

111TH CONGRESS  
2D SESSION

# H. RES. 1744

Referring the bill (H.R. 6470) entitled “A bill for the relief of the peoples of Bikini, Enewetak, Rongelap, and Utrik, and of other affected citizens of the Republic of the Marshall Islands” to the chief judge of the United States Court of Federal Claims.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2010

Mr. FALEOMAVAEGA (for himself, Mr. ACKERMAN, Ms. BORDALLO, and Mr. SABLAN) submitted the following resolution; which was referred to the Committee on the Judiciary

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## RESOLUTION

Referring the bill (H.R. 6470) entitled “A bill for the relief of the peoples of Bikini, Enewetak, Rongelap, and Utrik, and of other affected citizens of the Republic of the Marshall Islands” to the chief judge of the United States Court of Federal Claims.

1       *Resolved*, That the bill (H.R. 6470) entitled “A bill  
2 for the relief of the peoples of Bikini, Enewetak, Rongelap,  
3 and Utrik, and of other affected citizens of the Republic  
4 of the Marshall Islands” now pending in the House of  
5 Representatives, together with all the accompanying pa-  
6 pers, is hereby referred to the chief judge of the United  
7 States Court of Federal Claims.

1        SEC. 2. Upon receipt of the bill under the first section  
2 of this resolution, the chief judge of the United States  
3 Court of Federal Claims shall—

4            (1) proceed under sections 1492 and 2509 of  
5 title 28 of the United States Code; and

6            (2) submit a report to the House of Represent-  
7 atives, at the earliest practicable date, providing  
8 with respect to the respective land claims of the peo-  
9 ples of Bikini, Enewetak, Rongelap, and Utrik, and  
10 to the uncompensated radiation-related personal in-  
11 jury claims, based on, arising out of, or in any way  
12 related to the United States atmospheric nuclear  
13 weapons testing program conducted in the Marshall  
14 Islands between June 30, 1946, and August 18,  
15 1958—

16            (A) such findings of fact and conclusions  
17 as shall be sufficient to inform the Congress—

18                    (i) of the nature, extent, and char-  
19 acter of such land claims; and

20                    (ii) whether such land claims con-  
21 stitute legal or equitable claims against the  
22 United States or a gratuity;

23            (B) such findings of fact and conclusions  
24 as shall be sufficient to inform the Congress—

1 (i) of the nature, extent, and char-  
2 acter of such radiation-related personal in-  
3 jury claims; and

4 (ii) whether such personal injury  
5 claims constitute legal or equitable claims  
6 against the United States or a gratuity;  
7 and

8 (C) the amount of compensation, if any, le-  
9 gally or equitably due from the United States  
10 to the claimants, notwithstanding any defense  
11 which the United States might otherwise have  
12 or assert including, inter alia, the statute of  
13 limitations, the plea of res judicata, laches, any  
14 lapse of time, espousal, political question doc-  
15 trine, any jurisdictional bar, or sovereign immu-  
16 nity, or any prior decision of any of such claims  
17 (or any related claim) by any court, tribunal, or  
18 commission.

19 SEC. 3. The hearing officer and the review panel des-  
20 ignated under section 2509 of title 28 of the United States  
21 Code by the chief judge of the United States Federal  
22 Court of Claims shall—

23 (1) in assessing the claims described in section  
24 2 and informing the House of Representatives as to  
25 the legal or equitable basis for such claims and the

1 amount of compensation due, both with respect to  
2 the land claims pertaining to Bikini, Enewetak,  
3 Rongelap, and Utrik, and the personal injury claims,  
4 take into consideration and apply, consistent with  
5 Article IV, Section 3 of the Agreement Between the  
6 Government of the United States and the Govern-  
7 ment of the Marshall Islands for the Implementation  
8 of Section 177 of the Compact of Free Association  
9 (signed by the United States and the Republic of the  
10 Marshall Islands on June 25, 1983), the laws of the  
11 Republic of the Marshall Islands (including tradi-  
12 tional law), international law, the laws of the United  
13 States, such other legal or equitable basis as is  
14 deemed appropriate, and the measures of damages  
15 utilized by the Nuclear Claims Tribunal established  
16 pursuant to such Agreement; and

17 (2) consider and make a part of the record all  
18 pertinent records of the proceedings before the Nu-  
19 clear Claims Tribunal pertaining to the claims de-  
20 scribed in section 2.

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