



marsh. 2.8

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

401524

MAR 2 1978

Honorable Adrian P. Winkel
High Commissioner
Trust Territory of the
Pacific Islands
Saipan, Mariana Islands 96950

Dear Mr. Winkel:

This is a follow-up to my dispatch message, DOTA NO. 075-TT of February 27, 1978, on SB 7-109 providing for a Trust Territory Fallout Survivors Act to provide adequate medical care and other benefits to the people of Rongelap and Utirik Atolls.

We have been aware for a considerable period of time that P.L. 5-52 of 1973 has not been a workable act. It was approved in 1973 by the Acting High Commissioner without the Atomic Energy Commission (now incorporated into the Department of Energy) having had a chance to express an official opinion on it. The Act of 1973 required the High Commissioner to seek an executive agreement with the Atomic Energy Commission whereby the Atomic Energy Commission would be responsible for expenses incurred under the provisions of the Act. The Act also set out very specific demands.

Our files here do not seem to be complete on the sequence of events which led to the somewhat premature approval of the 1973 Act other than the Acting High Commissioner felt it politically expedient to approve it. However, it has not been possible to carry out the provisions of the Act.

Negotiations were undertaken with the Atomic Energy Commission after approval of the 1973 Act. That agency was not prepared to accept certain conditions laid down by the Congress of Micronesia, i.e., the inclusion of all descendants of exposed persons and all control persons, as well as all of the costs specified by the Congress of Micronesia. While an Agreement between the U.S. Atomic Energy Commission and the Trust Territory of the Pacific Islands eventually was worked out, it provided for only partial reimbursement and included only exposed persons and certain designated control persons.

cc: Dr. Robert Conard
Brookhaven National Laboratory, N.Y.



04120

5010939

The final result was that approval of the Act placed a law on the books which, in effect, could not be implemented.

Each year since 1973, the Agreement has been renewed, but there have been continual misunderstandings and resentment on the part of the Rongelapese and Utirikese people.

In retrospect, P.L. 5-52 should not have been approved in its original form, since obviously the Congress of Micronesia cannot, by its legislative actions, bind a U.S. Federal Agency to stipulations laid down by the Congress. If the original 1973 proposal had been in the form of a general resolution, it might have been possible to work out an inter-agency agreement which would have prevented many of the misunderstandings which have occurred.

Should the House of Representatives also pass SB 107, it is imperative this time that the key agency concerned, i.e., the Department of Energy, be given an opportunity to set forth its views and to explain what is feasible and what is not acceptable before any action is taken by your office.

Sincerely yours,

MRS. RUTH G. VAN CLEVE

Mrs. Ruth G. Van Cleve
Director
Office of Territorial Affairs