

01
7



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 25 1969

Memorandum

To: Staff Director of the Under Secretaries Committee
From: Assistant Secretary--Public Land Management

The working group of the TTPI Interagency Coordinating Committee has completed its work and has adjourned. Their final product was the alternate draft Micronesia Political Status Act to which I referred in my memorandum of August 15. A copy of this alternate draft is enclosed.

The principal difference between the draft I furnished you on August 15 and the enclosed alternate is the provision for a Micronesian Constitutional Convention in the alternate version. Much of the August 15 version is retained to insure that the constitution developed by the Micronesians will meet basic U. S. interests.

It is believed that the enclosed version might prove of use as a fall-back position in our negotiations with the Micronesians should they prove adamant on the question of drafting of their own constitution.

The Under Secretaries Committee might wish to consider the enclosed draft along with the August 15 draft at their next meeting.

Harrison Soesch

Enclosure

~~Declassified/Released on~~ F85-514C (Doc 4A)
under provisions of E.O. 12356
by E. Reger, National Security Council

11- 428401

17
7
12

ADMINISTRATIVELY RESTRICTED

A B I L L

~~Declassified/Released on~~ ERS-514C (Doc 4B)
under provisions of E.O. 12356
by E. Rieger, National Security Council

11-428402

A B I L L

To provide for the creation of a constitutional government by the people of Micronesia, the future political status of the Trust Territory of the Pacific Islands and for other purposes.

T: Creation of a constitutional government by the people of Micronesia, the future political status of the TTPI and for other purposes

C: Fallback position, Alternate draft M Political Status Act

AKA 05-227/part

ced under
he United
ed by the
947, and the
e constitu-

under the terms
ing authority of
nd

Whereas the United States has heretofore assumed obligations for the civil administration of the Trust Territory in accordance with the terms of the Trusteeship Agreement; and

Whereas the Congress of the United States of America by the Act of June 30, 1954 provided that until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, the executive, legislative and judicial authority necessary for the civil administration of the Trust Territory shall continue to reside 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; and

Whereas by Executive Order numbered 11021, the President of the United States vested responsibility in the Secretary of the

Interior for the civil administration of all the Trust Territory;
and

Whereas the Congress of Micronesia, the popularly elected legislative body of the Trust Territory of the Pacific Islands, has requested the President and the Congress of the United States to give consideration to the future political status of the Trust Territory; and

Whereas a Constitutional Convention is a basic method of ascertaining the wishes of the people and seeing such wishes reflected in a structure of government; and

Whereas the Congress deems it appropriate that in the process of developing self-government, the people of the islands of Micronesia should enjoy certain rights and responsibilities inherent in the representative form of government;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Micronesian Constitutional Convention and Political Status Act".

TITLE I-CONSTITUTIONAL CONVENTION

SEC. 1. In recognition of the principles of government by consent of the governed and right of self-determination, the people of the islands of Micronesia are authorized, to form a government for the islands of Micronesia pursuant to a constitution of their own adoption as provided by this Act.

SEC. 2. The Congress of Micronesia is authorized to call a constitutional convention to convene not later than January 1971 to formulate and draft a constitution for the islands of Micronesia in accordance with this Act. The procedure for the drafting, and adoption of the constitution by the people of Micronesia shall be in accordance with the rules and regulations established by the Congress of Micronesia. The delegation from each district to the Congress of Micronesia shall select from among its members one representative to the constitutional convention. Additional delegates shall be elected from among the qualified voters of each district to be apportioned as the Congress of Micronesia shall direct, provided that each district shall receive at least one additional delegate.

SEC. 3. The recommendation of the constitutional convention of a draft constitution for the islands of Micronesia shall be submitted not later than January of 1972 to the Congress of Micronesia for adoption.

SEC. 4. Upon adoption by the Congress of Micronesia, the proposed constitution shall be forwarded to the President of the United States. If the President finds that the proposed constitution provides a republican form of government, includes a bill of rights, and conforms substantially with the applicable provisions of this Act and the Constitution of the United States of America, he shall so certify to the High Commissioner of the Trust Territory, who shall so advise the Congress of Micronesia. If the President finds that the proposed constitution does not provide for a republican form

of government, or for a bill of rights, or does not conform substantially with the provisions of this Act or the Constitution of the United States, he shall so advise the High Commissioner of the Trust Territory, stating wherein in his judgment the constitution does not so provide or conform. The High Commissioner shall in turn submit such message to the Congress of Micronesia for further action. The revised document shall be returned to the President and the same procedure repeated until the President and Congress of Micronesia are in agreement.

SEC. 5 (a) Upon certification by the President to the High Commissioner of the Trust Territory in accordance with section 4 of this Title, the High Commissioner shall, within thirty days after receipt of such certification, issue a proclamation for a referendum to be held not more than ninety days after the date of the proclamation on the following proposition:

"Shall the peoples of the Trust Territory of the Pacific Islands join in a political association with the United States of America as provided in the Constitution of Micronesia and the Micronesian Constitutional Convention and Political Status Act?

(b) The High Commissioner of the Trust Territory of the Pacific Islands shall, within thirty days following the referendum, certify the results to the President. If the President finds that a majority of the legal votes cast at the referendum are in favor of adopting

the proposition, he shall issue a proclamation so stating, and the Constitution of Micronesia and Title II of this Act shall become effective upon the date specified in the proclamation. In the event the foregoing proposition is not adopted at the referendum by a majority of the legal votes cast, none of the provisions of Title II of this Act shall become effective.

TITLE II-POLITICAL STATUS, FISCAL AND MISCELLANEOUS

SEC. 6. (a) The Trust Territory of the Pacific Islands, consisting of the islands formerly administered by the United States of America pursuant to a Trusteeship Agreement with the Security Council of the United Nations, will hereafter be associated with the United States as a self-governing, unincorporated territory of the United States, and to be known as "Micronesia".

(b) The Government of Micronesia shall have the powers set forth in this Act, shall have power to sue by such name, and with the consent of the Congress of Micronesia, may be sued upon any contract entered into with respect to, or any tort committed incident to, the exercise by the Government of Micronesia of any of its lawful powers.

(c) The Government of Micronesia shall consist of three branches, executive, legislative, and judicial, and its relations with the Federal Government shall be conducted through such agency of the United States as the President may designate.

SEC. 7. (a) The following persons, and their children born after July 18, 1947, are hereby declared to be citizens of the United

States as of the effective date of this Act, if, on such date, they were residents of an island of the Trust Territory of the Pacific Islands or other territory over which the United States exercises rights of sovereignty:

(1) All inhabitants of the islands of the Trust Territory of the Pacific Islands on July 18, 1947, including those temporarily absent from the islands of the Trust Territory of the Pacific Islands on that date, who were residents of the Trust Territory of the Pacific Islands, who after that date continued to reside in the islands of the Trust Territory of the Pacific Islands or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality; and

(2) All persons born in the islands of the Trust Territory of the Pacific Islands who resided in the islands of the Trust Territory of the Pacific Islands on July 18, 1947, including those temporarily absent from the islands of the Trust Territory of the Pacific Islands on that date, who after that date continued to reside in the islands of the Trust Territory of the Pacific Islands or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

(b) All persons born or naturalized in the islands of the Trust Territory of the Pacific Islands on or after July 18, 1947,

(whether before or after the effective date of this Act) who are subject to the jurisdiction of the United States, are declared to be citizens of the United States except in the case of any person born after the effective date of this Act, who has taken affirmative steps to preserve or acquire foreign nationality.

(c) Any person herein before described who is a citizen or national of a country other than the United States and desires to retain his present political status shall make a declaration under oath of such desire prior to two years after the effective date of this Act, said declaration to be in form and executed in the manner prescribed by regulations. From and after the making of such a declaration any such person shall be held not to be a citizen or national of the United States by virtue of this section.

11-428409

SEC. 8. (a) The legislative power of the Congress of Micronesia shall extend to all subjects of legislation, except that no legislation may be inconsistent with the Constitution of the United States, and the laws of the United States made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States.

(b) No law shall be passed by the Congress imposing any tax upon property of the Government of the United States or property of the Government of Micronesia. No import or export levies shall be imposed on goods imported into Micronesia from the United States or any of its territories or transported between or among the Districts of Micronesia, or any political subdivision thereof. The levy of duties on goods imported into Micronesia is hereby reserved to the Government of Micronesia. No taxes or export levies shall be imposed upon the exportation of goods from Micronesia to the United States, its territories or possessions.

SEC. 9. (a) Appropriations, except as otherwise provided in this Act, shall be made by laws enacted by the Congress of Micronesia.

(b) The Governor shall annually submit to the Congress of Micronesia in joint session assembled estimates of revenues and a recommended budget for appropriation for the next fiscal year. With respect to such additional sums as are authorized in Section 28 to be appropriated by the United States Congress, the Governor shall submit to the Congress of Micronesia a preliminary budget plan for recommendation and review. The Governor shall adopt such recommendations as he may deem appropriate, but he shall transmit to the President or his delegate all recommendations he has not adopted.

11-428410

SEC. 10. No law shall be enacted except by bill. Every bill passed by the Congress shall, before it becomes a law, be entered upon the journal and presented to the Governor. If he approves it, he shall sign it, but if not he shall, except as hereinafter provided, return it with his objections, to the Congress within ten days (Sundays excepted) after it shall have been presented to him. If he does not return it within such period, it shall be a law in like manner as if he had signed it, unless Congress by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law.

When a bill is returned by the Governor to the Congress with his objections, the Congress shall enter his objections at large on its journal and may proceed to reconsider it. If, after such reconsideration, two-thirds of the Congress agree to pass it, it shall be sent to the Governor, and shall become law.

If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

SEC. 11. There shall be a regular session of the Congress held in each year at such time and for such duration as may be prescribed by the laws of Micronesia, except that until such provision is made, the Congress shall convene on the second Monday in July and continue for not to exceed 45 consecutive calendar days.

The Governor 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 Governor to the Congress while in such session.

SEC. 12. The business of the Congress, and of the Committee of the whole, shall be transacted in sessions open to the public.

SEC. 13. Every member of the Congress of Micronesia and all officers of the Government of Micronesia shall take the following oath or affirmation: "I solemnly (swear) (in the presence of Almighty God) (affirm) that I will well and faithfully support the Constitution of the United States, the laws of the United States applicable to Micronesia and the laws of Micronesia, and that I will conscientiously and impartially discharge my duties as a member of the Congress of Micronesia (or as an officer of the Government of Micronesia)."

SEC. 14. (a) There shall be a non-voting Delegate in the United States House of Representatives for Micronesia. The non-voting Delegate shall be elected by the people qualified to vote for members of the Congress of Micronesia at the next general election after the effective date of

this Act and thereafter at such general election every second year thereafter. The term of office shall commence on the 3d day of January following the date of election.

(b) (1) No person shall be eligible for election as a non-voting Delegate who (a) is not a citizen of the United States and of Micronesia and (b) is not at least twenty-five years of age. In case of a vacancy in the office of non-voting Delegate by death, resignation, or otherwise, the office shall remain vacant until his successor is elected and qualified.

(2) The non-voting Delegate shall have such privileges in the House of Representatives as may be afforded him under the Rules of the House of Representatives. The non-voting Delegate shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives.

SEC. 15 (a) Until the first Monday in January 1981, the executive authority of the Government of Micronesia shall be vested in an executive officer, whose title shall be "Governor of Micronesia". The Governor shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold office for a term of four years or until his successor is appointed and qualified. He shall be a citizen of the United States and shall be not less than thirty years of age. The Governor shall maintain his official residence in Micronesia during his incumbency.

(b) The Governor shall have general supervision and control of all executive agencies and instrumentalities of the Government of Micronesia.

He shall faithfully execute the laws of the United States applicable to Micronesia, and the laws of Micronesia. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and, with the approval of the President in cases of Federal offenses, may restore civil rights in Micronesia, and may grant respites for all offenses against the applicable laws of the United States until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall commission all officers that he may be authorized to appoint. He may call upon the commanders of the armed forces of the United States, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, insurrection, or rebellion, and he may, in case of rebellion, invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place Micronesia, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon communicated to the Governor. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the Government of Micronesia to the President of the United States, or such officer as the President may designate, and his said annual report also shall be transmitted to the Congress of the United States and the Congress of Micronesia. He shall perform such additional duties and functions as may, in pursuance of law, be assigned to him by the President, or by his delegate. He shall have the power to issue executive regulations not in conflict with any applicable law. The Governor may submit such recommendations for the enactment of legislation to the Congress of Micronesia as he shall consider to be in the people's interest.

11- 428414

SEC. 16. Until the first Monday in January 1981, the President shall appoint a Lieutenant Governor of Micronesia who shall possess the qualifications required for appointment as Governor and who shall have all the powers of the Governor in the case of a vacancy in the office of Governor or the disability or temporary absence of the Governor. He shall have custody of the seal of Micronesia and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the Congress of Micronesia. He shall immediately promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have all such executive powers and perform such other duties as may be prescribed by this Act or assigned to him by the Governor. He shall hold office at the pleasure of the President or until his successor is appointed and has qualified.

SEC. 17. Until the first Monday in January 1981, the President or his delegate may from time to time designate the head of an executive department of the Government of Micronesia or other person to act as Governor in case of a vacancy in the office, or the disability or temporary absence of both the Governor and the Lieutenant Governor, and the person so designated shall have all the powers of the Governor for so long as such condition continues. The Governor or Acting Governor may from time to time designate an officer or employee of the executive branch of the Government of Micronesia to act as Lieutenant Governor of Micronesia in case of a vacancy in the office of Lieutenant Governor of Micronesia or the disability or temporary absence of the Lieutenant Governor of Micronesia or while

the Lieutenant Governor is acting as Governor, and the person so designated shall have all the powers of the Lieutenant Governor so long as such condition continues, except for the power set forth in the first sentence of Section 16 of this Act. No additional compensation shall be paid to any person acting as Governor or as Lieutenant Governor under this Act.

SEC. 18. Authorization is hereby granted the people of the territory of Micronesia to include in their constitution provisions for an elected chief executive whose first term shall begin the first Monday in January 1981. As of the date the first elected chief executive of Micronesia takes office, the Secretary of the Interior is authorized to appoint a Comptroller for the territory of Micronesia, who shall perform such duties as the Secretary may prescribe.

SEC. 19. The judicial authority of the Government of Micronesia shall be vested in one paramount court, and such inferior courts as may be provided for in the Constitution of Micronesia or by act of the Legislature of Micronesia. Judges of the paramount court shall be appointed by the chief executive, by and with the advice and consent of the Legislature of Micronesia, as provided in the Constitution of Micronesia, shall hold their offices during good behavior, and along with other judges of Micronesia, shall not have their compensation diminished during their continuance in office.

SEC. -20. (a) The laws of the United States relating to removal of causes, appeals and other matters and proceedings as between the courts

of the United States and the courts of the several States shall govern in such matters and proceedings between the courts of the United States and the courts of Micronesia.

(b) All final judgments or decrees of the paramount court of Micronesia may be reviewed by the United Court of Appeals for the Ninth Circuit by writ of certiorari in accordance with such rules as that Court may prescribe.

(c) In determining whether a writ of certiorari will be granted by the United States Court of Appeals for the Ninth Circuit, the following, among other reasons, shall be considered: whether the case presents a federal question of substance, and, whether the paramount court of Micronesia has decided a question arising under the local law of Micronesia in a manner which is inescapably wrong or patently erroneous.

SEC. 21. The paramount court of Micronesia shall have jurisdiction to review on appeal all decisions of the inferior courts in accordance with rules prescribed by the Legislature of Micronesia. It may from time to time prescribe rules for the conduct of its business and that of the inferior courts.

ii- 428417

SEC. 22. (a) There is created a court of record to be designated the "District Court of Micronesia". Said district court shall have the powers of a United States District Court, and shall have original jurisdiction of all causes or controversies arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value in controversy, and where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, territory, or District of the United States not domiciled in Micronesia, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of \$3,000.

(b) The rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of Title 28, United States Code, in civil cases including admiralty and maritime cases; section 2075 of Title 28, United States Code, in bankruptcy cases; and sections 3771 and 3772 of Title 18, United States Code, in criminal cases; shall apply to the District Court of Micronesia and to appeals therefrom; except that no provisions of any such rules or other statute which authorize or require trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall be applicable to the District Court of Micronesia unless and until made so applicable by laws enacted by the Congress of Micronesia. The District Court of Micronesia may prescribe and publish rules of practice and procedure not inconsistent with the aforementioned Federal rules.

SEC. 23. Any party may appeal to the Supreme Court of the United States from an interlocutory or final judgment, or order of the District Court of Micronesia, holding an Act of Congress unconstitutional in any civil action, suit, or proceeding to which the United States or any of its agencies or any officer or employee thereof, as such officer or employee, is a party. A party who has received notice of appeal under this section shall take any subsequent appeal or cross appeal to the Supreme Court. All appeals or cross appeals taken to other courts prior to such notice shall be treated as taken directly to the Supreme Court.

SEC. 24. (a) The President shall, by and with the advice and consent of the Senate of the United States appoint a judge for the District Court of Micronesia who shall hold office for the term of eight years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States District Courts. The Chief Judge for the Court of Appeals of the Ninth Circuit of the United States may assign a justice of the Supreme Court of Micronesia, or a circuit or district judge of the Ninth Circuit, or the Chief Justice of the United States Supreme Court may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge in the District Court of Micronesia whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court.

(b) The President shall appoint, by and with the advice and consent of the Senate of the United States, a United States attorney and United States Marshal for Micronesia to whose offices the provisions of chapters 35 and 37 of Title 28, United States Code respectively, shall apply.

(c) The provisions of chapters 21, 41, 43, 49, and 57 of Title 28, United States Code, shall apply to the District Court of Micronesia.

SEC. 25. (a) The High Court of the Trust Territory of the Pacific Islands is abolished on the effective date of this Act and all causes decided by or pending before said Court on the effective date of this Act are transferred to the District Court of Micronesia or to the courts of Micronesia as may be appropriate for disposition.

(b) The District Courts for each of the Districts of the Trust Territory of the Pacific Islands are abolished on the effective date of this Act and all causes decided by or pending before the respective Courts of said Districts on the effective date of this Act are transferred to the courts having territorial jurisdiction in the District of the Court abolished hereby.

SEC. 26. Effective on the first day of July following the effective date of this Act, all customs duties and Federal income taxes derived from Micronesia, the proceeds of all taxes collected under the internal revenue laws of the United States on articles produced in Micronesia and transported to the United States, its territories, or possessions, or consumed in Micronesia, and the proceeds of any other

taxes which may be levied by the Congress on the inhabitants of Micronesia and all quarantine, passport, immigration, and naturalization fees collected in Micronesia shall be covered into the treasury of Micronesia and held in account for the Government of Micronesia, and shall be expended for the benefit of the Government of Micronesia, as the Congress of Micronesia may by law prescribe.

SEC. 27. Effective on the first day of January following the effective date of this Act, the income tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in Micronesia, except that the proceeds of such taxes shall be paid into the treasury of Micronesia.

SEC. 28. (a) As soon as possible following the termination of each fiscal year, the Governor of Micronesia shall certify to the Secretary of the Treasury the net amount of revenue received by the Government of Micronesia during the preceding fiscal year. There shall thereafter each year be transferred and paid over to the Government of Micronesia, from funds in the United States Treasury not otherwise appropriated, a sum equal to the net amount of revenue received by the Government of Micronesia, as certified by the Governor.

(b) Until such time as funds available to the Government of Micronesia pursuant to this section and sections 26 and 27 are sufficient to meet the obligations of the Government of Micronesia, there is authorized to be appropriated by the Congress of the United States such additional sums as may be needed to pay such obligations.

428421

SEC. 29. (a) The following sections of the Tariff Act of 1930, as amended, are hereby amended by inserting "Micronesia", immediately after "Johnston Island", each place it appears therein:

(1) Section 401(k) (19 U.S.C., sec. 1401(k)).

(2) Section 557(a) (19 U.S.C., sec. 1557(a)).

(3) Section 562 (19 U.S.C., sec. 1562).

(b) Section 401(a) of the Anti-Smuggling Act, as amended (19 U.S.C. sec. 1709(a)), is hereby amended by inserting "Micronesia", immediately after "Johnston Island".

(c) Sections 542, 544, and 545 of Title 18 of the United States Code are hereby amended by inserting "Micronesia", immediately after "Johnston Island", each place it appears therein.

(d) For the purposes of the Tariff Schedules of the United States, Micronesia shall be entitled to the same privileges as the insular possessions of the United States which are outside the custom territories of the United States.

(e) This section shall apply with respect to articles entered or withdrawn from warehouse, for consumption after the effective date of this Act.

SEC. 30. Bonds and other obligations may be issued by the Government of Micronesia: Provided, That no public indebtedness of Micronesia shall be authorized or allowed in excess of 10 per centum of the aggregate tax valuation of the property in Micronesia. Bonds or other obligations of the Government of Micronesia payable solely from revenues derived from any public improvement or undertaking shall not be considered

||- 428422

public indebtedness of Micronesia within the meaning of this section. All bonds issued by the Government of Micronesia or by its authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the Government of any State, Territory, or possession, or any political subdivision thereof, or by the District of Columbia.

SEC. 31. (a) Until the first Monday in January 1981, the Governor of Micronesia shall receive an annual salary to be paid by the United States at a rate provided for Level V of the Executive Schedule in Section 5316, Title 5 of the United States Code.

(b) Until the first Monday in January 1981, the Lieutenant Governor of Micronesia shall receive an annual salary to be paid by the United States at a rate established in accordance with the standards provided in the Classification Act of 1949, as amended.

(c) Until the first Monday of January 1981, the Governor and the Lieutenant Governor of Micronesia, and members of their immediate staffs, shall have the status of Federal officers and employees of the United States. Upon the effective date of this Act, no other employees of the Government of Micronesia shall be appointed as Federal employees as long as they are employed by the Government of Micronesia. Those Federal employees who, on the effective date of this Act, have served one year or less under their then current transportation agreement shall be terminated as Federal employees upon the expiration of that agreement. Those Federal employees with less than one year to

11- 428423

serve under their then current transportation agreement shall upon completion of that agreement be offered not to exceed one additional year of employment as Federal employees.

SEC. 32. (a) The title to all property, real and personal, owned by the Government of the Trust Territory, and all interest including rights of use in property held by the Government of the Trust Territory, are hereby transferred to the Government of Micronesia, except that whatever right, title, or interest the Government of the Trust Territory has in particular tracts of tidelands, submerged lands, or filled lands in or adjacent to the islands of Micronesia are hereby conveyed to the United States and shall be administered in accordance with terms of Public Law 88-183 (77 Stat. 338), which is hereby amended to include where appropriate "Micronesia" in order to make said Act applicable to Micronesia. The term "tidelands, submerged lands, or filled lands" shall have the meaning ascribed to it in Section 1(a) of Public Law 88-183 (77 Stat. 338), but shall not include any such lands which by local or customary laws or rights are currently held in private or communal ownership.

(b) Nothing in this Act shall impair the existing agreements between the Trust Territory Government and the United States Government or any agency or instrumentality thereof regarding land-use and retention, and the Government of Micronesia takes title to all such land as set forth in Section (a) above subject to such agreements.

(c) The United States Government shall have the right to take real property or any interest in real property, including any temporary use for public purposes in Micronesia, in accordance with condemnation procedures established under United States Federal laws. Except in cases of urgency as determined by the President of the United States, these procedures shall not be used until the need for such use of the real property has first been reviewed by a commission established for that purpose in accordance with the laws of Micronesia. In the event the commission does not approve the need for the taking by the United States or does not act within a reasonable period of time, the Attorney General of the United States may then submit, together with the adverse views of the commission, if any, the proposed taking to the President of the United States for final determination as to whether the condemnation proceeding should be instituted.

(d) After the effective date of this Act, no privately or communally owned real property or use rights in such property in Micronesia may be transferred, sold, alienated or leased for a term in excess of ten years to non-residents or corporations owned or controlled by non-residents of Micronesia unless such transfer, sale, alienation, or lease is first approved in writing by the majority vote of a commission to be especially established for that purpose in accordance with the laws of Micronesia, provided, however, that this does not limit the right of the United States Government to acquire property or use of property by purchase or exchange as may be negotiated between the parties concerned.

//- 428425

SEC. 33. The territorial sea of the islands of Micronesia shall be delimited in accordance with the laws and treaties of the United States, and shall not exceed the limits maintained by the United States in its international relations. All laws and treaties of the United States of general application regarding navigable waters, the territorial sea, the high seas, including but not limited to the contiguous zone and the continental shelf, and fisheries shall be applicable with respect to Micronesia.

SEC. 34. The Public Land Laws of the United States shall not apply to land, if any, ceded to the United States, but the Congress of the United States shall enact special laws for their management and disposition.

SEC. 35. No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the Government of Micronesia or of the United States shall be qualified to hold any public office of trust or profit under the Government of Micronesia.

SEC. 36. Paragraphs 36 and 38 of subsection (a) of section 101 of the Immigration and Nationality Act (66 Stat. 163, 8 U.S.C. 1101(a) (36) and (38)), are hereby amended by inserting "Micronesia", immediately after "Guam", where it appears in each paragraph.

SEC. 37. All appropriations made to or by the Government of the Trust Territory of the Pacific Islands prior to the date this Act becomes effective shall be available to the Government of Micronesia.

11- 428426

SEC. 38. The President of the United States shall appoint a commission of seven persons, at least three of whom shall be residents of Micronesia, to survey the field of Federal statutes and to make recommendations to the Congress of the United States within twelve months after the effective date of this Act as to which statutes of the United States not applicable to Micronesia on such date shall be made applicable to Micronesia, and as to which statutes of the United States applicable to Micronesia on such date shall be made inapplicable.

SEC. 39. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 40. This Title shall become effective, in accordance with the provisions of section 5 of Title I of this Act, on the date specified in the proclamation of the President authorized by said section.

11- 428427



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 15 1969

Memorandum

To: Staff Director, Under Secretaries Committee
From: Assistant Secretary--Public Land Management
Subject: Micronesia Political Status Act

In its April 24 memorandum for the President, the Under Secretaries Committee indicated that the Organic Act for Micronesia would be prepared under Department of the Interior leadership in consultation with other interested Departments. The memorandum further stated that the progress of this effort would be kept under review by the NSC Under Secretaries Committee.

The Working Group of the TTPI Interagency Coordinating Committee has now completed the draft of a proposed Organic Act and is completing a fall-back position for possible alternate use. A copy of the first is attached and you will be furnished copies of the latter by August 25. You will note that the Organic Act is referred to as the Micronesia Political Status Act.

It now becomes important to have the Under Secretaries Committee review these documents to determine that the Political Status Act is a proper base of negotiation with Micronesian representatives who will arrive in Washington on September 1 to begin discussions with the Department of the Interior. It is anticipated that these negotiations will result in the legislation to be proposed to the U.S. Congress. You are aware that the schedule required by Chairman Aspinall makes submission of such legislation necessary prior to September 20, 1969.

It seems necessary that the Under Secretaries Committee meet on August 28 because the Under Secretary of the Interior must be in Alaska on the 29th and the Micronesian delegation is arriving September 1 to commence negotiation September 2. As you know, Interior has the responsibility for handling the negotiations with the Micronesians. Accordingly, it would be helpful to the negotiating team, as well as beneficial to all those agencies concerned on the Executive side, to have some guidelines established which all of the interested parties are agreed to.

~~Declassified~~/Released on ERS-514C (Doc 4C)
under provisions of E.O. 12356
by E. Regér, National Security Council

11-428428

As you know, Mr. Edgar Kaiser has been working on the Micronesian problem for Secretary Hickel. On his last visit to Micronesia, in which the meeting between President Nixon and the leadership of the Congress of Micronesia took place, a copy of Interior's draft Organic Act supplied to Chairman Aspinall was given to the Micronesians. They have been working on this draft to establish their position during the past few weeks. Kaiser is currently in Micronesia obtaining the Micronesian position on the Organic Act. If desired by the Under Secretaries Committee, he would be available to brief the Under Secretaries.

(Sgd.) Harrison Loesch

Harrison Loesch

Attachment

11-428429