



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

Executive  
ST 51

DEC 26 1976

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer  
Department of Defense  
Department of State  
Department of Justice  
Office of Micronesian Status Negotiations  
National Security Council ✓  
Environmental Protection Agency  
Energy Research and Development Administration

SUBJECT: Interior draft bill, "To provide for the relief of certain residents of the Trust Territory of the Pacific Islands."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than January 11, 1977

Questions should be referred to Bob Bauerlein (103x4993 ) or to John Markus (103x4606 ), the legislative analyst in this office.

*Ronald K. Peterson*  
Ronald K. Peterson for  
Assistant Director for  
Legislative Reference

cc: NR-Crabill  
IA-Sanders  
NS-Sitrin  
SET-Loweth  
Enclosures



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240



Dear Mr. Speaker:

Enclosed is a proposed bill "To provide for the relief of certain residents of the Trust Territory of the Pacific Islands."

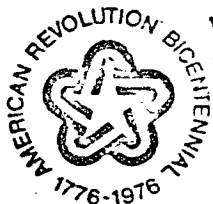
We recommend that the bill be referred to the appropriate committee for consideration, and strongly urge that it be enacted.

The bill would provide for ex gratia compensation to the people of Rongelap and Utirik Atolls in the Marshall Islands for radiation exposure resulting from a thermonuclear detonation on Bikini Atoll on March 1, 1954. The following sums would be paid:

- (1) \$25,000 to each person, or his heirs or legatees per stirpes and not per capita, who has had his thyroid gland or a neurofibroma in the neck surgically removed, or who has developed thyroid atrophy resulting in myxedema or who develops a radiation related malignancy;
- (2) \$25,000 for the heirs or legatees per stirpes and not per capita of a person dying of radiation-related causes; and
- (3) \$1,000 to each person who was an inhabitant of Utirik Atoll, his heirs or legatees per stirpes and not per capita.

On March 1, 1954, the people of Rongelap and Utirik were exposed to accidental radiation fallout from a United States thermonuclear test. The Rongelapese received an estimated GMVA dose of 175 rads and the Utirikese, 14 rads. Additionally, the people of Rongelap were displaced from their island for 3 years, the people of Utirik for 3 months. There were no deaths at the time of the fallout but acute effects were noted, particularly in the Rongelap people. These included transient depression of blood cells, body skin burns, and spotty loss of hair. There was internal absorption of radioactive material by inhalation and ingestion of contaminated food and water.

In 1965, the U.S. Congress appropriated \$950,000 to carry out the provisions of P.L. 88-435, enacted in the preceding year, for the exposed people of Rongelap (some \$10,500 per person). No compensation was paid to the people of Utirik since the dosage received was believed, at that time, to be too low to cause any radiation abnormalities.



Since the 1965 compensation payment, thyroid radiation related effects began to appear in the Rongelap exposed groups; particularly tumors of the thyroid in children and to a lesser degree in adults; By 1975, 29 of the original Rongelapese exposed population of 86 had developed abnormalities of the thyroid gland. Of this group, 24 have had thyroid surgery in the United States with three of the tumors being cancerous. Additionally, in 1972, a 19-year old Rongelapese man, who had been exposed at the age of 1 year and who earlier had thyroid surgery died of acute leukemia in the National Institutes of Health, Bethesda, Maryland.

Annual medical examinations on the people of Rongelap and Utirik have been carried out since the 1954 fallout. In 1974, the Atomic Energy Commission paid \$18,000 as an inconvenience payment to the people of Utirik to recompense them for the medical tests regularly being done on them but this amounted to approximately \$114 per person. During the follow-up medical examinations, several benign tumors of the thyroid in the Utirik population appeared, as well as one case of thyroid cancer. Since the incidence was less than the incidence in the unexposed Rongelap population, it was held that these tumors were not related to the fallout. Nonetheless, of four benign tumors, three were surgically removed. In October 1975, a second case of cancer of the thyroid appeared in an exposed Utirik woman. Medical experts and statisticians advise that it is extremely unlikely that two cases of thyroid cancer would occur by chance in the exposed Utirik population.

The Congress of Micronesia in 1972 appointed a Special Committee concerning Rongelap and Utirik Atolls to study the problem. The Committee recommended additional compensation be paid to the people of Rongelap and Utirik.

There is no question that certain liability exists for the fallout accident and this was recognized in 1965, when the U.S. Congress appropriated \$950,000 (P.L. 88-485) for the people of Rongelap.

In 1955, the U.S. Government settled with the Government of Japan for 29 Japanese fishermen aboard the Japanese fishing vessel, the Lucky Dragon, who were subject to the same 1954 fallout as were the people of Rongelap and Utirik. The claims of these Japanese fishermen were the subject of a settlement of \$2 million entered into by the Department of State (T.I.A.S. 3160, 6. U.S. TI, January 4, 1955). Other precedent for such action is to be found in the Fort Chicago, California explosions, where through legislation, the Congress empowered the Secretary of the Navy to settle claims for property damage, death and personal injury arising out of that disaster (see Public Law 423, 73 Cong., and Public Law 637, 87th Cong.) and in the Texas City, Texas, disaster relief bill (Public Law 378, 84th Cong.) where the Secretary of the Army was authorized to settle claims resulting from that disaster.

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Since 1965, latent effects have increasingly appeared in the Rongelap exposed population and now in the Utirik exposed population. While the people of Rongelap received a previous ex gratia payment in the nature of relief benefits, based on humanitarian principles, this earlier payment was for general suffering, damages, injuries and inconvenience suffered up to 1965. As noted above, up to that time no serious after effects had been recorded. The thyroid radiation related effects, i.e., tumors, some cancerous, and other thyroid abnormalities, as well as one death from acute leukemia, have occurred since 1965. Additionally, the people of Utirik did not receive compensation in 1965.

We believe that the amounts of compensation requested in the enclosed bill are reasonable. Following is a breakdown of the current costs of the proposed bill.

- 1. \$25,000 - for each thyroid operation to date; for surgical removal of neurofibroma tumor in the neck and for atrophy of the thyroid gland.  
(32 cases to date).....\$ 800,000
  - 2. \$25,000 - to the heirs of a person dying from radiation related causes.....\$ 25,000
  - 3. \$1,000 - each for each exposed Utirikese, their heirs or assignees (158).....\$ 158,000
- \$ 983,000

We believe that future payments under the enclosed legislation would not exceed an additional \$300,000 to \$500,000.

The Office of Management and Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

Secretary of the Interior



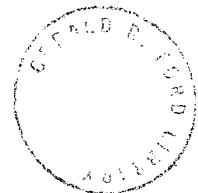
A BILL

To provide for the relief of certain residents of the Trust Territory of the Pacific Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby assumes compassionate responsibility to compensate inhabitants of the Rongelap Atoll and Utirik Atoll in the Trust Territory of the Pacific Islands for radiation exposure sustained by them as a result of a thermonuclear detonation at Bikini Atoll in the Marshall Islands on March 1, 1954.

SEC. 2. Any provision of other laws including Public Law 88-485 (78 Stat. 598) to the contrary notwithstanding, there is authorized to be appropriated from the Treasury of the United States such sums as may be necessary to be paid by the Secretary of the Interior (hereinafter referred to as "Secretary") to persons resident on Rongelap Atoll and Utirik Atoll, Marshall Islands on March 1, 1954, as follows:

(A) twenty-five thousand dollars to each person who has had his thyroid gland or a neurofibroma in the neck surgically removed, or who has developed thyroid atrophy resulting in myxedema; or who develops a radiation related malignancy, such as leukemia; provided that with respect to each person who has died of any such case (or any other radiation related cause) prior to the receipt of such payment, the Secretary shall pay such sum to the heirs or legatees of such person to be divided among them, where appropriate, per



stirpes and not per capita. The Secretary may, where in his sole judgment, circumstances warrant, compensate a living person who suffers from a radiation related cause not otherwise entitled to payment under this subsection at any rate which he determines to be fair but which in no event shall be greater than that specified in this subsection.

(B) one thousand dollars to each person who on March 1, 1954, was an inhabitant of Utirik Atoll, his heirs or legatees per stirpes and not per capita.

SEC. 3. A payment made under the provisions of this Act shall be in full settlement and discharge of all claims against the United States arising out of the thermonuclear detonation on March 1, 1954.

SEC. 4. The decisions of the Secretary in allowing or denying any claim under this Act shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise.

SEC. 5. No appropriations or payments authorized pursuant to the provisions of this Act shall be made after the end of the Fiscal Year 1987, and it shall be the duty of the Secretary to assure, by personal delivery, publication, or otherwise that all beneficiaries under this Act are notified of their rights hereunder in sufficient time to make claims for the benefits provided herein so that they may receive payment prior to the termination of the program. The Secretary is authorized to make all needful rules and regulations for the discharge of his duties hereunder.

# NSC CORRESPONDENCE PROFILE

DOC		RECD			LOG NUMBER
MO	DA	MO	DA	HR	
12	28	12	28	13	6659 7406058

INITIAL ACTION 0

TO: PRES \_\_\_\_\_ FROM: SECSTATE \_\_\_\_\_ S/S \_\_\_\_\_ UNCLAS LOG IN/OUT \_\_\_\_\_  
 SCOWCROFT \_\_\_\_\_ SECDEF \_\_\_\_\_ LOU NO FORM MODIS \_\_\_\_\_  
 HYLAND \_\_\_\_\_ DCI \_\_\_\_\_ X REF \_\_\_\_\_ C EYES ONLY EXDIS \_\_\_\_\_  
 DAVIS X STATE EXSFC \_\_\_\_\_ S CODEWORD \_\_\_\_\_  
 OTHER Petersen, R TS SENSITIVE \_\_\_\_\_

SUBJECT: Legislative refs re Interior dept bill to provide for relief of certain residents of trust territory of Pacific Islands

SOURCE/CLASS/DESCRIPTION

DISTRIBUTION/INITIAL ACTION ASGMT

INTERNAL ROUTING AND DISTRIBUTION				REC CY FOR
	ACTION	CONCURRENCE	COORDINATE	INFO
ADV CYS S'CROFT/ WGH				
STAFF SECRETARY				
CONGRESSIONAL	X			
ECONOMIC				
EUR/ CANADA/ OCEANS				
FAR EAST/ PRC				X
INTELLIGENCE				
LATIN AMERICA				
MID EAST/ NO. AFRICA				
NSC PLANNING				
PROGRAM ANALYSIS				
SCIENTIFIC				
SUB-SAH/ AFRICA/ UN				

ACTION REQUIRED

MEMO FOR SCOWCROFT \_\_\_\_\_

MEMO FOR PRES \_\_\_\_\_

REPLY FOR \_\_\_\_\_

APPROPRIATE ACTION \_\_\_\_\_

MEMO \_\_\_\_\_ TO \_\_\_\_\_

RECOMMENDATIONS \_\_\_\_\_

JOINT MEMO \_\_\_\_\_

REFER TO \_\_\_\_\_ FOR: \_\_\_\_\_

ANY ACTION NECESSARY? \_\_\_\_\_

CONCURRENCE by phone 9/10/77 X

DUE DATE: 9/10/77

COMMENTS: (INCLUDING SPECIAL INSTRUCTIONS)

SUBSEQUENT ROUTING/ACTIONS

DATE	FROM	TO	STATUS	SUBSEQUENT ACTION REQUIRED (OR TAKEN):	DUE	CY TO
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NSC/S DISP INSTR

DISPATCH \_\_\_\_\_ NOTIFY \_\_\_\_\_

SPECIAL DISPOSITION: \_\_\_\_\_

SPECIAL INDEXING: \_\_\_\_\_

SUSPENSE CY ATTACHED \_\_\_\_\_

MICROFILM & FILE RGMTS

M/F/D \_\_\_\_\_ BY \_\_\_\_\_

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