

Refer to: I-9-20 72

July 27, 1972

MEMORANDUM FOR CAPT. GORDON SCHULLER, ISA/EA&PR

SUBJECT: Unrestricted Use to Lands, etc. in Micronesia

Rewrite Section 303 (a) as follows:

"(a) The Government of the United States shall have the exclusive right to establish, maintain and use military facilities in Micronesia pursuant to its authority and responsibility set forth in Section 301 and 302, and to use and occupy for these purposes the lands and waters, and interests therein, as specified in this Section and in Annex B. These rights, uses and purposes shall not be restricted." (Underlined portions added).

Comment. The new language is to clarify ambiguities remaining in the most recent draft. It does this first by indicating that all lands, etc. are included because it incorporates the entire Section and Annex B. This means that it reaches to existing lands etc. and to lands that might be acquired under the Compact. It makes clear the absolute nature of the unrestricted right, uses and purposes. The term "purposes" refers to the preceding sentence, and the way in which the term is used there.

Rewrite Section 303 (b):

"(b) The Government of Micronesia shall assure the United States the rights and uses in all such lands, and waters, and interests therein, as specified in this Section, and shall further assure the United States as to them all rights and uses accorded under Title III of this Compact." (Underlining indicates change).

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Doc 3

Comment. The above change is made to make the language in the new draft unambiguous. The matters covered in (a) and (b) are related to all uses, and must be sufficiently general in nature to enable us to prepare the leases to meet with United States needs.

The terms "and interests therein" must be understood to mean interests in lands or waters or both, and I believe that this meaning is clear.

Rewrite (c) at the beginning to read:

"In the exercise of its authority and responsibility under this Title the United States Government may require and accordingly request. . . ."

Signed

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