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APPROVED
JUN 13 1975



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 10 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5158 - An ex gratia payment,
Bikini Atoll, Trust Territory of the
Pacific Islands
Sponsor - Rep. Burton (D) California

*Unrevised
6/13
To submit
6/13*

Last Day for Action

June 18, 1975 - Wednesday

Purpose

Authorizes appropriations of \$3,000,000 for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of State	Approval
Foreign Claims Settlement Commission	Approval
Department of Defense	Approval

Discussion

Prior to preparing and using Bikini Atoll as a United States nuclear weapons test site, the 166 inhabitants of the atoll were removed from their homes and relocated initially on Rongerik Atoll in 1946, then on Kwajelein, and finally on Kili Island in 1948 where they have remained until now. In 1969, 320 Bikinians were residing on Kili Island while some 350 ex-Bikinians were living in other parts of the Marshall Islands. By all accounts, life for the Bikinians has proven difficult since being forced to leave their home atoll some 29 years ago. In contrast to Bikini Atoll, Kili is a 0.3 square mile island (about one-eighth the land area of Bikini), has no protective lagoon, is often flooded by typhoons, suffers frequent food shortages, and is isolated from civilization for extended periods because of prevailing adverse weather conditions.

In a parallel situation, the inhabitants of Enewetak Atoll in the Marshall Islands, another site for United States nuclear weapons testing, were removed from their homes in 1947 to Ujelang Atoll where they now live. However, in contrast to the Bikinians, the United States Government in 1969 made an ex gratia payment of \$1,020,000 to the people of Enewetak (1969 population of 380) in recognition of the hardships they faced, the longstanding removal from their home atoll, and the fact that their ultimate return was not then viewed as possible in the near future. Funds to clean-up, and rehabilitate Enewetak are contained in the Administration's fiscal year 1976 budget.

Using the same logic as applied in the Enewetak displacement, the people of Bikini Atoll petitioned the United States in April 1974 for an ex gratia payment of \$3,000,000. Furthermore, although radiological clean-up and rehabilitation of Bikini Atoll has been completed, its people have refused to return to their atoll until an ex gratia payment by the United States is made.

In March 1975, the Department of the Interior submitted an Administration bill to the Congress to provide for an ex gratia payment of \$2,270,000 to be held in trust for all persons who possess rights in Bikini Atoll. This payment was to be in recognition of the hardship suffered by the people of Bikini due to displacement from their atoll since 1946.

H.R. 5158 is similar to the Administration proposal except that it authorizes appropriations of \$3,000,000 for the ex gratia payment to the people of Bikini. The payment would be held by a trustee selected by the Kili/Bikini Council subject only to disapproval by the High Commissioner of the Trust Territory of the Pacific Islands for the use and benefit of and distribution to persons who possess rights in Bikini Atoll.

In reporting on H.R. 5158, the House Interior Committee noted that:

"The people of Enewetak lived through a similar experience and, in 1969, were paid \$1,020,000 ex gratia by the United States. The larger

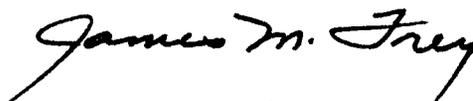
amount proposed by this legislation is based on the larger number of people involved, approximately 700 as opposed to 400, and on the lower value of the 1975 dollar."

Interior, Defense, State, and the Foreign Claims Settlement Commission all recommend approval of H.R. 5158. Furthermore, in its enrolled bill letter, State observes that:

"Our resettlement of the people of Bikini has been a continuing source of criticism of our administration of the Trust Territory. Enactment of this legislation would go far to eliminate this criticism and would remove a significant irritant in U.S. relations with the people of Micronesia."

Although the ex gratia payment authorized by the enrolled bill exceeds the Administration's recommendation by \$730,000, we concur in the agencies' approval recommendations. In the final analysis, the payments made to Enewetak and proposed for Bikini represent arbitrary figures. The \$3,000,000 amount passed by the Congress simply makes more generous allowances than were reflected in the Administration bill amount of \$2,270,000 for changes in the value of the dollar since 1969 and implied interest which the people of Bikini might have realized if they had received this ex gratia payment at the same time the people of Enewetak received theirs.

The 1976 Budget included the \$2,270,000 as an amount to be transmitted later, after enactment of the necessary authorizing legislation. Once this bill is signed we would expect a request from Interior to transmit a 1976 Budget amendment for the full \$3,000,000.



Assistant Director for
Legislative Reference

Enclosures

104/2
ACTION

THE WHITE HOUSE

WASHINGTON

Last Day: June 18

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *Jmc*
SUBJECT: Enrolled Bill H.R. 5158 - An ex gratia
payment, Bikini Atoll, Trust Territory
of the Pacific Islands

Attached for your consideration is H.R. 5158, sponsored by Representative Burton, which would authorize appropriations of \$3,000,000 for an ex gratia payment to the people of the Bikini Atoll in recognition of hardships suffered by them due to displacement from their atoll since 1946 when it became a nuclear weapons test site.

The enrolled bill is similar to the legislation submitted by the Department of the Interior in March, 1975 except that the Administration proposal provided for an ex gratia payment of \$2,270,000.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Phil Buchen (Lazarus), NSC and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 5158 at Tab B.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 10 1975

Dear Mr. Lynn:

This responds to your request for our views on the enrolled bill H.R. 5158, "To provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands."

We recommend that the President approve the enrolled bill.

As enrolled, H.R. 5158 would authorize that the sum of \$3,000,000 ex gratia, be appropriated to the Secretary of the Interior in recognition of the hardship suffered by the people of Bikini due to displacement from their atoll since 1946. Such sum shall be paid to a trustee selected by the Kili/Bikini Counsel subject only to the disapproval of the High Commissioner of the Trust Territory, and shall be held in trust pursuant to a trust agreement agreed to by the Kili/Bikini Council subject only to disapproval by the High Commissioner, for the use and benefit of and distribution to those who possess rights in Bikini Atoll. The trust agreement may provide for disbursement of trust income and corpus by the trustee directly to the Kili/Bikini Council to distribution according to custom and tradition. The Governments of the United States and Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity arising from the distribution or administration of the trust funds.

On March 14 and 20, 1975, we sent to the United States House of Representatives and Senate, respectively, this Department's proposed legislation to provide for authorization for an ex gratia payment to the people of Bikini Atoll. The provisions of our proposal and enrolled bill H.R. 5138 are similar with the exception that H.R. 5158 authorizes an ex gratia payment of \$3,000,000 and our proposal authorizes \$2,270,000 for such a payment.

In 1946, in the interest of international security, all the Bikini people were removed from their home atoll to provide the United States with a nuclear test site. The Bikinians were moved three times, and finally settled on Kili, an island with a land area of only one-third of a square mile. Life on Kili was difficult from the very beginning. There was no lagoon in which to fish and no



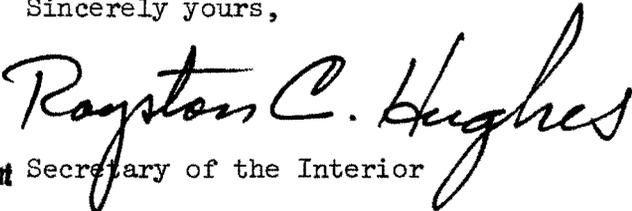
Let's Clean Up America For Our 200th Birthday

protected anchorage. In addition, a typhoon caused salt water flooding which destroyed crops and polluted the fresh water supply. Food shortages were common occurrences and high waves prevented field trip vessels from picking up copra and bringing foodstuffs ashore. In short, the past 29 years have been physically and psychologically difficult for the displaced Bikinians.

In April 1974, the people of Bikini petitioned the Department of the Interior and the Department of Defense for an ex gratia payment. In our judgment, 29 years of hardship and suffering are sufficient grounds to justify compensation.

With regard to the difference of \$730,000 between the ex gratia payment authorized by H.R. 5158, and that authorized by our proposed bill, we note that this sum is only an authorization, and not an appropriation.

Sincerely yours,


Assistant Secretary of the Interior

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503



DEPARTMENT OF STATE

Washington, D.C. 20520

JUN 9 - 1975

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In a communication dated June 5, Mr. J. F. C. Hyde, Jr., OMB Acting Assistant Director for Legislative Reference, requested the views and recommendations of the Department of State on enrolled bill H.R. 5158, "An Act to provide an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands".

The Department of State fully concurs in this enrolled bill and recommends that the President approve its enactment. Our resettlement of the people of Bikini has been a continuing source of criticism of our administration of the Trust Territory. Enactment of this legislation would go far to eliminate this criticism and would remove a significant irritant in U.S. relations with the people of Micronesia.

Sincerely,

A handwritten signature in black ink that reads "Robert J. McCloskey".

Robert J. McCloskey
Assistant Secretary
for Congressional Relations

Enclosure:

H. R. 5158

To: J. Chamberlain
6-10-75
6:00 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUN 10 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5158 - An ex gratia payment,
Bikini Atoll, Trust Territory of the
Pacific Islands
Sponsor - Rep. Burton (D) California

Last Day for Action

June 18, 1975 - Wednesday

Purpose

Authorizes appropriations of \$3,000,000 for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of State	Approval
Foreign Claims Settlement Commission	Approval
Department of Defense	Approval

Discussion

Prior to preparing and using Bikini Atoll as a United States nuclear weapons test site, the 166 inhabitants of the atoll were removed from their homes and relocated initially on Rongerik Atoll in 1946, then on Kwajelein, and finally on Kili Island in 1948 where they have remained until now. In 1969, 320 Bikinians were residing on Kili Island while some 350 ex-Bikinians were living in other parts of the Marshall Islands. By all accounts, life for the Bikinians has proven difficult since being forced to leave their home atoll some 29 years ago. In contrast to Bikini Atoll, Kili is a 0.3 square mile island (about one-eighth the land area of Bikini), has no protective lagoon, is often flooded by typhoons, suffers frequent food shortages, and is isolated from civilization for extended periods because of prevailing adverse weather conditions.



OFFICE
OF THE CHAIRMAN

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

June 9, 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Executive Office of the President
Washington, DC 20503

Attention: Assistant Director
for Legislative Reference

Dear Mr. Lynn:

In compliance with the request of Mr. J.F.C. Hyde, Jr., Acting Assistant Director for Legislative Reference, dated June 5, 1975, the Foreign Claims Settlement Commission has examined the facsimile of the Enrolled Bill, H.R. 5158, 94th Congress, 1st Session, entitled "An Act to provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands."

The Act authorizes an appropriation in the sum of \$3 million ex gratia to the Secretary of the Interior in recognition of the hardships suffered by the people of Bikini due to displacement from the atoll since 1946.

Such sum is required to be paid to a trustee selected by the Kili/Bikini Council to be held in trust pursuant to the provisions of a trust agreement or amendment thereto agreed to by the Kili/Bikini Council. The trustee selected and the trust agreement or amendment are subject only to disapproval by the High Commissioner of the Trust Territory of the Pacific Islands. Such sum is for the use and benefit of, and distribution to, persons who possess rights in Bikini Atoll. The trust instrument may contain provisions for the disbursement of trust income and corpus by the trustee, directly to the Kili-Bikini Council for distribution, according to custom and tradition.

Inasmuch as the Foreign Claims Settlement Commission is not directly involved in objectives to be accomplished by this proposal, it has no objections to its passage.

The only concern the Commission would have in this and similar Acts is the possible overlapping of benefits which may be payable under the Micronesian Claims Act of 1973.

Title II of the Micronesian Claims Act authorizes the Micronesian Claims Commission, which is under the control and direction of the Chairman, Foreign Claims Settlement Commission, to settle all claims of Micronesians arising after the securing of the various islands of Micronesia against the United States or the Government of the Trust Territory of the Pacific Islands, including loss or destruction of privately-owned property and for the taking, or for the use or retention, of such property where no payments or inadequate payments have been made. A sum of \$20 million was authorized to be appropriated for the payment of these claims.

A claim under Title II of the Act was filed by the people of Bikini Atoll through the Kili/Bikini Council in the amount of \$4,811,233,130, based on damages to Bikini Atoll allegedly caused by the United States Government between 1945 and present date. This claim is presently being processed by the Micronesian Claims Commission.

It would appear, however, that the \$3 million ex gratia payment under the Act is separate and distinct from the compensation sought by the people of Bikini in their claim filed under the Micronesian Claims Act of 1971, inasmuch as such payment is only in recognition of the hardships suffered by the people of Bikini Atoll due to their displacement to other atolls after the United States occupied Bikini Atoll in 1946 for a nuclear test site.

The ex gratia payment under this Act is similar to the ex gratia payment made to the people of Enewetak in July 1969 for parallel reasons.

The Commission recommends that the President approve the Act.

Sincerely,



J. Raymond Bell
Chairman



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D. C. 20301

9 June 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

Reference is made to your request for the views of the Department of Defense on the Enrolled Enactment of H. R. 5158, 94th Congress, "To provide authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands."

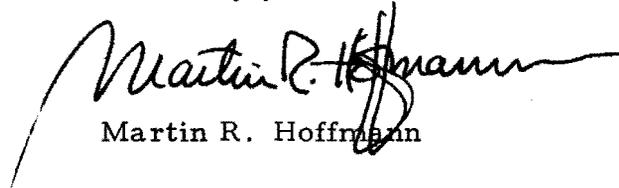
H. R. 5158 is identical with the Administration's proposal submitted to the Congress by the Secretary of the Interior with two exceptions. The first relates to the requirement which the Administration proposed that the moneys appropriated pursuant to this authorization are to be paid to a trustee selected by the Kili/Bikini Council "and approved by the High Commissioner of the Trust Territory of the Pacific Islands" to be held in trust for the use and benefit of and distribution to persons who possess rights in Bikini Atoll pursuant to the provisions of a trust agreement or amendment thereto agreed to by the Kili/Bikini Council "and approved by the High Commissioner of the Trust Territory of the Pacific Islands". As passed by the Congress, the requirement for approval by the High Commissioner has been deleted; instead, he is authorized to disapprove the trustee selected and any trust agreement provisions and amendments. The Department of Defense defers to the views of the Department of Interior with regard to the adequacy of such language to protect the interests of the United States in this matter.

The sum authorized by H. R. 5158 is \$3,000,000, although the Administration had recommended only \$2.27 million for this purpose. As the Department of Defense informed you on May 8, 1975, we support this legislation, but had proposed a formulation which resulted in a total of about \$1.9 million with the difference in rationale centering on the size of the Bikini group to be compensated. Our recommendation was based on a desire to compensate the smaller number of people

who were displaced in 1946 and who bore the brunt of the deprivations and relocations, rather than the larger population which existed in 1969, some of which joined the community on Kili from other islands.

Inasmuch as no money has yet been actually appropriated for the purposes authorized by H. R. 5158, and since those purposes are consistent with the interests of U. S. national defense, the Department of Defense recommends that the President approve H. R. 5158, 94th Congress.

Sincerely yours,

A handwritten signature in cursive script, reading "Martin R. Hoffmann". The signature is written in dark ink and is positioned above the printed name. The signature is somewhat stylized, with a large initial "M" and a long, sweeping underline that extends to the right.

Martin R. Hoffmann

MEMORANDUM

NATIONAL SECURITY COUNCIL

June 12, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: Jeanne W. Davis *JWD*
SUBJECT: Enrolled Bill H. R. 5158

The NSC Staff concurs in the proposed Enrolled Bill H.R. 5158 -
An ex gratia payment, Bikini Atoll, Trust Territory of the Pacific
Islands.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 10

Time: 600pm

FOR ACTION: Norm Ross *NR*
 Max Friedersdorf
 Ken Lazarus *KL*
 NSC/S

cc (for information): Jim Cavanaugh
 Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date:

Time:

~~June 11~~~~300pm~~

SUBJECT:

Enrolled Bill H.R. 5158-An ex gratia payment, Bikini
 Atoll, Trust Territory of the Pacific Islands

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

 K. R. COLE, JR.
 For the President

THE WHITE HOUSE
WASHINGTON

June 11-75

TO : Judy Johnston

FROM: NORM ROSS

OK

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 10

Time: 600pm

FOR ACTION: Norm Ross
Max Friedersdorf
Ken Lazarus
NSC/S

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date:

June 11

Time:

300pm

SUBJECT:

Enrolled Bill H.R. 5158-An ex gratia payment, Bikini Atoll, Trust Territory of the Pacific Islands

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection. -- Ken Lazarus 6/11/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cavanaugh
For the President

THE WHITE HOUSE

WASHINGTON

June 11, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M-L*
SUBJECT: Enrolled Bill H.R. 5158 - An ex gratia payment,
Bikini Atoll, Trust Territory of the Pacific
Islands

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

DOMESTIC COUNCIL CLEARANCE SHEET

DATE: June 12

JMC action required by _____

TO : JIM CANNON
VIA: JIM CAVANAUGH
FROM : JUDY JOHNSTON



SUBJECT:

Enrolled Bill H.R. 5158-Bikini Atoll

COMMENTS:

Last Day: June 18

DATE: _____

RETURN TO:

Material has been:

- _____ Signed and forwarded
- _____ Changed and signed (copy attached)
- _____ Returned per our conversation
- _____ Noted
- _____

JIM CANNON

PROVIDING AN AUTHORIZATION FOR AN EX GRATIA PAYMENT TO
THE PEOPLE OF BIKINI ATOLL, IN THE MARSHALL ISLANDS OF THE
TRUST TERRITORY OF THE PACIFIC ISLANDS

MAY 1, 1975.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 5158]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 5158) to provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, lines 7 and 8, strike out "and approved" and insert "subject only to disapproval".

Page 2, line 1, strike out "and approved" and insert "subject only to disapproval".

PURPOSE

The purpose of H.R. 5158, as reported by the Committee on Interior and Insular Affairs, is to authorize the payment of \$3,000,000, ex gratia, to the people of Bikini Atoll, in the Marshall Islands, Trust Territory of the Pacific Islands.

A bill was also introduced by Mr. Sam Steiger (H.R. 5215), which authorized \$2,270,000 for the same purpose.

BACKGROUND

In an executive communication to the Speaker, dated March 14, 1975, the Department of the Interior recommended the enactment of legislation authorizing the payment of \$2,270,000 for this purpose.

The bills provide that the funds will be paid to a trustee selected by the Kili/Bikini Council, with the approval of the High Commissioner.

The trustee will administer the funds in accordance with the provisions of a trust agreement agreed to by the Kili/Bikini Council and also approved by the High Commissioner.

NEED

In 1946 the people of Bikini Atoll were removed from their homes to provide the United States with a nuclear bomb test site. During the greater part of the following 29 years, the Bikinians have lived on the island of Kili which has a total land area of only one-third of a square mile with no lagoon to protect the island, the people, their foodstuff, etc. from the high typhoon waters of the open ocean.

The people of Enewetak lived through a similar experience and, in 1969, were paid \$1,020,000 ex gratia, by the United States. The larger amount proposed by this legislation is based on the larger number of people involved, approximately 700 as opposed to 400, and on the lower value of the 1975 dollar.

COMMITTEE AMENDMENT

H.R. 5158 is reported to the full Committee, with an amendment deleting the language "and approved" and inserting the language "subject only to disapproval" with reference to the High Commissioner's authority over the acts of the Kili/Bikini Council as they are specified by the bill. This change is intended to emphasize the limits of the High Commissioner's authority, and to reflect the intention of the Committee that, if the High Commissioner exercises his power of disapproval, the Congress will expect that the authorizing committees of the House and Senate will be promptly informed in writing of the reasons for the High Commissioner's disapproval.

COST AND BUDGET ACT COMPLIANCE

H.R. 5158, as amended, authorizes a one-time, non-recurring expenditure of \$3,000,000. It is anticipated that this amount will be appropriated in a lump sum; thus there will be no need for any appropriations in future fiscal years.

INFLATIONARY IMPACT STATEMENT

The amount of money involved in H.R. 5158 is *de minimis* in terms of the total Federal Budget, but it is an important consideration for the people of Bikini. Any impact it might have on inflation will be minimal.

OVERSIGHT STATEMENT

The Subcommittee on Territorial and Insular Affairs will exercise oversight responsibilities resulting from this legislation to assure compliance with the intent of the Congress. No recommendations were submitted to the Committee pursuant to Rule X, clause 2(b) (2) since this will be a new authorization.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends, by voice vote, the enactment of H.R. 5158, as amended.

EXECUTIVE COMMUNICATION

The Executive Communication from the Department of the Interior recommending this legislation follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 14, 1975.

HON. CARL B. ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed is a proposed bill, "To provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands."

We recommend that the bill be referred to the appropriate Committee for consideration, and strongly urge that it be enacted.

In 1946, in the interest of international security, all the Bikini people were removed from their home atoll to provide the United States with a nuclear test site. The Bikinians were moved three times, and finally settled on Kili, an island with a land area of only one-third of a square mile. Life on Kili was difficult from the very beginning. There was no lagoon in which to fish and no protected anchorage. In addition, a typhoon caused salt water flooding which destroyed crops and polluted the fresh water supply. Food shortages were common occurrences and high waves prevented field trip vessels from picking up copra and bringing foodstuffs ashore. In short, the past 29 years have been physically and psychologically difficult for the displaced Bikinians.

The people of Enewetak Atoll, also located in the Marshall Islands, experienced a parallel situation. They were displaced in 1947 and moved to Ujelang Atoll where they now live. Enewetak was also the site of weapons testing, and there were over 40 nuclear detonations through 1957.

However, there has been one significant difference in the experiences of the two peoples. In July 1969, the United States Government made an ex gratia payment of \$1,020,000 to the people of Enewetak in recognition of the hardship faced, the longstanding removal from their home atoll, and the fact that their ultimate return was not then viewed as possible in the near future. The funds were placed in trust for the people, who since that time have received interest payments. The trust fund will remain available even though the people are now scheduled to return to Enewetak.

In April 1974, the people of Bikini petitioned the Department of the Interior and the Department of Defense for an ex gratia payment. Their request was based upon the same logic as that used to make the ex gratia payment to the people of Enewetak. Both Departments feel

that 29 years of hardship and suffering are sufficient grounds to justify compensation. Thus, I recommend a payment of \$2,270,000 to be held in trust for the people by a trustee approved by the Bikinians and High Commissioner of the Trust Territory.

We are aware that the people of Bikini Atoll, through the Kili/Bikini Council, have filed a claim with the Micronesian Claims Commission under the provisions of the Micronesian Claims Act of 1971. We believe the rationale for the ex gratia payment recommended in this bill is separate and distinct from the rationale advanced for the claim for damages filed with the Micronesian Claims Commission. Nevertheless, we will work with the Foreign Claims Settlement Commission, and the Micronesian Claim Commission, to avoid possible overlapping of any compensation for any item in the claim filed with them which, when fully developed, may relate to the same incident upon which the draft bill proposes to compensate.

The Office of Management and Budget has advised that the presentation of this proposed legislation is consistent with the program of the President.

Sincerely yours,

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

Enclosure.

A BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of the Interior in recognition of the hardship suffered by the people of Bikini due to displacement from their atoll since 1946 the sum of \$2,270,000, ex gratia. Such sum shall be paid to a trustee selected by the Kili/Bikini Council and approved by the High Commissioner of the Trust Territory of the Pacific Islands to be held in trust pursuant to the provisions of a trust agreement or amendment thereto agreed to by the Kili/Bikini Council and approved by the High Commissioner of the Trust Territory of the Pacific Islands for the use and benefit of and distribution to persons who possess rights in Bikini Atoll. Provision may be made in the trust instrument for disbursement of trust income and corpus by the trustee directly to the Kili/Bikini Council for distribution, according to custom and tradition, to persons who possess rights to Bikini Atoll. The governments of the United States and Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity arising from the administration or distribution of the trust funds.

Calendar No. 160

94TH CONGRESS }
1st Session }

SENATE

} REPORT
No. 94-165

PROVIDING AN AUTHORIZATION FOR AN EX GRATIA PAYMENT TO
THE PEOPLE OF BIKINI ATOLL, IN THE MARSHALL ISLANDS OF THE
TRUST TERRITORY OF THE PACIFIC ISLANDS

JUNE 2, 1975.—Ordered to be printed

Mr. JACKSON (for Mr. JOHNSTON), From the Committee on
Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 5158]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 5158) to provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of this legislation is to provide a \$3 million ex gratia payment to the people of Bikini Atoll due to their relocation from Bikini to Kili in 1946 to provide a nuclear test site.

BACKGROUND

The people of Bikini were relocated beginning in 1946 to Rongerik Atoll, Kwajelein and finally Kili. Although a cleanup of Bikini has been conducted for several years, it is unlikely that they will be able to return until sometime next year. While Bikini is an atoll, Kili is an island which has resulted in social and cultural hardships. For example, Bikini has 23 islands on the atoll with a total land area of 2.32 square miles. Kili is an island of less than 200 acres fringed with a reef. There is no lagoon, and heavy winds and tides isolate the island from all shipping from November until March of each year.

The people of Enewetak were given an ex gratia payment of \$1,020,000 four years ago. The difference in the payment is due to the larger population of Bikini (750 as opposed to 400) and the inflation since 1971.

COST

The enactment of H.R. 5158 will not result in the expenditure of any additional funds by the Federal government.

COMMITTEE RECOMMENDATION

The full Committee on Interior and Insular Affairs met in open mark-up session on May 21, 1975, and a quorum being present, unanimously ordered H.R. 5158 reported favorably to the Senate.

DEPARTMENTAL REPORT

The executive communication of the Department of the Interior submitting and recommending this legislation is set forth in full below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 20, 1975.

HON. NELSON A. ROCKEFELLER,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposed bill, "To provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands."

We recommend that the bill be referred to the appropriate Committee for consideration, and strongly urge that it be enacted.

In 1946, in the interest of international security, all the Bikini people were removed from their home atoll to provide the United States with a nuclear test site. The Bikinians were moved three times, and finally settled on Kili, an island with a land area of only one-third of a square mile. Life on Kili was difficult from the very beginning. There was no lagoon in which to fish and no protected anchorage. In addition, a typhoon caused salt water flooding which destroyed crops and polluted the fresh water supply. Food shortages were common occurrences and high waves prevented field trip vessels from picking up copra and bringing foodstuffs ashore. In short, the past 29 years have been physically and psychologically difficult for the displaced Bikinians.

The people of Enewetak Atoll, also located in the Marshall Islands, experienced a parallel situation. They were displaced in 1947 and moved to Ujelang Atoll where they now live. Enewetak was also the site of weapons testing, and there were over 40 nuclear detonations through 1957.

However, there has been one significant difference in the experiences of the two peoples. In July 1969, the United States Government made an ex gratia payment of \$1,020,000 to the people of Enewetak in recognition of the hardships faced, the longstanding removal from their home atoll, and the fact that their ultimate return was not then viewed as possible in the near future. The funds were placed in trust for the people, who since that time have received interest payments. The trust fund will remain available even though the people are now scheduled to return to Enewetak.

In April 1974, the people of Bikini petitioned the Department of the Interior and the Department of Defense for an ex gratia payment. Their request was based upon the same logic as that used to make the ex gratia payment to the people of Enewetak. Both Departments feel that 29 years of hardship and suffering are sufficient grounds to justify compensation. Thus, I recommend a payment of \$2,270,000 to be held in trust for the people by a trustee approved by the Bikinians and High Commissioner of the Trust Territory.

We are aware that the people of Bikini Atoll, through the Kili/Bikini Council, have filed a claim with the Micronesian Claims Commission under the provisions of the Micronesian Claims Act of 1971. We believe the rationale for the ex gratia payment recommended in this bill is separate and distinct from the rationale advanced for the claim for damages filed with the Micronesian Claims Commission. Nevertheless, we will work with the Foreign Claims Settlement Commission, and the Micronesian Claim Commission, to avoid possible overlapping of any compensation for any item in the claim filed with them which, when fully developed, may relate to the same incident upon which the draft bill proposes to compensate.

The Office of Management and Budget has advised that the presentation of this proposed legislation is consistent with the program of the President.

Sincerely yours,

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

Enclosure.

A BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of the Interior in recognition of the hardship suffered by the people of Bikini due to displacement from their atoll since 1946 the sum of \$2,270,000, ex gratia. Such sum shall be paid to a trustee selected by the Kili/Bikini Council and approved by the High Commissioner of the Trust Territory of the Pacific Islands to be held in trust pursuant to the provisions of a trust agreement or amendment thereto agreed to by the Kili/Bikini Council and approved by the High Commissioner of the Trust Territory of the Pacific Islands for the use and benefit of and distribution to persons who possess rights in Bikini Atoll. Provision may be made in the trust instrument for disbursement of trust income and corpus by the trustee directly to the Kili/Bikini Council for distribution, according to custom and tradition, to persons who possess rights in Bikini Atoll. The governments of the United States and Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity arising from the administration or distribution of the trust funds.

○

Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of the Interior in recognition of the hardship suffered by the people of Bikini due to displacement from their atoll since 1946 the sum of \$3,000,000, ex gratia. Such sum shall be paid to a trustee selected by the Kili/Bikini Council subject only to disapproval by the High Commissioner of the Trust Territory of the Pacific Islands to be held in trust pursuant to the provisions of a trust agreement or amendment thereto agreed to by the Kili/Bikini Council subject only to disapproval by the High Commissioner of the Trust Territory of the Pacific Islands for the use and benefit of and distribution to persons who possess rights in Bikini Atoll. Provision may be made in the trust instrument for disbursement of trust income and corpus by the trustee directly to the Kili/Bikini Council for distribution, according to custom and tradition, to persons who possess rights in Bikini Atoll. The Governments of the United States and Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity arising from the administration or distribution of the trust funds.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

June 6, 1975

Dear Mr. Director:

The following bills were received at the White House on June 6th:

S. 1842
H.R. 5158

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.