

House Committee on Natural Resources
Full Committee Markup
November 8, 2023
Aumua Amata Radewagen Statement on
H.J. Res. 96, “Compact of Free Association Amendments Act of 2023”

I am proud to cosponsor H.J. Res 96, and I want to thank Chairman Westerman and Ranking Member Grijalva for all your work on this legislation. Thank you as well to Chairman McCaul and Ranking Member Meeks in Foreign Affairs, and everyone else across party lines and chambers who have worked on codifying these important agreements. It was an honor and a privilege to serve as Chair of the committee’s Indo Pacific Taskforce, alongside my co-chair and friend Congressman Sablan, and I’m glad to see this approach the finish line.

These agreements are essential to keeping a free and open Pacific, our united goal, and they benefit these independent island nations as well as the United States and our entire network of Pacific partnerships. These countries hold the same values of freedom and democracy that we do. Moving forward with this language demonstrates clearly to the rest of the world that the United States stands with our Pacific allies and that antagonistic forces in the region will not be tolerated.

I would like to make special note of the provisions of H.J. Res. 96, the amended Compacts of Free Association, and its related agreements, that will enable the U.S. to continue to act under U.S. federal law, based on Congressional authorization and oversight, to meet U.S. commitments and obligations to the people of the Republic of the Marshall Islands still impacted by the effects of the U.S. nuclear testing program during the early Cold War.

While some don’t seem to understand the political, social, economic, and cultural consequences of continued dislocation of whole communities from their homelands for decades; H.J. Res. 96 recognizes that the settlement of litigation in U.S. courts over specific claims based on facts known at that time does not end the mandate of COFA and the Section 177 Agreement, which does not expire without Marshallese consent.

That 1985 claims settlement as confirmed and renewed by the United States, with increased compensation in 2003, expressly authorizes “additional programs and activities as may be mutually agreed.” Now the provisions of H.J. Res. 96 confirm that the Section 177 Agreement will continue and work in tandem with the Republic of the Marhsall Islands’ COFA Trust Fund Committee use of its resources to address on an on-going basis mitigation of the injury to persons and damage to land caused by the U.S. nuclear testing program.

Both Section 177 and the COFA Trust Fund are international agreements in full effect and U.S. domestic law. So, the COFA administering agencies and Congressional committees designated in the COFA Act will ensure the Section 177 Agreement mechanisms and the 2023 Amended COFA agreement and COFA Trust Fund mechanisms work together.

The purposes of both the Agreement and the Trust Fund, include: providing food security, radiological monitoring and remediation, compensation determined by the Marshall Islands, health care for communities affected by radiation exposure and continued dislocation, resettlement of homelands if and when safe; and programs for political, economic, social and cultural recovery and cohesion.

Section 177 and COFA Trust Fund implementation is notable because the United Nations Security Council authorized and had oversight of U.S. actions through the nuclear testing program from 1947 to 1958. Both the U.N. and the U.S. ultimately should, and I believe will formally apologize to the Republic of the Marshall Islands for the harm done to the Marshallese.

Because there are issues of science, public health, law, and moral responsibility that remain unresolved, the Section 177 Agreement and the 2023 COFA Trust Fund provisions related to the affected communities are a political settlement that can be implemented only as determined to serve the best interest of the U.S. and the Marshall Islands.

As a Member of Congress from American Samoa, with our high rate of enlistment in the U.S. Armed Forces, I deeply appreciate how the three Freely Associated States also have numerous U.S. Veterans and military families among their populations.

I am grateful to serve on a committee that recognizes the importance of the Pacific region, as demonstrated both by our recent work on COFA, but also by our long history of work on issues faced by the Pacific territories. During my time here in Congress, insular issues consistently garner bipartisan support in this committee, and I look forward to working with Subcommittee Chair Hageman and RM Leger Fernandez on measures which strengthen self-determination and the democratic process in the territories.

Thank you again to the Chair, the Ranking Member, and everyone who has worked on this, and I urge all my colleagues to support final passage of H.J. Res 96 when it comes to the floor.