

[1969-1970]

17
7,923

91st Congress
1st Session

Mr. Neede

A B I L L

To provide for the form of the government of the territory of Micronesia, its relations with the Federal Government, and for other purposes.

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 Federal Relations Act".

Sec. 2. The provisions of this Act shall apply to the territory known as the Trust Territory of the Pacific Islands administered by the United States of America in accordance with the Trusteeship Agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States of America on July 18, 1947.

03-025725

Sec. 3. (a) The Trust Territory of the Pacific Islands is hereby declared to be an unincorporated territory of the United States (hereafter in this Act referred to as the "territory of Micronesia"). The capital and seat of government of the territory of Micronesia shall be located at such place as the legislature shall establish. The government of the territory 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 legislature evidenced by enacted law, may be sued upon any contract entered into with respect to, or any tort committed incident to, the exercise by the government of the territory of Micronesia of any of its lawful powers.

(b) The government of the territory of Micronesia shall consist of three branches, legislative, executive, and judicial, and its relations with the Federal Government in all matters shall be under the general administrative supervision of the Secretary of the Interior.

Sec. 4. (a) All inhabitants of the territory of Micronesia on July 18, 1947, including those temporarily absent on that date, who after that date continued to reside in the territory of Micronesia or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality, are declared to be citizens of the United States as of July 18, 1947.

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

Sec. 5. (a) The legislative power of the territory of Micronesia shall extend to all rightful subjects of legislation not inconsistent with--

(1) the provisions of this Act;

(2) the treaties and international agreements of the United States;

(3) the laws of the United States applicable to the Trust Territory of the Pacific Islands or the territory of Micronesia;

(4) the Executive Orders of the President of the United States and orders of the Secretary of the Interior; and

(5) sections 1 through 12 of the Code of the Trust Territory of the Pacific Islands.

(b) No law shall be passed by the legislature of Micronesia imposing any tax upon the property of the United States or property of the territory of Micronesia; nor shall the property of nonresidents be taxed at a higher rate than the property of residents.

(c) No import or export levies shall be imposed on goods transported between or among the administrative districts of the territory of Micronesia, or any political subdivision thereof, and the levy of duties on goods imported into the territory of Micronesia is hereby reserved to the legislature of Micronesia.

Sec. 6. (a) The executive authority of the territory of Micronesia shall be vested in a chief executive. During the ten-year period beginning on the effective date of this Act, the President of the United States shall, by and with the advice and consent of the Senate, appoint an individual to serve as chief executive of the territory of Micronesia.

Each individual so appointed shall serve at the pleasure of the President. Authorization is hereby granted the people of the territory of Micronesia to amend their constitution, according to its terms, to provide for an elected chief executive whose first term shall begin no sooner than the expiration of the ten-year period which begins on the effective date of this act. As of the date the first elected chief executive of the territory 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.

(b) The chief executive shall have veto power over all legislation proposed by the legislature of the territory of Micronesia; except that the legislature may, upon the vote of two-thirds of its membership, appeal any such veto to the Secretary of the Interior and his decision in the matter shall be final. In any case in which the legislature of the territory of Micronesia fails or refuses to enact a measure for a proposed expenditure submitted by the chief executive, which he deems to be critical to the welfare of the people of Micronesia, the chief executive may appeal the issue to the Secretary of the Interior after notice to the legislature and the decision of the Secretary in the matter shall be final.

(c) The chief executive shall appoint all heads of executive departments and agencies of the government of the territory of Micronesia, to serve at the pleasure of the chief executive. The employment practices of the government of the territory of Micronesia shall provide for the fullest possible participation by qualified Micronesians at all levels of the government of the territory of Micronesia. A uniform salary schedule shall be established within five years after the effective date of this Act and shall apply to all officers and employees of the government of the territory of Micronesia. Appointments, compensation, and promotion of officers and employees of the government of the territory of Micronesia shall be based on merit, educational qualifications, and experience; except that, where the chief executive deems it necessary, he may contract for employment of persons of non-Micronesian ancestry who shall, in addition to their normal salary, be entitled to a cost-of-living allowance plus costs of transportation to and from the territory of Micronesia.

Sec. 7. All expenses incurred or obligations contracted by the government of the territory of Micronesia shall be paid by the treasurer of the government of the territory of Micronesia out of revenues in his custody.

Sec. 8. The judicial authority of the government of the territory of Micronesia shall be vested in one paramount court, and such inferior courts as may be provided for in the constitution of the territory of Micronesia or by act of the legislature of the territory 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 the territory of Micronesia, as provided in the constitution of the territory of Micronesia, shall hold their offices during good behavior, and along with other judges of the territory of Micronesia shall not have their compensation diminished during their continuance in office. Appeals shall be had to the Federal court system through the United States District Courts of the Ninth Circuit.

Sec. 9. The Government of the United States shall not condemn property without payment of just compensation, which compensation may be paid to the property owner in lump sum or placed in trust according to law enacted by the government of the territory of Micronesia. The paramount court of the territory

of Micronesia shall have original jurisdiction in United States condemnation cases.

Sec. 10. The title to all property real and personal, owned by the United States within the territorial limits of the territory of Micronesia which is not reserved by the President of the United States within one year after the effective date of this Act, is hereby placed under the control of the government of the territory of Micronesia, and the legislative branch shall have authority, subject to such limitations as may be imposed by this Act or the constitution of the territory of Micronesia, to legislate with respect to such property as it may deem appropriate.

Sec. 11. The minting of coins and printing of currency is prohibited in the territory of Micronesia.

Sec. 12. Amendment of the constitution of the territory of Micronesia shall be according to its terms; except that no such amendment shall become effective except as provided in this section. Each amendment to the constitution of the territory of Micronesia, adopted according to its terms, shall be forwarded to the President of the United States. If the President finds that the proposed amendment conforms substantially with the provisions of the constitution of the

the territory of Micronesia, the provisions of this Act, and the provisions of the Constitution of the United States of America, he shall so certify to the ^{Legislature} of Micronesia and the amendment shall take effect as of the date of such certification. If the President finds that the proposed amendment does not so conform, he shall so advise the legislature of the territory of Micronesia, stating therein in his judgment the amendment does not so conform and submitting provisions which will in his judgment make the amendment so conform. The legislature of the territory of Micronesia may take such further action with respect to such amendment as it may deem appropriate. Any revision of such amendment shall be returned to the President and the same procedure repeated until the President makes a certification to the legislature of the territory of Micronesia as provided in the third sentence of this section.

Sec. 13. This Act shall become effective as of the date of the ratification of the constitution of Micronesia as provided by section 5 of the Joint Resolution entitled "Joint Resolution providing for the organization of a constitutional government by the people of Micronesia".