

TITLE 42 - NUCLEAR CLAIMS
CHAPTER 3 - NATIONAL NUCLEAR COMMISSION ACT 2017



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

NATIONAL NUCLEAR COMMISSION ACT 2017

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TITLE 42 - NUCLEAR CLAIMS
CHAPTER 3 - NATIONAL NUCLEAR COMMISSION ACT 2017



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

NATIONAL NUCLEAR COMMISSION ACT 2017

AN ACT to establish a National Nuclear Commission for the Republic of the Marshall Islands and related purposes.

Commencement:

March 9, 2017

Source:

P.L. 2017-34

§301. Short title.

This Act may be cited as the National Nuclear Commission Act 2017.

§302. Interpretation.

In this Act, unless the context requires a different meaning:

- (a) "Commission" means the National Nuclear Commission;
- (b) "Fund" means the National Nuclear Commission;
- (c) "President" means the President of the Republic of the Marshall Islands;
- (d) "Program" means the U.S. nuclear testing program whereby the United States detonated nuclear weapons in the Marshall Islands from 1946 to 1958.
- (e) "Republic" means the Republic of the Marshall Islands.

§303. Establishment of the National Nuclear Commission.

- (1) There is hereby established the National Nuclear Commission under the Office of the President.
- (2) The Commission shall consist of three (3) member(s) appointed by the President through the Cabinet for an initial term of three (3) years. Their term may be extended for any other period as solely determined by the President.
- (3) The members of the Commission may be removed at any time with or without cause.
- (4) Any vacancy on the Commission caused by death, resignation or removal of shall be filled in the same manner as the original appointment to serve the unexpired term of that vacancy;
- (5) As far as practical, member(s) of the Commission shall be person(s) with substantial background, experience and knowledge related to the U.S. Nuclear Weapons Testing Program conducted from 1946 to 1958, the Compact of Free Association, as amended, and any other related matters.
- (6) Pursuant to Article VII, Section 1(3) of the Constitution of the Republic, the Public Service Commission shall not apply in relation to members of the Commission.

§304. Duties of the Commission.

- (1) The duties of the Commission shall be:
 - (a) To develop a detailed strategy and plan of action for pursuing justice as concerns the Program and its effects;
 - (b) To exercise general oversight, where otherwise appropriate, of all Government ministries, office and agencies;
 - (i) having responsibility for addressing consequences of the Program; and/or
 - (ii) monitoring, assessing, documenting, or otherwise dealing with the effects of the program.
 - (c) To ensure the coordination and integration of all present and future efforts related to the Program and its effects;
 - (d) To preserve the findings, conclusions and records from all past activities related to the Program and its effects;

- (e) To serve a cooperative function for researchers, journalists, filmmakers and others who seek to study, report on or otherwise create products which address or are related to the Program and its effects; provided however that this subsection shall only apply with the express written consent of the President.

§305. References.

- (1) The following entities may be called upon to provide reports, data and other information to the Commission:
 - (a) Nuclear Claims Tribunal;
 - (b) College of the Marshall Islands Nuclear Institute;
 - (c) 177 Four Atoll Health Care Program;
 - (d) Environmental Protection Authority (for analysis of radioactivity levels in seawater and fish samples collected during a project for which the International Atomic Energy Agency provided technical assistance, including laboratory analysis and for a new project to develop the Republic's capability to conduct radiation level measurements throughout the nation);
 - (e) Ministry of Health Cancer Registry and the Cancer Comprehensive Program;
 - (f) Office of the Attorney-General (for legal opinions or reviews which may have relevance to nuclear issues, including but not limited to its 2008 opinion regarding the Espousal Provision in the Section 177 Agreement);
 - (g) U.S. Department of Energy (studies and activities of contractors for its environmental and medical programs or that of its predecessor agency); and
 - (h) Columbia University Center for Nuclear Studies or K1 Project (for 2015 study of external gamma radiation levels at Bikini, Enewetak and Rongelap atolls and for forthcoming 2017 study of such radiation levels in various food products to be collected as these atolls).
 - (i) In addition, the Commission may have reference to the reports, data and other information collected or produced by

the following organizations and any other entity which are no longer in existence:

- (i) Nationwide Radiological Study (NWRS) conducted from 1990 to 1995 under the supervision of the Office of the Chief Secretary;
- (ii) Thyroid Study initiated through the NWRS and conducted in cooperation with medical doctors from the Tohoku University School of Medicine in Sendai, Japan;
- (iii) Rongelap Reassessment Project
- (iv) U.S. Center for Disease Control Thyroid Study Feasibility Project with the Ministry of Health;

§306. Ministerial Responsibility.

The President shall exercise ministerial responsibility of the Commission, or assign such responsibility to another member of the Cabinet.

§307. Compensation.

The Cabinet shall determine the compensation for members of the Commission.

§308. Staff.

- (1) There shall be a Secretary to the Commission and such other staff as the Commission deems appropriate and may employ in order to perform its duties as set forth in Section 4 of this Act.
- (2) The Secretary and staff of the Commission shall be employees of the Public Service Commission.
- (3) The Commission may employ specialists and consultants.
- (4) The Attorney-General shall act as the legal advisor to the Commission.

§309. National Nuclear Commission Fund.

- (1) The National Nuclear Commission Fund is hereby established as a special revenue account within the National Treasury and under the control and supervision of the Ministry of Finance, which must

- provide for its administration in accordance with the Financial Management Act of 1990.
- (2) The sources of the Fund consist of :
 - (a) monies appropriated by the Nitijela in respect of the duties of the Commission as provided by this Act;
 - (b) other monies provided by the Cabinet in respect of the duties of the Commission as provided by this Act, by way of grant or otherwise;
 - (c) monies paid to the Republic by any person, natural or legal, whether within or outside the Republic, in respect of the duties of the Commission as provided by this Act, with the concurrence of the President.
 - (3) If the sum available in the Fund is not sufficient to meet the purposes of this Act:
 - (a) the person exercising Ministerial Responsibility pursuant to Section 6 of this Act may request the Nitijela to provide finance for the implementation of this Act in addition to the annual appropriation; and/or
 - (b) the Cabinet may -
 - (i) make available monies from the Contingencies Fund or by reprogramming; and
 - (ii) seek assistance from other sources, whether domestic or international.
 - (4) Money made available under Subsection (3) shall be credited to the Fund.
 - (5) This Section does not limit the authority of the Cabinet to apply for, administer or expend any grants, gifts, payments or pass-through funds for the purpose of this Act.
 - (6) The Secretary of Finance shall maintain proper accounts and records of the Fund, and the accounts are to be provided to the Nitijela by the Minister of Finance pursuant to Article VIII, Section 5(4), of the Constitution.

§310. Procedures.

The Commission may determine its own procedures in carrying out its duties, as set forth in Section 4 of this Act.

§311. Annual Reports.

The Commission shall, at such time as fixed by the President, submit to the President a progress report on the work of the Commission.

§312. Effective Date.

This Act shall take effect on the date of certification in accordance with the Constitution and the Rules of Procedures of the Nitijela.