

## BIKINI RESETTLEMENT AND RELOCATION ACT OF 1999

JULY 27, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

### REPORT

[To accompany H.R. 2368]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2368) to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 2368, the “Bikini Resettlement and Relocation Act of 1999”, is to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands.

#### BACKGROUND AND NEED FOR LEGISLATION

The odyssey of the people of Bikini remains as an example of the protracted complexity of resettlement of the island communities dislocated during the United States’ nuclear testing program in the Marshall Islands. The United States moved the islanders off Bikini Atoll in 1946, and 23 atomic and hydrogen bomb tests were conducted there between 1946 and 1958. Following President Lyndon Johnson’s announcement in 1968 that the atoll was once again safe for human habitation, the Bikinians began to move back. They were removed again in 1979 when radiation levels at the atoll were found to be well in excess of acceptable federal standards. They are

still waiting to return to their homeland 53 years after they were first removed. Of the 167 Bikinians who were removed in 1946, 9 are still alive.

Although the exact cost of a radiological cleanup and resettlement of Bikini Atoll with various remediation options has yet to be established, it is estimated that the cleanup and resettlement process will take approximately ten years. As a result, it is likely that most of the remaining Bikini elders will not be able to return to their home islands, but will live out their years on Kili Island, some 400 miles south of Bikini, which has been their “temporary” home for more than half a century.

In order to recognize the hardships suffered by the people of Bikini, H.R. 2368 provides for a one-time 3 percent distribution from the Resettlement Trust Fund for the people of Bikini. The trust fund was first established by Congress in 1982 pursuant to Public Law 97–257, which appropriated \$20 million for the fund. Congress subsequently appropriated an additional \$90 million in 1988 pursuant to Public Law 100–446. The Bikini people have ensured the fiscal integrity of this trust fund by selecting reputable trustees and money managers and providing full transparency to the community and the U.S. Interior Department with monthly financial statements and annual audits. Independent federal oversight of the fund has consistently found the trust to be properly managed.

As sound investment decisions have earned the trust almost 14 percent annually since 1982, a 3 percent distribution will not require an appropriation of funds by Congress, nor will it diminish the total original corpus of the trust of \$110 million. The market value of the trust today is approximately \$126 million, so a 3 percent distribution, or approximately \$3,780,000, will reduce the market value to \$122.2 million, which remains well above the total original corpus.

The Bikini people, consistent with their culture and traditions, will make this distribution to the heads of household, with the understanding that the Bikini elders will be the primary beneficiaries, and such distribution shall be deducted from any further additional *ex gratia* appropriations made by Congress into the Resettlement Trust Fund. This authorization is consistent with past Congressional efforts to assist the people of Bikini. Without any additional costs to U.S. taxpayers, this bill will aid in the resettlement and relocation of the remaining Bikini elders.

#### COMMITTEE ACTION

H.R. 2368 was introduced on June 29, 1999, by Congressmen Don Young (R-AK) and George Miller (D-CA). The bill was referred to the Committee on Resources. On May 10 and 11, 1999, the Committee held a briefing and a hearing and considered the March 12, 1999, Kili/Bikini/Ejit Resolution No. 2 by the Local Government Council and heard requests by the representatives of the Council and Republic of the Marshall Islands to authorize a one-time distribution from the Resettlement Trust Fund for the People of Bikini. The Administration testified in support of this concept now embodied in H.R. 2368.

On July 21, 1999, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 23, 1999.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2368, the Bikini Resettlement and Relocation Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 2368—Bikini Resettlement and Relocation Act of 1999*

H.R. 2368 would amend the terms of the Resettlement Trust Fund for the People of Bikini to authorize a one-time distribution to the people of Bikini. The amount of the distribution would be limited to the greater of 3 percent of the fund's market value or the amount that exceeds the fund's principal. The federal government established the trust fund in 1982 to assist in relocating and resettling the people of the Bikini Atoll, who were moved off of their islands by the United States to facilitate the government's testing of nuclear weapons during the 1940s and 1950s.

Although the federal government has imposed restrictions on how monies appropriated into the Resettlement Trust Fund (which have already been counted as outlays) can be used, the funds belong to the people of Bikini and thus are nonfederal. Consequently, enacting the bill would have no impact on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 2368 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact is John R. Righter. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local, or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

