



Kili Bikini Ejit Local Government

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RESOLUTION NUMBER 2017 – OF THE KILI/BIKINI/EJIT LOCAL GOVERNMENT COUNCIL

WHEREAS, this Resolution shall be referenced as the “2017 Rescript of the KBE Resettlement Trust Fund”; and,

WHEREAS, the Bikini Resettlement Trust Fund (“Trust”) for the People of Bikini was established on October 16, 1982, pursuant to the provisions of Public Law No. 97-257; and,

WHEREAS, the Trust was amended on October 26, 1988, pursuant to the provisions of Public Laws Nos. 97-257 and 100-446; and,

WHEREAS, the U.S. Department of the Interior and the KBE Local Government Council entered into an agreement dated October 5, 1990, which granted the Secretary of the Interior greater approval authority than was envisioned in either Pub. L. No. 97-257, Pub. L. 100-446, or the 1988 agreement; and,

WHEREAS, nothing in the applicable public laws, Pub. L. No. 97-257, Pub. L. 100-446, or the 1988 agreement, gives the Secretary of the Interior a statutory obligation to approve the budgets developed by the People of Bikini through their elected representatives; and,

WHEREAS, the KBE Local Government Council is the directly elected body of representatives of the People of Bikini and are mandated with the duties and obligations of the upkeep, improvement, and growth of the general welfare of the People of Bikini; and,

WHEREAS, the People of Bikini have been displaced from their home atoll of Bikini since 1946, and Bikini Atoll is yet to be deemed safely habitable; and,

WHEREAS, the funding in the Trust is inadequate to bring Bikini Atoll to a safely habitable status, and the United States has failed to fund the clean-up of Bikini Atoll as determined by the Nuclear Claims Tribunal established under Section 177 of the Compact of Free Association, thus rendering moot the language of Section 4.1 of the 1988 Trust Fund Agreement; and

WHEREAS, the funding in the Trust is not intended to be a funding in perpetuity, rather a funding toward the purpose of resettling the People of Bikini; and,

WHEREAS, given the inadequate funding in the Trust to clean-up and to resettle Bikini Atoll and the limited annual budgets imposed on KBE Local Government by the Secretary of the Interior, the KBE Local Government Council has been handicapped in developing income-generating projects due to budget impositions placed on the KBE Local Government by the

Secretary of the Interior, thus leading to budgets that barely provide for the sustenance of the People of Bikini without allowing the fruition, maintenance, and growth of income-generating projects for the future funding for the People of Bikini (example, world-class diving at Bikini); and,

WHEREAS, the KBE Local Government, in response to its constituents, the People of Bikini, exercises the flexibility to enter into income-generating projects for the long-term sustenance of the People of Bikini, while providing for the current needs of the People of Bikini, without restrictions on its annual budget,

NOW, THEREFORE, be it resolved that:

The KBE Local Government Council finds, in its role as the elected governing body of the People of Bikini, that the current status and relationship of the Secretary of the Interior vis-à-vis the KBE Resettlement Trust Fund is not statutorily based, rather based on agreement, and thereby necessitates the following changes immediately:

1. The KBE Local Government takes back its responsibility over the Trust as the duly elected body representing the People of Bikini, and respectfully no longer recognizes the authority of the Department of the Interior, or other United States entities, to approve the annual budget of the KBE Local Government from the Trust, and any agreement or provisions thereof regarding the Department of the Interior's oversight of the KBE Local Government's fiscal year budgets, in the 1988 and 1990 agreements, are deemed null and void;
2. Any and all policy or guidelines promulgated by the Department of the Interior based on the October 16, 1982 establishment of the Trust that are in conflict with the autonomy of the KBE Local Government Council to determine its own future toward resettlement of Bikini Atoll using the Trust are deemed null and void;
3. The provisions establishing a Trust Liaison with associated functions between the KBE Local Government and the Trustee and any United States entity, in the 1988 Trust Agreement, or elsewhere, are no longer valid and are deemed null and void, and the position of Trust Liaison is hereby eliminated;
4. KBE Local Government shall provide the Secretary of the Interior a copy of their annual Fiscal Year budgets by September 15 of the previous fiscal year only for the purpose of reference;
5. The KBE Local Government Trustee no longer retains any rights to question drawdown requests from the Trust;
6. The Mayor and/or his designee is hereby duly authorized to initiate drawdown requests to the Trustee for funds from the Trust.

APPROVED by the Kili/Bikini/Ejit Local Government Council this ____ day of August, 2017
by: