

112TH CONGRESS  
1ST SESSION

# S. 342

To provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2011

Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Republic of the Mar-  
5       shall Islands Supplemental Nuclear Compensation Act of  
6       2011”.

1 **SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.**

2 Section 103(f)(1) of the Compact of Free Association  
3 Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is  
4 amended—

5 (1) by striking “Notwithstanding” and insert-  
6 ing the following:

7 “(A) IN GENERAL.—Notwithstanding”;

8 and

9 (2) by adding at the end the following:

10 “(B) CONTINUED MONITORING ON RUNIT  
11 ISLAND.—

12 “(i) CACTUS CRATER CONTAINMENT  
13 AND GROUNDWATER MONITORING.—Effec-  
14 tive beginning January 1, 2008, the Sec-  
15 retary of Energy shall, as a part of the  
16 Marshall Islands program conducted under  
17 subparagraph (A), periodically (but not  
18 less frequently than every 4 years) con-  
19 duct—

20 “(I) a visual study of the con-  
21 crete exterior of the Cactus Crater  
22 containment structure on Runit Is-  
23 land; and

24 “(II) a radiochemical analysis of  
25 the groundwater surrounding and in

1 the Cactus Crater containment struc-  
2 ture on Runit Island.

3 “(ii) REPORT.—The Secretary shall  
4 submit to the Committee on Energy and  
5 Natural Resources of the Senate, and the  
6 Committee on Natural Resources of the  
7 House of Representatives, a report that  
8 contains—

9 “(I) a description of—

10 “(aa) the results of each vis-  
11 ual survey conducted under  
12 clause (i)(I); and

13 “(bb) the results of the  
14 radiochemical analysis conducted  
15 under clause (i)(II); and

16 “(II) a determination on whether  
17 the surveys and analyses indicate any  
18 significant change in the health risks  
19 to the people of Enewetak from the  
20 contaminants within the Cactus Cra-  
21 ter containment structure.

22 “(iii) FUNDING FOR GROUNDWATER  
23 MONITORING.—The Secretary of the Inte-  
24 rior shall make available to the Depart-  
25 ment of Energy, Marshall Islands Pro-

1           gram, from funds available for the Tech-  
 2           nical Assistance Program of the Office of  
 3           Insular Affairs, the amounts necessary to  
 4           conduct the radiochemical analysis of  
 5           groundwater under clause(i)(II).”.

6 **SEC. 3. CLARIFICATION OF ELIGIBILITY UNDER ENERGY**  
 7                   **EMPLOYEES OCCUPATIONAL ILLNESS COM-**  
 8                   **PENSATION PROGRAM ACT OF 2000.**

9           (a) DEFINITIONS FOR PROGRAM ADMINISTRATION.—  
 10 Section 3621 of the Energy Employees Occupational Ill-  
 11 ness Compensation Program Act of 2000 (42 U.S.C.  
 12 7384l) is amended by adding at the end the following:

13                   “(18) The terms ‘covered employee’, ‘atomic  
 14           weapons employee’, and ‘Department of Energy con-  
 15           tractor employee’ (as defined in paragraphs (1), (3),  
 16           and (11), respectively) include a citizen or national  
 17           of the Republic of the Marshall Islands or the Fed-  
 18           erated States of Micronesia who is otherwise covered  
 19           by that paragraph.”.

20           (b) DEFINITION OF COVERED DOE CONTRACTOR  
 21 EMPLOYEE.—Section 3671(1) of the Energy Employees  
 22 Occupational Illness Compensation Program Act of 2000  
 23 (42 U.S.C. 7385s(1)) is amended by inserting before the  
 24 period at the end the following: “, including a citizen or  
 25 national of the Republic of the Marshall Islands or the

1 Federated States of Micronesia who is otherwise covered  
2 by this paragraph”.

3 (c) OFFSET OF BENEFITS WITH RESPECT TO THE  
4 COMPACT OF FREE ASSOCIATION.—Subtitle C of the En-  
5 ergy Employees Occupational Illness Compensation Pro-  
6 gram Act of 2000 (42 U.S.C. 7385 et seq.) is amended  
7 by inserting after section 3653 (42 U.S.C. 7385j–2) the  
8 following:

9 **“SEC. 3654. OFFSET OF BENEFITS WITH RESPECT TO THE**  
10 **COMPACT OF FREE ASSOCIATION.**

11 “An individual who has been awarded compensation  
12 under this title, and who has also received compensation  
13 benefits under the Compact of Free Association between  
14 the United States and the Republic of the Marshall Is-  
15 lands (48 U.S.C. 1681 et seq.) (referred to in this section  
16 as the ‘Compact of Free Association’), by reason of the  
17 same illness, shall receive the compensation awarded  
18 under this title reduced by the amount of any compensa-  
19 tion benefits received under the Compact of Free Associa-  
20 tion, other than medical benefits and benefits for voca-  
21 tional rehabilitation that the individual received by reason  
22 of the illness, after deducting the reasonable costs (as de-  
23 termined by the Secretary) of obtaining those benefits  
24 under the Compact of Free Association.”.

1 **SEC. 4. SUPPLEMENTAL HEALTH CARE GRANT.**

2 Section 103(h) of the Compact of Free Association  
3 Amendments Act of 2003 (48 U.S.C. 1921b(h)) is amend-  
4 ed by adding at the end the following:

5 “(4) SUPPLEMENTAL HEALTH CARE GRANT.—

6 “(A) IN GENERAL.—In addition to  
7 amounts provided under section 211 of the  
8 U.S.–RMI Compact (48 U.S.C. 1921 note), the  
9 Secretary of the Interior shall provide to the  
10 Republic of the Marshall Islands an annual sup-  
11 plemental health care grant in the amount  
12 made available under subparagraph (D)—

13 “(i)(I) to provide enhanced primary  
14 health care, with an emphasis on providing  
15 regular screenings for radiogenic illnesses  
16 by upgrading existing services or by pro-  
17 viding quarterly medical field team visits,  
18 as appropriate, in each of Enewetak, Bi-  
19 kini, Rongelap, Utrik, Ailuk, Mejit, Likiep,  
20 Wotho, Wotje, and Ujelang Atolls, which  
21 were affected by the nuclear testing pro-  
22 gram of the United States; and

23 “(II) to enhance the capabilities of the  
24 Marshall Islands to provide secondary  
25 treatment for radiogenic illness; and

1                   “(ii) to construct and operate a whole-  
2                   body counting facility on Utrik Atoll.

3                   “(B) CONDITIONS ON HEALTH CARE  
4                   GRANTS.—To ensure the effective use of grants  
5                   funds under clause (i) of subparagraph (A), the  
6                   Secretary of the Interior, after consultation  
7                   with the Republic of the Marshall Islands, may  
8                   establish additional conditions on the provision  
9                   of grants under that clause.

10                   “(C) MEMORANDUM OF AGREEMENT.—To  
11                   meet the objectives of clause (ii) of subpara-  
12                   graph (A), the Secretary of the Interior, the  
13                   Secretary of Energy, and the Government of  
14                   the Republic of the Marshall Islands shall enter  
15                   into a memorandum of agreement setting forth  
16                   the terms, conditions, and respective respon-  
17                   sibilities of the parties to the memorandum of  
18                   agreement in carrying out that clause.

19                   “(D) FUNDING.—As authorized by section  
20                   105(c), there is appropriated to the Secretary  
21                   of the Interior, out of funds in the Treasury not  
22                   otherwise appropriated, to carry out this para-  
23                   graph \$4,500,000 for each of fiscal years 2009  
24                   through 2023, as adjusted for inflation in ac-

1 cordance with section 218 of the U.S.–RMI  
2 Compact, to remain available until expended.”.

3 **SEC. 5. ASSESSMENT OF HEALTH CARE NEEDS OF THE**  
4 **MARSHALL ISLANDS.**

5 (a) IN GENERAL.—The Secretary of the Interior shall  
6 enter into an agreement with the National Academy of  
7 Sciences under which the National Academy of Sciences  
8 shall conduct an assessment of the health impacts of the  
9 United States nuclear testing program conducted in the  
10 Republic of the Marshall Islands on the residents of the  
11 Republic of the Marshall Islands.

12 (b) REPORT.—On completion of the assessment  
13 under subsection (a), the National Academy of Sciences  
14 shall submit to Congress, the Secretary, the Committee  
15 on Energy and Natural Resources of the Senate, and the  
16 Committee on Natural Resources of the House of Rep-  
17 resentatives, a report on the results of the assessment.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated such sums as are nec-  
20 essary to carry out this section.

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