

18 September 1974

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MEMORANDUM

TO: Messrs. Mode & Helfer and Ms. O'Hara

SUBJECT: Return of Public Lands.

Attached is the legislation passed by the Marianas District Legislature at the last moment providing for the designation of the District Administrator as the legal entity to receive the public lands in trust for the people of the Mariana Islands. As I have told you, our proposal was apparently subverted at the last moment by objection<sup>s</sup> advanced by Mr. Jones' lawyer at a public hearing in Tinian and reportedly by a lawyer from the Micronesian Legal Service group. The legislation<sup>ve</sup> counsel to the District Legislature, Mr. Nabor, was apparently also among the opposition. In addition to complaints about the complexity and expense of our proposal, we encountered basic resistance from members of the District Legislature from delegating to any other entity powers which they would prefer to exercise themselves.

I understand from Mr. Wilson that the District Administrator will undoubtedly approve this legislation unless there is opposition by the ~~Marianas~~<sup>Hish</sup> Commission<sup>er</sup> and/or the Department of the Interior. Mr. Sand<sup>e</sup>ar is now reviewing this legislation. I would like us to get in contact with him promptly in order to get a sense of his timing and immediate reaction to the bill.

I would like a collective judgment whether this legislation comports with the U.S. policy statement and, if it does not, whether we should submit our views to this effect to Mr. Sand<sup>e</sup>r. This could obviously be a fairly delicate matter for us and I think we want to be very careful about putting our views opposing this legislation into writing.

HPW

ADDITIONAL NO  
F. P. 112  
H. H. H. H.  
M. M. M. M.  
OJO  
P.A.S.

4TH MARIANA ISLANDS DISTRICT LEGISLATURE

FIRST SPECIAL SESSION

1st. read Sept. 7  
2d " " Sept. 8

ACT NO. 1-1974 (As Amended)  
INTRODUCED BY: HON. POLITICAL COMMITTEE

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AN ACT RELATIVE TO RETURNING ALL PUBLIC LANDS TO THE PEOPLE OF THE MARIANA ISLANDS DISTRICT AND TO DESIGNATE THE DISTRICT ADMINISTRATOR TO RECEIVE, HOLD AND ADMINISTER THE PUBLIC LANDS AS/PRESCRIBED BY THE MARIANA ISLANDS DISTRICT LEGISLATURE *shall be*  
*By RESOLUTION*

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BE IT ENACTED BY THE 4TH MARIANA ISLANDS DISTRICT LEGISLATURE, THAT:

**Section 1. Purpose.** The purposes of this Act are to state the position of the people of the Mariana Islands District regarding the return of all right, title and interest in and to public lands presently held by the Government of the Trust Territory of the Pacific Islands pursuant to the Public Land Policy Statement issued by the United States as the Administering Authority on November 2, 1973; to designate the District Administrator of the Mariana Islands District to receive, hold and administer the public lands, in trust for the people of the Mariana Islands District *shall be* as prescribed by the Mariana Islands District Legislature; and to assure the people of the Marianas that any existing claims, disputes, or ones that will be brought to the attention of the District Administrator will not be invalidated by the transfer of the public lands; and to that effect, the District Administrator will not sell, lease, or otherwise dispose of lands to which claims disputes exist and which the District Administrator has been put on notice, either actual or

1. constructive, until the claims disputes have been decided  
2. adversely to the claimant in a fair hearing, and all rights to  
3. appeal have been exhausted.

4. Section 2. The District Administrator of the Mariana Islands District is  
5. hereby designated within the meaning of the Public Land Policy  
6. Statement of November 2, 1973, to receive, hold and administer  
7. the public lands within the Mariana Islands District as <sup>shall be</sup> ~~may~~ be  
8. <sup>by resolution</sup> prescribed by the Mariana Islands District Legislature.

9. Section 3. The District Administrator shall have the following specific  
10. powers and duties:

11. A. To serve as a legal entity designated to receive  
12. and hold title of the public lands of the Mariana  
13. Islands (hereinafter called Trust Lands) in trust for  
14. the people of the Mariana Islands;
15. B. To administer, manage and regulate the Trust Lands  
16. for the benefit of the people of the Mariana Islands  
17. <sup>shall be by resolution</sup> as prescribed by the Mariana Islands District Legislature.
18. C. To do everything necessary, desirable, advisable, or  
19. convenient for the furtherance and accomplishment  
20. of such purposes and the achievement of the objective  
21. of the United States Policy Statement on Transfer of  
22. title to Public Lands from the Trust Territory of the  
23. Pacific Islands Administration to the District, dated  
24. November 2, 1973 (hereinafter called the Public Land

1. Policy Statement), and to do all other things
2. incidental thereto or connected therewith which are
3. not forbidden by applicable law;
4. D. To make formal agreements upon terms satisfactory to
5. the Mariana Islands District Legislature to meet the
6. land requirements of the United States to be designated
7. under the terms of a status agreement approved by the
8. people of the Marianas and the United States which
9. defines the future political status of the people of
10. the Mariana Islands; and
11. E. To annually present to the Legislature a report of
12. its activities and its proposed budget for its
13. activities for the ensuing year.

14. Section 4. Disposition of proceeds or revenue. All revenue, rents,

15. royalties, payment or any other proceeds generated from the use,

16. sale, and the administration of the lands held in trust for the

17. people of the Mariana Islands District shall be deposited in the

18. General Fund of the Mariana Islands District Legislature.

19. Section 5. Implementation of return of public lands. Upon enactment of

20. this Act the ~~President~~ Hold-Over Committee of the Mariana

21. Islands District Legislature ~~of his delegates~~ is hereby

22. authorized to request the United States and the Government of

23. the Trust Territory of the Pacific Islands to take all steps

- 1.                   --~~completing~~ urging the completion of the cadastral
- 2.                   program on public lands as quickly as possible; and
- 3.                   --taking such other steps as may be proper to effectuate
- 4.                   the prompt return of public lands within this District in
- 5.                   accordance with the limitations and safeguards set forth in
- 6.                   the Public Land Policy Statement.

7.   Section 6. Report to the Legislature. At or before the next regularly  
 8.   scheduled session of the Mariana Islands District Legislature  
 9.   the ~~President~~ Hold-Over Committee of the Mariana Islands  
 0.   District Legislature ~~or his designate~~ shall cause to be  
 1.   transmitted to the Legislature copies of all agreements made or  
 2.   proposed to be made by the District Administrator with the  
 3.   Government of the Trust Territory of the Pacific Islands or with  
 4.   the United States will respect to the transfer of public lands  
 5.   in the Mariana Islands District in trust for the people of the  
 6.   District.

7.   Section 7. Prohibition. The District Administrator shall not, under any  
 8.   circumstances, do any act except as shall be specifically  
 9.   prescribed in the Trust Policy Guidelines adopted by resolution  
 0.   of the Mariana Islands District Legislature.

1.   Section 8. Effective Date. This Act shall take effect upon approval by  
 2.   the District Administrator, or upon its becoming law without  
 3.   such approval.