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THE UNDER SECRETARY OF STATE
WASHINGTON

NSC UNDER SECRETARIES COMMITTEE

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August 21, 1969

NSC-USM 39

Ref: NSC-U/SM 12 and previous


TO : The Deputy Secretary of Defense
The Assistant to the President for
National Security Affairs
The Director of Central Intelligence
The Chairman of the Joint Chiefs of Staff
The Under Secretary of Interior
The Deputy Attorney General of Justice
The Director of the Bureau of the Budget

SUBJECT: Trust Territory of the Pacific Islands

The Department of Interior has asked the Under Secretaries Committee to review the attached draft Organic Act prepared by the Working Group of the TTPI Interagency Coordinating Committee. The Working Group is also completing a fall-back position for possible alternative use which will be distributed early next week.

A USC discussion is necessary in order to prepare a general approach to the forthcoming prospective talks with a Micronesian delegation, now expected to arrive in Washington on September 1. Thus, it will be necessary to add this topic to the Thursday, August 28 meeting of the Committee.

In order to accommodate this heavy schedule, the Under Secretaries Committee will meet at 2:30 p.m. instead of 4:00 p.m.


Arthur A. Hartman
Staff Director

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21.

ADMINISTRATIVELY RESTRICTED

A B I L L

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To provide for the future political status of the Trust Territory of the Pacific Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Micronesia Political Status Act".

SEC. 101. (a) The Trust Territory of the Pacific Islands, consisting of the islands formerly administered by the United States of America pursuant to a Trusteeship Agreement with the Security Council of the United Nations, will hereafter be associated with the United States as a self-governing, unincorporated territory of the United States, and to be known as "Micronesia".

(b) The Government of Micronesia shall have the powers set forth in this Act, shall have power to sue by such name, and with the consent of the Congress of Micronesia, may be sued upon any contract entered into with respect to, or any tort committed incident to, the exercise by the Government of Micronesia of any of its lawful powers.

(c) The Government of Micronesia shall consist of three branches, executive, legislative, and judicial, and its relations with the Federal Government shall be conducted through such agency of the United States as the President may designate.

(d) Micronesia shall consist of the six presently existing Districts and, as hereinafter defined, the territorial seas.

Citizenship

SEC. 102. (a) The following persons, and their children born after July 18, 1947, are hereby declared to be citizens of the United States as of the effective date of this Act, if, on such date, they were residents of an island of the Trust Territory of the Pacific Islands or other territory over which the United States exercises rights of sovereignty:

(1) All inhabitants of the islands of the Trust Territory of the Pacific Islands on July 18, 1947, including those temporarily absent from the islands of the Trust Territory of the Pacific Islands on that date, who were citizens of the Trust Territory of the Pacific Islands, who after that date continued to reside in the islands of the Trust Territory of the Pacific Islands or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality; and

(2) All persons born in the islands of the Trust Territory of the Pacific Islands who resided in the islands of the Trust Territory of the Pacific Islands on July 18, 1947, including those temporarily absent from the islands of the Trust Territory of the Pacific Islands on that date, who after that date continued to reside in the islands of the Trust Territory of the Pacific Islands or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

(b) All persons born or naturalized in the islands of the Trust Territory of the Pacific Islands on or after July 18, 1947, (whether before or after the effective date of this Act) who are subject to the jurisdiction of the United States, are declared to be citizens of the United States except in the case of any person born after the effective date of this Act, who has taken affirmative steps to preserve or acquire foreign nationality.

(c) Any person hereinbefore described who is a citizen or national of a country other than the United States and desires to retain his present political status shall make a declaration under oath of such desire prior to two years after the effective date of this Act, said declaration to be in form and executed in the manner prescribed by regulations. From and after the making of such a declaration any such person shall be held not to be a citizen or national of the United States by virtue of this section.

Bill of Rights

Sec. 103. (a) No law shall be enacted in Micronesia respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of their grievances.

(b) No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

(c) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

(d) No person shall be subject for the same offense to be twice put in jeopardy of punishment, nor shall he be compelled in any criminal case to be a witness against himself.

(e) No person shall be deprived of life, liberty, or property without due process of law.

(f) Private property shall not be taken for public use without just compensation.

(g) In all criminal prosecutions the accused shall have the right to a speedy and public trial; to be informed of the nature and cause of the accusation and to have a copy thereof; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense, and shall be presumed innocent until proven guilty.

(h) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(i) Neither involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, nor slavery shall exist in Micronesia.

(j) No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

(k) No person shall be imprisoned for debt.

(l) The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion or imminent danger thereof, the public safety shall require it.

(m) No qualification with respect to property, income, political opinion, or any other matter apart from citizenship, civil capacity, and residence shall be imposed upon any voter.

(n) No discrimination shall be made in Micronesia against any person on account of race, sex, or religion, nor shall the equal protection of the laws be denied.

(o) No person shall be convicted of treason against the United States unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(p) As soon as practicable after the date of this Act, compulsory education shall be provided for all children, between the ages of six and sixteen years.

(q) No religious test shall ever be required as a qualification to any office or public trust under the Government of Micronesia.

(r) Except as is otherwise provided in this Act, the following provisions of and amendments to the Constitution of the United States are hereby extended to Micronesia, and shall have the same force and effect there as in the United States or in any State of the United States: Article I, section 9, clauses 2 and 3; Article IV, section 1 and section 2, clause 1; the First to Ninth Amendments inclusive; the Thirteenth Amendment; the second sentence of section 1 of the Fourteenth Amendment; and the Fifteenth and Nineteenth Amendments. Trial by jury and prosecution of offenses by

indictment by a Grand Jury shall be required only to the extent provided for by laws enacted by the Congress of Micronesia.

The Executive

Sec. 104. (a) Until the first Monday in January 1981, the executive authority of the Government of Micronesia shall be vested in an executive officer, whose title shall be "Governor of Micronesia". The Governor shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold office for a term of four years or until his successor is appointed and qualified. He shall be a citizen of the United States and shall be not less than thirty years of age. The Governor shall maintain his official residence in Micronesia during his incumbency.

(b) The Governor shall have general supervision and control of all executive agencies and instrumentalities of the Government of Micronesia. He shall faithfully execute the laws of the United States applicable to Micronesia, and the laws of Micronesia. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and, with the approval of the President in cases of Federal offenses, may restore civil rights in Micronesia, and may grant respites for all offenses against the applicable laws of the United States until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall commission all officers that he may be authorized to appoint. He may call upon the commanders of the armed forces of the United

States, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, insurrection, or rebellion; and he may, in case of rebellion, invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place Micronesia, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon communicated to the Governor. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the Government of Micronesia to the President of the United States, or such officer as the President may designate, and his said annual report also shall be transmitted to the Congress of the United States and the Congress of Micronesia. He shall perform such additional duties and functions as may, in pursuance of law, be assigned to him by the President, or by his delegate. He shall have the power to issue executive regulations not in conflict with any applicable law. The Governor may submit such recommendations for the enactment of legislation to the Congress of Micronesia as he shall consider to be in the people's interest.

SEC. 105. Until the first Monday in January 1981, the President shall appoint a Lieutenant Governor of Micronesia who shall possess the qualifications required for appointment as Governor and who shall have all the powers of the Governor in the case of a vacancy in the office of Governor or the disability or temporary absence of the Governor. He shall have custody of the seal of Micronesia and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the Congress of Micronesia. He shall

immediately promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have all such executive powers and perform such other duties as may be prescribed by this Act or assigned to him by the Governor. He shall hold office at the pleasure of the President or until his successor is appointed and has qualified.

SEC. 106. Until the first Monday in January 1981, the President or his delegate may from time to time designate the head of an executive department of the Government of Micronesia or other person to act as Governor in case of a vacancy in the office, or the disability or temporary absence of both the Governor and the Lieutenant Governor, and the person so designated shall have all the powers of the Governor for so long as such condition continues. The Governor or Acting Governor may from time to time designate an officer or employee of the executive branch of the Government of Micronesia to act as Lieutenant Governor of Micronesia in case of a vacancy in the office of Lieutenant Governor of Micronesia or the disability or temporary absence of the Lieutenant Governor of Micronesia or while the Lieutenant Governor is acting as Governor, and the person so designated shall have all the powers of the Lieutenant Governor so long as such condition continues, except for the power set forth in the first sentence of section 105 of this Act. No additional compensation shall be paid to any person acting as Governor or as Lieutenant Governor under this Act.

Elected Governor

SEC. 107. After the first Monday in January 1981, the executive power of Micronesia shall be vested in an executive officer whose official title

shall be the "Governor of Micronesia". The Governor of Micronesia, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the Congress of Micronesia. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices. If no candidates receive a majority of the votes cast in any election, on the thirtieth day thereafter a runoff election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1980. Thereafter, beginning with the year 1984, the Governor and Lieutenant Governor shall be elected every four years at the general election. The Governor and Lieutenant Governor shall hold office for a term of four years or until their successors are elected and qualified. No person who has been elected Governor for two full successive terms shall again be eligible to hold that office until one full term has intervened. The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of Micronesia and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in Micronesia during his incumbency. The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities

of the executive branch of the Government of Micronesia. He may grant pardons and reprieves and, with the approval of the President, may restore civil rights in Micronesia, and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this Act. He shall appoint, and may remove, all officers and employees of the executive branch of the Government of Micronesia, except as otherwise provided in this or any other Act of Congress, or under the laws of Micronesia, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Micronesia and the laws of the United States applicable to Micronesia. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion, or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the military or naval commanders of the Armed Forces of the United States, which assistance may be given at the discretion of such commanders if not disruptive of, or inconsistent with, their Federal responsibilities. He may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, proclaim any island or island group insofar as it or they are under the jurisdiction of the Government of Micronesia, to be under martial law. The members of the Congress of Micronesia shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

The Governor shall make to the President or his delegate an annual report of the transactions of the Government of Micronesia for transmission to the

Congress and such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the Congress of Micronesia and give expression to his views on any matter before that body.

The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this Act or under the laws of Micronesia.

(a) Any Governor of Micronesia may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for Governor in the last preceding general election at which a Governor was elected, vote in favor of recall and in which those so voting constitute a majority of all those participating in the referendum election. The referendum election shall be initiated by the Congress of Micronesia following (1) a two-thirds vote of the members of the congress in favor of a referendum, or (2) a petition for such a referendum to the congress by registered voters equal the number to at least 50 per centum of the whole number of votes cast for Governor at the last general election at which a Governor was elected preceding the filing of the petition.

(b) (1) In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

(2) In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by recall, or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any

other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become the Governor, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor.

(3) In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the speaker of the House of Representatives, Congress of Micronesia, shall act as Lieutenant Governor.

(4) In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the Congress of Micronesia, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

(5) In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of Micronesia may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of Micronesia.

(6) No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this Act.

(c) (1) The Governor shall, except as otherwise provided in this Act or the laws of Micronesia, appoint, by and with the advice and consent of the Senate of Micronesia, all heads of executive agencies and instrumentalities. The Congress of Micronesia shall establish a merit system and, as far as practicable, appointments and promotions shall be made in accordance with such merit system.

(2) All officers shall have such powers and duties as may be conferred or imposed on them by law or by executive regulation of the Governor not inconsistent with any law.

The Legislature

SEC. 108. The legislative power of Micronesia shall be vested in the "Congress of Micronesia" (hereinafter referred to in this Act as the "Congress"), and shall consist of two Houses, the Senate and the House of Representatives whose members shall be elected by direct vote. The two houses shall sit separately except as otherwise provided herein.

When the Congress shall convene, each House shall organize by the election of one of its members as presiding officer and such presiding officer shall be designated by the title of "President of the Senate" or "Speaker of the House of Representatives", as the case may be. When the Congress meets in joint session, the Speaker of the House of Representatives shall preside.

SEC. 109. (a) The legislative power of the Congress of Micronesia shall extend to all subjects of legislation, except that no legislation may be inconsistent with the Constitution of the United States, and the laws of the United States made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States.

(b) No law shall be passed by the Congress imposing any tax upon property of the Government of the United States or property of the Government of Micronesia. No import or export levies shall be imposed on goods imported into Micronesia from the United States or any of its territories or transported between or among the Districts of Micronesia, or any political subdivision thereof. The levy of duties on goods imported into Micronesia is hereby reserved to the Government of Micronesia. -

(c) Bonds and other obligations may be issued by the Government of Micronesia: Provided, That no public indebtedness of Micronesia shall be authorized or allowed in excess of 10 per centum of the aggregate tax valuation of the property in Micronesia. Bonds or other obligations of the Government of Micronesia payable solely from revenues derived from any public improvement or undertaking shall not be considered public indebtedness of Micronesia within the meaning of this section. All bonds issued by the Government of Micronesia or by its authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the Government of any State, Territory, or possession, or any political subdivision thereof, or by the District of Columbia.

(d) At the opening of a legislative session and at any time thereafter the Governor may submit legislation to the Congress and recommend its enactment.

SEC. 110. (a) Appropriations, except as otherwise provided in this Act, shall be made by laws enacted by the Congress of Micronesia.

(b) The Governor shall annually submit to the Congress of Micronesia in joint session assembled estimates of revenues and a recommended budget for appropriation for the next fiscal year. With respect to such additional sums as are authorized in Section 148 to be appropriated by the United States Congress, the Governor shall submit to the Congress of Micronesia a preliminary budget plan for recommendation and review. The Governor shall adopt such recommendations as he may deem appropriate, but he shall transmit to the President or his delegate all recommendations he has not adopted.

(c) If at the termination of any fiscal year the Congress of Micronesia shall have failed to pass appropriation bills providing for payments of the necessary current expenses of the government and meeting its legal obligations for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated, item by item.

SEC. 111. No law shall be enacted except by bill. Every bill passed by the Congress shall, before it becomes a law, be entered upon the journal and presented to the Governor. If he approves it, he shall sign it, but if not he shall, except as hereinafter provided, return it, with his objections, to the Congress within ten days (Sundays excepted) after it shall have been presented to him. If he does not return it within such period, it shall be a law in like manner as if he had signed it, unless Congress by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law.

When a bill is returned by the Governor to the Congress with his objections, the Congress shall enter his objections at large on its journal and may proceed to reconsider it. If, after such reconsideration, two-thirds of the Congress agree to pass it, it shall be sent to the Governor, and shall become law.

If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts or portions of the bill. In such a case he shall append to the bill, at the

time of signing it, a statement of the items, or parts, or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

SEC. 112. For the purpose of representation in the Congress, Micronesia is divided into six Districts, as provided in this Act.

The Senate shall consist of twelve members, who shall be known as "Senators", of which each District shall elect two.

The House of Representatives shall consist of twenty-one members, who shall be known as "Representatives", and who shall be elected from single member election districts of approximately equal population, except that each District shall be entitled to at least two Representatives.

Election districts shall be reapportioned by the Congress of Micronesia every 10 years on the basis of population. The first reapportionment of the currently existing election districts shall be made in 1971.

SEC. 113. In order to be eligible to election as a member of the Congress a person shall:

- (a) be a citizen of the United States and have resided in Micronesia for at least five years;
- (b) have attained the age of twenty-five years at the time of his election; and
- (c) have been a bona fide resident of the District from which he is elected for at least one year next preceding his election.

No person who has been expelled from the Congress for giving or receiving a bribe or for being an accessory thereto, and no person who has been convicted of a felony by any court of the Trust Territory of the Pacific Islands or Micronesia or any court of the United States, shall sit in the Congress unless the person so convicted has been pardoned or has had restored to him his civil rights in Micronesia.

SEC 114. The franchise shall be vested in those persons who have resided in Micronesia for at least one year, who are citizens of the United States and are eighteen years of age or over. Additional qualifications, not inconsistent with section 103(m) of this Act, may be prescribed by the Congress of Micronesia.

SEC. 115. General elections shall be held biennially in each even numbered year on the first Tuesday following the first Monday in November. All elections shall be held in accordance with such procedures as this Act and the laws of Micronesia may prescribe. Legislators shall be chosen by secret ballot of the qualified electors of their respective districts.

SEC 116. Each Senator shall hold office for a term of four years. Each Representative shall hold office for a term of two years.

The terms of all members of the Congress shall commence at noon on the first Monday of January following their election, except as otherwise provided by law.

SEC. 117. Whenever, prior to six months before the date of the next general election, a vacancy occurs in either house of the Congress of Micronesia, the Governor shall call a special election to fill such vacancy. In case of a vacancy occurring within six months of the next general election, no special election shall be held and the Governor may fill such vacancy by appointment.

SEC. 118. Any person employed by any branch of the Government of Micronesia, or any political subdivision thereof, shall be accorded leave without pay, for a period not to exceed 30 days prior to and including the day of the election, for the purpose of seeking election to the Congress of Micronesia. If any such person is elected, he shall resign from his

employment with the Government of Micronesia or any political subdivision thereof, prior to the date upon which his term of office commences.

No person serving as a member of the legislative body of any political subdivision of the Government of Micronesia shall be eligible, while so serving, to serve as a member of the Congress of Micronesia.

No member of the Congress shall receive any compensation, other than that provided for in this Act, from the Government of Micronesia or any political subdivision thereof.

SEC. 119. No member of the Congress shall, during the term for which he was elected or during the year following the expiration of the term for which he was elected, be appointed to any office which was created by the Congress during such term.

SEC. 120. There shall be a regular session of the Congress held in each year at such time and for such duration as may be prescribed by the laws of Micronesia, except that until such provision is made, the Congress shall convene on the second Monday in July and continue for not to exceed 45 consecutive calendar days.

The Governor may call special sessions for such period of time and at such time and place, as in his opinion the public interest may require. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the Congress while in such session.

SEC 121. Each House shall be the sole judge of the election and qualifications of the members; shall adopt rules for its own proceedings appropriate to legislative bodies and, with the concurrence of two-thirds of the

total number of members of which it is composed, may expel any member for the causes established by the Congress of Micronesia.

SEC 122. No member of the Congress of Micronesia shall be held to answer before any tribunal other than the Congress for any speech or debate in the Congress, and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the Congress and in going to and from the same.

SEC. 123. Neither House may adjourn for more than three consecutive days nor may either House adjourn sine die without the concurrence of the other House.

SEC. 124. The Governor shall cause resolutions and laws to be published within thirty days after they become law and shall make provision for their distribution to public officials and sale to the public.

SEC. 125. (a) A majority of the members of each House shall constitute a quorum of such House for the transaction of business. A smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

(b) All legislative proceedings shall be conducted in the English language: Provided, That knowledge of the English language shall not be a qualification for membership in the Congress. Nothing herein shall limit the right of a member to use his native language if he lacks fluency in English, and the Congress shall provide for interpretation into English in such cases.

(c) Each House shall keep a journal of its proceedings, and publish the same in English.

(d) The business of the Congress, and of the Committee of the Whole, shall be transacted openly and not in secret session.

SEC. 126. Each member of the Congress shall receive an annual salary, travel and such other allowances as may be prescribed by the laws of Micronesia.

SEC. 127. Every member of the Congress of Micronesia and all officers of the Government of Micronesia shall take the following oath or affirmation: "I solemnly (swear) (in the presence of Almighty God) (affirm) that I will well and faithfully support the Constitution of the United States, the laws of the United States applicable to Micronesia and the laws of Micronesia, and that I will conscientiously and impartially discharge my duties as a member of the Congress of Micronesia (or as an officer of the Government of Micronesia)."

SEC. 128. The members of the Congress holding office on the effective date of this Act shall continue to serve until the first general election is held pursuant to section 115 of this Act, except that Senators who were elected at the last general election prior to the effective date of this Act shall continue to serve until the expiration of their four-year terms.

SEC. 129. The House of Representatives shall have exclusive power to initiate impeachment proceedings and, with the concurrence of two-thirds of the total number of members of which it is composed, to bring an indictment. The Senate shall have exclusive power to try and to decide impeachment cases, and in meeting for such purposes the Senators shall act in the name of the people and under oath or affirmation. No judgment of conviction in an impeachment trial shall be pronounced without the concurrence of three-fourths of the total number of members of which the Senate is composed, and the judgment shall be limited to removal from office. The person impeached,

however, may be liable and subject to indictment, trial, judgment and punishment according to law. The causes of impeachment shall be treason, bribery, other felonies, and misdemeanors involving moral turpitude.

The two houses may conduct impeachment proceedings in their regular or special sessions. The presiding officers of the two houses, upon written request of two-thirds of the total number of members of which the House of Representatives is composed, must convene them to deal with such proceedings.

SEC. 130. (a) There shall be a non-voting Delegate in the United States House of Representatives for Micronesia. The non-voting Delegate shall be elected by the people qualified to vote for members of the Congress of Micronesia at the next general election after the effective date of this Act and thereafter at such general election every second year thereafter. The term of office shall commence on the 3d day of January following the date of election.

(b) (1) No person shall be eligible for election as a non-voting Delegate who (a) is not a bona fide citizen of the United States and of Micronesia and (b) is not at least twenty-five years of age. In case of a vacancy in the office of non-voting Delegate by death, resignation, or otherwise, the office shall remain vacant until his successor is elected and qualified.

(2) The non-voting Delegate shall have such privileges in the House of Representatives as may be afforded him under the Rules of the House of Representatives. The non-voting Delegate shall receive the same compensation, allowances, and benefits as a Member of the House of

Representatives and shall be entitled to whatever privileges and immunities are or hereinafter may be granted to him by the Congress of the United States.

The Judiciary

SEC. 131. The judicial power of Micronesia shall be vested in a supreme court designated the "Supreme Court of Micronesia", an Island Court for each District, and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by the Congress of Micronesia.

SEC. 132. The territorial jurisdiction of the Supreme Court of Micronesia shall extend to the whole of Micronesia. The territorial jurisdiction of an Island Court shall extend to the whole of the District for which it is constituted, or any part thereof. The inferior courts now or hereafter established by local law shall have such territorial jurisdiction as may have been or may hereafter be established by the Congress of Micronesia.

SEC. 133. The Supreme Court of Micronesia shall consist of a Chief Justice, six Associate Justices and such temporary Associate Justices as may be designated by the Governor with the approval of the Chief Justice. The Governor shall, by and with the advice and consent of the Senate of the Congress of Micronesia, appoint the Chief Justice who shall hold office for a term of six years and until a successor is chosen and qualified, two Associate Justices who shall initially hold office for a term of three years, two Associate Justices who shall initially hold office for a term of four years, and two Associate Justices who shall initially hold office for a term of six years, and until a successor is chosen and qualified, and thereafter each Associate Justice to the Supreme Court of Micronesia shall be appointed to hold office for a term of six years and until a successor is chosen and qualified. Provided, that any vacancy or

vacancies occurring within the Supreme Court of Micronesia for any reason shall be filled by the Governor with the advice and consent of the Senate of the Congress of Micronesia.

The Associate Justices of the Supreme Court of Micronesia, in addition to serving as Associate Justices of the Supreme Court of Micronesia, shall serve and preside over the Island Courts of Micronesia in accordance with rules established by the Supreme Court of Micronesia.

SEC. 134. No person shall be appointed to the Supreme Court of Micronesia unless he has graduated from an accredited law school and, for a period of at least three years prior to his appointment, he has been qualified to practice law in a jurisdiction of the United States in which the successful completion of a bar examination is a prerequisite to such practice, or has practiced before the High Court of the Trust Territory of the Pacific Islands or the Supreme Court of Micronesia, or both, for a period of five years. Any person so appointed must be of good moral character and, as a condition of his serving, shall be required to take the same oath or affirmation as is required of members of the Congress of Micronesia and officers of the Government of Micronesia.

The justices appointed or temporarily designated shall receive such salaries as the Congress of Micronesia shall establish, which in no event shall be less than the salaries presently paid to the Chief Justice and Associate Justices of the High Court of the Trust Territory of the Pacific Islands, nor shall the salary of any member of the Supreme Court be reduced during the term of his appointment.

SEC. 135. (a) The laws of the United States relating to removal of causes, appeals and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings between the courts of the United States and the Island Courts of Micronesia.

(b) All final judgments or decrees of the Supreme Court of Micronesia may be reviewed by the United Court of Appeals for the Ninth Circuit by writ of certiorari in accordance with such rules as that Court may prescribe.

(c) In determining whether a writ of certiorari will be granted by the United States Court of Appeals for the Ninth Circuit, the following, among other reasons shall be considered: whether the case presents a federal question of substance; and, whether the Supreme Court of Micronesia has decided a question arising under the local law of Micronesia in a manner which is inescapably wrong or patently erroneous.

SEC. 136. The Supreme Court of Micronesia shall hear and determine cases and controversies in divisions of no less than three justices, unless a hearing or rehearing before the court en banc is ordered in conformity with rules to be established by the Supreme Court of Micronesia.

The concurrence of not less than two justices shall be necessary for a determination of any appeal by the Supreme Court of Micronesia, but a single justice may make all necessary orders concerning any appeal prior to the hearing and determination thereof, and may dismiss an appeal for want of jurisdiction, or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

SEC. 137. The Supreme Court of Micronesia shall have jurisdiction to review on appeal all decisions of the Island Courts and all cases decided by the Island Courts on appeal from inferior courts. It may from time to time prescribe rules for the conduct of its business and that of the Island Courts and inferior courts.

SEC. 138. Each Island Court shall have original jurisdiction in all matters arising under the laws of Micronesia, and jurisdiction to review on appeal the decisions of inferior courts of Micronesia, except as may heretofore or hereafter be established by the Congress of Micronesia.

SEC. 139. The qualifications and salaries of judges of courts of inferior jurisdiction shall be established by the Congress of Micronesia.

SEC. 140. No justice or judge of the Supreme Court, Island Courts, or any of the inferior courts of Micronesia, shall engage in any outside employment or other outside activity not compatible with the full and proper discharge of the responsibilities of his office or position, nor shall he receive any compensation other than that provided for in this Act.

SEC. 141. Justices of the Supreme Court of Micronesia shall be removed from office on impeachment for, and conviction of treason, bribery or other high crimes, failure to comply with judicial duty of good behavior, and misdemeanors in accordance with the procedures provided in this Act. Other justices or judges may be impeached or removed as provided for by the Congress of Micronesia.

SEC. 142. (a) There is created a court of record to be designated the "District Court of Micronesia". Said district court shall have the powers of a United States District Court, and shall have original jurisdiction of all causes or controversies arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value in controversy, and where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, territory, or District of the United States not domiciled in Micronesia, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of \$3,000.

(b) The rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of Title 28, United States Code, in civil cases including admiralty and maritime cases; section 2075 of Title 28, United States Code, in bankruptcy cases; and sections 3771 and 3772 of Title 18, United States Code, in criminal cases; shall apply to the District Court of Micronesia and to appeals therefrom; except that no provisions of any such rules or other statute which authorize or require trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall be applicable to the District Court of Micronesia unless and until made so applicable by laws enacted by the Congress of Micronesia. The District Court of Micronesia may prescribe and publish rules of practice and procedure not inconsistent with the aforementioned Federal rules.

SEC. 143. Any party may appeal to the Supreme Court of the United States from an interlocutory or final judgment, or order of the District Court of Micronesia, holding an Act of Congress unconstitutional in any

civil action, suit, or proceeding to which the United States or any of its agencies or any officer or employee thereof, as such officer or employee, is a party. A party who has received notice of appeal under this section shall take any subsequent appeal or cross appeal to the Supreme Court. All appeals or cross appeals taken to other courts prior to such notice shall be treated as taken directly to the Supreme Court.

SEC. 144. (a) The President shall, by and with the advice and consent of the Senate of the United States, appoint a judge for the District Court of Micronesia who shall hold office for the term of eight years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States District Courts. The Chief Judge for the Court of Appeals of the Ninth Circuit of the United States may assign a justice of the Supreme Court of Micronesia, or a circuit or district judge of the Ninth Circuit, or the Chief Justice of the United States Supreme Court may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge in the District Court of Micronesia whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court.

(b) The President shall appoint, by and with the advice and consent of the Senate of the United States, a United States attorney and United States marshal for Micronesia to whose offices the provisions of chapters 35 and 37 of Title 28, United States Code respectively, shall apply.

(c) The provisions of chapters 21, 41, 43, 49, and 57 of Title 28, United States Code, shall apply to the District Court of Micronesia.

SEC. 145. (a) The High Court of the Trust Territory of the Pacific Islands is abolished on the effective date of this Act and all causes decided by or pending before said Court on the effective date of this Act are transferred to the District Court of Micronesia or to the Supreme Court of Micronesia or to the Island Courts of Micronesia as may be appropriate for disposition.

(b) The District Courts for each of the six Districts of the Trust Territory of the Pacific Islands are abolished on the effective date of this Act and all causes pending before the respective Courts of said Districts on the effective date of this Act are transferred to the Island Court having territorial jurisdiction in the District of the Court abolished hereby.

Fiscal Provisions

SEC. 146. Effective on the first day of July following the effective date of this Act, all customs duties and Federal income taxes derived from Micronesia, the proceeds of all taxes collected under the internal revenue laws of the United States on articles produced in Micronesia and transported to the United States, its territories, or possessions, or consumed in Micronesia, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of Micronesia and all quarantine, passport, immigration, and naturalization fees collected in Micronesia shall be covered into the

treasury of Micronesia and held in account for the Government of Micronesia, and shall be expended for the benefit of the Government of Micronesia, as the Congress of Micronesia may by law prescribe.

SEC. 147. Effective on the first day of January following the effective date of this Act, the income-tax laws in force in the United States of American and those which may hereafter be enacted shall be held to be likewise in force in Micronesia, except that the proceeds of such taxes shall be paid into the treasury of Micronesia.

SEC. 148 (a) As soon as possible following the termination of each fiscal year, the Governor of Micronesia shall certify to the Secretary of the Treasury the net amount of revenue received by the Government of Micronesia during the preceding fiscal year. There shall thereafter each year be transferred and paid over to the Government of Micronesia, from funds in the United States Treasury not otherwise appropriated, a sum equal to the net amount of revenue received by the Government of Micronesia, as certified by the Governor.

(b) Until such time as funds available to the Government of Micronesia pursuant to this section and sections 145 and 146 are sufficient to meet the obligations of the Government of Micronesia, there is authorized to be appropriated by the Congress of the United States such additional sums as may be needed to pay such obligations.

SEC. 149. (a) The following sections of the Tariff Act of 1930, as amended, are hereby amended by inserting "Micronesia", immediately after "Johnston Island", each place it appears therein:

- (1) Section 401 (k) (19 U.S.C., sec. 1401(k)).
- (2) Section 557 (a) (19 U.S.C., sec. 1557 (a)).
- (3) Section 562 (19 U.S.C., sec. 1562).

(b) Section 401 (a) of the Anti-Smuggling Act, as amended (19 U.S.C. sec. 1709(a)), is hereby amended by inserting "Micronesia", immediately after "Johnston Island".

(c) Sections 542, 544, and 545 of Title 18 of the United States Code are hereby amended by inserting "Micronesia", immediately after "Johnston Island", each place it appears therein.

(d) For the purposes of the Tariff Schedules of the United States, Micronesia shall be entitled to the same privileges as the insular possessions of the United States which are outside the custom territories of the United States.

(e) Subsection (a) of this section shall apply with respect to articles entered or withdrawn from warehouse, for consumption after the effective date of this Act.

Miscellaneous Provisions

SEC. 150. (a) Until the first Monday in January, 1981, the Governor of Micronesia shall receive an annual salary to be paid by the United States at a rate provided for Level V of the Executive Schedule in Section 5316, Title 5 of the United States Code.

(b) Until the first Monday in January 1981, the Lieutenant Governor of Micronesia shall receive an annual salary to be paid by the United States at a rate established in accordance with the standards provided in the Classification Act of 1949, as amended.

(c) Until the first Monday of January 1981, the Governor and the Lieutenant Governor of Micronesia, and members of their immediate staffs, shall have the status of Federal officers and employees of the United States. Upon the effective date of this Act, no other employees of the Government of Micronesia shall be appointed as Federal employees. Those Federal employees who, on the effective date of this Act, have served one year or less under their then current transportation agreement shall be terminated as Federal employees upon the expiration of that agreement. Those Federal employees with less than one year to serve under their then current transportation agreement shall upon completion of that agreement be offered not to exceed one additional year of employment as Federal employees.

SEC. 151. (a) The title to all property, real and personal, owned by the Government of the Trust Territory, and all interest including rights of use in property held by the Government of the Trust Territory, are hereby transferred to the Government of Micronesia, except that whatever right, title, or interest the Government of the Trust Territory has in particular tracts of tidelands, submerged lands, or filled lands in or adjacent to the islands of Micronesia are hereby conveyed to the United States and shall be administered in accordance with terms of Public Law 88-183 (77 Stat. 338), which is hereby amended to include where appropriate "Micronesia" in order to make said Act applicable to Micronesia. The term "tidelands, submerged lands, or filled lands" shall have the meaning ascribed to it in Section 1 (a) of Public Law 88-183 (77 Stat. 338), but shall not include any such lands which by local or customary laws or rights are currently held in private or communal ownership.

(b) Nothing in this Act shall impair the existing agreements between the Trust Territory Government and the United States Government or any agency or instrumentality thereof regarding land-use and retention, and the Government of Micronesia takes title to all such land as set forth in Section (a) above subject to such agreements.

(c) The United States Government shall have the right to take real property or any interest in real property, including any temporary use for public purposes in Micronesia, in accordance with condemnation procedures established under United States Federal laws. Except in cases of urgency as determined by the President of the United States, these procedures shall not be used until the need for such use of the real property has first been reviewed by a commission established for that purpose in accordance with the laws of Micronesia. In the event the commission does not approve the need for the taking by the United States or does not act within a reasonable period of time, the Attorney General of the United States may then submit, together with the adverse views of the commission, if any, the proposed taking to the President of the United States for final determination as to whether the condemnation proceeding should be instituted.

(d) After the effective date of this Act, no privately or communally owned real property or use rights in such property in Micronesia may be transferred, sold, alienated or leased for a term in excess of ten years to non-residents or corporations owned or controlled by non-residents of Micronesia unless such transfer, sale, alienation, or lease is first approved

in writing by the majority vote of a commission to be especially established for that purpose in accordance with the laws of Micronesia, provided, however, that this does not limit the right of the United States Government to acquire property or use of property by purchase or exchange as may be negotiated between the parties concerned.

SEC. 152. The territorial sea of the islands of Micronesia shall be delimited in accordance with the laws and treaties of the United States, and shall not exceed the limits maintained by the United States in its international relations. All laws and treaties of the United States of general application regarding navigable waters, the territorial sea, the high seas, including but not limited to the contiguous zone and the continental shelf, and fisheries shall be applicable with respect to Micronesia.

SEC. 153. The Public Land Laws of the United States shall not apply to land, if any, ceded to the United States, but the Congress of the United States shall enact special laws for their management and disposition.

SEC. 154. No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the Government of Micronesia or of the United States shall be qualified to hold any public office of trust or profit under the Government of Micronesia.

SEC. 155. Paragraphs 36 and 38 of subsection (a) of section 101 of the Immigration and Nationality Act (66 Stat. 163, 8 U.S.C. 1101 (a)(36) and (38)), are hereby amended by inserting "Micronesia," immediately after "Guam," where it appears in each paragraph.

SEC. 156. All appropriations made to or by the Government of the Trust Territory of the Pacific Islands prior to the date this Act becomes effective shall be available to the Government of Micronesia.

SEC. 157. The President of the United States shall appoint a commission of seven persons, at least three of whom shall be residents of Micronesia, to survey the field of Federal statutes and to make recommendations to the Congress of the United States within twelve months after the effective date of this Act as to which statutes of the United States not applicable to Micronesia on such date shall be made applicable to Micronesia, and as to which statutes of the United States applicable to Micronesia on such date shall be made inapplicable.

SEC. 158. The laws of the Trust Territory in force on the effective date of this Act, except as modified herein, are hereby continued in force, subject to modification or repeal by appropriate authority. Whenever the terms "High Commissioner", "Deputy High Commissioner", and "Trust Territory" or "Trust Territory of the Pacific Islands" occur in such laws, they are amended to read "Governor", "Lieutenant Governor", and "Micronesia".

SEC. 159. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 160. (a) As soon as possible after the enactment of this Act, the President of the United States shall certify such fact to the High Commissioner of the Trust Territory of the Pacific Islands. Thereupon, the High Commissioner shall, within thirty days after receipt of the official notification of such approval, issue a proclamation for a referendum to be held not to exceed ninety days later, on the following proposition:

"Shall the peoples of the Trust Territory of the Pacific Islands join in a political association with the United States as provided in the Act of Congress, approved

 , known as the Micronesia Political
(date of approval of this Act)

Status Act."

(b) The High Commissioner of the Trust Territory of the Pacific Islands shall, within thirty days following the referendum, certify the results to the President. If the President finds that a majority of the legal votes cast at the said referendum are in favor of adopting the proposition, he shall issue a proclamation so stating and this Act shall thereupon become effective. In the event the foregoing proposition is not adopted at the said referendum by a majority of the legal votes cast on said submission, none of the provisions of this Act shall be effective.