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Congress of Micronesia

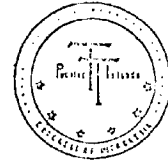
House of Representatives
Saipan, M. I.
96950

COMMITTEE
JUDICIARY AND
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STAND. COMM. REP. NO. 7-158

AUGUST 28, 1977

RE: S. B. NO. 7-123, S.D.1

The Honorable Bethwel Henry
Speaker, House of Representatives
Seventh Congress of Micronesia
First Special Session, 1977

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Relations to which was referred S.B. No. 7-123, S.D.1, entitled:

S.B. No. 7-123, SD1, "A BILL FOR AN ACT AMENDING PUBLIC LAW NO. 6-87, AS AMENDED, RELATING TO THE COMMISSION ON FUTURE POLITICAL STATUS AND TRANSITION, AND FOR OTHER PURPOSES."

begs leave to report as follows:

According to the Senate Committee Report, the purpose of S.B. No. 7-123, S.D.1, is to broaden the mandate of the Commission on Future Political Status and Transition, so that the Commission can negotiate in a more flexible manner. In this report, the Commission is no longer required to renegotiate the draft Compact of Free Association to bring it into conformity with the Constitution, but shall renegotiate the Compact "to the extent necessary to conclude satisfactorily the future political status negotiations." S.B. No. 7-123, S.D.1, also recognizes the Commission as the exclusive representative of the Congress in multilateral talks with the administering authority, as well as permits the districts to designate the Commission as their representative in bilateral talks. Finally, S.B. No. 7-123, S.D.1, requires that the Congress of Micronesia shall incorporate all bilateral agreements negotiated by or for individual districts into any final agreement affecting the status of Micronesia.

Your Committee approves the broad mandate given to the Commission by the provisions of this bill, and generally finds itself in agreement with the Senate Standing Committee Report. However, this Committee believes that the amendment requiring the Congress to "adopt and annex" bilateral

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AUGUST 28, 1977

RE: S. B. NO. 7-123, S.D. 1

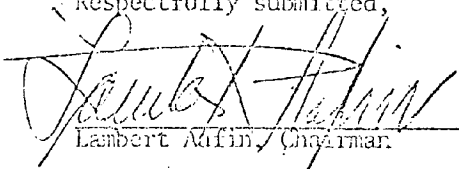
agreements to any final overall status agreement should be clarified to require the Congress to adopt only bilateral agreements involving individual districts which choose to remain a part of the Federated States of Micronesia. Furthermore, this Committee prefers that the mandate of the Commission to negotiate on behalf of the Congress of Micronesia include a reference to future status issues affecting the peoples of Micronesia. This Committee has amended S.B. No. 7-123, S.D. 1, to reflect these views.

The following amendments were made to S.B. No. 7-123, S.D.1:

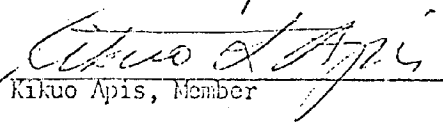
1. Page 5, line 23 - delete the word "districts" and insert the phrase "islands or groups of islands".
2. Page 6, line 6 - insert after the word "districts" the phrase "which shall remain a part of a Federated States of Micronesia"

Your Committee is in full accord with the intent and purpose of S.B. No. 7-123, S.D.1, as amended, and recommends that it pass Second and Final Reading in the form attached hereto as Senate Bill No. 7-123, S.D.1, H.D.1.

Respectfully submitted,

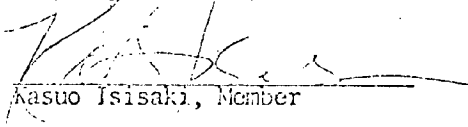

Lambert Adfin, Chairman

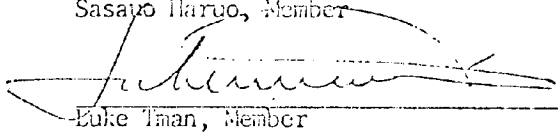
John Heine, Vice Chairman


Kikuo Apis, Member

Polycarp Basilius, Member

Sasayo Haruo, Member


Kasuo Tsisaki, Member


Euke Tman, Member

Ruben Zachhras, Member

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SEVENTH CONGRESS OF MICRONESIA
FIRST SPECIAL SESSION, 1977

[Date 8/24/77]

S. B. NO. 7-123, S.D.1, H.D.1

A BILL FOR AN ACT

Amending Public Law No. 6-87, as amended, relating to the Commission on Future Political Status and Transition, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF MICRONESIA:

- 1 SECTION 11 SECTION 7 OF PUBLIC LAW 6-87 IS HEREBY AMENDED BY THE
- 2 DELETION OF A THE PROVISIONS TO READ AS FOLLOWS:
- 3 THE FOLLOWING DISTRICTS SHALL BE THE ADMINISTRATIVE DISTRICTS OF
- 4 THE TRUST TERRITORY OF MICRONESIA

5 Section 7 1. Subsections (1) and (3) of Section 3 of Public Law 6-87,
6 as amended by Public Law 6-113, are hereby further amended to read as follows:

7 "(1) Members of the Commission shall be Trust Territory citizens,
8 and shall serve for a term of two years subject to the provisions of ~~SECTION 3~~
9 Subsection 111 111/111 (4) of Section 3 4. The Commission shall consist of
10 the following members:

11 (a) ~~Five~~ six members from the Congress of Micronesia, each
12 representing ~~one of the administrative districts of Micronesia~~ an administrative district
13 to be appointed jointly by the President
14 of the Senate and the Speaker of the House of Representatives of the Congress
15 of Micronesia;

16 (b) one member from each of the ~~five administrative~~ six
17 districts ~~existing on the effective date of this act~~ to be appointed
18 by resolution of ~~the~~ their respective district legislatures; PROVIDED, that
19 in the event a district legislature is not in session, appointment shall be
20 made by a committee thereof duly authorized to act on behalf of the legislature
21 when it is not in session, or in the absence of such a committee, by an appropriat
22 committee designated by the presiding officer of that legislature. A member
23 appointed by a district legislature may be a member of the legislature and
24 shall be a resident of the district from which appointed; and

25 ~~BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF MICRONESIA~~

1 ~~BY THE VARIOUS VARIOUS COMMISSIONS SUBJECT TO THE PROVISIONS OF SUBSECTION (A)~~
2 ~~OF SECTION 4 OF THIS ACT~~

3 " (3) An appointing authority may not revoke an appointment of
4 a member of the Commission ~~except as provided for in subsection (A) of~~
5 ~~section 4.~~ Upon the expiration of the term of the Commission, the appointing
6 authority shall make a new appointment. A member may be reappointed to serve
7 on the Commission."

8 ~~SECTION 71 SECTION 7 OF PUBLIC LAW 6-87 IS HEREBY REPEALED IN ITS ENTIRETY~~
9 ~~AND THE SECTIONS 4 TO 9 OF SAID ACT ARE HEREBY RENUMBERED~~

10 THEY ARE THE DATE OF EFFECT OF THE PRESENT TERMS OF THE COMMISSION
11 FROM THE DATE OF EFFECT OF THE PRESENT TERMS OF THE COMMISSION IN
12 SECTION 4 OF PUBLIC LAW 6-87 IS HEREBY REPEALED. THE DATE OF EFFECT OF SAID
13 SECTION IS HEREBY ESTABLISHED AS THE EFFECTIVE DATE OF
14 THIS ACT.

15 Section 2. Section 4 of Public Law 6-87 is hereby repealed in its
16 entirety, and Sections 5 through 9 are hereby renumbered 4 through 8 respectively.

17 Section 3. Section 5 of Public Law 6-87 is hereby amended to read as
18 follows:

19 "Section 4. Vacancy. ~~Except as provided in subsection (A) of~~
20 ~~section 4,~~ A vacancy on the Commission shall be filled in the same manner
21 as the original appointment. Members appointed to fill a vacancy shall serve
22 only for the unexpired term. As used in this section, the term "vacancy"
23 includes a vacancy resulting from:

- 24 (1) death;
- 25 (2) resignation;

1 (3) incapacity to serve by reason of illness, upon finding
2 of same by the Commission; or

3 ~~NY~~ ~~terminated as provided in subsection (4) of section 4 of~~
4 ~~(4)~~ in the case of members appointed by the President of
5 the Senate and the Speaker of the House of Representatives of the Congress,
6 termination of membership in the Congress of Micronesia.

7 Section ~~8/4~~. Section 9 of Public Law 6-87 is hereby amended to read
8 as follows:

9 "Section ~~7~~ 8. Duties and Responsibilities.

10 (1) The Commission shall make recommendations to the Congress
11 of Micronesia, the High Commissioner, and the future national legislature of
12 the ~~FEDERATED STATES OF MICRONESIA~~ ~~FEDERATED STATES OF~~ Federated States of
13 Micronesia relating to:

14 (a) a governmental structure for ~~the~~ ~~new~~ the new national
15 Government of Micronesia under the ~~the~~ Constitution;

16 (b) legislation necessary to implement ~~the~~ ~~Constitution;~~
17 the Constitution;

18 (c) legislation required when existing laws are found
19 to be inconsistent with the provisions of ~~the~~ ~~Constitution;~~
20 the Constitution;

21 (d) terms and timetables ~~for~~ ~~the~~ ~~transition~~
22 ~~from~~ ~~the~~ ~~Trust~~ ~~Territory~~ ~~Government~~ ~~to~~ ~~the~~ ~~new~~ ~~Government~~ ~~of~~ ~~Micronesia;~~ in areas not specifically provided for in
23 the Constitution for transition from the Trust-Territory Government to ~~the~~ the
24 new Government of Micronesia;

25 (e) procedure for an equitable reallocation of government

1 personnel and property;

2 ~~BY~~ ~~REVISIONS OF THE ORIGINAL BILL~~

3 ~~BY~~ (f) equitable division, if necessary, of assets in
4 the Social Security Fund, Compa Stabilization Fund, Economic Development Loan
5 Fund, and other special funds;

6 ~~BY~~ (g) government personnel and employees, including the
7 present and future need for expatriate employees, and the priorities for the
8 development and training of the Trust Territory citizen manpower, including
9 education and training for new public officers and essential government staff;

10 ~~BY~~ (h) effectiveness of and necessity for United States
11 Federal programs, agencies, public entities or organizations that are operating
12 in the Trust Territory, and which programs, agencies, public entities, or
13 organizations should continue to operate in Micronesia both under the Trust
14 Territory Government and ~~the~~ the new government; and

15 ~~BY~~ (i) implementation, ~~of all provisions~~ prior
16 to termination of the Trusteeship/ of those portions of the Constitution not
17 in fundamental conflict with the United Nations Charter and the Trusteeship
18 Agreement. ~~of those portions of the Constitution not in fundamental conflict~~
19 with the United Nations Charter and the Trusteeship Agreement

20 (2) The Commission shall ~~also~~ also:

21 ~~BY~~ ~~REVISIONS OF THE ORIGINAL BILL~~
22 ~~OF WHICH STATE IS FIRST MENTIONED AND THE ORIGINAL IS~~

23 (a) continue and complete the work of the Joint
24 Committee on Future Status; and

25 ~~BY~~ ~~REVISIONS OF THE ORIGINAL BILL~~ ~~SHALL BE THE SAME~~

1 ~~negotiate with respect to any matter with the Commission~~
2 ~~Commission of the Territories and self-determining political status issues~~
3 ~~with the political interests of Micronesia and in particular~~
4 ~~the Commission is hereby named as the representative of the Territory for~~
5 ~~the purpose of the self-determining status of Micronesia in accordance~~
6 ~~with the provisions of the Constitution and shall be guided by the~~
7 ~~existing public policy interests of the Congress of Micronesia~~
8 ~~and shall be authorized to accept or reject the draft Compact of Micronesia~~
9 ~~and the draft Federal Compact. The Commission shall also be~~
10 ~~authorized to accept or reject the draft Compact and in particular to~~
11 ~~accept or reject the draft Compact.~~

12 (b) renegotiate the existing draft Compact to the
13 extent necessary to conclude satisfactorily the future political status
14 negotiations.

15 (3) The Commission may negotiate, study, recommend, or
16 otherwise deal with any other matters, including those matters originally
17 assigned to the Joint Committee on Future Status, which will effect early
18 and satisfactory conclusion of the future political status negotiation and
19 promote a smooth and orderly transition to government under ~~the~~
20 the Constitution.

21 (4) The Commission shall be the exclusive representative of
22 the Congress of Micronesia to negotiate in its behalf multilaterally on future
23 status issues affecting all districts islands or group of islands of Micronesia.

24 (5) The Commission shall be authorized to negotiate
25 bilaterally with respect to issues affecting individual district interests,

1 and may accept the designation by one or more district legislatures to be
2 their representative in such negotiations.

3 (6) The Congress shall adopt and annex to any approved
4 agreement respecting the future status of Micronesia such related agreements
5 that may be concluded from time to time addressing interests of individual
6 districts which shall remain a part of a Federated States of Micronesia."

7 SECTION 7. THIS ACT SHALL TAKE EFFECT UPON APPROVAL BY THE HIGH

8 COMMISSIONER, OR UPON ITS BECOMING LAW WITHOUT SUCH APPROVAL.

9 SECTION 8. THIS ACT SHALL TAKE EFFECT UPON APPROVAL BY THE HIGH

10 COMMISSIONER, OR UPON ITS BECOMING LAW WITHOUT SUCH APPROVAL.

11 SECTION 9. THIS ACT SHALL TAKE EFFECT UPON APPROVAL BY THE HIGH

12 Section § 5. This act shall take effect upon approval by the High
13 Commissioner, or upon its becoming law without such approval.

14

15 Date: 8/24/77

Introduced by: /s/ Ambilos Iehsi

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