

Saipan, Mariana Islands 50
"MICRONESIA"

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from Sen. Salie

Dave Schiele

August 5, 1974

MEMORANDUM

TO : Members
FROM : Committee Counsel

REFERENCE: Revisions in Draft Compact as per August 3, 1974 meeting

As the result of the meeting of the Joint Committee on August 3, 1974, the following amendments to the Draft Compact were made and will be offered to the United States. Amendments are listed in this memo by strikes and underlines, although these do not appear in the draft which will be given to the Congress for its study.

1. A third clause is inserted into the Preamble, reading as follows:

✓ "Desiring to establish a 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 the people of Micronesia and of the United States,"

2. The final clause in the Preamble is amended to read as follows:

✓ "AGREE to establish through this Compact ~~of FREE/ASSOCIAT~~ a system of self-government appropriate to the particular circumstances of Micronesia ..."

3. Section 101 is amended to read as follows:

✓ "The people of Micronesia have the right to adopt their own constitution and form of government and to amend or change any such constitution or form of government at any time, provided that the constitution and laws of Micronesia shall ~~be~~ not be inconsistent with the provisions of this Compact, and shall guarantee to the inhabitants of Micronesia their fundamental human rights and shall establish a governmental structure consistent with the principles of democracy."

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4. Section 102 is amended to read as follows:

The duly constituted Government of Micronesia shall have full responsibility for and authority over all matters which relate to the internal affairs of Micronesia.

5. Section 202 is amended to read as follows:

"The authority of the United States under Section 201 includes the right to apply to Micronesia any appropriate treaty or other international agreement to which the United States is a party, provided, however, that the Government of the United States shall negotiate and conclude international treaties and agreements, or provisions thereof, which are intended to relate exclusively or predominantly to Micronesia, or which have a particularly pronounced effect on Micronesia, only on the request and with the consent of the Government of Micronesia."

6. Section 406 (d) is amended to read as follows:

"Section 401, 403(a) and 404 will be reviewed by the Government of Micronesia and the Government of the United States at five year intervals from the effective date of this Compact, or more frequently upon the agreement of the two governments, and adjusted as appropriate taking into account changes in economic conditions other than changes in the purchasing power of U.S. currency."

7. Section 601 is amended to read as follows:

"The Government of Micronesia will have the authority to establish, change, or eliminate import and export duties and other regulations, including internal changes, laws and conditions governing the importation and exportation of and commerce in goods from outside of Micronesia, except as otherwise provided in this Compact or as otherwise agreed.

8. Section 701 is amended to read as follows:

"Every person who is a citizen of the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact, or who thereafter becomes a citizen of Micronesia by birth, and who has not taken any affirmative step to preserve or acquire any foreign citizenship or nationality; shall be accorded treatment as a national but not a citizen of the United States for purposes of immigration and travel, except as provided in Section 801(b), unless he is otherwise qualified for U.S. citizenship."

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9. Section 702 is amended to read as follows:

"Any person described in Section 701 who is a citizen or a national of a ~~foreign~~ country other than Micronesia or the United States shall cease to be accorded treatment as a national of the United States within one year after the effective date of this Compact, or within six months after becoming 18 years of age, whichever comes later, unless he renounces that foreign citizenship or nationality."

10. Section 801(b) is amended to read as follows:

"Citizens and nationals of the United States who are not citizens of Micronesia shall be free to enter and exit Micronesia but not to establish residence in Micronesia except with the consent of the Government of Micronesia. Citizens of Micronesia who are accorded treatment as nationals of the United States shall be free to enter and exit the United States, its territories and possessions, but not to establish residence in the territories or possessions of the United States except with the consent of the Government of the United States. Citizens of Micronesia who are not United States citizens ~~or nationals~~ shall be accorded treatment as aliens for ~~those purposes~~ the purpose of residence in United States territories and possessions."

11. In Annex B, a new Subparagraph (3) is inserted, reading 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.)"

12. The title of the document is changed to read "COMPACT BETWEEN THE PEOPLE OF MICRONESIA AND THE UNITED STATES OF AMERICA".

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There are also several other matters which must be pointed out to the United States delegation at the next opportunity:

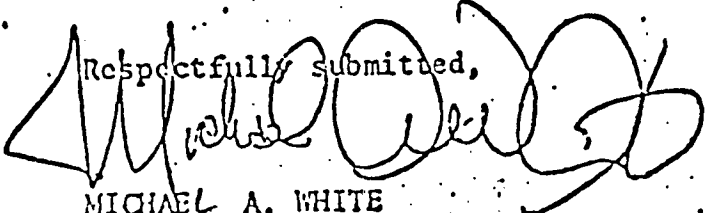
1. That we do not interpret Section 302(b) as permitting the use of lands and waters other than those specified in Annex B.
2. That the provisions of Section 303(d) do not infringe upon our rights to seek limitations on the storage and use of nuclear and CB weapons and to protect the environment and that we intend to deal with those questions in connection with the leases of the 1 concerned.

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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 accommodated.

Respectfully submitted,



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