



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

November 16, 2017

The Honorable Anderson Jibas  
Mayor, Kili-Bikini-Ejit Local Government  
Post Office Box 1096  
Majuro, MH 96960

Dear Mr. Mayor:

The Department of the Interior has completed its review of the KBE Local Government Council Resolution 2017-39, entitled the *2017 Rescript of the KBE Resettlement Trust Fund*, which the KBE Local Government Council passed on August 18, 2017. This letter serves to inform you and, through you, the KBE Council that the Department of the Interior hereby gives notice of its acceptance of the Rescript as a valid amendment to the 1988 Amended Resettlement Trust Fund Agreement and that the Department will proceed in accord with the terms of the Rescript.

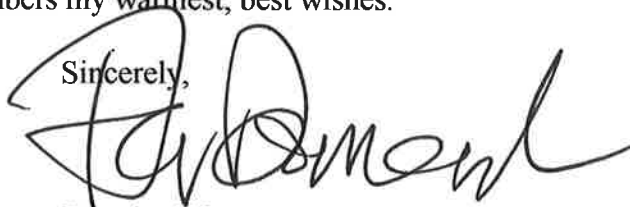
The Department's acceptance of the Rescript illustrates both the constantly improving relationship between the Department and the KBE Council and the Department's acknowledgement that the People of Bikini have elected you and the Members of the KBE Council to represent their needs and desires. You and the Council Members are accountable to the very people who voted you and the Council Members into office. The Department has received and understood the clear message of the People of Bikini that they are looking towards the future by wanting to invest their own funds in income-generating projects which will eventually lower their dependence on the Resettlement Trust Fund. In short, the Department recognizes that you and the Council Members are best situated to determine the future of the People of Bikini.

The KBE Council now has the authority to interact directly with its Trustee, currently M&T Bank of Baltimore, Maryland, and with its Investment Advisors, currently the UBS Institutional Consulting Group of Atlanta, Georgia. The Trustee and the Investment Advisors are now bound to take direction directly from the KBE Council through you as Mayor or your designee without any oversight from the Department as previously established in the 1988 Amended Resettlement Trust Fund Agreement. It is our expectation that the Trustee and the Investment Advisors will act upon your requests and will keep them and any other interactions confidential as their fiduciary duties require them to do.

Although the Rescript serves to revise the 1988 Amended Resettlement Trust Fund Agreement pursuant to Section 10.1 of that agreement, the Rescript does not and cannot affect any statutory provision concerning the Secretary of the Interior's actions with respect to the Trust Fund. Two

such provisions are currently extant. First, the U.S. Congress enacted legislation whereby the Secretary "may," in his discretion, "approve expenditures not to exceed \$2,000,000 in any year from income for projects on Kili or Ejit." Pub. L. No. 100-446, 102 Stat. 1798 (Sept. 27, 1988). And second, the U.S. Congress has directed that "one year prior to the completion of the rehabilitation and resettlement program, the Secretary of the Interior shall report to Congress on future funding needs on Bikini Atoll." *Id.*

Henceforth, other than the two exceptions in the immediately preceding paragraph, the Department shall never again interact with you or the Members of the KBE Council on any aspect of the Resettlement Trust Fund, including the possibility of the Department's seeking additional appropriations for the Trust Fund. Nevertheless, I know that occasions and circumstances will arise when the Department's responsibilities in the Marshall Islands and the interests of the People of Bikini will intersect. In that expectation and on the Department's behalf, I offer you and the Council Members my warmest, best wishes.

Sincerely,  


Douglas W. Domenech  
Assistant Secretary for Insular Areas