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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

WWW.ENERGY.SENATE.GOV

December 1, 2017

The Honorable Ryan Zinke
Secretary
United States Department of the Interior
1849 C Street NW,
Washington, DC 20240

Dear Secretary Zinke:

I write to express my concern with the Department of the Interior's recent decision to provide the Mayor and Council of the Kili-Bikini-Ejit (KBE) Local Government in the Republic of the Marshall Islands with full and total control over the Bikini Resettlement Trust Fund (Fund). I learned of this decision via a press release and plan to introduce legislation to provide a reasonable limit on withdrawals from the Fund each year.

Although I agree with a principle in favor of local decision making and share your desire to restore trust with local residents, I am also concerned, as I know you are, that the Department meet its legal and fiduciary obligations with respect to the expenditure of U.S. taxpayer dollars from the Fund for the rehabilitation and resettlement of Bikini Atoll for the benefit of its people.

I have been advised that the Department has authority to discharge these legitimate oversight functions, as provided in the 1982 Trust Agreement, the 1988 Amended Trust Agreement, and the two 1990 memoranda of agreement, but also recognize that some have questioned the extent of the Department's authority to disapprove of withdrawals from the Fund.

Accordingly, I plan to introduce the attached legislation, which would explicitly provide the Department with authority to disapprove of withdrawals from the Fund, and limit the amount that can be withdrawn each year to five percent of its corpus, based on its average market value for the previous five fiscal years, until a resettlement plan is developed and submitted to Congress. I request that you hold the Assistant Secretary for Insular Area's authorization in abeyance through the end of this Congress.

Since 1982, Congress has appropriated over \$110 million for the relocation and resettlement of the people of Bikini Atoll through the Bikini Atoll Resettlement Trust Fund. For the past 16 years, the Department has negotiated with the Bikini Atoll leadership on their annual budget to ensure that withdrawals from the Fund are used for its intended purpose. The agreed-upon annual budgets averaged approximately \$5 million to \$8 million per year. It is my understanding,

however, that in the one week since the Department relinquished its oversight role on November 21, at least \$11 million – nearly double the average annual budget – has been wired out of the Fund to the Bikini Atoll leadership without any agreement on how that money will be used.

This comes after annual drawdowns from the Fund during the previous Administration had already reached amounts that were unsustainable, reducing the level of the Fund from its high of \$129.2 million in 2000 to \$66 million in 2016.

I appreciate your consideration and concern for the people of the Bikini Atoll, and request that you work with me on our shared goals of maintaining the viability of the Fund and the wise expenditure of U.S. taxpayer dollars deposited into it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Murkowski". The signature is fluid and cursive, with a large initial "L".

Lisa Murkowski
United States Senator

Jan. P. Murkowski
S.E.C.

115TH CONGRESS
1ST SESSION

S. _____

To provide for the resettlement and relocation of the people of Bikini.

IN THE SENATE OF THE UNITED STATES

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for the resettlement and relocation of the people of Bikini.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bikini Resettlement
5 and Relocation Act”.

6 **SEC. 2. RESETTLEMENT AND RELOCATION FOR THE PEO-**
7 **PLE OF BIKINI.**

8 The matter under the heading “TRUST TERRITORY
9 OF THE PACIFIC ISLANDS” under the heading “OFFICE
10 OF TERRITORIAL AFFAIRS” under the heading “DE-
11 PARTMENT OF THE INTERIOR” in chapter VIII of

1 title I of the Supplemental Appropriations Act, 1982
2 (Public Law 97–257; 96 Stat. 840), is amended by strik-
3 ing the first proviso and inserting “*Provided*, That such
4 funds, including funds provided pursuant to the Depart-
5 ment of the Interior and Related Agencies Appropriations
6 Act, 1989 (Public Law 100–446; 102 Stat. 1774), shall
7 be available for the relocation and resettlement of the Bi-
8 kini people living on Kili and Ejit Islands, subject to the
9 right of disapproval of the Secretary of the Interior, with
10 the exercise of the right to continue until the date on
11 which the Secretary of the Interior submits to the Com-
12 mittee on Energy and Natural Resources of the Senate
13 and the Committee on Natural Resources of the House
14 of Representatives a resettlement plan developed in coordi-
15 nation with the Bikini Atoll leadership: *Provided further*,
16 That, until the date on which a resettlement plan approved
17 by the Secretary of the Interior has been submitted to
18 each of the Committee on Energy and Natural Resources
19 of the Senate and the Committee on Natural Resources
20 of the House of Representatives, for any fiscal year, an-
21 nual expenditures from the Resettlement Fund established
22 by this section and pursuant to the Department of the
23 Interior and Related Agencies Appropriations Act, 1989
24 (Public Law 100–446; 102 Stat. 1774), may not exceed
25 5 percent of the principal of the Fund, based on the aver-

1 age market value of the Fund for the previous 5 fiscal
2 years, as determined as of September 30 of each fiscal
3 year:”.