

COMPACT OF FREE ASSOCIATION

January 14, 1980

Section 177

(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, the Federated States of Micronesia, or Palau for loss or damage to property and person of the citizens of the Marshall Islands, the Federated States of Micronesia or Palau, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.

(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

CONFIRMED TO BE UNCLASSIFIED
DOE/OFFICE OF DECLASSIFICATION
HERBERT SCHMIDT A.D.D. DATE:

HR Schmidt 4/13/01
DOS memo, 200100765, 5/30/01

APPENDIX 2

Statutory Compensation to the People of Micronesia Relating to
Damages Incurred from Nuclear Testing

1. Act of August 22, 1964, P.L. 88-854 (78 Stat. 598) provided \$950,000 as compassionate payment to the people of Rongelap for radiation exposures sustained by them as a result of the 1954 Bravo shot. This payment was for general suffering since in 1964 the late effects of thyroid abnormalities had not yet appeared.
 2. In 1969 a \$1,020,000 ex gratia payment was made to the people of Enewetak to compensate them for hardship and suffering due to their removal from Enewetak Atoll in 1947. It should be noted that this was not a statutory act but was provided by transfer of funds from the Air Force to the Department of the Interior.^{1/}
 3. Act of June 13, 1975, P.L. 94-34, provided for an ex gratia payment of \$3 million to the people of Bikini. The Act provided that this payment was to be placed in a Bikini Trust Fund.
 4. P.L. 94-367, Department of Defense Military Construction Appropriation Act, 1977, appropriated \$20 million for cleanup of Enewetak Atoll.
 5. P.L. 95-134, Territories of the United States Appropriations Authorization (91 Stat. 1159) authorized \$12,400,000 for rehabilitation and resettlement of Enewetak Atoll. This Act also authorized certain funds to be used by the islands communities of Rongelap, Utirik and Bikini Atolls as well as establishing a table of ex gratia payments for medical injuries to the people of Rongelap and Utirik. The Act also provides for medical care to the fallout victims of Rongelap and Utirik.
 6. P.L. 95-348, United States Insular Areas Appropriation Authorization of 1978, under the Bikini Resettlement section authorized an additional \$3,000,000 to be held in trust pursuant to the trust agreement established by P.L. 94-34. This additional \$3,000,000 was appropriated in P.L. 95-467 and placed in the Bikini Trust Fund in 1978. P.L. 95-467 also appropriated \$3,000,000 for Bikini resettlement purposes and these funds have been used for the temporary rehabilitation of Kili following the return of some 145 Bikinians to Kili and Ejit in August 1978 from Bikini Island and for costs incurred in exploration of possible temporary resettlement areas.
- ^{1/} In 1956, \$175,000 was paid to the people of Enewetak in a "Use Agreement". Of this amount, \$150,000 was placed in a trust fund. At the same time, \$325,000 was given to the people of Bikini in a "Use Agreement" of which \$300,000 was placed in a trust fund. Funds for these "Use Agreements" did not come from specific statutory acts but from monies transferred to the High Commissioner of the Trust Territory by the Department of the Navy.
- 8