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Formally apologizing for the nuclear legacy of the United States in the Republic of the Marshall Islands and affirming the importance of the free association between the Government of the United States and the Government of the Marshall Islands.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2022

Ms. HIRONO (for herself and Mr. MARKEY) introduced the following joint resolution; which was read twice and referred to the Committee on Energy and Natural Resources

JOINT RESOLUTION

Formally apologizing for the nuclear legacy of the United States in the Republic of the Marshall Islands and affirming the importance of the free association between the Government of the United States and the Government of the Marshall Islands.

Whereas the United States freed the islands now known as the Republic of the Marshall Islands, the Republic of Palau, and the Federated States of Micronesia from Japan through bloody battles during World War II;

Whereas the United States persuaded the United Nations to designate those islands as a United Nations Trust Territory and the United States as Administering Authority of

those islands pending the development of self-government on such islands;

Whereas, in response to United Nations Security Council concerns with respect to such administration, President Harry S. Truman wrote that the people of the Marshall Islands “will be accorded all rights which are the normal constitutional rights of the citizens under the Constitution” and “will be dealt with as wards of the United States for whom this country has special responsibilities”;

Whereas the United States used the northern atolls of the Marshall Islands—

(1) to conduct extensive nuclear weapons testing during the Cold War; and

(2) to dispose of radioactive waste from the Nevada Test Site;

Whereas the nuclear weapons testing program of the United States contaminated at least 11 of the 29 atolls of the Marshall Islands;

Whereas March 1 is Nuclear Victims Remembrance Day in the Marshall Islands, which memorializes the 67 thermonuclear tests the United States conducted in the Marshall Islands between 1946 and 1958 and produced on average approximately 1.7 times the explosive yield of the bomb that destroyed Hiroshima every day for 12 years;

Whereas the Castle Bravo test on March 1, 1954, remains the largest ever nuclear test by the United States, which yielded an explosion equivalent to approximately 1,000 times the power of the bomb that destroyed Hiroshima, and the unexpected size of the blast, combined with shifting wind conditions, led to radioactive exposure of civil-

ians on multiple atolls, who were not evacuated for more than 48 hours after the blast;

Whereas a 2019 study by Columbia University researchers found that levels of radioactive contamination on the 4 atolls most affected by nuclear testing exceeded the levels of radioactive contamination in Chernobyl, Ukraine, and Fukushima, Japan;

Whereas the resettlement of individuals on such atolls, which were later found to be unsafe due to direct exposure to nuclear fallout, contributed to increased cancer rates, birth defects, and other illnesses among the people of the Marshall Islands;

Whereas the United States conducted medical research on individuals in the Marshall Islands without their knowledge or consent;

Whereas, from January 1, 1977, to December 31, 1980, a joint task group of members of the Armed Forces and civilian employees and contractors conducted radiological cleanup and built the Runit Dome (also known as the Cactus Crater containment structure) on Enewetak Atoll to house more than 110,000 cubic yards of radioactively contaminated soil and debris;

Whereas, in addition to the radioactive waste from the Nevada Test Site that was dumped into the Enewetak Lagoon, more than 99 percent of all plutonium at Enewetak Atoll remains outside the Runit Dome;

Whereas, since 2012, the Secretary of Energy has been responsible, under section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)), for quadrennial studies of the groundwater surrounding and in the Cactus Crater containment struc-

ture, but the Secretary has failed to complete such studies;

Whereas, in October 2012, an official of the Department of Energy testified before Congress that seawater is “communicating” with the radioactive material in Cactus Crater;

Whereas many of the members of the Armed Forces who participated in the cleanup of Enewetak Atoll have remained largely ineligible for benefits related to radiation exposure;

Whereas the Government and the people of the Marshall Islands have long argued that compensation and assistance from the United States for personal injuries, adverse effects on health, the loss of land, and property damages have been inadequate;

Whereas a study by the National Cancer Institute, published in August 2010, found that 55 percent of the cancers in Rongelap Atoll and 10 percent of cancers in Utrik Atoll between 1946 and 1970 may be attributable to fallout exposure;

Whereas, in section 2(c) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note), Congress apologized to individuals affected by above-ground nuclear testing in the Southwest United States, but the United States has made no such apology for the legacy of United States nuclear testing in the Marshall Islands;

Whereas the Marshall Islands is one of the countries most vulnerable to the climate crisis;

Whereas rising sea levels threaten to engulf the Marshall Islands, which has no elevation higher than six feet;

Whereas Hilda Heine, former President of the Marshall Islands, stated that a failure of developed countries to pursue bolder climate action meant that her country was “facing death row”;

Whereas the United States continues to have a critical national security relationship with the Marshall Islands, which—

(1) is home to a facility the Joint Chiefs of Staff refer to as “the world’s premiere range for intercontinental ballistic missile testing and space operations support”; and

(2) in conjunction with the other Freely Associated States, guarantees the United States strategic control of an area of the Northern Pacific Ocean between the Philippines and Hawaii that is roughly the size of the continental United States;

Whereas a sustained commitment by the United States to the Freely Associated States would—

(1) ensure that the United States maintains control of shipping lanes in the Pacific Ocean; and

(2) deter efforts by the Peoples Republic of China to alienate the people of the Freely Associated States from the United States;

Whereas the Marshall Islands are more important to the national interests of the United States now than they have been at any time since World War II;

Whereas President Ronald Reagan encouraged the people of the Marshall Islands to ratify the Compact of Free Association Between the United States and the Republic of the Marshall Islands, done at Majuro June 25, 1983, by telling such people, “you will always be family to us”; and

Whereas the United States has a moral responsibility and a national security imperative—

(1) to formally apologize to the people of the Marshall Islands for the consequences of the nuclear weapons testing program;

(2) to reaffirm the kinship and commitment of the United States to, and concern for, the people of the Freely Associated States; and

(3) to demonstrate that the United States lives up to its history and responsibilities in the vital Indo-Pacific region and elsewhere: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
 2 *of the United States of America in Congress assembled,*
 3 That Congress—

4 (1) recognizes that—

5 (A) the United States nuclear testing pro-
 6 gram and radioactive waste disposal in the
 7 Marshall Islands caused irreparable material
 8 and intangible harm to the people of the Mar-
 9 shall Islands; and

10 (B) although the United States governed
 11 the Marshall Islands during such nuclear test-
 12 ing program and had complete responsibility for
 13 the welfare of the people of the Marshall Is-
 14 lands, the United States—

15 (i) failed to evacuate those people
 16 from areas contaminated by nuclear radi-
 17 ation;

1 (ii) prematurely resettled such people
2 in unsafe conditions; and

3 (iii) conducted medical research with-
4 out the consent of such people;

5 (2) apologizes on behalf of the United States to
6 the individuals and families of the Marshall Islands
7 for the hardships they have endured as a result of
8 the United States nuclear testing program and ra-
9 dioactive waste disposal;

10 (3) commits to providing assistance to the Mar-
11 shall Islands and the other Freely Associated States
12 to adapt to the worst effects of the climate crisis;

13 (4) urges the Secretary of Energy to complete
14 as soon as possible a radiochemical analysis of the
15 groundwater surrounding Cactus Crater in accord-
16 ance with section 103(f)(1) of the Compact of Free
17 Association Amendments Act of 2003 (48 U.S.C.
18 1921b(f)(1));

19 (5) calls upon the Secretary of Defense and the
20 Secretary of Energy to fully support the study re-
21 quired under section 1685 of the National Defense
22 Authorization Act for Fiscal Year 2022 (Public Law
23 117–81; 135 Stat. 2125), which directs the Public
24 Interest Declassification Board to explore the feasi-
25 bility of the declassification of documents related to

1 United States nuclear weapons testing in the Mar-
2 shall Islands;

3 (6) commits to securing healthcare coverage for
4 veterans of the Armed Forces and civilian personnel
5 who participated in the clean up of radiological
6 waste of former United States nuclear test sites in
7 the Marshall Islands;

8 (7) affirms that the Compact of Free Associa-
9 tion between the United States and the Republic of
10 the Marshall Islands, done at Majuro June 25, 1983
11 (referred to in this resolution as the “Compact of
12 Free Association”), is the cornerstone of the strong
13 relationship between the Marshall Islands and the
14 United States, which also includes—

15 (A) vital contributions of the people of the
16 Marshall Islands in the United States;

17 (B) high rates of service in the Armed
18 Forces by citizens of the Marshall Islands; and

19 (C) a shared desire for a free, stable, and
20 prosperous Indo-Pacific region;

21 (8) recognizes that it is incumbent on the
22 United States to open dialogue regarding the nu-
23 clear legacy of the United States in Marshall Islands
24 during any negotiation of the Compact of Free Asso-
25 ciation or its subsidiary agreements;

1 (9) welcomes the commitment of the Govern-
2 ment of the United States, outlined in the Indo-Pa-
3 cific Strategy of the United States, published by the
4 White House in February 2022, to “prioritize nego-
5 tiations on our Compacts of Free Association with
6 the Freely Associated States as the bedrock of the
7 U.S. role in the Pacific”, and urges the President to
8 appoint a special envoy to guide the interagency
9 process of negotiating an extension of the Compact
10 of Free Association; and

11 (10) acknowledges that nothing in this resolu-
12 tion—

13 (A) authorizes any claim against the
14 United States;

15 (B) supersedes any provision of the Com-
16 pact of Free Association or its subsidiary agree-
17 ments; and

18 (C) serves as a settlement of any claim
19 against the United States.

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