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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^{1/2} year after the appointment of the full membership of the Micro-
21 nesian 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

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1 within the same 1-year period and accepted said monies as full satis-
2 faction and final settlement of all claims; and

3 WHEREAS, the contributions of the United States and Japan proved
4 inadequate to ensure full payment of claims adjudicated by the Micro-
5 nesian Claims Commission, inasmuch as millions of dollars of adjudicated
6 claims were never paid; and

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

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

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

22 BE IT RESOLVED by the Third Congress of the Federated States of
23 Micronesia, Fourth Regular Session, 1984, that the Congress hereby
24 requests the United States Congress to pass new legislation which would
25 set aside the limitations for filing claims, the releases of liability,

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1 and the acceptances of final settlement, which were established and
2 executed pursuant to the Micronesian Claims Act of 1971, and which would
3 further reestablish a new Micronesian Claims Commission to receive,
4 examine, adjudicate, and ensure the full payment of claims of Federated
5 States of Micronesia citizens who suffered damages arising out of the
6 Second World War and other incidents involving the United States and
7 Japan; and

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

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15 Date: 10/25/84

Introduced by: ✓

Elias H. Thomas
Sen. Figin
Sen. Sana

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