

TAGS: TO PGOV
SUBJECT: JCFS-PROPOSED CHANGES TO DRAFT COMPACT
REF: STATUS LNO 204C

1. SEN. SALII GAVE ME THIS MORNING (AUG. 7) COPY OF DRAFT COMPACT AS IT WILL BE CIRCULATED TO CONGRESS INCLUDING CHANGES APPROVED BY JCFS ON AUG. 3. HE ALSO GAVE ME COPY OF MEMORANDUM SETTING FORTH THESE CHANGES WHICH, IT STATES, "WILL BE OFFERED TO THE U.S." THESE

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ARE CHANGES TO GUAM DRAFT AND SHOULD BE REGARDED AS "HOLD FOR RELEASE" UNTIL COMPACT CIRCULATED. THIS MSG UNCLASSIFIED TO EXPEDITE TRANSMISSION. CHANGES FOLLOW.

2. PREAMBLE, ADD THIRD CLAUSE AS FOLLOWS: "DESIRING TO ESTABLISH AND EMBODY A RELATIONSHIP BETWEEN THE PEOPLE OF MICRONESIA AND THE UNITED STATES WHICH IS AND SHALL REMAIN CLOSE AND ENDURING, FOR SO LONG AS THE CONTINUATION OF THAT RELATIONSHIP REMAINS CONSISTENT WITH THE BEST INTERESTS OF MICRONESIA AND OF THE UNITED STATES,"

3. PREAMBLE - CLAUSE

BEGINNING "AGREE" - DELETE "OF FREE ASSOCIATION".

4. SECTION 101 LINE 4 - STRIKE "REMAIN CONSISTENT" AND SUBSTITUTE "NOT BE INCONSISTENT".

5. SECTION 102 LINE 2 - BETWEEN "OVER" AND "THE INTERNAL AFFAIRS" ADD "ALL MATTERS WHICH RELATE TO".

6. SECTION 202 PENULTIMATE LINE - AFTER "MICRONESIA" ADD", OR WHICH HAVE A PARTICULARLY PRONOUNCED EFFECT ON MICRONESIA,".

7. SECTION 406(D) LINE 3 - AFTER "COMPACT" ADD "OR MORE FREQUENTLY UPON THE AGREEMENT OF THE TWO GOVERNMENTS,".

8. SECTION 601 LINE 2 - BETWEEN "IMPORT" AND "DUTIES" ADD "AND EXPORT".

LINE 3 - BETWEEN "IMPORTATION" AND "OF" ADD "AND EXPORTATION".

9. SECTION 701 PENULTIMATE LINE - BETWEEN "SHALL BE" AND "NATIONAL" ADD "ACCORDED TREATMENT AS". SAME LINE - BETWEEN "UNITED STATES" AND "UNLESS" ADD "FOR PURPOSES OF IMMIGRATION AND TRAVEL, EXCEPT AS PROVIDED IN SECTION 801(B)".

10. SECTION 702 LINE 2 - DELETE "FOREIGN". SAME LINE - BETWEEN "MICRONESIA" AND "SHALL" ADD "OR THE UNITED STATES". SAME LINE - BETWEEN "TO BE" AND "A NATIONAL" ADD "ACCORDED TREATMENT AS".

11. SECTION 801(B) SECOND SENTENCE - BETWEEN "WHO ARE" AND "NATIONALS" ADD "ACCORDED TREATMENT AS" SAME SENTENCE SECOND LINE BETWEEN "UNITED STATES" AND "BUT NOT" ADD "ITS TERRITORIES AND POSSESSIONS". THIRD SENTENCE DELETE "OR NATIONALS" AND "THESE PURPOSES." AND ADD AFTER "ALIENS FOR" THE PHRASE "THE PURPOSE OF RESIDENCE IN UNITED STATES TERRITORIES AND POSSESSIONS."

12. ANNEX B. ADD A NEW SUBPARAGRAPH (3) AS FOLLOWS:
"(3) MARIANA ISLANDS
(INSERTED IN THIS SUBPARAGRAPH WILL BE THOSE LANDS AND WATERS WHICH HAVE BEEN AGREED UPON FOR USE BY THE UNITED STATES BY THE PEOPLE OF THE MARIANA ISLANDS.)"

13. THE MEMORANDUM STATES THAT THE TITLE OF THE

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DOCUMENT IS CHANGED TO READ "COMPACT BETWEEN THE PEOPLE OF MICRONESIA AND THE UNITED STATES OF AMERICA".

14. THE MEMORANDUM CONCLUDES "THERE ARE ALSO SEVERAL OTHER MATTERS WHICH MUST BE POINTED OUT TO THE UNITED STATES DELEGATION AT THE NEXT OPPORTUNITY:

(1) THAT WE DO NOT INTERPRET SECTION 302(B) AS PERMITTING THE USE OF LANDS AND WATERS OTHER THAN THOSE SPECIFIED IN ANNEX B.

(2) THAT THE PROVISIONS OF SECTION 303(D) DO NOT INFRINGE UPON OUR RIGHTS TO SEEK LIMITATIONS ON THE STORAGE AND USE OF NUCLEAR AND CB (RPT CB) WEAPONS AND TO PROTECT THE ENVIRONMENT, AND THAT WE INTEND

TO DEAL WITH THOSE QUESTIONS IN CONNECTION WITH THE LEASES OF THE LAND CONCERNED,

(3) THAT THE WORDING OF SECTION 304(C) DOES NOT CREATE ANY PRESUMPTION

THAT ANY RIGHT OR OBLIGATION ASSIGNED BY THE COMPACT IS ASSIGNABLE. IT IS OUR POSITION THAT NO PROVISION OF THE COMPACT IS OR SHOULD BE ASSIGNABLE.

(4) THAT THE TERMINATION OF THIS COMPACT, WITHOUT REGARD TO THE PROVISIONS OF TITLE XI, IS A PROPER REMEDY FOR ANY MATERIAL BREACH OF THE COMPACT, REGARDLESS OF THE ABSENCE OF ANY PROVISIONS IN THE COMPACT TO THAT EFFECT.

(5) THAT THERE HAS NOT BEEN COMPLETE AGREEMENT ON TITLES VII AND VIII

BOTH OF WHICH MERIT FURTHER CONSIDERATION IN ORDER THAT THE DESIRES OF EACH CAN BE ACCOMODATED."

15. MESSAGE REPORTING ACTUAL CIRCULATION OF DRAFT WILL ALSO CONFIRM WHETHER CHANGES NOTED ABOVE WERE IN FACT INCLUDED AS EXPECTED.

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