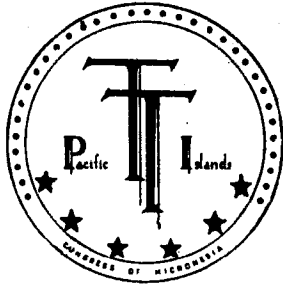


05
5

Trust Territory of the Pacific Islands



A (41)

Congress of Micronesia

MANUAL

~~NEW~~ (Outdated)

Including:

Basic Instruments for the Governance of the Trust Territory

~~*Rules of Procedure - The House of Delegates*~~

~~*Rules of Procedure - The General Assembly*~~

~~*Legislative Style Guide*~~

CONGRESS of MICRONESIA

Capital Hill, Saipan,

Mariana Islands,

96950

1965

01-11041

Trust Territory of the Pacific Islands

M A N U A L

of the

C O N G R E S S O F M I C R O N E S I A

Including:

Basic Instruments for the Governance of
The Trust Territory

Rules of Procedure -- The House of Delegates

Rules of Procedure -- The General Assembly

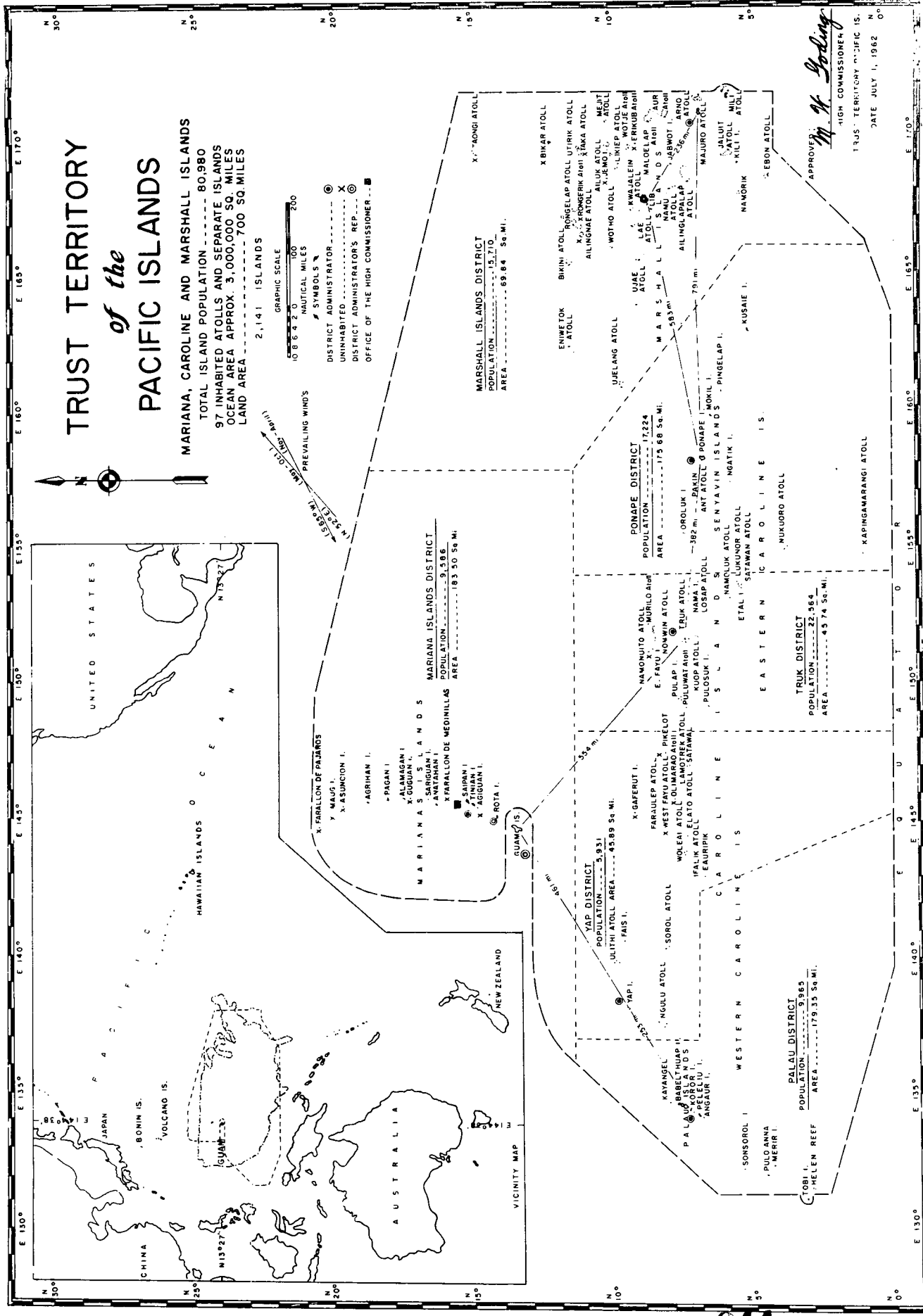
Legislative Style Guide

CONGRESS OF MICRONESIA

Capital Hill, Saipan, Mariana Islands, 96950

1965

1043



FOREWORD

The MANUAL of the Congress of Micronesia is intended to provide Members of the Congress and others concerned with the conduct of its legislative business, essential documentation containing the basic terms of reference for the exercise of the authority of the Congress and for the ordering of its work.

The documentation included in Part I of the MANUAL is selective. Other important documents have not been included because of the need to restrict the handbook to manageable proportions. Thus the Constitution of the United States of America has not been included, nor other basic instruments such as the United Nations Charter -- Chapter XI, Declaration Regarding Non-Self-Governing Territories, and Chapters XII and XIII respectively providing for the International Trusteeship System and establishing the Trusteeship Council as a principal organ of the United Nations. Neither does the handbook include a complete listing of the many laws of the United States, treaties or international agreements of the United States, or Executive Orders of the President of the United States and orders of the Secretary of the Interior which qualify the legislative power of the Congress as stipulated in Section 3 of Secretary of Interior Order No. 2882 [See PART I-G].

Some of the documentation mentioned in the above paragraph is contained in the Preface to the Code of the Trust Territory of the Pacific Islands. Attention is invited to the Index to the amendments to the Code listing the Executive Orders of the High Commissioner which have amended or repealed sections or added new sections to the Code. [See PART I-H]. This Index has been up-dated and shows also the changes made in the Code as a result of legislation enacted by the Congress of Micronesia and approved by the High Commissioner.

Parts II, III and IV contain respectively the Official Rules of Procedure of the House of Delegates, the Official Rules of Procedure of the General Assembly and the Legislative Style Guide, which were developed prior to and during the General Session 1965 of the Congress of Micronesia.

All parts of the MANUAL may require periodic revision. The aim in preparing this initial edition has been to meet the present need of Members of the Congress for a compilation within a single document of the basic materials they require.

Robert R. Robbins
Legislative Counsel
First General Session

Congress of Micronesia
Capital Hill
Saipan, Mariana Islands
October 1, 1965

TABLE OF CONTENTS

PART I	Page
BASIC INSTRUMENTS FOR THE GOVERNANCE OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS	1
A. <u>Trusteeship Agreement between the United States of America and the Security Council of the United Nations for the Territory of the Pacific Islands approved by the Security Council April 2, 1947 /Security Council, Official Records II, Supp. 8; 8 U. N. Treaty Series, p. 190/</u>	1
B. <u>Joint Resolution: Authorizing Approval of the Trusteeship Agreement for the Territory of the Pacific Islands, July 18, 1947 /271, 61 Stat. 397/</u>	6
C. <u>United States Congressional Authority for Continuance of Civil Government for the Trust Territory of the Pacific Islands; assistance programs; maximum fiscal year costs; reimbursement</u>	7
D. <u>Executive Order No. 11021, May 8, 1962 /27 F.R. 44097. United States Presidential Order providing for the ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS by the Secretary of the Interior</u>	10
E. <u>Secretary of the Interior ORDER NO. 2876, January 30, 1964, providing for the Government of the Trust Territory of the Pacific Islands and prescribing the extent and nature of the Executive and Legislative authority vested in the High Commissioner and the Judicial authority in the High Court for the Trust Territory. /Article 3 of this ORDER is superceded by ORDER NO. 2882; see below/</u>	13
F. <u>Secretary of the Interior ORDER NO. 2882, September 28, 1964, as amended June 10, 1965, providing for the Legislative Authority for the Congress of Micronesia, Trust Territory of the Pacific Islands</u>	16
G. <u>Bill of Rights: Sections 1-12 of the Code of the Trust Territory of the Pacific Islands. /Reference: Section 3(d) Secretary of the Interior ORDER NO. 2882/</u>	24
H. <u>SECRETARY OF INTERIOR ORDER 2918, Dec. 27, 1968. Definition of extent and nature of Authority</u>	25A

<u>X. Index to Mimeographed Executive Orders and Public Laws Amending the Printed Code of the Trust Territory</u>	26
---	----

PART II

<u>THE HOUSE OF DELEGATES: Official Rules of Procedure</u> <u>/Adopted July 12, 1965/</u>	28
Rule 1. Organizing the House of Delegates	28
2. Duties of Officers	30
3. Meetings	32
4. Quorum and Attendance	32
5. Committees Generally	33
6. Standing Committees	35
7. Voting	36
8. Bills, Resolutions and Amendments	38
9. Motions	43
10. Sessions, Debate, Decorum and Discipline	46
11. Order of Business	48
12. Administration of the House of Delegates	49
13. Warrants, Subpoenas and Oaths	50
14. The Journal	50
15. Amendments of the Rules	51
Appendix A. Actions of the House of Delegates Requiring Unusual Majorities as Specified in the Rules	52

PART III

<u>THE GENERAL ASSEMBLY: Official Rules of Procedure</u> <u>/Adopted July 12, 1965/</u>	53
Rule 1. Organizing the General Assembly	53
2. Duties of Officers	55
3. Meetings	57
4. Quorum and Attendance	58
5. Committees, Generally	58
6. Standing Committees	60
7. Voting	61
8. Bills, Resolutions and Amendments	63
9. Motions	67
10. Sessions, Debate, Decorum and Discipline	71
11. Order of Business	74
12. Administration of the General Assembly	75
13. Warrants, Subpoenas and Oaths	76
14. Journal	76
15. Amendments of the Rules	77
Appendix A. Actions of the General Assembly Requiring Unusual or Specified Numbers of Members	78

PART IV

	Page
LEGISLATIVE STYLE GUIDE	
PREPARATION OF BILLS AND RESOLUTIONS	79
Titles	80
Enacting Clause	80
Body of Bill	80
Body of Resolution	81
Amendments	82
Redrafting of bills	83
Date and Sponsors	84
Numbering of Pages	84
Certification of Bills and Resolutions by each house	84
BILL AND RESOLUTION FORMS	85
Sample Bill Form	85
Sample Resolution Form	86
Sample Joint Resolution Form	87
Sample Bill or Resolution Letter of Transmittal Form	88
FINAL PREPARATION OF BILLS AND RESOLUTIONS FOR CERTIFICATION	89
Bills	89
Resolutions	90
Numbering of Laws and Resolutions	91
Laws	91
Resolutions	91
Final Numbers	91
Page Numbers	92
Sample Letter Form Transmitting Congressional Business to the High Commissioner	93
LEGISLATIVE RECORD SHEET	94
Explanatory Note	94
Facsimile: Legislative Record Sheet (blue sheet)	95

PART I

BASIC INSTRUMENTS FOR THE GOVERNANCE OF THE
TRUST TERRITORY OF THE PACIFIC ISLANDS

	Page
A. <u>Trusteeship Agreement</u> between the United States of America and the Security Council of the United Nations for the Territory of the Pacific Islands approved by the Security Council April 2, 1947 /Security Council Official Records II, Supp. 8; 8 U.N. Treaty Series P. 1907.	1
B. <u>Joint Resolution: Authorizing Approval of the Trusteeship Agreement for the Territory of the Pacific Islands, July 18, 1947</u> /271, 61 Stat. 397/	6
C. <u>United States Congressional Authority for Continuance of Civil Government for the Trust Territory of the Pacific Islands; assistance programs; maximum fiscal year costs; reimbursement</u>	7
D. <u>Executive Order No. 11021, May 8, 1962</u> /27 F.R. 4409/. <u>United States Presidential Order providing for the ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS by the Secretary of the Interior</u>	10
E. <u>Secretary of the Interior ORDER NO. 2876, January 30, 1964, providing for the Government of the Trust Territory of the Pacific Islands and prescribing the extent and nature of the Executive and Legislative authority vested in the High Commissioner and the Judicial authority in the High Court for the Trust Territory.</u> /Article 3 of this ORDER is superseded by ORDER NO. 2882; see below/	13
F. <u>Secretary of the Interior ORDER NO. 2882, September 28, 1964, as amended June 10, 1965, providing for the Legislative Authority for the Congress of Micronesia, Trust Territory of the Pacific Islands</u>	16
G. <u>Bill of Rights: Sections 1-12 of the Code of the Trust Territory of the Pacific Islands.</u> /Reference: Section 3(d) Secretary of the Interior ORDER NO. 2882/	24
H. <u>Index to Mimeographed Executive Orders and Public Laws Amending the Printed Code of the Trust Territory</u>	26

A. TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF THE PACIFIC ISLANDS¹
(The Former Japanese Mandated Islands)

[8 U.N. Treaty Series, p. 190]

PREAMBLE

Whereas Article 75 of the Charter of the United Nations provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent agreements; and

Whereas under Article 77 of the said Charter the trusteeship system may be applied to territories now held under mandate; and

Whereas on 17 December 1920 the Council of the League of Nations confirmed a mandate for the former German islands north of the equator to Japan, to be administered in accordance with Article 22 of the Covenant of the League of Nations; and

Whereas Japan, as a result of the Second World War, has ceased to exercise any authority in these islands;

Now Therefore, the Security Council of the United Nations, having satisfied itself that the relevant Articles of the Charter have been complied with, hereby resolves to approve the following terms of trusteeship for the Pacific Islands formerly under mandate to Japan.

ARTICLE 1

The territory of the Pacific Islands, consisting of the islands formerly held by Japan under mandate in accordance with Article 22 of the Covenant of the League of Nations, is hereby designated as a strategic area and placed under the trusteeship system established in the Charter of the United Nations. The Territory of the Pacific Islands is hereinafter referred to as the Trust Territory.

¹The Government of the United States formally submitted to the United Nations on February 26, 1947 its draft of the Trusteeship Agreement, whereby it was prepared to place within the trusteeship system of the United Nations the former mandated Marianas, Caroline and Marshall Islands, for approval by the Security Council in accordance with articles 82 and 83 of the Charter. The Security Council approved unanimously on April 1, 1947 the United States draft agreement including three slight revisions which were accepted by the United States. The three amendments and the perfection of article 7 requested by the United States Representative are referred to in footnotes to the amended articles.

ARTICLE 2

The United States of America is designated as the Administering Authority of the Trust Territory.

ARTICLE 3

The Administering Authority shall have full powers of administration, legislation, and jurisdiction over the territory subject to the provisions of this Agreement², and may apply to the Trust Territory, subject to any modifications which the Administering Authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements.

ARTICLE 4

The Administering Authority, in discharging the obligations of trusteeship in the Trust Territory, shall act in accordance with the Charter of the United Nations and the provisions of this Agreement, and shall, as specified in Article 83, paragraph 2 of the Charter, apply the objectives of the international trusteeship system, as set forth in Article 76 of the Charter, to the people of the Trust Territory.

ARTICLE 5

In discharging its obligations under Article 76a and Article 84 of the Charter, the Administering Authority shall ensure that the Trust Territory shall play its part, in accordance with the Charter of the United Nations, in maintenance of international peace and security. To this end the Administering Authority shall be entitled:

1. To establish naval, military and air bases and to erect fortifications in the Trust Territory;
2. To station and employ armed forces in the Territory; and
3. To make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out the obligations towards the Security Council undertaken in this regard by the Administering Authority, as well as for the local defense and the maintenance of law and order within the Trust Territory.

²The phrase "as an integral part of the United States" was deleted from Article 3 as proposed by the Representative of the Union of Soviet Socialist Republics. Upon accepting the amendment, the United States Representative said: "In agreeing to this modification, my government feels that it should affirm for the record that its authority in the Trust Territory is not to be considered in any way lessened thereby".

ARTICLE 6

In discharging its obligations under Article 76b of the Charter, the Administering Authority shall:

1. Foster the development of such political institutions as are suited to the Trust Territory, and shall promote the development of the inhabitants of the Trust Territory towards self-government or independence, as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned;³ and to this end shall give to the inhabitants of the Trust Territory a progressively increasing share in the administrative services in the Territory; shall develop their participation in⁴ government; shall give due recognition to the customs of the inhabitants in providing a system of law for the Territory; and shall take other appropriate measures towards these ends;

2. Promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication;

³An amendment proposed by the Representative of the Union of Soviet Socialist Republics and revised in the Council, added after the words "toward self-government", the words "or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned". The United States Representative, in accepting this amendment, declared that "The United States feels that it must record its opposition not to the principle of independence, to which no people could be more consecrated than the people of the United States, but to the thought that it could possibly be achieved within any foreseeable future, in this case."

⁴The word "local" was deleted from the phrase "in local government". The United States Representative proposed this amendment at the suggestion of the Representatives of New Zealand and India. The latter observed that in certain countries the word "local" connotes municipal government and that surely would not be the intention of the Representative of the United States.

3. Promote the social advancement of the inhabitants, and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect the health of the inhabitants; control the traffic in arms and ammunition, opium and other dangerous drugs, and alcohol and other spirituous beverages; and institute such other regulations as may be necessary to protect the inhabitants against social abuses; and

4. Promote the educational advancement of the inhabitants, and to this end shall take steps toward the establishment of a general system of elementary education; facilitate the vocational and cultural advancement of the population; and shall encourage qualified students to pursue higher education, including training on the professional level.

ARTICLE 7

In discharging its obligations under Article 76c of the Charter, the Administering Authority shall guarantee to the inhabitants of the Trust Territory freedom of conscience⁵, and, subject only to the requirements of public order and security, freedom of speech, of the press and of assembly; freedom of worship and of religious teaching; and freedom of migration and movement.

ARTICLE 8

1. In discharging its obligations under Article 76d of the Charter, as defined by Article 83, paragraph 2, of the Charter, the Administering Authority, subject to the requirements of security and the obligation to promote the advancement of the inhabitants, shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Members, treatment in the Trust Territory no less favorable than that accorded therein to nationals, companies and associations of any other United Nation except the Administering Authority.

2. The Administering Authority shall ensure equal treatment to the Members of the United Nations and their nationals in the administration of justice.

3. Nothing in this article shall be so construed as to accord traffic rights to aircraft flying into and out of the Trust Territory. Such rights shall be subject to agreement between the Administering Authority and the State whose nationality such aircraft possesses.

⁵The United States Representative requested that the phrase "freedom of conscience" be moved forward in the article so as not to be subject to "the requirements of public order and security".

4. The Administering Authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and other States, designed to attain for the inhabitants of the Trust Territory treatment by the Members of the United Nations and other States no less favorable than that granted by them to the nationals of other States. The Security Council may recommend, or invite other organs of the United Nations to consider and recommend, what rights the inhabitants of the Trust Territory should acquire in consideration of the rights obtained by Members of the United Nations in the Trust Territory.

ARTICLE 9

The Administering Authority shall be entitled to constitute the Trust Territory into a customs, fiscal, or administrative union or federation with other territories under United States jurisdiction and to establish common services between such territories and the Trust Territory where such measures are not inconsistent with the basic objectives of the international trusteeship system and with the terms of this agreement.

ARTICLE 10

The Administering Authority, acting under the provisions of Article 3 of this Agreement, may accept membership in any regional advisory commission, regional authority, or technical organization or other voluntary association of States, may cooperate with specialized international bodies, public or private, and may engage in other forms of international cooperation.

ARTICLE 11

1. The Administering Authority shall take the necessary steps to provide the status of citizenship of the Trust Territory for the inhabitants of the Trust Territory.

2. The Administering Authority shall afford diplomatic and consular protection to inhabitants of the Trust Territory when outside the territorial limits of the Trust Territory or of the Territory of the Administering Authority.

ARTICLE 12

The Administering Authority shall enact such legislation as may be necessary to place the provisions of this agreement in effect in the Trust Territory.

ARTICLE 13

The provisions of Articles 87 and 88 of the Charter shall be applicable to the Trust Territory, provided that the Administering Authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons.

ARTICLE 14

The Administering Authority undertakes to apply in the Trust Territory the provisions of any international conventions and recommendations which may be appropriate to the particular circumstances of the Trust Territory and which would be conducive to the achievement of the basic objectives of article 6 of this Agreement.

ARTICLE 15

The terms of the present Agreement shall not be altered, amended or terminated without the consent of the Administering Authority.

ARTICLE 16

The present Agreement shall come into force when approved by the Security Council of the United Nations and by the Government of the United States after due constitutional process.

B. JOINT RESOLUTION¹ of the United States Congress of July 18, 1947.

Authorizing Approval of Trusteeship Agreement for the Territory of the Pacific Islands.

Whereas the United States submitted to the Security Council of the United Nations for its approval in accordance with article 83 of the Charter of the United Nations a proposed trusteeship agreement for the Pacific Islands formerly mandated to Japan under which the United States would be prepared to administer those islands under trusteeship in accordance with the Charter of the United Nations; and

Whereas the Security Council on April 2, 1947, approved unanimously the trusteeship agreement with amendments acceptable to the United States; and

Whereas the said agreement, having been approved by the Security Council, will come into force upon approval by the Government of the United States after due constitutional process: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the President is hereby authorized to approve, on behalf of the United States, the trusteeship agreement between the United States of America and the Security Council of the United Nations for the former Japanese mandated islands (to be known as the Territory of the Pacific Islands) which was approved by the Security Council at the seat of the United Nations, Lake Success, Nassau County, New York, on April 2, 1947.

¹U. S. Code 271, 61 Stat. 397

C. UNITED STATES CONGRESSIONAL AUTHORITY FOR THE CONTINUANCE OF
CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS.

Explanatory Note:

Military government in the Territory of the Pacific Islands was ended by United States presidential order [Executive Order No. 9875] on July 18, 1947, and the Navy Department was made responsible for administration of the Trust Territory "pending the enactment of appropriate legislation by the Congress of the United States providing for the future government thereof". Since that time, organic legislation has been considered from time to time, but the United States Congress has not yet enacted such legislation. Administrative responsibility was transferred from the Secretary of the Navy to the Secretary of the Interior [Executive Order No. 10265 of June 29, 1951] on July 1, 1951 in accordance with a Memorandum of Understanding between the Department of the Navy and the Department of the Interior, approved by the President September 23, 1949.

In 1954, doubts raised in the United States Congress regarding the legislative authority for presidential control of the government of the Trust Territory led to an act which made explicit provision for it [68 Statutes 330]. The islands of Saipan and Tinian were returned to Navy control effective January 1, 1953 [Executive Order No. 10408 of Nov. 10, 1952]. Responsibility for the civil administration of the remaining islands of the Northern Marianas with the exception of Rota was also transferred to the Secretary of the Navy by Executive Order 10470 of July 17, 1953. By Executive Order No. 11021 of May 7, 1962, responsibility for the civil administration of Saipan and the Northern Marianas was transferred back to the Secretary of the Interior, providing thereby for the consolidation of civilian administration of all of the Trust Territory under the Secretary of the Interior effective July 1, 1962.

Executive Order No. 11021, which makes reference to the Executive Orders listed above, is the present instrument for the exercise of authority vested in the President of the United States by action of the United States Congress [68 Stat. 330; 48 U.S.C. 1681]. It is set forth below as Item D of this part of the Manual.

The following provisions of the United States Code set forth the basis of authority granted by the Congress of the United States for the civil government for the Trust Territory. They are contained in 48 U. S. C. A. Sec. 1681. See also, the entire Chapter 14 of 48 U. S. C. A., Secs. 1682-7.

48 U. S. C. A. Sec. 1681. Continuance of civil government for the Trust Territory of the Pacific Islands; assistance programs; maximum fiscal year costs; reimbursement.

(a) Until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, all executive, legislative, and judicial authority necessary for the civil administration of the Trust Territory shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct or authorize.

(b) The head of any department, corporation, or other agency of the executive branch of the Government may, upon the request of the Secretary of the Interior, extend to the Trust Territory of the Pacific Islands, with or without reimbursement, scientific, technical, or other assistance under any program administered by such agency, or extend to the Trust Territory any Federal program administered by such agency, if the assistance or program will promote the welfare of the Trust Territory, notwithstanding any provision of law under which the Trust Territory may otherwise be ineligible for the assistance or program: Provided, That the Secretary of the Interior shall not request assistance pursuant to this sub-section that involves, in the aggregate, an estimated nonreimbursable cost in any one fiscal year in excess of \$150,000: Provided further, That the cost of any program extended to the Trust Territory under this subsection shall be reimbursable out of appropriations authorized and made for the government of the Trust Territory pursuant to section 2 of this Act, as amended. The provisions of this subsection shall not apply to financial assistance under a grant-in-aid program. June 30, 1954, c. 423, Sec. 1, 68 Stat. 330, amended Aug. 22, 1964, Pub. L. 88-487, Sec. 1, 78 Stat. 601.

Many laws of the United States too numerous to list may be applicable in the Trust Territory. Recent legislation which is applicable includes, inter alia, the following:

(a) Federal Disaster Act, 42 U. S. C. A. 1855-1858Z, as amended June 27, 1962, P. L. 87-502, 76 Stat. 111, authorizes Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters.

(b) Annual Appropriations Acts -- e.g., P. L. 87-541 and P. L. 87-578, 76 Stat. 335, 339 making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1963, and for other purposes; see also the annual appropriations acts for subsequent years -- P. L. 88-79, 77 Stat. 96 for fiscal year 1964, and P. L. 89-52, 79 Stat. 174 for fiscal year 1965.

(c) Economic Opportunity Act of 1964, P. L. 88-452, 78 Stat. 504 -- to mobilize the human and financial resources of the Nation to combat poverty in the United States (defined to include the Trust Territory).

(d) Second Supplemental Appropriation Act, 1965, P. L. 89-16, approved April 30, 1965 making available the sum of not more than \$950,000 to carry out the provisions of P. L. 88-485, 78 Stat. 598 for the compassionate relief of certain Rongelap (Marshall Islands) people who were affected by the fallout which inadvertently accompanied the explosion of the hydrogen bomb at Bikini Atoll on March 1, 1954.

D. EXECUTIVE ORDER NO. 11021, May 8, 1962 /27 F. R. 4409, Doc. 62-45567

May 8, 1962 FEDERAL REGISTER

Executive Order 11021

ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS
BY THE SECRETARY OF THE INTERIOR

WHEREAS the Trust Territory of the Pacific Islands was placed under the trusteeship system established in the Charter of the United Nations by means of a trusteeship agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process (hereafter referred to as the trusteeship agreement); and

WHEREAS the United States of America was designated under the terms of the trusteeship agreement as the administering authority of the Trust Territory referred to above (hereinafter referred to as the trust territory); and

WHEREAS the United States has heretofore assumed obligations for the civil administration of the trust territory and has carried out such civil administration under the provisions of Executive Orders Nos. 9875 of July 18, 1947, 10265 of June 29, 1951, 10408 of November 10, 1952, and 10470 of July 17, 1953; and

WHEREAS thereunder the Secretary of the Navy is now responsible for the civil administration of the Northern Mariana Islands except for the Island of Rota and the Secretary of the Interior is responsible for the civil administration of all of the remainder of the trust territory; and

WHEREAS it appears that the purposes of the trusteeship agreement can best be effectuated at this time by placing in the Secretary of the Interior responsibility for the civil administration of all of the trust territory;

NOW, THEREFORE, by virtue of the authority vested in me by the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681) and as President of the United States, it is ordered as follows:

Section 1. Responsibility of Secretary of the Interior. The responsibility for the administration of civil government in all of the trust territory, and all executive, legislative and judicial authority necessary for that administration, are hereby vested in the Secretary of the Interior. Subject to such policies as the President may from time to time prescribe, and in harmony with applicable law, and, where advantageous, in collaboration with other departments and agencies of the Government, the Secretary of the Interior shall take

such actions as may be necessary and appropriate to carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement and under the Charter of the United Nations: Provided, however, That the authority to specify parts or all of the trust territory as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: And provided further, That the Secretary of the Interior shall keep the Secretary of State currently informed of activities in the trust territory affecting the foreign policy of the United States and shall consult with the Secretary of State on questions of policy concerning the trust territory which relate to the foreign policy of the United States, and that all relations between the departments and agencies of the Government and appropriate organs of the United Nations with respect to the trust territory shall be conducted through the Secretary of State.

Sec. 2. Redelegation of authority. The executive, legislative, and judicial authority provided for in Section 1 of this order may be exercised through such officers or employees of the Department of the Interior, or through such other persons under the jurisdiction of the Secretary of the Interior, as the Secretary may designate, and shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

Sec. 3. Cooperation with Department of the Interior. The executive departments and agencies of the Government shall cooperate with the Department of the Interior in the effectuation of the provisions of this order.

Sec. 4. Prior Orders. To the extent not heretofore superseded or otherwise rendered inapplicable, the following are hereby superseded;

- (1) Executive Order No. 10265 of June 29, 1951
- (2) Executive Order No. 10408 of November 10, 1952
- (3) Executive Order No. 10470 of July 17, 1953

Sec. 5. Saving provisions. (a) Existing laws, regulations, orders, appointments, or other acts promulgated, made or taken by the Secretary of the Interior or his delegates under the authority of Executive Order No. 10265, as amended and in effect until they are superseded in pursuance of the provisions of this order.

(b) Nothing contained in this order shall be construed as modifying the rights or obligation of the United States under the provisions of

the trusteeship agreement or as affecting or modifying the responsibility of the Secretary of State to interpret the rights and obligations of the United States arising out of that agreement.

Sec. 6. Effective date. The provisions of this order shall become effective on July 1, 1962.

/s/ JOHN F. KENNEDY

The White House
May 7, 1962

E. SECRETARY OF THE INTERIOR ORDER NO. 2876, January 30, 1964.UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Secretary
Washington 25, D. C.

ORDER NO. 2876

Subject: Government of the Trust Territory of the Pacific Islands

Section 1. Purpose. The purpose of this order is to delimit the extent and nature of the authority of the Government of the Trust Territory of the Pacific Islands (hereinafter called "the Trust Territory"), as it will be exercised under the jurisdiction of the Secretary of the Interior (hereinafter called "the Secretary"), pursuant to Executive Order No. 11021 of May 7, 1962, and to prescribe the manner in which the relationships of the Government of the Trust Territory shall be established and maintained with the Congress, the Department of the Interior and other Federal agencies, and with foreign governments and international bodies.

Section 2. Executive authority. (a) The executive authority of the Government of the Trust Territory, and the responsibility for carrying out the international obligations undertaken by the United States with respect to the Trust Territory, shall be vested in a High Commissioner of the Trust Territory who shall be appointed by the Secretary, and shall be exercised and discharged under the supervision and direction of the Secretary.

(b) The relations of the Government of the Trust Territory with the Congress of the United States on all legislative matters, including appropriations, shall be conducted through the Department of the Interior.

(c) With freedom to consult directly with the Secretary when necessary, the High Commissioner of the Trust Territory shall normally communicate with the Secretary of the Interior through the Director of the Office of Territories. The High Commissioner shall be responsible for all United States property in the Trust Territory which is required for the operation of the Government of the Trust Territory and for which the Department of the Interior has administrative responsibility. The High Commissioner shall perform such other functions for the Department of the Interior in the Trust Territory as may be delegated to him by the Secretary.

(d) Initial contact by the Government of the Trust Territory with Federal agencies outside the Department of the Interior on other

than routine matters shall be established through the Office of Territories of the Department of the Interior. Once the relationship has been established, direct contact between the Government of the Trust Territory and the Federal agencies concerned may be maintained in which event the Office of Territories shall be kept informed of significant developments in the relationship. Federal agencies should be encouraged to extend their normal Federal services and assistance to the Trust Territory whenever practicable, and the Government of the Trust Territory shall be reimbursed for services it performs for other Federal agencies.

(e) Communications of the Government of the Trust Territory with foreign governments and international bodies should be cleared through the Department of the Interior for transmittal by the Department of State, unless some other procedure is approved by the Secretary of the Interior.

(f) In exercising his authority the High Commissioner shall obtain prior Secretarial approval of any significant deviation from the budget justification presented to the Congress, any expenditures from local revenues beyond the amount estimated in the budget justification, and any significant transfer of funds between programs or between administration and construction funds.

Section 3. Legislative authority. The legislative authority of the Government of the Trust Territory shall be vested in the High Commissioner of the Trust Territory and shall be exercised and discharged under the supervision and direction of the Secretary. The High Commissioner shall obtain Secretarial approval of any proposed new law or any proposed amendment to an existing law, except in the event of an emergency, in which case the law or amendment thereof may be made effective seven days after the date of his disapproval. The High Commissioner shall also obtain Secretarial approval of any proposed new regulations or any amendment of existing regulations which embodies an important change in policy. In the event of an emergency, regulations, or amendments thereof, which would require Secretarial approval, may be made effective to the same extent and subject to the same limitations as provided for in the case of laws.

Section 4. Judicial authority. The judicial authority of the Government of the Trust Territory shall be vested in a High Court for the Trust Territory and such other courts as may be established pursuant to law. The Secretary shall appoint the Chief Justice and the Associate Justice of the High Court. The judicial authority shall be independent of the executive and legislative powers. Budgetary requests for the territorial judiciary, with supporting justification, shall be drawn up by the Chief Justice of the Trust Territory and submitted for the approval of the Department of the Interior by the High Commissioner of the Trust Territory as a separate item in the annual budget for the Trust Territory. The High Commissioner should call the attention of the Department to any question which he may have regarding the budget

for the judiciary. Regulations bearing on the organization or operation of the judiciary shall be submitted to the Secretary of the Interior for approval prior to issuance.

Section 5. Prior orders. Department of the Interior Order 2658 of August 29, 1951, and Department of the Interior Order No. 2812 of April 6, 1956, insofar as it pertains to the Trust Territory, are hereby superseded.

Section 6. Existing laws. Existing laws, regulations, orders, appointments, or other acts in effect immediately prior to the effective date of this order shall remain in effect until they are superseded pursuant to the provisions of this order.

January 30, 1964

/s/ Stewart L. Udall
Secretary of the Interior

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Secretary
Washington 25, D. C.

September 28, 1964

ORDER NO. 2882

Subject: Legislative Authority for the Congress of Micronesia,
Trust Territory of the Pacific Islands.

WHEREAS, pursuant to the Trusteeship Agreement between the United States and the Security Council of the United Nations, the United States has undertaken to promote self-government in the Trust Territory of the Pacific Islands; and

WHEREAS, in 1956 the High Commissioner of the Trust Territory created an Inter-District Advisory Committee composed of Trust Territory citizens to assist in the development of programs and policies for the area; and

WHEREAS, the Inter-District Advisory Committee in 1961 was reconstituted as the Council of Micronesia, selecting its own chairman; and

WHEREAS, the deliberations of the Council of Micronesia have been of a uniformly high order; and

WHEREAS, the Council of Micronesia has recommended the establishment of a legislature for the Trust Territory of the Pacific Islands to be known as the Congress of Micronesia;

NOW, THEREFORE, there is hereby created the Congress of Micronesia, as set forth in the following order:

Section 1. Purpose. The purpose of this Order is to grant certain legislative authority to the Congress of Micronesia in the Trust Territory of the Pacific Islands, to delimit its membership, duties, and procedures, and to define its relationships to other branches of the Government of the Trust Territory of the Pacific Islands.

Section 2. Organization. The Legislature of the Trust Territory of the Pacific Islands shall be known as the "Congress of Micronesia" and shall consist of two Houses, the House of Delegates and the General Assembly. The two Houses shall sit separately except as otherwise provided herein.

When the Congress shall convene, each House shall organize by the election of one of its number as presiding officer and such presiding officer shall be designated by the title of "President of the House of Delegates" or "Speaker of the General Assembly", as the case may be. When the Congress meets in joint session, the Speaker of the General Assembly shall preside.

Section 3. Legislative Power. The legislative power of the Congress of Micronesia shall extend to all rightful subjects of legislation, except that no legislation may be inconsistent with

- (a) treaties or international agreements of the United States;
- (b) laws of the United States applicable to the Trust Territory;
- (c) Executive Orders of the President of the United States and orders of the Secretary of the Interior; or
- (d) sections 1 through 12 of the Code of the Trust Territory.

No law shall be passed by the Congress imposing any tax upon property of the United States or property of the Trust Territory of the Pacific Islands; nor shall the property of nonresidents be taxed at a higher rate than the property of residents. No import or export levies shall be imposed on goods transported between or among the Districts of the Trust Territory, as described in Section 39 of the Code of the Trust Territory, or any political subdivision thereof, and the levy of duties on goods imported into the Trust Territory is hereby reserved to the Congress of Micronesia and the High Commissioner.

Section 4. Powers of the High Commissioner. At the opening of a legislative session and at any time thereafter the High Commissioner may submit to the Congress and recommend the enactment of legislation.

In the event that the High Commissioner has submitted to the Congress proposed legislation which he has designated as urgent, and the Congress has failed to pass the same in its original form or an amended form acceptable to the High Commissioner at the session at which it was submitted, the High Commissioner may himself, with the approval of the Secretary of the Interior, promulgate such legislation as law; Provided, That such designation as urgent shall be made no later than seven days prior to the end of the session.

Section 5. Budget. Prior to his final submission of the annual budget of the Trust Territory to the Secretary of the Interior, the High Commissioner shall submit a preliminary budget plan to the Congress of Micronesia in joint session for its review and recommendations. The High Commissioner shall adopt such recommendations of the Congress as he may deem appropriate, but he shall transmit to the Secretary of the Interior all recommendations he has not adopted. Legislation enacted by the Congress of Micronesia requiring the expenditure of funds other than as budgeted shall include revenue measures to provide the needed funds.

Section 6. Membership. For the purpose of representation in the Congress, the Trust Territory is divided into six Districts as described in Section 39 of the Code of the Trust Territory.

The House of Delegates shall consist of twelve members, who shall be known as "Delegates", of which each District shall elect two,

The General Assembly shall consist of twenty-one members, who shall be known as "Assemblymen", and who shall be elected from each District as follows:

In the Mariana Islands District, three;

In the Marshall Islands District, four;

In the Palau District, three;

In the Ponape District, four;

In the Truk District, five;

In the Yap District, two.

Each of the six Administrative Districts shall be subdivided initially into single member election districts of approximately equal population, in such manner as the High Commissioner shall determine, and each such election district shall elect one of the Assemblymen to which the Administrative District is entitled. Future subdivisions shall be established by law.

Election districts shall be reapportioned every 10 years on the basis of population, but each District (as described in Section 39 of the Trust Territory Code), shall be entitled to at least two Assemblymen regardless of population. The first such reapportionment shall be made in 1971.

Section 7. Qualification of Legislators. In order to be eligible to election as a member of the Congress a person shall:

- (a) be a citizen of the Trust Territory for at least five years;
- (b) have attained the age of twenty-five years at the time of his election; and
- (c) have been a bona fide resident of the District (as described in Section 39 of the Code of the Trust Territory), from which he is elected for at least one year next preceding his election.

No person who has been expelled from the Congress for giving or receiving a bribe or for being an accessory thereto, and no person who has been convicted of a felony, shall sit in the Congress, unless the person so convicted has been pardoned and has had restored to him his civil rights.

Section 8. Franchise. The franchise shall be vested in residents of the Trust Territory who are citizens of the Trust Territory and eighteen

years of age or over. Additional qualifications may be prescribed by the Congress: Provided, That no property, language, or income qualification shall ever be imposed or required of any voter, nor shall any discrimination in qualification be made or based upon literacy, tribal custom, or social position, nor upon difference in race, color, ancestry, sex, or religious belief.

Section 9. General elections. General elections shall be held biennially in each even numbered year on the first Tuesday following the first Monday in November. All elections shall be held in accordance with such procedures as this order and the laws of the Trust Territory may prescribe. Legislators shall be chosen by secret ballot of the qualified electors of their respective districts.

Section 10. Term of office. Each Delegate shall hold office for a term of four years: Provided, That of the Delegates elected at the first general election, one from each District shall hold office for two years only, and the determination of which Delegate shall serve the short term shall be made by drawing lots.

Assemblymen shall each hold office for a term of two years.

The terms of all members of the Congress shall commence at noon on the third day of January following their election, except as otherwise provided by law.

Section 11. Disqualification of government officers and employees. No person holding a position as a Department Head or Assistant Department Head in the Headquarters of the Trust Territory Government, as a Department Head or Assistant Department Head in a District Administration, as a District Administrator or Assistant District Administrator, or as a Judge, and no person serving as a member of a District Legislature, shall be eligible to serve as a member of the Congress while holding said position: Provided, That this disqualification shall not become effective until the third general election to the Congress.

The High Commissioner shall permit any employee of the Government of the Trust Territory to be accorded leave without pay, for a period not to exceed 30 days prior to and including the day of the general election, for the purpose of seeking election to the Congress.

No member of the Congress shall, while on official legislative business, receive any other compensation from the Government of the Trust Territory or any political subdivision thereof.

Section 12. Legislative sessions. There shall be a regular session of the Congress held in each year beginning on the second Monday of July and continuing for not to exceed 30 consecutive calendar days. Each such regular session shall be held at the seat of the Government of the Trust Territory.

The High Commissioner may call special sessions for such period of time and at such time and place, as in his opinion the public interest may require. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the High Commissioner to the Congress while in such session.

Sect on 13. Enacting clause. The enacting clause of all bills shall be: "Be it enacted by the Congress of Micronesia," and no law shall be enacted except by bill. Bills may originate in either House, and may be amended or altered or rejected by the other.

Section 14. Veto by the High Commissioner. Every bill passed by the Congress shall, before it becomes a law, be presented to the High Commissioner. If the High Commissioner approves the bill, he shall sign it. If the High Commissioner disapproves the bill, he shall, except as herein-after provided, return it, with his objections, to the Congress within ten consecutive calendar days after it shall have been presented to him. If the High Commissioner does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the Congress by adjournment prevents its return, in which case it shall be a law if signed by the High Commissioner within thirty days after it shall have been presented to him; otherwise it shall not be a law.

Not later than 14 months after a bill has been vetoed by the High Commissioner, it may be passed over his veto by a two-third's majority of the entire membership of each House but may not be so repassed at the same session at which originally passed. A bill so repassed shall be re-presented to the High Commissioner for his approval. If he does not approve it within 20 days, he shall send it together with his comment thereon to the Secretary of the Interior. Within 90 days after its receipt by him, the Secretary of the Interior shall either approve or disapprove the bill. If he approves it, it shall become a law; otherwise it shall not.

If any bill presented to the High Commissioner shall contain several items of appropriation of money, he may object to one or more of such items, or any part or parts thereof, while approving the other items or parts of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the item or items, part or parts thereof, to which he objects, and the item or items, part or parts thereof, so objected to shall have the effect of being vetoed.

Section 15. Adjournment. Neither House may adjourn for more than two consecutive days nor may either House adjourn sine die without the concurrence of the other House.

Section 16. Publication of Laws. The High Commissioner shall make provision for publishing laws and resolutions within thirty days after the close of each session and for their distribution to public officials and sale to the public.

Section 17. Procedure.

(a) Quorum. A majority of the members of each House shall constitute a quorum of such House for the transaction of business. A similar number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

(b) Reading of bills - Passage. A bill in order to become a law shall pass two readings in each House, on separate days, the final passage of which in each House shall be by a majority vote of all the members present and voting, which vote shall be entered upon the journal.

(c) Title. Every legislative act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such an act shall be void only as to so much thereof as shall not be embraced in the title.

(d) Certification of bills from one House to the other. Every bill when passed by the House in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and sent to the other House for consideration.

(e) Amendment and revisions by reference. No law shall be amended or revised by reference to its title only; but in such case the act, as revised, or section or subsection as amended, shall be re-enacted and published at full length.

(f) Language. All legislative proceedings shall be conducted in the English language: Provided, That knowledge of the English language shall not be a qualification for membership in the Congress. Nothing herein shall limit the right of a member to use his native language if he lacks fluency in English, and the Congress shall provide for interpretation into English in such cases.

(g) Journal. Each House shall keep a journal of its proceedings, and publish the same in English.

(h) Public Sessions. The business of the Congress, and of the Committee of the Whole, shall be transacted openly and not in secret session.

(i) Procedural authority. The Congress shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths.

Section 18. Immunity. No member of the Congress of Micronesia shall be held to answer before any tribunal other than the Congress for any

speech or debate in the Congress, and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the Congress and in going to and from the same.

Section 19. Compensation. Each member of the Congress shall be paid \$16 for each day the Congress is in session, regular or special. Each member shall also be paid \$16 for each day during which he is engaged in official legislative business, when the Congress is not in session. Compensation at this daily rate shall be paid for each day the member is in a travel status to and from each session or while on other official legislative business. Travel shall be performed by the most expeditious and direct means. Compensation shall be paid for days when travel is delayed for reasons beyond the control of the member. Travel shall be arranged by the Trust Territory Government by the most direct and expeditious means, and travel expenses and per diem at the standard Trust Territory Government rates shall be allowed: Provided, That compensation, travel, and per diem shall not be allowed in excess of such amount as may be budgeted therefor.

Section 20. Appointment to new offices. No member of the Congress shall, during the term for which he was elected or during the year following the expiration of the term for which he was elected, be appointed to any office which was created by the Congress during such term.

Section 21. Vacancies. Whenever, prior to six months before the date of the next general election, a vacancy occurs, the High Commissioner shall call a special election to fill such vacancy. In case of a vacancy occurring within six months of the next general election, no special election shall be held and the District Administrator of the District wherein such vacancy arises may fill such vacancy by appointment.

Section 22. Conversion into a unicameral body. At its fifth regular session following the effective date of this order, the Congress shall convene in joint session to consider whether the bicameral legislature should be continued, or whether the legislature should be converted into a unicameral body. The final recommendation to the High Commissioner shall be adopted by a majority vote, and the recommendation shall be submitted to the High Commissioner and by him to the Secretary of the Interior.

Section 23. Legislative Counsel. Prior to the first regular session of the Congress of Micronesia, the High Commissioner shall designate a legislative counsel to assist and advise the Congress during that session. During the course of the first session, and biennially thereafter, the Congress may by joint resolution nominate a legislative counsel of its own choosing to serve the Congress during and between subsequent sessions, subject only to the High Commissioner's concurrence in the competency of the designated legislative counsel. Compensation for the legislative counsel shall be budgeted by the High Commissioner at a grade level equivalent to that of the highest grade Assistant Attorney General of the Trust Territory.

The High Commissioner shall also make budgetary provision for such supporting staff for the legislative counsel as the Congress may request by joint resolution, and as the High Commissioner may deem necessary.

Section 24. Amendment. This order may be amended only by further order of the Secretary of the Interior. The Congress may, during any regular session, by a two-thirds majority vote of the membership of each House, recommend to the High Commissioner the amendment of any part of this order. The High Commissioner shall transmit such recommendation, together with his own recommendations thereon, to the Secretary of the Interior.

Section 25. Existing Laws. All laws and regulations of the Trust Territory not inconsistent with the provisions of this order shall continue in effect until modified or repealed by competent authority.

Section 26. Temporary extension of export and import duties. Notwithstanding any other provision of this order, any District or municipal import and export duties in effect upon signature of this order may continue in effect until July 1, 1965, unless sooner reduced or repealed by the District Legislature or municipality concerned; Provided, That no such District or municipal import or export duty may be increased above its rate as of the date of signature of this order.

Section 27. Effective Date. The provisions of this order shall become effective upon signature, with the first general elections to the Congress of Micronesia to be held on Tuesday, January 19, 1965, in accordance with such regulations as may be promulgated by the High Commissioner therefor; Provided, That subsequent general elections shall be held as provided in Section 9 of this order; Provided, further, That the terms of members elected to the first Congress of Micronesia shall commence February 16, 1965.

Section 28. Prior Orders. Section 3 of Order No. 2876 is superseded, effective July 12, 1965, or effective on the date the Congress of Micronesia meets in special session, whichever first occurs. Provisions of other prior orders of the Department of the Interior, insofar as they are inconsistent with the provisions of this order, are hereby superseded.

/s/ Stewart L. Udall
Secretary of the Interior

Prepared for publication in the Federal Register

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Secretary
Washington, D. C. 20240

June 10, 1965

ORDER NO. 2882, Amendment No. 1

Subject: Legislative Authority for the Congress of Micronesia,
Trust Territory of the Pacific Islands.

WHEREAS, on September 28, 1964, the Secretary of the Interior promulgated Secretarial Order No. 2882 creating the Congress of Micronesia and granting legislative authority thereto; and

WHEREAS, the said Order No. 2882 in Section 3 reserved to the Congress of Micronesia and the High Commissioner the levy of duties on goods imported into the Trust Territory; and

WHEREAS, Section 26 of the said Order No. 2882 temporarily extended until July 1, 1965, District and municipal import and export duties in effect on September 28, 1964;

WHEREAS, such date of July 1, 1965, will not afford the Congress of Micronesia an opportunity to act prior to the expiration of District or municipal import or export levies; and

WHEREAS, certain revisions in Section 5, 6 and 7 are also desirable so as to clarify the appropriation and legislative authority of the Congress of Micronesia and the apportionment of members among the several districts of the Trust Territory and the language relating to the qualifications of members;

NOW, THEREFORE, Secretarial Order No. 2882 is amended in the following particulars, the amendments to become effective July 1, 1965:

1. Section 26 of the said Order No. 2882 is hereby amended to read as follows:

"Section 26. Temporary extension of export and import duties. Notwithstanding any other provision of this order, any District or municipal import and export duties in effect upon signature of this order may continue in effect until October 1, 1965, unless sooner reduced or repealed by the District Legislature or municipality concerned; Provided, That no such District or municipal import or export duty may be increased above its rate as of the date of signature of this order."

2. Section 5 of the said Order No. 2882 is hereby amended to read as follows:

"Section 5. Budget. Money bills enacted by the Congress of Micronesia shall not provide for the appropriation of funds in excess of such amounts as are available from revenues raised pursuant to the tax laws and other revenue laws of the Trust Territory. Prior to his final submission to the Secretary of the Interior of requests for Federal funds necessary for the support of governmental functions in the Trust Territory, the High Commissioner shall prepare a preliminary budget plan. He shall submit such plan to the Congress of Micronesia in joint session for its review and recommendations with respect to such portions as relate to expenditures of funds proposed to be appropriated by the Congress of the United States. With respect to such portions of the preliminary budget plan, the High Commissioner shall adopt such recommendations of the Congress as he may deem appropriate, but he shall transmit to the Secretary of the Interior all recommendations he has not adopted."

3. The final paragraph of Section 6 of the said Order No. 2882 is hereby amended to read as follows:

"Election districts shall be reapportioned every 10 years on the basis of population, but each District (as described in Section 39 of the Trust Territory Code), shall be entitled to at least two Assemblymen. The first such reapportionment shall be made in 1971."

4. The final paragraph of Section 7 of the said Order No. 2882 is hereby amended to read as follows:

"No person who has been expelled from the Congress for giving or receiving a bribe or for being an accessory thereto, and no person who has been convicted of a felony by any court of the Trust Territory or any court with the jurisdiction of a district court of the United States, shall sit in the Congress unless the person so convicted has been pardoned and has had restored to him his civil rights."

/s/ John A. Carver Jr.

Acting Secretary of the Interior

Prepared for publication in the Federal Register

G. BILL OF RIGHTS

Note: The legislative power of the Congress of Micronesia does not extend to the Bill of Rights -- Sections 1 through 12 of the Code of the Trust Territory, Section 3(d) of Secretary of Interior ORDER NO. 2882 of September 28, 1964, as amended June 10, 1965/.

BILL OF RIGHTS

Sec. 1. Freedom of religion, speech, press, right of assembly and petition. No law shall be enacted in the Trust Territory respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Sec. 2. Slavery and involuntary servitude. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in the Trust Territory.

Sec. 3. Protection against unreasonable search and seizure.

The rights of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Sec. 4. No deprivation of life, liberty, or property without due process. No person shall be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall any person be compelled in any criminal case to be a witness against himself. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial; to be informed of the nature and cause of accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. No crime under the laws of the Trust Territory shall be punishable by death.

Sec. 5. No ex post facto law. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall be enacted.

Sec. 6. Excessive bail, excessive fines, cruel and unusual punishments prohibited. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 7. No discrimination on account of race, sex, language or religion. No law shall be enacted in the Trust Territory which discriminates against any person on account of race, sex, language, or religion; nor shall the equal protection of laws be denied.

Sec. 8. Freedom of migration and movement. Subject only to the requirements of public order and security, the inhabitants of the Trust Territory shall be accorded freedom of migration and movement within the Trust Territory.

Sec. 9. Education. Free elementary education shall be provided throughout the Trust Territory.

Sec. 10. No imprisonment for failure to discharge contractual obligation. No person shall be imprisoned solely for failure to discharge a contractual obligation.

Sec. 11. Writ of habeas corpus. The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion or imminent danger thereof, the public safety shall require it.

Sec. 12. Quartering of soldiers. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

H. INDEX TO MIMEOGRAPH EXECUTIVE ORDERS AND PUBLIC LAWS AMENDING
THE PRINTED CODE OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS.

(as of 11 September 1965)

Legend: (Am) - Amendment
(New) - New provision of law
(Reen) - Re-enactment
(Rep) - Repealed
(Supp) - Supplementary Regulations)

Sections Affected	Subject	Executive Order/ Public Law No.
1 (Am)	Freedom of Religion, Speech and Press; Right of Assembly and Petition	99
36 (Supp)	District Treasurers	83
39 (Am)	Mariana Islands District, Rota District	91
43 (Rep)	Territorial Advisory Council	P.L. 1-6
44 (Am)	Local political institutions; systems; customs	P.L. 1-6
118 (New)	Declaratory Judgments	99
138 (New)	District Court Jurisdiction	92
249 (Am)	Issuance of Process	90
263 (Am)	Court Fees	92
279 (New)	Agreements Secured by Personal Property	99
317 (Am)	Limitation of Actions	90
330 (Am)	Commitment of Insane Persons	92
335 (Am)	Trust Territory vessels to fly Trust Territory flag	100
343 (New)	Small Estates	92
390 (Am)	Arson	90
391 (Am)	Burglary	93
391A (Rep)	Burglary	93
398 (Am)	Littering	84
402 (New)	Tampering with Mail	99
403 (New)	Insufficient Funds	99
406 (Am)	Bigamy	84
430 (Am)	Principals and Accessories	90
437 (New)	Delinquent child - definition	92
438 (New)	Juvenile Delinquency Proceedings	92
439 (New)	Liability of Parent	92
489 (Am)	Process Obligatory Upon Police	90
577 (Am)	School Age	88
660-674 (Reen);		
680 (New)	Nationality, Emigration and Immigration, Chapter 10	97
Chapter 10 (Supp)	Emigration and Immigration	98
691 (Am)	Marriage License	87
772 (Rep)	Royalty for Trochus Shell	P.L. 1-10
814 (Am)	Rules of the Road	90
815 (Am)	Reckless Driving	93
875 (Am)	Permission to Enter or Remain in Territorial Waters	94
875 (Am)	Permission to Enter or Remain in Territorial Waters	97

Sections Affected	Subject	Executive Order/ Public Law No.
924 (Am)	Office of Land Management	90
926 (Am)	Lands and Claims Administrator	90
1024 (New)	Zoning	80
1101 (Rep)	Corporation Charters	92
	Corporations	
1115 (New)	Registrar of Corporations	92
1116 (New)	Charters	92
1117 (New)	Cooperative and Credit Union - definition	92
1118 (New)	Articles of Incorporation	92
1119 (New)	Audit and Inspections	92
1133 (New)	General Application	92
1134 (New)	Existing Corporations	92
1135 (New)	Violations Enjoinable	92
1143 (Rep)	Authority Local Government to levy taxes; license fees	P.L. 1-13
1145 (Am)	Processing Tax	93
1145A (Rep)	Internal Revenue taxes: cigarettes, tobacco, cosmetics, etc.	P.L. 1-13
1146 (Rep)	Failure to furnish Information for Taxes and License Fees	P.L. 1-10
1305, 1309, 1310	Eminent Domain	87

Additional New Laws Enacted by the Congress of Micronesia to be incorporated where appropriate in the Code of the Trust Territory of the Pacific Islands.

(New)	Official Flag of Micronesia	P.L. 1-1
(New)	Micronesia Day	P.L. 1-2
(New)	Compilation, Codification, Publication of laws, statutes and regulations	P.L. 1-3
(New)	Survival of causes of action after death of tortfeasor	P.L. 1-4
(New)	Prohibition misuse government-donated food	P.L. 1-5
43 (Rep); 44 (Am) (New)	Delineation powers/responsibilities Territory, District, Municipal and local governments	P.L. 1-6
(New)	Trial by Jury	P.L. 1-7
(New)	Kwajalein, enacting and promulgating ordinances for	P.L. 1-8
(New)	Excise Tax motor vehicle fuel distribution, sale	P.L. 1-9
772, 1146 (Rep)	Export Tax copra, trochus shell, scrap metal	P.L. 1-10
(New)	Operational Costs, Congress of Micronesia FY '66	P.L. 1-11
(New)	Appropriation, operational costs Congress of Micronesia FY '67	P.L. 1-12
1143, 1145A (Rep)	Import Tax	P.L. 1-13