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 9/11/86

SEP 12 1986

Dep Mgr.
 Schuler
 a

John E. Rudolph, Dir., Program Support Div., MA, HQ (DP-224) GTN

MARSHALL ISLANDS PROGRAMS

Enclosed are copies of the August 1, 1986, Congressional Record pertaining in part to the Compact, and the Enjebi Agreement.

The material relevant to us on the Compact is found on H5276, H5282 and H5286. The heart of this amendment, as I read it, is to allow appropriations to agencies other than Interior and allows Interior now to reimburse other federal agencies for work performed. It certainly is not a mandate to DOE to seek funds. However, House Report 99-714, July 24, 1986, clearly expresses their intent, at least for Bikini, that "... the Department of the Interior and the Department of Energy ... work together to develop a plan for funding the necessary continuing activities related to this effort after FY-1987, and to keep the Committee informed how this will be accomplished. It is apparent that the DOE-LLNL efforts, as well as those of BARC, will be required at least through FY-1988, in order to provide a final report and recommendation as to the preferred method for rehabilitation of Bikini Island."

I suggest we get with Interior, hopefully in conjunction with an interagency meeting and prior to final DOE action on the FY-1988 budget submittal, to address this issue specifically. Since this is tied inextricably with the Bikini lawsuit settlement terms, we must, in my view, complete this work. If that reasoning is accepted, I believe DOE should budget for it so as not to risk complications of funding through DOI reimbursement. I recognize that there are those who would not agree with that. All this ties in with the medical program for the exposed, which, while in planning disarray, clearly is a program which will not be dropped by Congress and, therefore, will be carried out by the Administration. Realistically, "administration" means DOE, at least for FY-1988, even if Marimed or another health care group ultimately gets that responsibility. These two programs would be complimented by and permit economical use of the DOE support vessel and the logistics network.

*Marshall Islands Planning FY 1986-87
 Program / Policy Guidance*

HARRY BROWN'S Files, NV

SEP 12 1986

In regard to the Enjebi Agreement signed on July 21, 1986, by Minister Charles Donnack and Ambassador Zeder, I affirm that our first knowledge of this Agreement was from the RMI Government on September 5, 1986. Fortunately, we had anticipated this and had begun work on an updated assessment several months ago. We are going to plant some additional annual crops in November to augment our current data base and should have the assessment completed by the summer of 1987. I will work closely with Bill Robison on this to ensure the assessment is presented in a practical format.

I enjoyed the trip to Kwajalein and Majuro last week. I believe we all learned a lot and that the RMI now has a focused view of our current programs, the work which should be continued, our plans to continue in FY-1987, and the very uncertain future beyond that time. I look forward to early discussions with DOI, the interagency group, and the to-be-created Office of Freely Associated States Affairs so we might lift the veil beyond FY-1987.

Harry U. Brown
Assistant to the Manager
for Off-Continent Operations

Enclosures:
As stated

cc:
W. L. Robison, LLNL, Livermore, CA
w/Enjebi Agreement
J. H. Dryden, Dir., PASO, Honolulu,
HI, w/enc's.

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AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES
AND THE
GOVERNMENT OF THE MARSHALL ISLANDS
REGARDING THE RESETTLEMENT OF ENJEBI ISLAND

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AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES
AND THE
GOVERNMENT OF THE MARSHALL ISLANDS
REGARDING THE RESETTLEMENT OF ENJEBI ISLAND

This Agreement is concluded in furtherance of United States Public Law 99-239 and Section 5(10) of Marshall Islands Nitijela Resolution No. 62.

Article 1

Agreement Regarding the Resettlement of Enjebi Island

The Government of the United States and the Government of the Marshall Islands agree as follows:

Section 1

As provided for in United States P.L. 99-239, Section 103(k), the Government of the Marshall Islands hereby requests that the Government of the United States transfer to it the Enjebi Community Trust Fund (the Fund) described therein, including such assets, if any, as the Government of the United States may from time to time provide to the Fund. The Government of the United States hereby acknowledges this request and shall comply as soon as procedurally practical.

Section 2

The Government of the Marshall Islands and the Enewetak Local Government Council, in consultation with the people of Enjebi, shall provide for the creation of the Enjebi Community Trust Fund and the employment of the manager of the Enewetak Fund established pursuant to the Section 177 Agreement as trustee and manager of the Enjebi Fund, or, should the manager of the Enewetak Fund not be acceptable to the people of Enjebi, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of 250 million dollars.

Section 3

Upon request of the Government of the Marshall Islands, the Government of the United States, in accordance with its laws, shall monitor the radiation and other conditions on Enjebi and within one year of receiving such a request shall report to the Government of the Marshall Islands as to when the people of Enjebi may resettle Enjebi under circumstances where the radioactive contamination at Enjebi, including the contamination derived from consumption of locally grown food products, can be reduced or otherwise controlled to meet whole body Federal radiation protection standards for the general population, including mean annual dose and mean 30-year cumulative dose standards. The request required to be made by the Government of the Marshall Islands pursuant to this section is hereby made by the Government of the Marshall Islands and acknowledged as received by the Government of the United States.

Section 4

In the event that, pursuant to the procedures set forth in Section 3, the Government of the United States determines that the people of Enjebi can within 25 years of the date of the enactment of P.L. 99-239 resettle Enjebi under the conditions set forth in Section 3, then upon such determination there shall be available to the people of Enjebi from the Fund such amounts as are necessary for the people of Enjebi to do the following, in accordance with a plan developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government's overall economic development plan:

- (1) establish a community on Enjebi Island for the use of ^{THE} people of  Enjebi; and
- (2) replant Enjebi with appropriate food-bearing and other vegetation.

Section 5

In the event that, pursuant to the procedures set forth in Section 3, the Government of the United States determines that within 25 years of the date of enactment of P.L. 99-239 the people of Enjebi cannot resettle Enjebi without exceeding the radiation standards set forth in Section 3, then the fund manager shall be directed by the trust instrument to distribute the Fund to the people of Enjebi for their resettlement at some other location in accordance with a plan, developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government's overall economic development plan.

Section 6

Prior to and during the distribution of the corpus of the Fund pursuant to Sections 4 and 5 of this Agreement, the people of Enjebi may, if they so request, receive the interest earned by the Fund on no less frequent a basis than quarterly.

Section 7

Neither under the laws of the Marshall Islands nor under the laws of the United States, shall the Government of the United States be liable for any loss or damage to person or property in respect to the resettlement of Enjebi by the people of Enjebi, pursuant to the provisions of this Agreement or otherwise.

Article II

Effective Date and Amendment

Section 1

This Agreement shall come into effect in accordance with applicable laws and procedures of the Government of the United States and the Government of the Marshall Islands.

Section 2

This Agreement may be amended at any time by the mutual consent of the Government of the United States and the Government of the Marshall Islands.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Agreement.

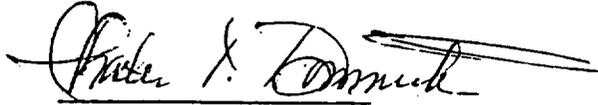
AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES
AND THE
GOVERNMENT OF THE MARSHALL ISLANDS
REGARDING THE RESETTLEMENT OF ENJEBI ISLAND

DONE AT Honolulu, Hawaii this 21st day of July,
one thousand, nine hundred eighty-six.

FOR THE GOVERNMENT

OF

THE MARSHALL ISLANDS



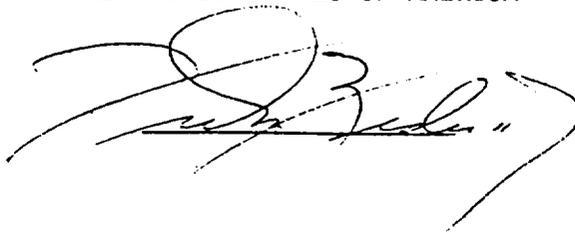
Peter A. Donnell

DONE AT Honolulu, Hawaii this 21st day of July,
one thousand, nine hundred eighty-six.

FOR THE GOVERNMENT

OF

THE UNITED STATES OF AMERICA

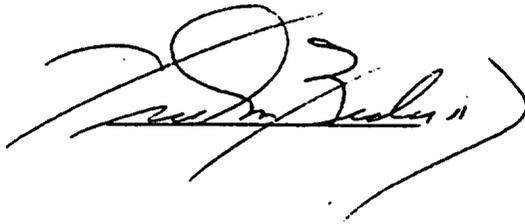


Peter A. Donnell

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REGARDING THE RESETTLEMENT OF ENJEBI ISLAND

DONE AT Honolulu, Hawaii this 21ST day of JULY,
one thousand, nine hundred eighty-six.

FOR THE GOVERNMENT
OF
THE UNITED STATES OF AMERICA



DONE AT Honolulu, Hawaii this 21ST day of JULY,
one thousand, nine hundred eighty-six.

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