

STANDING COMMITTEE REPORT NO. 14-89

RE: C.R. NO. 14-62/EA

SUBJECT: NUCLEAR TESTING CLAIMS, 2006

MARCH 2, 2006

The Honorable Peter M. Christian
Speaker, Fourteenth Congress
Federated States of Micronesia
Second Special Session, 2006

Dear Mr. Speaker:

Your Committee on External Affairs ("EXAFF"), to which was referred C.R. No. 14-62 entitled,

"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.",

begs leave to report as follows:

The intent and purpose of the resolution are expressed in its title.

A public meeting of your committee took place on March 2, 2006 to discuss the above-referenced resolution. Present to give testimony were Lieutenant Governor Gerson Jackson of the State of Kosrae and Ms. Andrea Hillyer, a private attorney residing in the State of Pohnpei. Also present was Ms. Marstella Jack, Secretary of Justice for the FSM.

The resolution requests the President of the FSM to confer with the Government of the United States of America to urge amendment to an American law, the Energy Employees Occupational Illness Compensation Program Act of 2000 ("EEOICPA"), to allow citizens of the Federated States of Micronesia to bring claims pursuant to the Act. The EEOICPA was enacted to provide compensation to those who became ill from working in nuclear test sites, including the Marshall Islands. Many FSM citizens who labored in the Marshall Islands clean-up efforts, as well as those living on the affected eastern islands of the FSM, have suffered resulting medical problems.

Despite the Government of the United States' acceptance of responsibility for damages owing to FSM citizens from their nuclear testing program, as expressed at Section 177 of the Amended Compact, non-U.S. citizens are currently not eligible for compensation under the EEOICPA.

Lieutenant Governor Jackson testified that this is an important matter for the State of Kosrae as there are many citizens of Kosrae who have suffered damages and are eager to make claims for compensation. Effectively, the citizens are asking for access to justice.

Ms. Hillyer testified that lawyers who have successfully made claims for citizens of the Marshall Islands have expressed their willingness to advise and assist with claims from FSM citizens. She also pointed out the urgency of this matter as potential claimants are advancing in years and many are dying without having had the opportunity to make claims. Furthermore, she pointed out that there will be two classes of claimants, first, those who worked on the clean-up of the contaminated sites and, second, those who have suffered damages from the nuclear fallout.

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Ms. Jack stated that the Executive Branch of the FSM Government supports the resolution. This matter also was addressed at a recent EPIC meeting where a resolution was passed supporting these claims.

In light of the above, your committee recommends passage of the resolution.

Respectfully submitted,

/s/ Alik L. Alik

Alik L. Alik, chairman

/s/ Peter Sitan

Peter Sitan, vice chairman

Isaac V. Figir, member

/s/ Moses A. Nelson
Moses A. Nelson, member

/s/ Dion G. Neth
Dion G. Neth, member

Resio S. Moses, member

/s/ Tiwiter Aritos
Tiwiter Aritos, member