THIRD CONGRESS OF THE FEDERATED STATES OF MICRONESIA
FOURTH REGULAR SESSION, 1984

C. R. No. 3-90

A RESOLUTION

Requesting the United States Congress to pass new legislation which would set aside the limitations for filing claims, the releases of liability, and the acceptances of final settlement, which were established and executed pursuant to the Micronesian Claims Act of 1971, and which would further reestablish a new Micronesian Claims Commission to receive, examine, adjudicate, and ensure the full payment of claims of Federated States of Micronesia citizens who suffered damages arising out of the Second World War and other incidents involving the United States and Japan.

1 WHEREAS, many Micronesians suffered from the hostilities of the
2 Second World War as well as other incidents involving the actions of
3 military and civilian employees of the United States and Japan; and
4 . WHEREAS, in recognition of these unfortunate facts, the United
5 States and Japan signed an agreement in 1969 which provided that, as an
6 ex gratia contribution, Japan would contribute $5 million in goods and
7 services to the Micronesian people and the United States would establish
8 a $5 million fund for the welfare of the Micronesian people; and
9 WHEREAS, this agreement between the United States and Japan was
10 implemented in the United States by the Micronesian Claims Act of 1971,
11 which established a Micronesian Claims Commission to receive, examine,
12 adjudicate, and render final decisions with respect to the combat- and
13 noncombat-related claims of the Micronesian people; and
14 WHEREAS, under title I of said act, $5 million was contributed by the
15 United States, which amount was matched by a contribution from Japan; and
16 WHEREAS, under title II of said act, $20 million was contributed by
17 the United States; and
18 WHEREAS, said act required that the monies contributed under title I
19 would not be made available to claimants unless they filed claims not more
20 than 1 year after the appointment of the full membership of the Micronesian
21 Claims Commission, and unless said claimants also executed full
22 releases of any alleged liability for claims against the United States or
23 Japan; and
24 WHEREAS, said act further required that the monies contributed under
25 title II would not be made available to claimants unless they filed claims
within the same 1-year period and accepted said monies as full satis-
faction and final settlement of all claims; and

WHEREAS, the contributions of the United States and Japan proved
inadequate to ensure full payment of claims adjudicated by the Micron-
esian Claims Commission, inasmuch as millions of dollars of adjudicated
claims were never paid; and

WHEREAS, the Micronesian Claims Act of 1971 expired by its own terms
in 1976, leaving many Micronesians, including citizens of the Federated
States of Micronesia, with unsatisfied claims against the United States
and Japan; and

WHEREAS, other problems associated with the claims process established
pursuant to the Micronesian Claims Act of 1971, such as unfiled claims,
late claims, lost claims, and unrecognized pre-1941 damages, have also
been a source of continuing concern to the people of the Federated States
of Micronesia; and

WHEREAS, it is the sense of the Congress of the Federated States of
Micronesia that the issue of Micronesian claims remains an unsettled
matter of great importance, such that a new and comprehensive attempt
should be made by the United States, irrespective of any actions by
Japan, to reopen the claims process and ensure full payment for all
adjudicated claims; now, therefore,

BE IT RESOLVED by the Third Congress of the Federated States of
Micronesia, Fourth Regular Session, 1984, that the Congress hereby
requests the United States Congress to pass new legislation which would
set aside the limitations for filing claims, the releases of liability,
and the acceptances of final settlement, which were established and
executed pursuant to the Micronesian Claims Act of 1971, and which would
further reestablish a new Micronesian Claims Commission to receive,
examine, adjudicate, and ensure the full payment of claims of Federated
States of Micronesia citizens who suffered damages arising out of the
Second World War and other incidents involving the United States and
Japan; and

BE IT FURTHER RESOLVED that certified copies of this resolution
be transmitted to the Speaker of the House and the President of the
Senate of the United States Congress, the President of the United States,
the Director of Territorial Affairs of the Department of Interior, the
President of the Federated States of Micronesia, and the Secretary of
External Affairs of the Federated States of Micronesia.

Date: 10/21/84

Introduced by: Elias H. Thomas

Semi Fegi

An. Jana