



**To:** House Committee on Natural Resources Republican Members  
**From:** Subcommittee on Oversight and Investigations Republican Staff,  
Sang Yi ([Sang.Yi@mail.house.gov](mailto:Sang.Yi@mail.house.gov)) (202-821-9930) and  
Meghan Holland ([Meghan.Holland@mail.house.gov](mailto:Meghan.Holland@mail.house.gov)) (202-897-7480)  
**Date:** October 18, 2021  
**Subject:** Oversight Hearing on “*Runit Dome and the U.S. Nuclear Legacy in the Marshall Islands*”

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The Subcommittee on Oversight and Investigations will hold an oversight hearing titled “Runit Dome and the U.S. Nuclear Legacy in the Marshall Islands” on **Thursday, October 21, 2021, at 10:00 a.m. EDT** via Cisco WebEx.

Member offices are requested to notify Sang Yi by **4:30 p.m. EDT on Tuesday, October 20, 2021**, if their Member intends to participate in person in the hearing room or remotely from his/her laptop from another location. Submissions for the hearing record must be submitted through the Committee’s electronic repository at [HNRDocs@mail.house.gov](mailto:HNRDocs@mail.house.gov). Please contact David DeMarco ([David.DeMarco@mail.house.gov](mailto:David.DeMarco@mail.house.gov)) or Everett Winnick ([EverettWinnick@mail.house.gov](mailto:EverettWinnick@mail.house.gov)) should any technical difficulties arise.

## I. KEY MESSAGES

- This hearing will present an opportunity for Members to highlight the expiring Compact of Free Association with the Republic of the Marshall Islands. Despite formal negotiations under the Trump Administration, the status of the Biden Administration’s actions to renew these agreements is unclear.
- The Republic of the Marshall Islands is a key ally in the Pacific. Through a Compact of Free Association, the Republic of Marshall Islands is granted security and financial assistance. In exchange, the United States maintains a strategically important military presence in the Pacific.
- Continued partnership with the Republic of the Marshall Islands is crucial to countering China’s expanding influence in the Pacific region.

## II. WITNESSES

### *Government Panel*

- Ms. Julianna Bentes, Attorney-Advisor, Office of the Legal Advisor, U.S. Department of State, Washington, D.C.



- Mr. Matthew Moury, Assistant Under Secretary for Environment, Health, Safety, and Security, U.S. Department of Energy, Washington, D.C.
- Mr. Nikolao Pula, Director, Office of Insular Affairs, U.S. Department of the Interior, Washington, D.C.

*Second Panel*

- Mr. Dean Cheng, Senior Research Fellow, Asian Studies Center, Davis Institute for National Security and Foreign Policy, Heritage Foundation, Washington, D.C.  
*[Republican Witness]*
- Ms. Melisa Laelan, Founder & Executive Director, Arkansas Coalition of Marshallese, Springdale, Arkansas
- Mr. Casten Nemra, Foreign Minister for the Republic of the Marshall Islands

### III. BACKGROUND

The Republic of the Marshall Islands (RMI) is one of the three Pacific island nations collectively known as the freely associated states.<sup>1</sup> Each of the freely associated states has a compact of free association (compact) with the United States.<sup>2</sup> The compacts are administered by the Department of the Interior (DOI).<sup>3</sup> Through its compact, RMI receives many benefits including: economic assistance, United States military protection, the ability of its citizens to live and work in the United States as lawful non-immigrants, and access to federal programs.<sup>4</sup> In exchange, the United States can construct military facilities in RMI and the United States maintains the right of strategic denial, giving the United States the right to prevent a third country’s military access to RMI.<sup>5</sup>

In 1986, RMI’s initial compact was ratified and signed into law.<sup>6</sup> Between 1987 and 2003, the United States provided assistance worth nearly \$661 million to RMI.<sup>7</sup> The initial compact included Section 177, which provided \$150 million in the Nuclear Claims trust fund, as compensation for the four atolls impacted by the United States’ nuclear testing on RMI.<sup>8</sup> Section 177 constituted the “full and final settlement” of legal claims against the United States government related to nuclear testing.<sup>9</sup> In total, the United States has provided more than \$600

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<sup>1</sup> The three nations collectively known as the freely associated states are the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

<sup>2</sup> *Full Committee Hearing on the Freely Associated States: Hearing Before the S. Comm. on Energy and Nat. Res.*, 116th Cong. (2019) (Written Testimony of Douglas Domenech, Assistant Sec’y, Insular and International Affairs, Dep’t of the Interior).

<sup>3</sup> Derek Grossman, Michael Chase, Gerard Finin, Wallace Gregson, Jeffrey Hornung, Logan Ma, Jordan Reimer, & Alice Shih, *America’s Pacific Islands Allies: The Freely Associated States and Chinese Influence*, RAND CORPORATION (2019) at x.

<sup>4</sup> Thomas Lum, *The Freely Associated States and Issues for Congress*, Congressional Research Services (Oct. 7, 2020), <https://www.crs.gov/Reports/R46573?source=search&guid=4d2dec383bb543d7889fc3e406f3d0ac&index=0>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

million to RMI for nuclear claims, health and medical programs, and environmental cleanup and monitoring.<sup>10</sup>

RMI's compact was amended in 2004 to extend the United States' economic assistance for an additional 20 years.<sup>11</sup> Between 2004 and 2023, the United States is expected to provide RMI with a total of \$722 million in grant assistance and \$276 million in trust fund contributions.<sup>12</sup> The trust fund was established during the extension of the compact.<sup>13</sup> After fiscal year 2023, investment earnings from the trust fund are intended to assist RMI's government with the costs of education, health care, environment, and public infrastructure.<sup>14</sup> A 2018 Government Accountability Office (GAO) report found that although RMI's trust fund has grown, its small growth cannot sustain levels of funding similar to 2023's annual grant assistance, estimated at \$26.9 million.<sup>15</sup>

### *Nuclear Testing and the Runit Dome*

From 1946 to 1958, the United States conducted 67 nuclear weapons tests over four atolls in RMI.<sup>16</sup> Forty-three of these tests were conducted at Enewetak Atoll.<sup>17</sup> The Runit Dome, located on Runit Island, on the Enewetak Atoll, stores the nuclear waste from these tests in a crater covered by a concrete dome.<sup>18</sup> The Runit Dome holds more than 3.1 million cubic feet (equivalent to 35 Olympic-size swimming pools) of radioactive soil and debris.<sup>19</sup> Although the residents of the Enewetak Atoll have returned, Runit Island remains uninhabited.<sup>20</sup>

The National Defense Authorization Act (NDAA) for Fiscal Year 2020 directed the Department of the Energy (DOE) to conduct an analysis of the Runit Dome.<sup>21</sup> In June 2020, DOE published its report, which found the Runit Dome was not in immediate danger of failure.<sup>22</sup> DOE noted no further maintenance was required, beyond periodic preventative maintenance on the exterior of the dome.<sup>23</sup> Additionally, DOE reported its implementation of a groundwater monitoring program.<sup>24</sup> As of 2020, data confirmed that the radioactive material contained in the dome did not have a measurable adverse impact on the surrounding environment.<sup>25</sup> Finally, DOE

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<sup>10</sup> *Id.*

<sup>11</sup> Memorandum from Thomas Lum & Bruce Vaughn, Congressional Research Services, to H. Comm. on Foreign Affairs (Sept. 3, 2019).

<sup>12</sup> *Supra* note 3.

<sup>13</sup> *Supra* note 1.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> An atoll is a chain of islands formed of coral; *supra* note 3.

<sup>17</sup> *Report on the Status of the Runit Dome in the Marshall Islands*, U.S. Dep't of Energy (June 2020), <https://www.energy.gov/sites/prod/files/2020/06/f76/DOE-Runit-Dome-Report-to-Congress.pdf> at 2.

<sup>18</sup> *Id.* at 1.

<sup>19</sup> Susanne Rust, *U.S. Says Leaking Nuclear Waste Dome is Safe; Marshall Islands Leaders Don't Believe It*, LA TIMES (July 1, 2020), <https://www.latimes.com/environment/story/2020-07-01/us-says-nuclear-waste-safe-marshall-islands-runit-dome>.

<sup>20</sup> *Supra* note 17 at 2.

<sup>21</sup> *Id.* at 1.

<sup>22</sup> *Id.* at 4.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at iii.

<sup>25</sup> *Id.*

highlighted its two decades of work with the Enewetak Ujelang Local Government to implement a radiological protection monitoring program on the Enewetak Atoll.<sup>26</sup>

#### *Actions Taken by the Trump Administration*

As the expiration of the compact with RMI approaches, negotiations are needed to renew the compact. In May 2019, President Trump became the first president in history to invite the presidents of the freely associated states to the White House.<sup>27</sup> In August 2019, Mike Pompeo became the first U.S. Secretary of State to visit Micronesia, and met with representatives from the freely associated states.<sup>28</sup> During the trip, then-Secretary Pompeo announced the United States was ready to begin compact renewal negotiations.<sup>29</sup> Doug Domenech, the Assistant Secretary for Insular and International Affairs, DOI and Karen Stewart, the U.S. Ambassador to the Marshall Islands were selected as the chief negotiators for the United States and formal negotiations began on May 30, 2020.<sup>30</sup> It is unclear whether the Biden Administration continued this level of engagement.

#### **IV. REPUBLICAN APPROACH**

Although Democrats presented a narrow discussion topic, this hearing provides Republican Members the opportunity to focus on the importance of renewing our compact with RMI. Our relationship with RMI has contributed to peace in the Pacific and strengthened our national security. RMI is an international partner for the United States. It is one of six countries in the Pacific region to recognize Taiwan's sovereignty, rather than the People's Republic of China's.<sup>31</sup> Additionally, RMI is one of the United States' strongest supporters at the United Nation.<sup>32</sup>

Over the past 70 years, the Indo-Pacific Region has been largely peaceful, due in part to the United States' relationship with the freely associated states.<sup>33</sup> This relationship allows the United States to maintain a robust military presence in the region.<sup>34</sup> For example, on the RMI's Kwajalein Atoll, the United States has \$2 billion invested in military infrastructure.<sup>35</sup> This

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<sup>26</sup> *Id.* at 8.

<sup>27</sup> Press Release, DEP'T OF THE INTERIOR, *Interior Secretary Bernhardt Applauds President Trump for Historic Meeting with Presidents of Palau, Marshall Islands, and the Federated States of Micronesia* (May 21, 2019), <https://www.doi.gov/pressreleases/interior-secretary-bernhardt-applauds-president-trump-historic-meeting-presidents>.

<sup>28</sup> *Supra* note 3.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Full Committee Hearing on the Freely Associated States: Hearing Before the S. Comm. on Energy and Nat. Res.*, 116th Cong. (2019) (Written Testimony of Randall G. Schriver, Assistant Secretary of Defense for Indo-Pacific Security Affairs, Office of the Secretary of Defense).

<sup>32</sup> *Full Committee Hearing on the Freely Associated States: Hearing Before the S. Comm. on Energy and Nat. Res.*, 116th Cong. (2019) (Written Testimony of Sandra Oudkirk, Deputy Assistant Sec'y for Australia, New Zealand, and Pacific Islands, Bureau of East Asian and Pacific Affairs, Department of State).

<sup>33</sup> *Supra* note 36.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

includes the Ronald Reagan Ballistic Missile Defense Test Site, a key element for national security.<sup>36</sup>

Over the past decade, China has significantly increased its engagement with islands in the Pacific.<sup>37</sup> Concerningly, China appears to be attempting to increase its influence in the freely associated states, including RMI.<sup>38</sup> Uncertainty around the United States' continuation of economic assistance to RMI provides China with an opportunity to undermine our relationship with RMI.<sup>39</sup> Dean Cheng, the Republican witness, will focus on the strategic importance of maintaining our relationship with RMI. Specifically, Mr. Cheng can describe the threats posed by China, and the role the freely associated states play in thwarting China's efforts in the region.

Renewing RMI's compact is crucial to maintaining our presence in the Pacific. If the United States stopped providing economic assistance, our position in the region could be threatened.<sup>40</sup> Economic assistance plays a significant role in the funding of the freely associated states' governments. The loss of funds could force RMI to seek revenues from other sources. A representative from the Department of Defense testified that "compact financial assistance is a good deal for U.S. national security."<sup>41</sup> Republicans can utilize this hearing as an opportunity to advocate for the continuation of a relationship that contributes to our nation's security.

## V. ISSUES DEMOCRATS MAY RAISE

As the hearing title indicates the Democrats are expected to focus on the impacts of the United States' nuclear testing in RMI. When addressing this issue, former U.S. Ambassador to RMI, Karen Stewart, noted the \$600 million the United States spent in recognition of "the effects of its testing and has accepted and acted on its responsibility to the people of the Republic of the Marshall Islands."<sup>42</sup>

Democrats are likely to focus on requesting additional funds to address nuclear claims and criticisms of the DOE report on the Runit Dome. Democrats may assert that the United States still owes RMI billions of dollars to address the impacts of nuclear testing. Under Section 177 of the initial compact, RMI retained the right to request additional compensation through a Changed Circumstances Petition.<sup>43</sup> In September 2000, RMI filed a Changed Circumstances petition asserting \$3.3 billion represented the actual amount owed to RMI because of nuclear testing.<sup>44</sup> In November 2004, after evaluating the petition's legal and scientific basis the Department of

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<sup>36</sup> *Id.*

<sup>37</sup> *Supra* note 36.

<sup>38</sup> *Supra* note 2.

<sup>39</sup> *Id.*

<sup>40</sup> *Supra* note 35.

<sup>41</sup> *Id.*

<sup>42</sup> Susanne Rust, *How the U.S. Betrayed the Marshall Islands, Kindling the Next Nuclear Disaster*, LA TIMES (Nov. 10, 2019), <https://www.latimes.com/projects/marshall-islands-nuclear-testing-sea-level-rise/>.

<sup>43</sup> Thomas Lum, Kenneth Thomas, C. Stephen Redhead, & David Beardon, *Republic of the Marshall Islands Changed Circumstances Petition*, Congressional Research Services (May 16, 2005) at 12.

<sup>44</sup> *Id.* at 6.

State determined the request did not qualify as ‘changed circumstances’ and did not provide additional payments.<sup>45</sup>

Democrats may also raise concerns about the Runit Dome. Critics deemed the DOE report a disappointment, claiming the risks associated with the contents of the Runit Dome were downplayed.<sup>46</sup> While DOE’s report concluded the Runit Dome was not in immediate risk of failure, Republicans encourage DOE to continue monitoring Runit Dome to ensure environmental and safety standards are met.

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<sup>45</sup> *Id.* at 2.

<sup>46</sup> *Supra* note 19.