

118TH CONGRESS  
2D SESSION

# H. J. RES. 202

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2024

Ms. PORTER submitted the following joint resolution; which was referred to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## JOINT RESOLUTION

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

Whereas the United States took the islands now constituting the Republic of the Marshall Islands, the Republic of Palau, and the Federated States of Micronesia along with the Northern Mariana Islands 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 Terri-

tory and the United States as Administering Authority of those islands pending the development of self-government on such islands;

Whereas the United States used the northern atolls of the islands to conduct extensive nuclear weapons testing during the Cold War;

Whereas, in response to United Nations Security Council concerns with respect to such testing, 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 March 1 is Nuclear Victims Remembrance Day in the Marshall Islands, which memorializes the 67 nuclear tests the United States conducted in the Marshall Islands;

Whereas, between 1946 and 1958, the United States conducted nuclear testing that produced an explosive yield many times greater than the bombs that destroyed Hiroshima and Nagasaki, constituting the majority of explosive yield of all atmospheric U.S. nuclear weapons testing;

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;

Whereas the Castle Bravo test, in particular, seriously exposed civilians to radiation;

Whereas research is not conclusive due to difference in methodology and challenges in comparison, but one study con-

ducted in 2019 by Columbia University researchers found that levels of radioactive contamination on the four 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, from January 1, 1977, to December 31, 1980, a joint task group made up largely of contractors, but including Department of Defense servicemembers and civilians, 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 more than 99 percent of all transuranic elements at Enewetak Atoll remain 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 structure, 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 an ongoing need for assistance from the United States for personal injuries, adverse effects on health, the loss of land, and property damages;

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 during such period 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 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 Pacific Ocean between the Philippines and Hawaii that is larger than the 48 contiguous United States;

Whereas the sustained commitment by the United States to the Freely Associated States will—

(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 on 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—

1 (A) the United States nuclear testing pro-  
2 gram and radioactive waste disposal in the  
3 Marshall Islands caused irreparable material  
4 and intangible harm to the people of the Mar-  
5 shall Islands; and

6 (B) although the United States governed  
7 the Marshall Islands during such nuclear test-  
8 ing program and had complete responsibility for  
9 the welfare of the people of the Marshall Is-  
10 lands, the United States—

11 (i) failed to evacuate those people  
12 from areas contaminated by nuclear radi-  
13 ation;

14 (ii) the historic resettlement of the  
15 atolls occurred in conditions that carried  
16 risks, although remediation and cleanup  
17 has improved the conditions since that  
18 time; and

19 (iii) conducted medical research on in-  
20 dividuals without the consent of such peo-  
21 ple;

22 (2) apologizes on behalf of the United States to  
23 the individuals and families of the Marshall Islands  
24 for the hardships they have endured as a result of

1 the United States nuclear testing program and ra-  
2 dioactive waste disposal;

3 (3) has committed to provide assistance to the  
4 Marshall Islands and the other Freely Associated  
5 States (the Federated States of Micronesia and the  
6 Republic of Palau) to adapt to the worst effects of  
7 the climate crisis which, among other existential  
8 challenges, includes rising seas that are moving ra-  
9 dioactive matter outside of the Runit Dome, and  
10 should do more in this regard;

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

17 (5) commits to securing healthcare coverage for  
18 veterans of the Armed Forces and civilian personnel  
19 who participated in the clean up of radiological  
20 waste of former United States nuclear test sites in  
21 the Marshall Islands;

22 (6) affirms that the Compact of Free Associa-  
23 tion, as amended and added to, between the United  
24 States and the Republic of the Marshall Islands,  
25 done at Majuro on June 25, 1983 (referred to in

1 this resolution as the “Compact of Free Associa-  
2 tion”), most recently in the Compact of Free Asso-  
3 ciation Amendments Act of 2024, reflected the ongo-  
4 ing commitment of the United States to address  
5 problems faced by the people of the Marshall Islands  
6 stemming from United States nuclear weapons tests  
7 in many respects through section 206(c) of the Com-  
8 pact of Free Association Amendments Act of 2024  
9 and other provisions, and is the cornerstone of the  
10 strong relationship between the Marshall Islands and  
11 the United States, which also includes—

12 (A) vital contributions of the people of the  
13 Marshall Islands in the United States;

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

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

18 (7) has demonstrated commitment between the  
19 United States Freely Associated States and the  
20 United States Government to be the bedrock of a  
21 free and open Indo-Pacific through the Compact of  
22 Free Association Amendments Act of 2024; and

23 (8) acknowledges that nothing in this resolu-  
24 tion—



1           (A) authorizes any claim against the  
2 United States;

3           (B) supersedes any provision of the Com-  
4 pact of Free Association or its subsidiary agree-  
5 ments; and

6           (C) serves as a settlement of any claim  
7 against the United States.

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