

A RESOLUTION

Urging the President of the Federated States of Micronesia to confer with the United States of America regarding claims of FSM citizens for medical problems caused by US Nuclear Testing.

1 WHEREAS, the United States of America conducted at least
2 sixty-seven different types of atmospheric nuclear tests in the
3 northern atolls of Bikini and Enewetak of the Marshall Islands
4 during the period between June 30, 1946 to August 18, 1958, which
5 produced radioactive fallout that contaminated the land and waters
6 with radioactive fission, activation products and unfissioned
7 nuclear fuel; and

8 WHEREAS, this radioactive contamination was global in scope,
9 but particularly affected the nearby island communities of the
10 eastern islands of what is now the Federated States of Micronesia;
11 and

12 WHEREAS, the post-testing efforts to clean up the atolls in
13 Bikini and Enewetak were protracted and difficult and involved
14 many laborers who were and are citizens of the Federated States of
15 Micronesia; and

16 WHEREAS, many FSM citizens who labored in the clean-up
17 efforts, as well as others living on the testing-affected eastern
18 islands of the FSM, have suffered medical problems related to the
19 test radioactive contamination; and

20 WHEREAS, Section 177(a) of the Compact of Free
21 Association, in language that is unchanged in Section 177 of
22 the Amended Compact, it is stated:

1 [¶]the United States accepts responsibility for
2 compensation owing to citizens of the Federated
3 States of Micronesia for loss or damage to property
4 or persons of the citizens of the FSM resulting from
5 the nuclear testing program which the government of
6 the United States conducted in the Northern Marshall
7 Islands between June 30, 1946 and August 18, 1958;
8 and

9 WHEREAS, the United States Congress enacted the Energy
10 Employees Occupational Illness Compensation Program Act of 2000
11 ("EEOICPA") to provide compensation to those who became ill
12 from working in nuclear test sites which included the Marshall
13 Islands sites; and

14 WHEREAS, despite the avowed acceptance of responsibility
15 by the United States for damages done by the nuclear testing
16 program, on June 19, 2003, the Director of the Division of
17 Energy Employees, Peter M. Turcic determined that non-U.S.
18 citizens were not eligible for compensation under the EEOICPA;
19 and

20 WHEREAS, the United States does not have any separate
21 agreement with the FSM, as it does with the Republic of the
22 Marshall Islands, for the just and equitable settlement of
23 claims for the medical problems resulting from the nuclear
24 testing contamination; and

25 WHEREAS, the FSM is unaware of any other method by which

1 claims may be made by FSM citizens against the United States
2 for compensation or for injury resulting from the nuclear
3 testing; now, therefore

4 BE IT RESOLVED by the Fourteenth Congress of the Federated
5 States of Micronesia, Second Special Session, 2006, that the
6 Congress hereby requests the President of the Federated States
7 of Micronesia to confer promptly with the Government of the
8 United States to urge amendment to the Energy Employees
9 Occupational Illness Compensation Program Act of 2000 to allow
10 citizens of the Federated States of Micronesia to bring claims
11 pursuant to the Act;

12 BE IT FURTHER RESOLVED that the President of the Federated
13 States of Micronesia is hereby requested to confer promptly
14 with the Government of the United States to establish and
15 sufficiently fund an alternative claims procedure to allow FSM
16 citizens suffering from nuclear testing-related medical
17 problems to receive appropriate compensation; and

18 BE IT FURTHER RESOLVED that in the event that the United
19 States is unwilling to either amend the EEOICPA or to
20 establish and fund an alternative claims procedure then the
21 Government of the Federated States of Micronesia should invoke
22 the dispute resolution procedures authorized in Section 424 of
23 the Compact of Free Association to require the United States to
24 establish and adequately fund such a claims procedure.

25 BE IT FURTHER RESOLVED that certified copies of this

1 resolution be transmitted to the President of the Federated States
2 of Micronesia and the Governor of each state.

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4 Date: 2/28/02

Introduced by: /s/ Alik Alik

Alik Alik

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