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3,

91st CONGRESS  
1st Session

# H. R. 14110

IN THE HOUSE OF REPRESENTATIVES

~~Mr. Meads~~  
Mr. Meads introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

## A BILL

To permit the people of the Trust Territory of the Pacific Islands to provide for their own governance through the adoption of a constitution, to provide for the government of the trust territory before the approval and implementation of such constitution, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That it is the sense of the Congress in recognition of the  
4 principles of government by consent of the governed and the  
5 right of self-determination that this Act shall provide that the  
6 people of the Trust Territory of the Pacific Islands may  
7 organize a government pursuant to a constitution of their  
8 own adoption. The provisions of this Act shall apply to the

1 territory known as the Trust Territory of the Pacific Islands  
2 administered by the United States of America in accordance  
3 with the trusteeship agreement approved by the Security  
4 Council of the United Nations on April 2, 1947, and by the  
5 United States of America on July 18, 1947.

6 TITLE I—CONSTITUTIONAL PROVISIONS

7 SEC. 101. REFERENDUM ON AUTHORIZATION OF CON-  
8 STITUTIONAL CONVENTION AND INTERIM CIVIL GOVERN-  
9 MENT.— (a) In order to afford the people of the Trust Terri-  
10 tory of the Pacific Islands an opportunity to express their de-  
11 sire to organize a government pursuant to a constitution of  
12 their own adoption, this Act shall be submitted to the quali-  
13 fied voters of the Trust Territory of the Pacific Islands for  
14 acceptance or rejection through a territory wide referendum  
15 to be held in accordance with the laws of the Trust Territory  
16 of the Pacific Islands.

17 (b) Upon approval of this Act by a majority of the  
18 qualified voters participating in such referendum, the Sec-  
19 retary of the Interior shall authorize the Congress of Micro-  
20 nesia to call a constitutional convention, to convene not later  
21 than January 1971, to draft a constitution.

22 (c) Upon approval of this Act by a majority of the  
23 qualified voters participating in such referendum the civil  
24 government of the Trust Territory of the Pacific Islands shall  
25 be administered in accordance with the provisions of title II

1 of this Act hereinafter cited as the Micronesian-Federal Re-  
2 lations Act.

3       **SEC. 102. REPRESENTATION AT THE CONVENTION.—**

4 Delegates to the constitutional convention shall be chosen  
5 from among the qualified voters of each administrative dis-  
6 trict of the Trust Territory of the Pacific Islands, and ap-  
7 portioned among the administrative districts on such basis as  
8 the Congress of Micronesia shall direct: *Provided*, That such  
9 apportionment shall provide fair representation for each ad-  
10 ministrative district.

11       **SEC. 103. ESTABLISHMENT OF CONVENTION MECHAN-**  
12 **ICS.—**The funding, organization, rules and procedures for the  
13 organization, drafting and adoption of a constitution by the  
14 constitutional convention shall be established by the Congress  
15 of Micronesia.

16       **SEC. 104. SUBMISSION TO THE CONGRESS OF MICRO-**  
17 **NESIA AND CERTIFICATION BY THE PRESIDENT OF THE**  
18 **UNITED STATES.—**(a) The constitutional convention shall,  
19 not later than January 1972, submit a constitution to the  
20 Congress of Micronesia for its comments and recommenda-  
21 tions. The Congress of Micronesia shall thereafter transmit  
22 the constitution to the President of the United States through  
23 the High Commissioner of the Trust Territory of the Pacific  
24 Islands. If the President finds that the constitution provides a  
25 republican form of government, includes a bill of rights, was

1 drafted pursuant to the provisions of this Act, and does not  
2 contravene the Constitution of the United States, the Presi-  
3 dent shall so certify to the Congress of Micronesia through  
4 the High Commissioner of the Trust Territory of the Pacific  
5 Islands.

6 (b) If the President of the United States finds that the  
7 constitution does not provide a republican form of govern-  
8 ment, or does not include a bill of rights, or was not adopted  
9 pursuant to the provisions of this Act, or contravenes the  
10 Constitution of the United States or the laws pursuant there-  
11 to, the President shall so advise the Congress of Micronesia  
12 of such findings together with his reasons therefor, through  
13 the High Commissioner of the Trust Territory of the Pacific  
14 Islands.

15 (c) If the Congress of Micronesia, upon notice that  
16 the constitution submitted to the President of the United  
17 States does not conform to the conditions and qualifications  
18 prescribed by this Act, is without authority to redraft or  
19 revise the constitution or any of its provisions, then the Con-  
20 gress of Micronesia shall reconvene the constitutional con-  
21 vention which shall alter the constitution in such a manner  
22 as to make it conform to this Act. Upon alteration of the  
23 constitution the document shall be transmitted as provided  
24 in subsection (a) of this section, with the same procedure  
25 repeated, if necessary, until accord is attained.



1 nesia shall be located at such place as the legislative branch  
2 of the government shall by law establish. The government  
3 of Micronesia shall have the power to sue by such name, and  
4 with the consent of the legislature evidenced by enacted law,  
5 may be sued upon any contract entered into with respect  
6 to, or any tort committed incident to, the exercise by the  
7 government of Micronesia of any of its lawful powers.

8       **SEC. 202. CITIZENSHIP.**—(a) All inhabitants of the  
9 territory of Micronesia on July 18, 1947, including those  
10 temporarily absent and those born of parents temporarily  
11 absent on that date, who after that date continued to reside  
12 in the territory of Micronesia or other territory, possession,  
13 or commonwealth over which the United States exercises  
14 sovereignty, or within the United States, and who have  
15 taken no affirmative steps to preserve or acquire foreign  
16 nationality, are hereby declared to be citizens of the United  
17 States as of July 18, 1947.

18       (b) All persons born in the territory of Micronesia,  
19 on or after July 18, 1947, subject to the jurisdiction of the  
20 United States, are hereby declared to be citizens of the  
21 United States as of the date of their birth.

22                                   **BILL OF RIGHTS**

23       **SEC. 203.** (a) No law shall be enacted in Micronesia  
24 respecting an establishment of religion or prohibiting the  
25 free exercise thereof or abridging the freedom of speech,

1 or of the press, or the right of the people peaceably to as-  
2 semble and to petition the government for a redress of their  
3 grievances.

4 (b) No soldier shall, in time of peace, be quartered  
5 in any house, without the consent of the owner, nor in  
6 time of war, but in a manner to be prescribed by law.

7 (c) The right of the people to be secure in their per-  
8 sons, houses, papers, and effects, against unreasonable  
9 searches and seizures, shall not be violated; and no warrant  
10 for arrest or search shall issue but upon probable cause, sup-  
11 ported by oath or affirmation, and particularly describing  
12 the place to be searched and the person or things to be  
13 seized.

14 (d) No person shall be subject for the same offense to  
15 be twice put in jeopardy of punishment; nor shall he be  
16 compelled in any criminal case to be a witness against  
17 himself.

18 (e) No person shall be deprived of life, liberty, or  
19 property without due process of law.

20 (f) Private property shall not be taken for public use  
21 without just compensation.

22 (g) In all criminal prosecutions the accused shall have  
23 the right to a speedy and public trial; to be informed of the  
24 nature and cause of the accusation and to have a copy  
25 thereof; to be confronted with the witnesses against him; to

1 have compulsory process for obtaining witnesses in his favor,  
2 and to have the assistance of counsel for his defense.

3 (h) Excessive bail shall not be required, nor excessive  
4 fines imposed, nor cruel and unusual punishments inflicted.

5 (i) Neither slavery nor involuntary servitude, except as  
6 a punishment for crime whereof the party shall have been  
7 duly convicted, shall exist in Micronesia.

8 (j) No bill of attainder, ex post facto law, or law  
9 impairing the obligation of contracts shall be enacted.

10 (k) No person shall be imprisoned for debt.

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

14 (m) No qualification with respect to property, income,  
15 political opinion, or any other matter apart from citizenship,  
16 civil capacity, and residence shall be imposed upon any voter.

17 (n) No discrimination shall be made in Micronesia  
18 against any person on account of race, language, sex, or  
19 religion, nor shall the equal protection of the laws be denied.

20 (o) No person shall be convicted of treason against the  
21 United States unless on the testimony of two witnesses to the  
22 same overt act, or a confession in open court.

23 (p) No public money or property shall ever be appro-  
24 priated, supplied, donated, or used, directly or indirectly, for  
25 the use, benefit, or support of any sect, church, denomination,



1 **sectarian institution, or association, or system of religion, or**  
2 **for the use, benefit, or support of any priest, preacher, min-**  
3 **ister, or other religious teacher or dignitary as such.**

4 (q) **Free elementary education shall be provided**  
5 **throughout the territory of Micronesia.**

6 (r) **No religious test shall ever be required as a quali-**  
7 **fication to any office or public trust under the government of**  
8 **Micronesia.**

9 (s) **The following provisions of and amendments to the**  
10 **Constitution of the United States are hereby extended to the**  
11 **territory of Micronesia and shall have the same force and**  
12 **effect there as in the United States or in any State of the**  
13 **United States: article IV, section 1; the second sentence of**  
14 **section 1 of the fourteenth amendment; and the fifteenth and**  
15 **nineteenth amendments.**

16 **THE LEGISLATURE**

17 **SEC. 204. NAME.—The legislative power of the territory**  
18 **of Micronesia, except as otherwise provided by this Act, shall**  
19 **be vested in a territorial legislature known as the "Congress**  
20 **of Micronesia" which shall consist of two Houses, the Senate**  
21 **and the House of Representatives. The two Houses shall sit**  
22 **separately except as otherwise provided herein. When the**  
23 **territorial legislature convenes, each House shall organize by**  
24 **electing one of its number as presiding officer and such pre-**

1 siding officer shall be designated by the title of "President  
2 of the Senate" or "Speaker of the House of Representatives,"  
3 as the case may be. When the territorial legislature meets in  
4 joint session, the Speaker of the House of Representatives  
5 shall preside.

6 SEC. 205. LEGISLATIVE POWER.—(a) The legislative  
7 power of the territorial legislature shall extend to all rightful  
8 subjects of legislation, except that no legislation may be in-  
9 consistent with—

10 (1) treaties or international agreements of the  
11 United States;

12 (2) laws of the United States applicable to the  
13 territory of Micronesia;

14 (3) Executive orders of the President of the United  
15 States and orders of the Secretary of the Interior; or

16 (4) the provisions of this Act or constitution.

17 (b) No law shall be passed by the territorial legislature  
18 imposing any tax upon property of the United States, or  
19 property of nonresidents be taxed at a higher rate than the  
20 property of residents. No import or export levies shall be  
21 imposed on goods transported between or among the admin-  
22 istrative districts of the territory of Micronesia as described in  
23 section 2455 of this Act or any political subdivision thereof,  
24 and the levy of duties on goods imported into the territory  
25 of Micronesia is hereby reserved to the territorial legislature  
26 and chief executive.

1 (c) (1) Taxes and assessments on property, internal  
2 revenues, sales, license fees, and royalties for franchises,  
3 privileges, and concessions may be imposed for purposes of  
4 the government of Micronesia as may be uniformly provided  
5 by the territorial legislature. Bonds and other obligations may  
6 be issued by the government of Micronesia: *Provided*, That  
7 no public indebtedness of Micronesia shall be authorized or  
8 allowed in excess of 10 per centum of the aggregate tax  
9 valuation of the property in Micronesia.

10 (2) Bonds or other obligations of the government of  
11 Micronesia payable solely from revenues derived from any  
12 public improvement or undertaking shall not be considered  
13 public indebtedness of Micronesia within the meaning of  
14 this section. All bonds issued by the government of Micro-  
15 nesia or by its authority shall be exempt, as to principal and  
16 interest, from taxation by the Government of the United  
17 States or by the government of any State, territory, or  
18 possession, or any political subdivision thereof, or by the  
19 District of Columbia.

20 **SEC. 206. ROLE OF THE CHIEF EXECUTIVE.**—At the  
21 opening of a legislative session and at any time thereafter  
22 the chief executive may submit legislation to the territorial  
23 legislature and recommend enactment thereof.

24 **SEC. 207. BUDGETARY PROVISIONS.**—Money bills en-  
25 acted by the territorial legislature shall not appropriate funds

1 in excess of amounts available from revenues raised pursuant  
2 to this Act, and tax and other revenue laws of the territory  
3 of Micronesia. Prior to final submission to the Secretary of  
4 the Interior of requests for Federal funds necessary to sup-  
5 port the governmental functions of the territory, the chief  
6 executive shall prepare a preliminary budgetary plan. Such  
7 plan shall be submitted to the territorial legislature in joint  
8 session for its review and recommendations concerning such  
9 portions as relate to expenditure of funds to be requested as  
10 grants from the Congress of the United States. With respect  
11 to such portions of the preliminary budget plan, the chief  
12 executive shall adopt such recommendations of the legislature  
13 as he may deem appropriate, but shall transmit to the Sec-  
14 retary of the Interior all recommendations he has not  
15 adopted. If at the termination of any fiscal year the territorial  
16 legislature shall have failed to pass appropriation bills pro-  
17 viding for payments of the necessary current expenses of  
18 the government and meeting its legal obligations for the en-  
19 suing fiscal year, then the several sums appropriated in the  
20 last appropriation bills for the objects and purposes therein  
21 specified, so far as the same may be applicable, shall be  
22 deemed to be reappropriated, item by item. All appropria-  
23 tions made prior to the effective date of this Act shall be  
24 available to the government of Micronesia.

1       **SEC. 208. MEMBERSHIP IN THE LEGISLATURE.— (a)**

2       **For purposes of representation in the territorial legislature,**  
3       **the territory of Micronesia is divided into six districts as de-**  
4       **scribed in section 245 of this Act. The Senate shall consist**  
5       **of twelve members, "who shall be known as "Senators", of**  
6       **which each district shall elect two. The House of Representa-**  
7       **tives shall consist of twenty-one members, who shall be**  
8       **known as "Representatives and who shall initially be elected**  
9       **from each administrative district as follows—**

10               **(1) in the Marianas Islands District: three;**

11               **(2) in the Marshall Islands District: four;**

12               **(3) in the Palau District: three;**

13               **(4) in the Ponape District: four;**

14               **(5) in the Truk District: five; and**

15               **(6) in the Yap District: two.**

16       **(b) The existing subdivision of the administrative dis-**  
17       **tricts into single member election districts shall continue until**  
18       **such time as they are changed by law. The election districts**  
19       **shall be reapportioned every 10 years on a basis of popula-**  
20       **tion, but each administrative district (as described in section**  
21       **245 of this Act), shall be entitled to at least two Represent-**  
22       **atives. The first such reapportionment shall be made in**  
23       **1971.**

1       **SEC. 209. QUALIFICATION OF THE LEGISLATORS.**—In  
2 order to be eligible for election as a member of the territorial  
3 legislature a person shall—

4           (1) be a citizen of the United States;

5           (2) have been a bona fide resident of the territory  
6 described in the preamble of this Act and/or the territory  
7 of Micronesia for five consecutive years immediately pre-  
8 ceding the election;

9           (3) have resided within the administrative district  
10 (as described in section 245 of this Act) from which he  
11 is elected for at least one year preceding his election; and

12           (4) have attained the age of twenty-five years at  
13 the time of his election.

14 No person who has been expelled from the territorial legis-  
15 lature for giving or receiving a bribe or for being an acces-  
16 sory thereto, and no person who has been convicted of a  
17 felony by any court of the territory or a court of one of the  
18 States of the United States or any court with the jurisdiction  
19 of a district court of the United States, shall sit in the terri-  
20 torial legislature unless the person so convicted has received  
21 a pardon restoring his civil rights.

22       **SEC. 210. THE FRANCHISE.**—(a) The franchise shall  
23 be vested in residents of the territory who are citizens of the  
24 United States and who have reached their eighteenth birth-  
25 day. Additional qualifications may be prescribed by the terri-  
26 torial legislature: *Provided*, That no property, language, or



1 income qualification shall be imposed or required of any  
2 voter, nor shall qualification be based upon literacy, tribal  
3 custom, social position, race, color, ancestry, sex, or religious  
4 belief.

5 (b) No person serving as a member of the legislative  
6 body of any political subdivision of the territory of Micronesia  
7 shall be eligible, while so serving, to serve as a member of  
8 the territorial legislature. No member of the territorial legis-  
9 lature shall receive any compensation, other than that pro-  
10 vided for in this Act, from the government of the territory of  
11 Micronesia or any political subdivision thereof.

12 **Sec. 211. Legislative Sessions.**—There shall be a  
13 regular session of the territorial legislature each year begin-  
14 ning on the second Monday of July and continuing for a pe-  
15 riod not to exceed forty-five consecutive calendar days. In  
16 each odd-numbered year there shall also be a regular session  
17 of the territorial legislature beginning on the second Monday  
18 in January and continuing for a period not to exceed fifteen  
19 consecutive calendar days. The chief executive may call spe-  
20 cial sessions for such periods of time and at such time and  
21 place, as in his opinion the public interest may require. No  
22 legislation shall be considered at any special session other  
23 than that specified in the call therefor or in any special mes-  
24 sage by the chief executive to the territorial legislature while  
25 in such session.

1       **SEC. 212. THE ENACTING CLAUSE.**—The enacting  
2 clause of all bills shall be: "Be it enacted by \* \* \* (insert  
3 the name of the territorial legislature)" and no law shall be  
4 enacted except by bill. Bills may originate in either House,  
5 and may be amended or altered or rejected by the other.

6       **SEC. 213. ELECTION.**—General elections shall be held  
7 biennially in each even-numbered year on the first Tuesday  
8 following the first Monday in November: *Provided*, That in  
9 the event of a natural disaster or other act of God, the effect  
10 of which precluded holding the election on the foregoing date,  
11 the chief executive, with the approval of the Secretary of the  
12 Interior, may proclaim a later election date in the affected  
13 election district or districts. All elections shall be held in ac-  
14 cordance with such procedures as the laws of the territory  
15 may prescribe. Legislators shall be chosen by secret ballot  
16 of the qualified electors of their respective district.

17       **SEC. 214. TERMS OF OFFICE.**—Each Senator shall hold  
18 office for a term of four years. Each Representative shall hold  
19 office for a term of two years. The terms of all members of  
20 the territorial legislature shall commence at noon on the third  
21 day of January following their election, except as otherwise  
22 provided by law.

23       **SEC. 215. DISQUALIFICATION OF GOVERNMENT OFFI-**  
24 **CERS AND EMPLOYEES.**—Any person employed by any  
25 branch of the government of the territory of Micronesia



1 or any political subdivision thereof, shall be accorded leave  
2 without pay, for a period not to exceed thirty days prior  
3 to and including the day of the election, for the purpose  
4 of seeking election to the territorial legislature. If any such  
5 person is elected, he shall resign from his employment with  
6 the government of the territory of Micronesia or any political  
7 subdivisions thereof, prior to the date upon which his term  
8 of office commences.

9 **SEC. 216. APPROVAL BY THE CHIEF EXECUTIVE.—**

10 (a) Every bill passed by the territorial legislature shall be  
11 presented to the chief executive for his approval, before it  
12 becomes law. If the chief executive approves the bill, he  
13 shall sign it. If the chief executive disapproves the bill, he  
14 shall, except as hereinafter provided, return it with his ob-  
15 jections to the territorial legislature within ten consecutive  
16 days after it is presented to him. If the chief executive does  
17 not return the bill within such period, it shall become law  
18 in the manner as if he had signed it, unless the territorial  
19 legislature by adjournment prevents its return, in which  
20 case it shall become law if signed by the chief executive  
21 within thirty days after it shall have been presented to  
22 him; otherwise, it shall not become law.

23 (b) When a bill is returned by the chief executive  
24 to the territorial legislature with his objections, each House

1 may proceed to reconsider it. If the bill is repassed by the  
 2 territorial legislature with a two-thirds majority of the entire  
 3 membership of each House, it shall again be presented to  
 4 the chief executive. If he does not approve it within twenty  
 5 days, he shall send it, together with his comments, to the  
 6 Secretary of the Interior. Within ninety days after its re-  
 7 ceipt, the Secretary of the Interior shall either approve or  
 8 disapprove the bill. If he approves it, the bill shall become  
 9 law; otherwise it shall not.

10 **SEC. 217. ADJOURNMENT.**—Neither House may adjourn  
 11 for more than two consecutive days nor may either House  
 12 adjourn sine die without the concurrence of the other House.

13 **SEC. 218. PUBLICATION OF LAWS.**—The chief executive  
 14 shall cause the resolutions and laws to be published within  
 15 thirty days after they become law, and shall make provision  
 16 for their distribution to public officials and sale to the public.

17 **SEC. 219. LEGISLATIVE PROCEDURES.**—(a) **QUO-**  
 18 **NUM.**—A majority of the members of each House shall consti-  
 19 tute a quorum of such House for the transaction of business.  
 20 A smaller number may adjourn from day to day and may  
 21 compel the attendance of absent members in such manner  
 22 and under such penalties as each House may provide.

23 (b) **READING OF BILLS—PASSAGE.**—A bill in order to  
 24 become a law shall pass two readings in each House, on sep-  
 25 arate days, the final passage of which in each House shall be

1 by a majority vote of all the members of such House, which  
2 vote shall be entered upon the journal.

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

9 (d) CERTIFICATION OF BILLS FROM ONE HOUSE TO  
10 THE OTHER.—Every bill when passed by the House in which  
11 it originated, or in which amendments thereto shall have  
12 originated, shall immediately be certified by the presiding  
13 officer and sent to the other House for consideration.

14 (e) AMENDMENT AND REVISION BY REFERENCE.—No  
15 law shall be amended or revised by reference to its title only;  
16 but in such case the act, as revised, or section or subsection  
17 as amended, shall be re-enacted and published at full length.

18 (f) LANGUAGE.—All legislative proceedings shall be  
19 conducted in the English language: *Provided*, That knowl-  
20 edge of the English language shall not be a qualification for  
21 membership on the Congress. Nothing herein shall limit the  
22 right of a member to use his native language if he lacks  
23 fluency in English, and the Congress shall provide for trans-  
24 lation into English in such cases.

1 (g) JOURNAL.—Each House shall keep a journal of its  
2 proceedings, and publish same in English.

3 (h) PUBLIC SESSIONS.—The business of the territorial  
4 legislature and of the Committee of the Whole, shall be trans-  
5 acted openly and not in secret session.

6 (i) PROCEDURAL AUTHORITY.—The territorial legisla-  
7 ture shall be the sole judge of the elections and qualifications  
8 of its members, shall have and exercise all the authority and  
9 attributes inherent in legislative assemblies and shall have  
10 the power to institute and conduct investigations, issue sub-  
11 poenas to witnesses and other parties concerned, and adminis-  
12 ter oaths.

13 SEC. 220. INCURRY.—No member of the territorial  
14 legislature shall be held to answer before any tribunal other  
15 than such legislature for any speech or debate in the terri-  
16 torial legislature, and the members shall in all cases, except  
17 treason, felony, or breach of the peace, be privileged from  
18 arrest during their attendance at the sessions of the territorial  
19 legislature and in going to and from the same.

20 SEC. 221. COMPENSATION AND EXPENSES.—Each  
21 member of the territorial legislature shall be entitled to  
22 receive an annual salary according to section 241 of this Act.  
23 Each member shall also be entitled to receive, from funds  
24 available to and appropriated by the territorial legislature,  
25 travel expenses, and an expense allowance, and per diem at



1 the standard territory government rates for each day the  
2 member is in a travel status to and from sessions of the ter-  
3 ritorial legislature, while in session, or while on other official  
4 legislative business. Per diem shall not be payable to mem-  
5 bers of the territorial legislature for a regular or a special  
6 session when such session is held on the island of their resi-  
7 dence. The term "official legislative business" shall mean  
8 only legislative business authorized by the chairman of the  
9 pertinent committee of the territorial legislature and per-  
10 formed by one or more members of that committee, as des-  
11 ignated by the chairman. Travel shall be performed by the  
12 most expeditious and direct means: *Provided*, That compen-  
13 sation, travel, expense allowance, and per diem shall not be  
14 allowed in excess of such amounts as may be budgeted  
15 therefor.

16 **SEC. 222. APPOINTMENT OF NEW OFFICERS.**—No mem-  
17 ber of the territorial legislature shall, during the term for  
18 which he was elected or during the year following the expira-  
19 tion of the term for which he was elected, be appointed to any  
20 office which was created by the territorial legislature during  
21 such term.

22 **SEC. 223. VACANCIES.**—Whenever, prior to six months  
23 before the date of the next general election, a vacancy occurs,  
24 the chief executive shall call a special election to fill such

1 vacancy. In case of a vacancy occurring within six months  
2 of the next general election, no special election shall be held  
3 and the chief executive's representative in the administrative  
4 district wherein such vacancy arises may fill such vacancy by  
5 appointment.

6 **SEC. 224. OATH OF OFFICE.**—Every member of the  
7 territorial legislature shall take the following oath or affirma-  
8 tion: "I solemnly swear (or affirm) that I will well and  
9 faithfully support the Constitution of the United States, the  
10 laws of the United States applicable to Micronesia and the  
11 laws of Micronesia, and that I will conscientiously and im-  
12 partially discharge my duties as a member of the . . .  
13 (insert the name of the territorial legislature)."

14 **SEC. 225. MEMBERS CONTINUANCE IN OFFICE.**—The  
15 members of the territorial legislature holding office on the  
16 effective date of this title shall continue to serve until the  
17 next general election is held pursuant to the laws of the  
18 territory of Micronesia, except that Senators who were  
19 elected at the last general election prior to the effective date  
20 of this Act shall continue to serve until the expiration of  
21 their four-year term.

22 **SEC. 226. LEGISLATIVE COUNSEL.**—The territorial leg-  
23 isature may by joint resolution nominate a legislative counsel  
24 of its own choosing. The salary and other benefits available  
25 to such legislative counsel shall be established and paid by

1 the territorial legislature. The territorial legislature may make  
2 budgetary provisions for such supporting staff for the legis-  
3 lative counsel and the legislature as it may deem necessary.

4 THE EXECUTIVE

5 SEC. 227. AUTHORITY AND DUTIES OF THE CHIEF  
6 EXECUTIVE.—(a) The executive authority of the territory  
7 of Micronesia shall be vested in a chief executive. The chief  
8 executive shall, according to sec. 216 of this Act, approve  
9 or disapprove bills passed by the territorial legislature. The  
10 chief executive shall have general supervision and control  
11 of all the departments, bureaus, agencies, and other instru-  
12 mentalities of the executive branch of the government of  
13 Micronesia. He may grant pardons and reprieves and remit  
14 fines and forfeitures for offenses against local law. He shall  
15 appoint, and may remove, all officers and employees of the  
16 executive branch of the government of Micronesia, except as  
17 otherwise provided in this or any other Act of Congress, or  
18 under the laws of Micronesia, and shall commission all offi-  
19 cers that he may be authorized to appoint.

20 (b) He shall be responsible for the faithful execution  
21 of the laws of Micronesia and the laws of the United States  
22 applicable in Micronesia. Whenever it becomes necessary, in  
23 case of disaster, invasion, insurrection, or rebellion, or immi-  
24 nent danger thereof, or to prevent or suppress lawless vio-  
25 lence, he may summon the posse comitatus or call out the

1 militia or request assistance of the senior military or naval  
2 commander of the Armed Forces of the United States in  
3 Guam, which may be given at the discretion of such com-  
4 mander if not disruptive of, or inconsistent with his Federal  
5 responsibilities. He may, in case of rebellion or invasion, or  
6 imminent danger thereof, when the public safety requires it,  
7 proclaim the islands, insofar as they are under the jurisdic-  
8 tion of the government of Micronesia, to be under martial  
9 law. The members of the territorial legislature shall meet  
10 forthwith on their own initiative and may by a two-thirds  
11 vote, revoke such proclamation.

12 (c) The chief executive shall make to the Secretary  
13 of the Interior an annual report of the transactions of the  
14 government of Micronesia for transmission to the Congress  
15 of the United States and such other reports at such other  
16 times as may be required by the Congress of the United  
17 States or Secretary of the Interior or applicable Federal law.  
18 He shall have the power to issue executive orders and regula-  
19 tions not in conflict with applicable law. He may recom-  
20 mend bills to the territorial legislature and give expression of  
21 his views on any matter before that body.

22 SEC. 228. AUTHORITY AND DUTIES OF THE DEPUTY  
23 CHIEF EXECUTIVE.—The deputy chief executive shall have  
24 hold such executive powers and perform such duties as may  
25 be assigned to him by the chief executive, prescribed by this



1 Act or by the laws of Micronesia. In case of the temporary  
2 disability or temporary absence of the chief executive, the  
3 deputy chief executive shall assume the authority and duties  
4 of the former. In case of a permanent vacancy in the office of  
5 chief executive, arising by reason of death, resignation, re-  
6 moval by recall, or permanent disability of the chief execu-  
7 tive, or the death, resignation, or permanent disability of a  
8 chief executive elect, or for any other reason the deputy chief  
9 executive, whether holding office or elect, shall become the  
10 chief executive, to hold office for the unexpired term. In case  
11 of the temporary disability or temporary absence of the  
12 deputy chief executive, or during any period when the deputy  
13 chief executive is acting as chief executive, the speaker of the  
14 House of Representatives shall act as deputy chief executive.  
15 In case of a permanent vacancy in the office of deputy chief  
16 executive, arising by reason of death, resignation, or per-  
17 manent disability of the deputy chief executive, or because  
18 the deputy chief executive has succeeded to the office of chief  
19 executive, the chief executive shall appoint a new deputy,  
20 with the advice and consent of the upper house of the terri-  
21 torial legislature, if any, to hold office for the unexpired term.

22 SEC. 229. APPOINTMENT OF THE CHIEF EXECUTIVE  
23 AND DEPUTY CHIEF EXECUTIVE.—The chief executive and  
24 deputy chief executive of the territory of Micronesia referred  
25 to in sections 227 and 228 of this title shall, for a period of at

1 least ten years following the effective date of this Title, be  
2 called the "High Commissioner of the Territory of Micro-  
3 nesia" and the "Deputy High Commissioner of the territory  
4 of Micronesia" respectively, and be appointed by and serve  
5 at the pleasure of the President of the United States.

6       SEC. 230. ELECTION OF THE CHIEF EXECUTIVE AND  
7 DEPUTY CHIEF EXECUTIVE.—If so provided by a consti-  
8 tution of Micronesia, ten years following the effective date  
9 of this title, the chief executive and deputy chief executive of  
10 the territory of Micronesia shall be elected by a majority of  
11 the votes cast by the people who are qualified to vote for  
12 the territorial legislature. The chief executive and deputy  
13 chief executive shall be elected jointly, by the casting by  
14 each voter of a single vote applicable to both offices. If no  
15 candidates receive a majority of the votes cast in any elec-  
16 tion, on the fourteenth day thereafter a runoff election shall  
17 be held between the tickets receiving the highest and second  
18 highest number of votes cast. The chief executive and deputy  
19 chief executive shall be elected every four years at the gen-  
20 eral election and shall hold office for a term of four years  
21 and their successors are elected and qualified. No person who  
22 has been elected chief executive for two full successive terms  
23 shall again be eligible to hold that office until one full term  
24 has intervened. The terms of the elected chief executive and  
25 deputy chief executive shall commence on the first Monday

1 of January following the date of election. No person shall be  
2 eligible for election to the office of chief executive or deputy  
3 chief executive unless he is an eligible voter, a citizen of the  
4 United States, have been a bona fide resident of the territory  
5 described in the preamble of this Act for five consecutive  
6 years immediately preceding the election, and will be at the  
7 time of taking office, at least thirty years of age. The chief  
8 executive shall maintain his official residence in the capital of  
9 Micronesia during his incumbency.

10       SEC. 231. IMPEACHMENT OF THE CHIEF EXECU-  
11 TIVE.—At such time as the office of the chief executive be-  
12 comes elective, the chief executive may be removed from  
13 office by a referendum election in which at least two-thirds  
14 of the number of persons voting for chief executive in the  
15 last preceding general election at which the chief executive  
16 was elected, vote in favor of recall and in which those so  
17 voting constitute a majority of all those participating in the  
18 referendum election. The referendum election shall be ini-  
19 tiated by the territorial legislature following (a) a two-  
20 thirds vote of the members of each house in favor of a  
21 referendum, or (b) a petition for such a referendum to the  
22 territorial legislature by registered voters equal the number  
23 to at least 50 per centum of the whole number of votes  
24 cast for chief executive at the last general election at which

1 a chief executive was elected preceding the filing of the  
2 petition.

3 SEC. 232. THE OFFICE AND DUTIES OF THE COMP-  
4 TROLLER.—(a) The Secretary of the Interior shall appoint  
5 in the Department of the Interior a government comptroller  
6 for Micronesia who shall be under the general supervision  
7 of the Secretary of the Interior and shall not be a part of  
8 any executive department in the government of Micronesia,  
9 and whose salary and expenses of office shall be paid by  
10 the United States from funds otherwise to be covered into  
11 the treasury of Micronesia pursuant to this Act. Sixty days  
12 before the effective date of transfer or removal of the gov-  
13 ernment comptroller, the Secretary shall communicate to  
14 the President of the United States Senate and the Speaker  
15 of the United States House of Representatives his intention  
16 to so transfer or remove the government comptroller and  
17 his reasons therefor.

18 (b) The government comptroller shall audit all accounts  
19 and review and recommend adjudication of claims pertaining  
20 to the revenue and receipts of the government of Micronesia  
21 and of funds derived from bond issues; and he shall audit, in  
22 accordance with the law and administrative regulations, all  
23 expenditures of funds and property pertaining to the govern-  
24 ment of Micronesia including those pertaining to trust funds  
25 held by the government of Micronesia.

1           (c) The government comptroller shall bring to the  
2 attention of the Secretary of the Interior and the chief execu-  
3 tive of Micronesia all failures to collect amounts due the gov-  
4 ernment, and expenditures of funds or uses of property which  
5 are irregular or not pursuant to law. The audit activities of  
6 the government comptroller shall be directed so as to (1)  
7 improve the efficiency and economy of programs of the gov-  
8 ernment of Micronesia, and (2) discharge the responsibility  
9 incumbent upon the Congress of the United States to insure  
10 that the substantial Federal revenues which are covered into  
11 the treasury of the government of Micronesia are properly  
12 accounted for and audited.

13           (d) The decisions of the government comptroller shall  
14 be final except that appeal therefrom may, with the concur-  
15 rence of the chief executive, be taken by the party aggrieved  
16 or the head of the department concerned, within one year  
17 from the date of the decision, to the Secretary of the Interior,  
18 which appeal shall be in writing and shall specifically set  
19 forth the particular action of the government comptroller to  
20 which exception is taken, with the reasons and the authorities  
21 relied upon for reversing such decision.

22           (e) If the chief executive does not concur in the taking  
23 of an appeal to the Secretary of the Interior, the party  
24 aggrieved may seek relief by suit in the district court of  
25 Micronesia if the claim is otherwise within its jurisdiction.

1 No later than thirty days following the date of the decision  
2 of the Secretary of the Interior, the party aggrieved or the  
3 chief executive on behalf of the head of the department  
4 concerned, may seek relief by suit in the District Court of  
5 Micronesia, if the claim is otherwise within its jurisdiction.

6 (f) The government comptroller is authorized to com-  
7 municate directly with any person or with any department  
8 officer or person having official relation with his office. He  
9 may summon witnesses and administer oaths.

10 (g) As soon after the close of each fiscal year as the  
11 accounts of said fiscal year may be examined and adjusted,  
12 the government comptroller shall submit to the Governor  
13 of Micronesia and the Interior an annual report of the fiscal  
14 condition of the government, showing the receipts and dis-  
15 bursements of the various departments and agencies of the  
16 government. The Secretary of the Interior shall submit such  
17 report along with his comments and recommendations to the  
18 President of the United States Senate and the Speaker of  
19 the United States House of Representatives.

20 (h) The government comptroller shall make such other  
21 reports as may be required by the chief executive of Micro-  
22 nesia, the Comptroller General of the United States or the  
23 Secretary of the Interior.

24 (i) The office and activities of the government comp-  
25 troller of Micronesia shall be subject to review by the Comp-

1 troller General of the United States, and reports thereon  
2 shall be made by him to the chief executive of Micronesia,  
3 the Secretary of the Interior, the President of the United  
4 States Senate and the Speaker of the United States House  
5 of Representatives.

6 (j) All departments, agencies, and establishments shall  
7 furnish to the government comptroller such information  
8 regarding the powers, duties, activities, organization, finan-  
9 cial transactions, and methods of business of their respective  
10 offices as he may from time to time require of them; and  
11 the government comptroller or any of his assistants or  
12 employees, when duly authorized by him, shall, for the pur-  
13 pose of securing such information, have access to and the  
14 right to examine any books, documents, papers, or records  
15 of any such department, agency or establishment.

#### 16 THE JUDICIARY

17 SEC. 233. THE DISTRICT COURT OF MICRONESIA.— (a)  
18 There is created a court of record to be designated the “Dis-  
19 trict Court of Micronesia”, and the judicial authority of Mic-  
20 ronesia shall be vested in the District Court of Micronesia and  
21 in such court or courts as may have been or may hereafter  
22 be established by the laws of Micronesia. The District Court  
23 of Micronesia shall have the jurisdiction of a district court of  
24 the United States in all causes arising under the Constitution,  
25 treaties, and laws of the United States, regardless of the sum

1 or value of the matter in controversy, shall have original juris-  
2 diction in all other causes in Micronesia, jurisdiction over  
3 which has not been transferred by the territorial legislature  
4 to other court or courts established by it and shall have such  
5 appellate jurisdiction as the territorial legislature may deter-  
6 mine. The jurisdiction of and the procedure in the courts of  
7 Micronesia other than the District Court of Micronesia shall  
8 be prescribed by the laws of Micronesia.

9 (b) Appeals to the District Court of Micronesia shall  
10 be heard and determined by an appellate division of the  
11 court consisting of three judges, of whom two shall constitute  
12 a quorum. The judge appointed for the court by the President  
13 shall be the presiding judge of the appellate division and shall  
14 preside therein unless disqualified or otherwise unable to act.  
15 The other judges who are to sit in the appellate division at  
16 any session shall be designated by the presiding judge from  
17 among the judges assigned to the court from time to time  
18 pursuant to section 236 (a) of this Act. The concurrence of  
19 two judges shall be necessary to any decision by the District  
20 Court of Micronesia on the merits of an appeal but the presid-  
21 ing judge alone may make any appropriate orders with re-  
22 spect to an appeal prior to the hearing and determination  
23 thereof on the merits and may dismiss an appeal for want of  
24 jurisdiction or failure to take or prosecute it in accordance  
25 with the applicable law or rules of procedure.



1 (c) The rules heretofore or hereafter promulgated and  
2 made effective by the Supreme Court of the United States  
3 pursuant to section 2072 of title 28, United States Code, in  
4 civil cases; section 2073 of title 28, United States Code, in  
5 admiralty cases; sections 3771 and 3772 of title 18, United  
6 States Code, in criminal cases; and section 53 of title 11 in  
7 bankruptcy cases; shall apply to the District Court of Micro-  
8 nesia and to appeals therefrom; except that no provisions of  
9 any such rules which authorize or require trial by jury or the  
10 prosecution of offenses by indictment by a grand jury instead  
11 of by information shall be applicable to the District Court of  
12 Micronesia unless and until made so applicable by laws en-  
13 acted by the territorial legislature and except further that the  
14 terms "attorney for the government" and "United States at-  
15 torney", as used in the Federal Rules of Criminal Procedure,  
16 shall, when applicable to cases arising under the laws of  
17 Micronesia, mean the Attorney General of Micronesia or such  
18 other person or persons as may be authorized by the laws of  
19 Micronesia to act therein.

20 SEC. 234. APPEAL TO THE UNITED STATES COURT OF  
21 APPEALS FOR THE NINTH CIRCUIT.—(a) The United  
22 States Court of Appeals for the Ninth Circuit shall have  
23 jurisdiction of appeals from all final decisions of the District  
24 Court of Micronesia in all cases involving the Constitution,  
25 laws, or treaties of the United States or any authority exer-

1 cised thereunder, from interlocutory orders, in all habeas  
2 corpus proceedings, and in all other civil cases where the  
3 value in controversy exceeds \$3,000 exclusive of interest and  
4 costs.

5       SEC. 235. APPOINTMENT OF JUDGE OF THE DISTRICT  
6 COURT OF MICRONESIA.—(a) The President shall, by and  
7 with the advice and consent of the Senate, appoint a judge  
8 for the District Court of Micronesia who shall hold office for  
9 the term of eight years and until his successor is chosen and  
10 qualified unless sooner removed by the President for cause.  
11 The judge shall receive a salary payable by the United States  
12 which shall be at the rate prescribed for judges of the United  
13 States district courts. The chief judge of the Ninth Judicial  
14 Circuit of the United States may assign a judge of a court  
15 of Micronesia, the Island Court of Guam, or a circuit or  
16 district judge of the ninth circuit, or the Chief Justice of  
17 the United States may assign any other United States circuit  
18 or district judge with the consent of the judge so assigned  
19 and of the chief judge of his circuit, to serve temporarily as  
20 a judge in the District Court of Micronesia whenever it is  
21 made to appear that such an assignment is necessary for  
22 the proper dispatch of the business of the court.

23       (b) The President shall appoint, by and with the advice  
24 and consent of the Senate, a United States attorney and  
25 United States marshal for Micronesia to whose offices the

1 provisions of chapters 31 and 33, respectively, of title 28,  
2 United States Code, shall apply.

3 (c) The provisions of chapters 21, 41, 43, 49, and 57  
4 of title 28, United States Code, shall apply with respect to  
5 the District Court of Micronesia.

6 SEC. 236. TRANSFER OF JUDICIAL BUSINESS.—The  
7 High Court of the Trust Territory of the Pacific Islands shall  
8 within six months of the effective date of section 106 of this  
9 Act be terminated, and all matters pending before the High  
10 Court shall be transferred to the District Court of Micronesia  
11 and placed upon the docket of matters pending before the  
12 District Court of Micronesia.

13 REVENUE PROVISIONS

14 SEC. 237. THE INCOME TAX AND REBATE.—(a) The  
15 income tax laws in force in the United States of America and  
16 those which may hereafter be enacted shall be held to be  
17 likewise in force in Micronesia, except the proceeds of such  
18 taxes shall be paid into the treasury of Micronesia.

19 (b) The income tax laws in force in Micronesia pur-  
20 suant to subsection (a) of this section shall be deemed to  
21 impose an income tax payable to the government of Micro-  
22 nesia, which tax is designated the Micronesia territorial in-  
23 come tax.

24 SEC. 238. OTHER INCOME PROVISIONS AND REBATE.—  
25 All customs duties derived from Micronesia, the proceeds of

1 all taxes collected under the internal-revenue laws of the  
2 United States, its territories or possessions, or consumed in  
3 Micronesia, and the proceeds of any other taxes which may  
4 be levied by the Congress of the United States of the inhab-  
5 itants of Micronesia and all quarantine, passport, immigra-  
6 tion, and naturalization fees collected in Micronesia shall be  
7 covered into the treasury of Micronesia and held in account  
8 for the government of Micronesia, as the territorial legis-  
9 lature may by law prescribe.

10       SEC. 239. ADMINISTRATION AND ENFORCEMENT OF  
11 THE INCOME TAX.—(a) The administration and enforce-  
12 ment of the Micronesia territorial income tax shall be per-  
13 formed by or under the supervision of the chief executive.  
14 Any function needful to the administration and enforcement  
15 of the income-tax laws in force in Micronesia pursuant to sub-  
16 section (a) of this section shall be performed by any officer  
17 or employee of the government of Micronesia duly authorized  
18 by the chief executive (either directly, or indirectly by one  
19 or more redelegations of authority) to perform such function.

20       (b) (1) The income-tax laws in force in Micronesia  
21 pursuant to subsection (a) of section 237 include but are not  
22 limited to the following provisions of the Internal Revenue  
23 Code of 1954, where not manifestly inapplicable or incompat-  
24 ible with the intent of this section: Subtitle A (not including  
25 chapter 2 and section 931) ; chapters 24 and 25 of subtitle

1 C, with reference to the collection of income tax at source  
2 on wages; and all provisions of subtitle F which apply to the  
3 income tax, including provision as to crimes, other offenses,  
4 and forfeitures contained in chapter 75. For the period after  
5 1950 and prior to the effective date of the repeal of any pro-  
6 vision of the Internal Revenue Code of 1939 which corre-  
7 sponds to one or more of those provisions of the Internal  
8 Revenue Code of 1954 which are included in the income-tax  
9 laws in force in Micronesia pursuant to subsection (a) of this  
10 section, such income-tax laws include but are not limited to  
11 such provisions of the Internal Revenue Code of 1939.

12 (2) The chief executive or his delegate shall have the  
13 same administrative and enforcement powers and remedies  
14 with regard to the Micronesia territorial income tax as the  
15 Secretary of the Treasury, and other United States officials  
16 of the executive branch, have with respect to the United  
17 States income tax. Needful rules and regulations for enforce-  
18 ment of the Micronesia territorial income tax shall be pre-  
19 scribed by the chief executive. The chief executive or his dele-  
20 gate shall have authority to issue, from time to time, in whole  
21 or in part, the text of the income-tax laws in force in Micro-  
22 nesia pursuant to subsection (a) of this section.

23 (c) In applying as the Micronesia territorial income  
24 tax, the income-tax laws in force in Micronesia pursuant to  
25 subsection (a) of this section, except where it is manifestly

1 otherwise required, the applicable provisions of the Internal  
2 Revenue Codes of 1954 and 1939, shall be read so as to sub-  
3 stitute Micronesia for "United States", "Governor or his dele-  
4 gate" for "Secretary or his delegate", "Governor or his dele-  
5 gate" for "Commissioner of Internal Revenue" and "Collector  
6 of Internal Revenue", "District Court of Micronesia" for  
7 "district court" and with other changes in nomenclature and  
8 other language, including the omission of inapplicable lan-  
9 guage, where necessary to effect the intent of this section.

10 (d) Any act or failure to act with respect to the Micro-  
11 nesia territorial income tax which constitutes a criminal of-  
12 fense under chapter 75 of subtitle F of the Internal Revenue  
13 Code of 1954, or the corresponding provisions of the Internal  
14 Revenue Code of 1939, as included in the income-tax laws in  
15 force in Micronesia pursuant to subsection (a) of this section,  
16 shall be an offense against the government of Micronesia and  
17 may be prosecuted in the name of the government of Micro-  
18 nesia by the appropriate officers thereof.

19 (e) The government of Micronesia shall have a lien with  
20 respect to the Micronesia territorial income tax in the same  
21 manner and with the same effect, and subject to the same  
22 conditions, as the United States has a lien with respect to  
23 the United States income tax. Such lien in respect of the  
24 Micronesia territorial income tax shall be enforceable in the  
25 name of and by the government of Micronesia. Where filing

1 of a notice of lien is prescribed by the income-tax laws in  
2 force in Micronesia pursuant to subsection (a) of this sec-  
3 tion, such notice shall be filed in the Office of the Clerk of the  
4 District Court of Micronesia.

5 (f) (1) Notwithstanding any other provision of law to  
6 the contrary, the District Court of Micronesia shall have ex-  
7 clusive original jurisdiction over all judicial proceedings in  
8 Micronesia, both criminal and civil, regardless of the degree  
9 of the offense or of the amount involved, with respect to the  
10 Micronesia territorial income tax.

11 (2) Suits for the recovery of any Micronesia territorial  
12 income tax alleged to have been erroneously or illegally  
13 assessed or collected, or of any penalty claimed to have  
14 been collected without authority, or of any sum alleged to  
15 have been excessive or in any manner wrongfully collected,  
16 under the income tax laws in force in Micronesia, pursuant  
17 to subsection (a) of this section, may, regardless of the  
18 amount of claim, be maintained against the government of  
19 Micronesia subject to the same statutory requirements as  
20 are applicable to suits for the recovery of such amounts  
21 maintained against the United States in the United States  
22 district courts with respect to the United States income  
23 tax. When any judgment against the government of Micro-  
24 nesia under this paragraph has become final, the chief

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1 executive shall order the payment of such judgments out  
2 of any unencumbered funds in the treasury of Micronesia.

3 (3) Execution shall not issue against the chief execu-  
4 tive or any officer or employee of the government of Micro-  
5 nesia on a final judgment in any proceeding against him  
6 for any acts or for the recovery of money exacted by or  
7 paid to him and subsequently paid into the treasury of  
8 Micronesia, in performing his official duties under the  
9 income-tax laws in force in Micronesia pursuant to subsec-  
10 tion (a) of this section, if the court certifies that—

11 (A) probably cause existed; or

12 (B) such officer or employee acted under the di-  
13 rection of the chief executive or his delegate.

14 Upon the issuance of such certificate, the chief executive  
15 shall order the payment of such judgment out of any unen-  
16 cumbered funds in the treasury of Micronesia.

17 (4) A civil action for the collection of the Micronesia  
18 territorial income tax, together with fines, penalties, and for-  
19 feitures, or for the recovery of any erroneous refund of such  
20 tax, may be brought in the name of and by the government  
21 of Micronesia in the District Court of Micronesia or in any  
22 district court of the United States or in any court having the  
23 jurisdiction of a district court of the United States.

24 (5) The jurisdiction conferred upon the District Court  
25 of Micronesia by this subsection shall not be subject to trans-  
26 fer to any other court by the Congress of Micronesia.



1        SEC. 240. MATCHING FUNDS.—At the termination of  
2 each fiscal year, the chief executive of Micronesia shall cer-  
3 tify to the Secretary of the Interior the net amount of revenue  
4 collected by the government of Micronesia during the pre-  
5 ceding fiscal year. Each year following such fiscal year there  
6 shall be transferred and paid over to the government of Mic-  
7 ronesia for a period of twenty years, from the funds in the  
8 United States Treasury not otherwise appropriated, a sum  
9 equal to the net amount of revenue collected by the govern-  
10 ment of Micronesia, as certified by the chief executive. The  
11 moneys so transferred and paid over shall constitute a sepa-  
12 rate fund in the treasury of Micronesia and may be expended  
13 as the territorial legislature may, by law, determine: *Pro-*  
14 *vided*, That until otherwise provided by law, the approval of  
15 the Secretary of the Interior shall be obtained before such  
16 moneys may be obligated or expended.

17                                MISCELLANEOUS PROVISIONS

18        SEC. 241. EMPLOYMENT EXPENSES.—The salaries and  
19 travel allowances of the chief executive and deputy chief  
20 executive (except those appointed under section 229 of this  
21 Act), heads of the executive departments and other officers  
22 and employees of the government of Micronesia (except as  
23 modified by section 244 of this Act), and members of the  
24 territorial legislature, shall be paid by the government of  
25 Micronesia at rates prescribed by the laws of Micronesia.

1        SEC. 242. FREE ENTRY OF MICRONESIAL GOODS INTO  
2 THE UNITED STATES.—Articles of commerce which are  
3 grown, produced, or manufactured in Micronesia and trans-  
4 ported into any State or possession of the United States from  
5 Micronesia shall be entered at the several ports of entry  
6 free of duty.

7        SEC. 243. MICRONESIA FREE PORT STATUS.—Schedule  
8 8, part 2, subpart A, items 813.30 and 813.31 of the tariff  
9 schedules of the United States (19 U.S.C. 1202) as amended  
10 are further amended by—

11            (a) striking the phrase “, or the Virgin Islands of  
12 the United States” and inserting in lieu thereof the  
13 phrase “, the Virgin Islands of the United States, or the  
14 territory of Micronesia”, in such items; and

15            (b) adding the phrase “or the territory of Micro-  
16 nesia” after the word “possessions” where it appears in  
17 such items.

18        SEC. 244. EMPLOYMENT.—While appointive the chief  
19 executive, deputy chief executive and members of their im-  
20 mediate staffs, shall have the status of officers and employees  
21 of the United States. Effective two years from the effective  
22 date of this Act, no employees of the government of Micro-  
23 nesia shall have the status of Federal employees. Except as  
24 herein provided, the Federal status of each employee of the  
25 Department of the Interior in the territory of Micronesia

1 and of each employee of the government of Micronesia, shall  
2 cease either upon the termination of his transportation agree-  
3 ment in effect on the effective date of this Act, whichever  
4 occurs first. All persons employed in the territory of Micro-  
5 nesia on the effective date of this Act may, except as other-  
6 wise provided in this Act or other law, continue their em-  
7 ployment.

8       SEC. 245. ADMINISTRATIVE DISTRICTS.—Unless  
9 changed by the territorial legislature by law, for the purposes  
10 of administration, the territory of Micronesia is divided into  
11 six administrative districts known and described as follows:

12       (a) Mariana Islands District, consisting of those islands  
13 of the trust territory, and the territorial waters thereof, which  
14 lie within the area north of 14 degrees north latitude south  
15 of 21 degrees north latitude, west of 150 degrees east longi-  
16 tude, and east of 144 degrees east longitude.

17       (b) Palau District, consisting of those islands of the  
18 trust territory and the territorial waters thereof, which lie  
19 within the area beginning at a point 2 degrees north latitude  
20 130 degrees east longitude, thence north to a point 11 degrees  
21 north latitude 130 degrees east longitude, thence east to a  
22 point 11 degrees north latitude 136 degrees east longitude,  
23 thence south to a point 2 degrees north latitude 136 degrees  
24 east longitude, thence west to the point of beginning.

25       (c) Yap District, consisting of those islands of the trust

1 territory and the territorial waters thereof, which lie within  
2 the area beginning at a point 2 degrees north latitude 136  
3 degrees east longitude, thence north to a point 11 degrees  
4 north latitude 136 degrees east longitude, thence east to a  
5 point 11 degrees north latitude 148 degrees east longitude,  
6 thence south to a point 0 degrees latitude 148 degrees east  
7 longitude, thence northwesterly to the point of beginning.

8 (d) Truk District, consisting of those islands of the trust  
9 territory and the territorial waters thereof, which lie within  
10 the area beginning at a point 0 degrees latitude 148 degrees  
11 east longitude, thence north to a point 11 degrees north lati-  
12 tude 148 degrees east longitude, thence east to a point 11 de-  
13 grees north latitude 154 degrees east longitude, thence south  
14 to a point 0 degrees latitude 154 degrees east longitude,  
15 thence west to the point of beginning.

16 (e) Ponape District, consisting of those islands of the  
17 trust territory and the territorial waters thereof, which lie  
18 within the area beginning at a point 0 degrees latitude 154  
19 degrees east longitude, thence north to a point 11 degrees  
20 north latitude 154 degrees east longitude, thence east to a  
21 point 11 degrees north latitude 158 degrees east longitude,  
22 thence southeast to a point 5 degrees north latitude 166 de-  
23 grees east longitude, thence south to a point 0 degrees lati-  
24 tude 166 degrees east longitude thence west to the place of  
25 beginning.

1 (f) Marshall Islands District, consisting of those islands  
2 of the trust territory, and the territorial waters thereof, which  
3 lie within the area beginning at a point 11 degrees north  
4 latitude 158 degrees east longitude, thence southeast to a  
5 point 5 degrees north latitude 166 degrees east longitude,  
6 thence south along the 116th meridian east longitude to 0  
7 degree latitude, thence northeast to a point 4 degrees north  
8 latitude 170 degrees east longitude, thence east to a point 4  
9 degrees north latitude 172 degrees east longitude, thence  
10 north to a point 16 degrees north latitude 172 degrees east  
11 longitude, thence northwest to a point 19 degrees north lati-  
12 tude 158 degrees east longitude, thence south to the place of  
13 beginning.

14 SEC. 246. RESERVATION OF PROPERTY BY THE UNITED  
15 STATES.—(a) The title to all property real and personal,  
16 owned by the United States within the territorial limits of  
17 the territory of Micronesia which is not reserved by the  
18 President of the United States within one year after the effec-  
19 tive date of this Act, is hereby placed under the control of  
20 the government of the territory of Micronesia, and the legis-  
21 lative branch shall have authority, subject to such limitations  
22 as may be imposed by this Act to deal with such property,  
23 by law, as it may deem appropriate.

24 (b) The title to all property, real and personal, owned  
25 by the government of the trust territory, and all interests in

1 property, held by the government of the trust territory, are  
2 hereby transferred to the government of Micronesia, except  
3 that whatever right, title, or interest the government of the  
4 trust territory has in particular tracts of tidelands, submerged  
5 lands, or filled lands in or adjacent to the islands of Micronesia  
6 are hereby conveyed to the United States. The term "tide-  
7 lands, submerged lands, or filled lands" shall have the mean-  
8 ing ascribed to it in section 1 (a) of Public Law 88-183 (77  
9 Stat. 338).

10 (c) The Act of November 20, 1963 (77 Stat. 338,  
11 Public Law 88-183) providing for the conveyance of sub-  
12 merged lands is amended—

13 (1) by inserting the words "the Governor of Mi-  
14 cronnesia," immediately after the words "Virgin Islands"  
15 in section 1 (a) ;

16 (2) by inserting the word "Micronesia," immedi-  
17 ately after the words "Virgin Islands," in sections 1 (e),  
18 2 (a), and 3 (c) ;

19 (3) by inserting the word "Micronesia", immedi-  
20 ately after the words "American Samoa," in section  
21 3 (a) ;

22 (4) by inserting the word "Micronesia", immedi-  
23 ately after the words "Virgin Islands", whenever they  
24 appear, in section 4 (a) ; and

25 (5) by inserting the words "or the government of

1       Micronesia” immediately after the word “Guam” in  
2       section 3 (b).

3       SEC. 246. STATUTES SURVEY COMMISSION.—The Presi-  
4       dent of the United States shall appoint a commission of seven  
5       persons, at least three of whom shall be residents of Micro-  
6       nesia, to survey the Federal statutes and to make recom-  
7       mendations to the Congress of the United States within  
8       twelve months after the effective date of this title as to which  
9       statutes of the United States not applicable to Micronesia on  
10      such date shall be made applicable to Micronesia, and as to  
11      which statutes of the United States applicable to Micronesia  
12      on such date should be made inapplicable.

13      SEC. 247. LAWS CONTINUED IN FORCE.— (a) The laws  
14      of the Trust Territory of the Pacific Islands in force on the  
15      effective date of this title, except as modified herein, are  
16      hereby continued in force, subject to modification or repeal  
17      by competent authority.

18      (b) The name, “Code of the Trust Territory of the  
19      Pacific Islands” is hereby changed to “Code of the territory  
20      of Micronesia”.

21      SEC. 248. AMENDMENTS.—Amendments to the con-  
22      stitution of the territory of Micronesia shall be according  
23      to its terms; except that no such amendment shall become  
24      effective except as provided in this section. Each amend-  
25      ment to the constitution of the territory of Micronesia,



1 adopted according to its terms, shall be forwarded to the  
2 President of the United States. If the President finds that  
3 the proposed amendment conforms substantially with the  
4 provisions of this Act, and the Constitution of the United  
5 States of America, he shall so certify to the territorial legis-  
6 lature and the amendment shall take effect as of the date  
7 of such certification. If the President finds that the proposed  
8 amendment does not so conform, he shall so advise the terri-  
9 torial legislature, stating where in his judgment the amend-  
10 ment does not so conform. The legislature of the territory  
11 of Micronesia may take such further action with respect  
12 to such amendment as it may deem appropriate. Any re-  
13 vision of such amendment shall be returned to the President  
14 and the same procedure repeated until the President makes  
15 a certification to the territorial legislature of the territory  
16 of Micronesia as provided in the third sentence of this  
17 section.

18       SEC. 249. APPROPRIATION AUTHORIZED.—There is  
19 hereby authorized such sums as may be necessary to carry  
20 out the provisions of this Act.

91<sup>ST</sup> CONGRESS  
1<sup>ST</sup> Session

# H. R. 14110

## A BILL

To permit the people of the Trust Territory of the Pacific Islands to provide for their own governance through the adoption of a constitution, to provide for the government of the trust territory before the approval and implementation of such constitution, and for other purposes.

By Mr. MEEDS

September 30, 1969

Referred to the Committee on Interior and Insular Affairs

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