

Testimony of Jack Niedenthal  
Before the Senate Energy and Natural Resources Committee  
February 6, 2018

Thank you, Madam Chairman. My name is Jack Niedenthal. I have lived in the Marshall Islands for the past 37 years. I am a U.S. citizen and in 2000 I was given honorary Marshall Islands citizenship for the work I have done for the Marshallese people. I have been a member of the Bikini Atoll community since 1984 when I served as a teacher on Kili Island, where much of the Bikini community still resides. My wife of 30 years, Regina, is a Bikinian, as are my 5 children and 2 grandchildren, and I am fluent in Marshallese. I served as the trust liaison for the Bikini Council from 1986 until 2016, during which time I helped to manage the Resettlement Trust Fund for the People of Bikini. I also served as translator for the Council in meetings with U.S. Government officials, and I worked with the Bikinians' outside advisors – trustees, money managers, and lawyers – to help preserve the trust for the Bikinian people.

I appear here today as a private citizen. I flew 8,000 miles to get here at my own expense because I am very concerned about the future of the Resettlement Trust Fund, of which my family and I are beneficiaries.

As the trust liaison, I served as the go-between with the Council and the Office of Insular Affairs as we hashed out the Council's annual budget under a 1990 agreement with Interior requiring that all requests for expenditures from the trust fund – and I quote – “would require written Interior approval.” Every year from 1990 until 2016, the Council submitted proposed budgets to the Office of Insular Affairs that were millions of dollars more than was wise, given the size of the trust. And every year, responsible officials there, knowing that the trust was the Bikinians' only long-term nest egg, pared down the budget in order to ensure the long-term viability of the trust.

The Bikinians were never entirely happy with this arrangement. Beneficiaries of a trust almost always want the money now – and there were many times when the Bikinians were no different. However, in the end our past leaders also remembered how long our community had gone without anything, they understood that these funds would one day have to take care of their children and grandchildren because they knew a return to Bikini would be many years away.

Those days of cooperation with the Interior Department are gone. A recent Council resolution demanded an end to the Department's oversight role with regard to expenditures from the trust. It declared the Mayor fully responsible for drawdowns of the money and stated that the trustee would no longer have any right to question any drawdown requests. On November 16 of last year, the Interior Department capitulated to this demand and simply withdrew completely from its oversight role over the trust. And as far as I know, the trustee, a division of M&T Bank, capitulated as well and simply wires out whatever funds it is told to without asking the purpose of the expenditure or even asking for receipts.

I can't tell you why the Department abdicated its responsibility over the trust. I tried to get that question answered publicly in Majuro three weeks ago today – on January 16 – when Assistant Secretary Domenech, along with some other U.S. officials, came to the Bikini Town Hall in Majuro. However, a stairwell full of police refused to let me – or any other Bikinian with questions, including elected members of the Council – up the stairs of the Town Hall even just to listen. In the past, all meetings between our leaders and high-ranking U.S. government officials when they were in the Marshalls had been open to all, and the people – especially our elders – had been encouraged to ask questions.

I can tell you that the trust fund that I worked on for over 30 years – and which has provided over \$220 million to help the people of Bikini – is in danger of disappearing. Assistant Secretary Domenech won't be here when that happens. He will have moved on. You may call in the new Assistant Secretary and ask: "How could this trust, set up almost four decades ago with U.S. taxpayer money, have disappeared?" He or she will answer, "That didn't happen on my watch, so I can't really tell you why."

Well, you've got the responsible official in front of you today, so maybe he can answer that question. I can assure you that all the money in this trust will disappear quickly if Congress does not intervene to stop the flow of money out of it. Having said that, I believe that S. 2182 is too restrictive. Rather than set a specific limit of annual expenditures from the trust not to exceed 5 percent of its principal, I would instead propose legislation that directs the Office of Insular Affairs to do exactly what that 1990 agreement said – to require written Interior Department approval of the annual budget and – since this is now needed – to ensure the long-term viability of the trust for our people. Attached to my testimony is a draft of a proposed alternative to S. 2182 that I believe will ensure U.S. Government oversight and preserve the trust, but in a less rigid manner so as to allow the Bikini local government to set their own priorities with regard to taking care of their people.

Some might say that U.S. participation in the budget process of this trust fund represents a form of colonialism. I would argue that U.S. involvement in the trust is actually colonialism in reverse. In 1946 the U.S. made a promise to the Bikinian people, which in my decades of translating for the elders has been quoted as if it were a verse from the Bible, when they were told that "No matter where the Bikinian people found themselves, even if they were adrift on a raft at sea or on a sandbar, they would be taken care of as if they were America's Children." I was deeply offended by the last paragraph of the Assistant Secretary's letter to the Mayor this past November in which he stated that the Bikinians could "never interact again" with the Interior department with any issues pertaining to the trust. No American official should have the right to tell the Bikinians not to come back to them for help for any reason whatsoever after what the people of Bikini have sacrificed for the United States and the world.

Thank you. I would be pleased to answer any questions you might have.

# S. 2182

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

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## A BILL

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE.**

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

### **SEC. 2. RESETTLEMENT AND RELOCATION FOR THE PEOPLE OF BIKINI.**

The matter under the heading “TRUST TERRITORY OF THE PACIFIC ISLANDS” under the heading “OFFICE OF TERRITORIAL AFFAIRS” under the heading “DEPARTMENT OF THE INTERIOR” in chapter VIII of title I of the Supplemental Appropriations Act, 1982 (Public Law 97–257; 96 Stat. 840), is amended by striking the first proviso and inserting “*Provided*, That such funds, including funds provided pursuant to the Department of the Interior and Related Agencies Appropriations Act, 1989 (Public Law 100–446; 102 Stat. 1774), shall be available for the relocation and resettlement of the Bikini people living on Kili and Ejit Islands, subject to the right of disapproval of the Secretary of the Interior, with the exercise of the right to continue until the date on which the Secretary of the Interior submits to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a resettlement plan developed in coordination with the Bikini Atoll leadership: *Provided further*, That, until the date on which a resettlement plan approved by the Secretary of the Interior has been submitted to each of the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, for any fiscal year, annual expenditures from the Resettlement Fund established by this section and pursuant to the Department of the Interior and Related Agencies Appropriations Act, 1989 (Public Law 100–446; 102 Stat. 1774), **must be approved by the Department of the Interior, which, in reviewing the proposed expenditures, shall ensure the long-term viability of the Resettlement Fund.**