

Statement of Mr. Nikolao I. Pula Jr.
Director, Office of Insular Affairs
U.S. Department of the Interior
before the Subcommittee on Oversight and Investigations
of the House Committee on Natural Resources

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Chair Porter, Ranking Member Gosar, and Members of the Subcommittee, I thank you for this opportunity to provide testimony about U.S. law, policy and programs related to the legacy of nuclear weapons testing conducted by the United States in the Marshall Islands from 1946 to 1958. I am Nikolao Pula, Director for the Office of Insular Affairs (OIA) at the Department of the Interior (Department). My statement today focuses on the Department's role in the Marshall Islands in the years following those tests.

OVERVIEW

In 1947, the United States became the Administering Authority for a trusteeship established under United Nations (UN) procedures over the Trust Territory of the Pacific Islands (TTPI), which included the Marshall Islands. The TTPI was the only trusteeship territory classified by the UN as "strategic." Consistent with this authority, all or part of the area under trusteeship could be closed for strategic purposes to promote "international peace and security." It was in that context that the United States closed the northern Marshall Islands, and the United States conducted the nuclear weapons proving tests. The United States carried out 67 nuclear tests between 1946 and 1958 in the northern Marshall Islands.

The Compact of Free Association (the Compact), together with its related agreements, was signed by the governments of the United States and the Marshall Islands on June 25, 1983. This includes the Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association, also known as the Section 177 Agreement. The Compact, including the Section 177 Settlement Agreement which was incorporated by reference, was approved by Joint Resolution of the United States Congress on January 14, 1986 (PL 99-239, 99 Stat. 1770). The Compact and related agreements took effect on October 21, 1986. The United States has recognized the effects of its testing and has accepted and acted

on its responsibility to the people of the Marshall Islands, as reflected in the Compact of Free Association and the subsidiary agreement referred to in Section 177 of the Compact, which included a “full settlement of all claims, past, present and future” arising from or in any way related to the U.S. testing program.

Since that time, the Department, primarily through OIA, has administered several programs to address the legacy of the U.S. nuclear testing program in what is now the Republic of the Marshall Islands (RMI). OIA administered payments of funds to the people of the Marshall Islands to address the nuclear testing legacy in the RMI, as well as under other statutes passed by Congress.

Currently, the focus of OIA programs and activities in the RMI includes measures authorized and funded under Public Law 108-188. In Section 105(c)(2) of Public Law 108-188, Congress said that the prior authorization provided by the Act of June 30, 1954, as amended, shall remain available for the specified purposes, including: transition purposes, including but not limited to the completion of projects and fulfillment of “commitments or obligations”; “health and education as a result of exceptional circumstances;” and “ex gratia contributions for the populations of Bikini, Enewetak, Rongelap and Utirik.”

PEOPLE FROM BIKINI

The relationship between the OIA and people from Bikini is also of great importance. Until November 2017 the Department exercised a right of veto over disbursements from the Resettlement Trust Fund for the People of Bikini (Resettlement Trust Fund). In August 2017, the Kili-Bikini-Ejit Local Government Council (Council) passed a rescript which stated, inter alia, that it wished to assume greater responsibility for the Resettlement Trust Fund. The Department concurred with that request, and since November 2017, the Council has interacted directly with its trustee and investment advisors without Departmental oversight.

On November 16, 2017, then Assistant Secretary of the Interior for Insular and International Affairs, the Honorable Douglas W. Domenech, signed a letter addressed to the Mayor of Bikini, the Honorable Anderson Jibas, accepting the August 2017 rescript as a valid amendment to the 1988 Amended Resettlement Trust Fund Agreement. Since November 2017 the Council has exercised its authority to interact directly with its trustee and investment advisors without any

Departmental oversight. There was no Federal law which gave the Department the statutory obligation to approve the budgets developed by the Council, whose relationship with the Department was based instead on agreements.

PEOPLE FROM RONGELAP

When a local government clearly asks for a change in its relationship with the Department and such a change is legally possible, OIA makes every effort to respect such a request. For example, OIA maintains a right of veto over budgets for expenditures from the Resettlement Trust Fund for the People of Rongelap. Each fiscal year the Rongelap Atoll Local Government presents OIA with its annual budget. Given the proven needs of the population of Rongelap in the areas of health, education and housing, there is very little trimming which OIA can direct.

PEOPLE FROM ENEWETAK

United States agencies have occasionally sent personnel to inspect the condition of the Runit dome; this has been done *ex gratia*. Through its Technical Assistance Division, OIA, has provided the Department of Energy (DOE) \$2,119,400 to conduct radio-chemical analysis of the Runit Dome groundwater, pursuant to the Insular Areas Act of 2011.

On February 12, 2013, OIA began discussions with DOE regarding the funding that OIA would provide. OIA ultimately provided DOE the amount necessary for the radio-chemical analysis of the groundwater surrounding and in the Cactus Crater.

To facilitate the transfer of these funds, DOI and DOE entered into a reimbursable support agreement. Under this agreement, \$215,200 was transferred to DOE in fiscal year 2013 and \$215,200 in fiscal year 2014 in order to:

- cover specialized sampling equipment;
- provide travel for the scientific team;
- develop one or more borehole locations inside Runit Dome;
- establish the sampling program; and
- cover costs of employing a Marshall Islands technician to help collect water samples for analytical services performed at the Lawrence Livermore National Laboratory in California.

In fiscal year 2019, OIA transferred \$1,689,000 to DOE to cover a portion of the costs to continue conducting radio-chemical analyses of the groundwater surrounding Runit Dome. The current reimbursable agreement between DOE and DOI remains in effect until September 2023 and, as of July of this year, has an unspent balance of \$1,254,454.82.

FOUR ATOLLS HEALTH CARE PROGRAM

Through the Four-Atoll Health Care Program the OIA Technical Assistance Division has addressed medical needs of people from Enewetak, Bikini, Rongelap and Utrik who were affected by the consequences of the United States nuclear testing program, and their descendants. In fiscal year 2021 OIA provided \$1,700,000 in funding, which included for each of the four atolls a full-time, primary-care physician, who worked in collaboration with a full-time, island-based health assistant. This program improves atollers' access to quality and specialty care, reduces inter-island referrals for secondary care, improves atollers' overall health, utilizes the full potential of the program's physicians for better delivery of services and conducts drinking-water quality tests for the presence of pathogens. In addition, the program offers visual impairment screenings by primary-care physicians, access to specialty clinics for diabetes, hypertension, well-baby and reproductive health and improved maternal and child-care programs. The Marshall Islands Ministry of Health provides local support to this OIA-funded program.

FURTHER FUNDING FOR THE MARSHALL ISLANDS

Beyond those specific programs which the Department administers related to the legacy of the U.S. nuclear testing program, and federal programs and services and funding provided pursuant to Title II of the Compact, as amended, which includes grants and trust fund contributions, the Department provides significant assistance to the Marshall Islands in recognition of our unique and historic relationship. In the last four fiscal years, that is, 2017-2020, OIA has awarded discretionary grants to the Marshall Islands for a variety of purposes, specifically:

- \$9,940,581.54 in technical assistance funding, of which \$5,005,510.56 remains unspent;
- \$1,050,696 in maintenance assistance funding, of which \$842,416.74 remains unspent, and

- \$299,838 in funding under the Coral Reef Initiative, of which no funds remain unspent.

The total discretionary grant disbursements in the past four fiscal years is \$11,291,115.54, of which \$5,847,927.30 remains unspent.

COMMITMENT

Chair Porter, Ranking Member Gosar, and Members of the Subcommittee, OIA stands ready to work with you. This Subcommittee has a willing partner in the Office of Insular Affairs as we continue to implement programs, including those related to the U.S. nuclear testing program. I look forward to answering your questions, and I thank you for this opportunity to speak before this Subcommittee.