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CHAPTER 8.

L A N D S

New Proposal

SEC. 381. (a) The title to all property, real and personal, owned by the Government of the Trust Territory of the Pacific Islands, and all interest including rights of use in property held by the Government of the Trust Territory of the Pacific Islands, are hereby transferred to the Government of Micronesia, including all right, title, or interest of the Government of the Trust Territory of the Pacific Islands in tidelands, submerged lands, or filled lands in or adjacent to the islands of Micronesia. The term "tidelands, submerged lands, or filled lands" means for the purpose of this section all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast lines of the several islands of Micronesia, as heretofore or hereafter modified by accretion, erosion, and reliction, including artificially made, filled-in, or reclaimed lands which were formerly permanently or periodically covered by tidal waters. The term shall not include any such lands which by local or customary laws or rights are held in private or communal ownership.

(b) Except in the case of a national emergency declared by the President of the United States in which he specifically calls for the use thereof to meet the emergency needs, no real property or interest therein, in addition to that presently retained or used by the United States Government in Micronesia, which may be required in the future for public purposes, may be acquired in Micronesia by the United States, or any agency or instrumentality thereof, except by negotiation and agreement with the owner or owners of the land in question and by and with the advice and consent of the District Legislature of the District in which the land is located.

(c) Any real property or interest therein acquired during an emergency in accordance with subsection (b) of this section, unless sooner terminated, shall terminate automatically upon the cessation of the emergency for which it was acquired, or upon a change of use, during such emergency, to a use not consistent with the emergency needs therefor, and the right of use and occupancy shall revert automatically to the owner or owners or their heirs, or successors, from whom the land was acquired unless a different arrangement for its use and occupancy has been made in accordance with the balance of that subsection.

(d) During the three year period referred to in subsection (e) of this section, nothing herein shall impair the existing agreements between the Trust Territory Government and the United States Government or any ager

or instrumentality thereof insofar as they relate to land use and retention, and the Government of Micronesia takes all such land as set forth in Section (a), above, subject to such agreements; provided, however, that such retention and use will at all times be consistent with the public purposes of the United States.

(e) (i) Within three years from the effective date of this Act, the retention and use rights of the United States Government covered by subsection (d) shall terminate, unless, within that time the United States proceeds to acquire, in accordance with subsection (b) or (f) hereof, whatever rights in such lands may be considered necessary for the public purposes of the United States.

(ii) In any such acquisition, the amount to be paid for the land, or interest therein, shall be the current fair market value of the interest acquired, less any amount or amounts previously paid, gratuitously or otherwise, therefor.

(f) The agencies and instrumentalities of the United States Government are hereby authorized to, and may acquire real property or any interest in real property covered by subsection (d) including any temporary use thereof for public purposes in Micronesia, in accordance with provisions of this subsection or subsection (b) of this section.

(i) In no event may the estate in property sought to be acquired by the United States be of a greater quantum than a base or determinable fee. The limiting event which will terminate such a fee will be the cessation for a period of five years, of the use of the land for the

public purposes of the agency or instrumentality for which it was acquired. Upon termination, fee ownership in the land shall revert automatically to the person, persons or entity from whom it was acquired, or their heirs, or successors.

(ii) At least one month prior to the first regular session of the Congress of Micronesia which convenes three years after the effective date of this Act, the United States shall present to the Governor of Micronesia a description of any of the land covered by subsection (d) in which it wishes to continue its right of use or retention, together with a complete statement of the nature of the interest sought to be acquired, the full justification, in the public interest, of the need for such interest and a detailed appraisal report of the fairmarket value of the interest, prepared by qualified independent appraisers.

(iii) The Governor shall thereupon prepare and immediately submit to the Congress of Micronesia, for consideration in said regular session, a bill which will contain a description of the land in which the United States wishes to continue its use and occupancy, the nature of the interest, together with a complete statement of justification of the public need for such interest, and a detailed appraisal of the fair market value of the interest prepared in accordance with paragraph (ii) of this subsection.

(iv) In the event the Congress of Micronesia agrees with the appraisal for the value of the interest in any particular piece of land sought to be retained or used by the United States, it shall pass the bill, or that part of the bill relating to that particular piece of

land, and the bill, or the part thereof passed, shall become law, binding as to such interest, on all parties.

(v) In the event that the Congress of Micronesia disagrees with the appraised value of the interest in any particular piece of land to be retained by the United States pursuant to subsection (f) (ii) and (iii), the United States shall be entitled to continued retention or use of the land in question; but the parties shall proceed forthwith to attempt to agree upon the question of value. If agreement is reached, the bill shall be appropriately amended to reflect the agreed upon value, and when passed shall become law. If no agreement can be reached then the value question shall be submitted immediately to the highest court of Micronesia which will then proceed to determine whether the price proposed by the appraisal represents the fair market value. In order to assist in making this determination, such court may, in accordance with such rules as it may promulgate, convene a special jury of not more than eight impartial, Micronesian citizens from the district in which the land is located to render an advisory verdict on the question of fair market value. The decision of the court shall be final.

(g) 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 from residents of the District in which the land is located in accordance with the laws of Micronesia.

SEC 382. 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.