section 4**

If enacted, section 4 of the bill would appropriate funds for the Four Atoll Health Care Program. The Congress established the Four Atoll Health Care Program in the early 1970's to provide health care for certain members of the Enewetak, Bikini, Rongelap, and Utrik Atoll communities. When the original Compact of Free Association came into force in 1986, the Four Atoll Program was funded for fifteen years under the agreement subsidiary to section 177 of the Compact. This funding ended in 2001 in accordance with the terms of that agreement. In January 2005, the Department of State transmitted to Congress the Executive Branch's evaluation of the Marshall Islands Government's *changed circumstances* petition under Article IX of the agreement subsidiary to Compact section 177. The Marshall Islands request included, among other things, an enhanced primary, secondary and tertiary health care system to serve all Marshall Islanders for fifty years. The Executive Branch's report concluded that there was no legal basis for considering additional payments.

Nonetheless, in each fiscal year beginning with 2005, the Congress has added a little less than \$1,000,000 in appropriations for the Four Atoll Program. Section 4 of this bill would create a

permanent appropriation for the program for fiscal years 2012 through 2028. Additionally, it would fund the program annually at \$2,000,000, as adjusted for inflation.

The Administration does not support a permanent annual appropriation of \$2,000,000 for this program. As noted previously, the Executive Branch determined in 2005 that there was no legal basis for considering additional payments under the agreement subsidiary to section 177 of the Compact. Furthermore, the U.S. Government is spending over \$1,500,000,000 in direct assistance and trust fund contributions for the Marshall Islands through fiscal year 2023. Also, the Marshall Islands Government, equally with U.S. State and insular governments, remains eligible for a number of categorical and competitive public health grant programs administered by the Department of Health and Human Services under section 105(f)(1)(D) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(D)), should the Marshall Islands wish to apply.

### **Assessment of Health Care Needs of the Marshall Islands – Section 5**

If enacted, section 5 of S. 2941 would mandate that the Secretary of the Interior commission an assessment and report by the National Academy of Sciences of the health impact of the U.S. nuclear weapons testing program in the northern islands and atolls of the Marshall Islands from June 1946 until August 1958.

The Administration believes that this assessment is not necessary. In January 2005, the Department of State submitted the results of the Executive Branch's evaluation that comprehensively and methodically reviewed existing scientific studies of the impact of the U.S. nuclear weapons testing program in the Marshall Islands. This evaluation highlighted that previous studies had adequately answered questions about the impact of the nuclear weapons testing program as those questions related to additional claims for compensation.

The Administration does not support the commissioning of additional studies at this time.

Mr. Chairman, we understand that the Committee is contemplating amendments to the legislation. The Administration would be happy to work with the Committee on any appropriate changes.