

# Department of the Interior

## Departmental Manual

---

**Effective Date:** 4/27/89

**Series:** Territorial and International Affairs

**Part 575:** General Criteria

**Chapter 3:** Territorial Governments

**Originating Office:** Office of Insular Affairs

---

This chapter has been given a new release number.\* No text changes were made.

### 575 DM 3

#### 3.1 The Virgin Islands.

A. Territorial Government. The executive power of the territorial government is vested in an elected Governor and Lieutenant Governor. Legislative power is vested in a unicameral legislature composed of 15 senators elected every two years. Judicial power is vested in a territorial court and in a Federal District Court.

(1) Public Law 90-496 of August 23, 1968 (82 Stat. 837; 48 U.S.C. 1591) provides that the Governor shall have general supervision and control of the executive branch.

(2) The territory is represented in the United States Congress by an elected non-voting Delegate to the House of Representatives.

(3) The territorial government seat of the Virgin Islands is Charlotte Amalie, St. Thomas.

B. Relations of Government to Interior. By statute, the relations between the Virgin Islands Government and the Federal Government in all matters, not the program responsibility of another Federal department or agency, shall be under the general administrative supervision of the Secretary of the Interior (48 U.S.C. 1541(c), 82 Stat. 842, dated August 23, 1958).

#### 3.2 Guam.

A. Territorial Government. The executive power of the territorial government of Guam is exercised by the Governor of Guam. The Governor is elected by popular vote and is assisted by the Lieutenant Governor and various department heads. Legislative authority is exercised by a unicameral legislature of 21 members elected every two years. Judicial power is vested in a territorial court and a Federal district court.

(1) The territory is represented in the United States Congress by an elected, non-voting Delegate to the House of Representatives.

(2) The territorial government seat is Agana.

B. Relations of Government to Interior. Pursuant to Section 12 (a) of Public Law 90-497 of September 11, 1968 (82 Stat. 847; 48 U.S.C. 1421a), the Secretary of the Interior is assigned the responsibility of the general administrative supervision of the relations of the Guam Government with the Federal Government.

### **3.3 American Samoa.**

A. Territorial Government. Under the constitution, the executive power is vested in an elected Governor and Lieutenant Governor. The constitution provides for a Chief Justice to head the judiciary High Court; the Secretary of the Interior appoints the Chief and Associate Justices. Legislative authority is vested in bicameral legislature, an 18-member Senate and a 20-member House of Representatives. Members of the House are elected by secret ballot from 17 districts. Residents of Swains Island elect a non-voting delegate. Senators are chosen in accordance with Samoan custom by county councils.

(1) On June 29, 1967, the Secretary of the Interior approved a locally ratified constitution effective on July 1, 1967.

(2) American Samoa is represented in the United States Congress by an elected, non-voting Delegate to the House of Representatives.

(3) The seat of government is Fagatogo on Tutuila. The islands of American Samoa include Tutuila, Aunu'u, the Manu'a group (Ta'u, Ofu, and Olosega), Rose, and Swains Island.

B. Relationship of Government to Interior. Responsibility for the administration of American Samoa is vested in the Secretary of the Interior (Executive Order No. 10264 of June 2, 1951, 16 F.R. 6419).

### **3.4 Commonwealth of the Northern Mariana Islands.**

A. Territorial Government. In 1976, the CNMI Government adopted its own constitution. The constitutional government took office in 1978. The constitution provides for an elected Governor and Lieutenant Governor; a bicameral legislature with 15 members in the House of Representatives and 9 members in the Senate; and a judiciary system consisting of Commonwealth Trial and Appeals Courts. A Federal District Court is also located in CNMI.

(1) Upon termination of the Trusteeship Agreement, the Northern Mariana Islands became a self-governing commonwealth known as the "Commonwealth of the Northern Mariana Islands (CNMI)," in political union with and under the sovereignty of the United States (Public Law 94-241 of March 24, 1976, 90 Stat. 263).

(2) The government seat is Saipan.

B. Relationship of Government to Interior. The President of the United States vested general administrative supervision of the Commonwealth of the Northern Mariana Islands in the Secretary of the Interior (Executive Order 12572 of November 3, 1986).

### **3.5 Republic of the Marshall Islands.**

A. Freely Associated State Government. Under the Compact of Free Association, the Republic of the Marshall Islands is a self-governing state with the capacity to conduct its own foreign affairs (Public Law 99-239 of January 14, 1986, 48 U.S.C. 1681(n)). The government seat is Majuro, Marshall Islands.

B. Relationship of Government to Interior. Pursuant to Executive Order 12569 of October 16, 1986, the Secretary of the Interior shall be responsible for seeking the appropriation of funds for the Republic of the Marshall Islands.

(1) The Secretary shall coordinate and monitor any program or any activity by any department or agency of the United States (with the exception of services provided by the Department of Defense and Peace Corps) provided to the Freely Associated States and shall coordinate and monitor related economic development planning.

(2) The Secretary of the Interior must report to Congress on economic development plans prepared by the Government of the Republic of the Marshall Islands, pursuant to sections 102 (b) and 103 (b) of the Compact (Public Law 99-239 of January 14, 1986); determine the qualifications of the investment management firm selected by the Government of the Marshall Islands, pursuant to section 103(e); report to Congress on the impact of the Compact of Free Association on the United States Territories and Commonwealths and the State of Hawaii, pursuant to section 104 (e) (2); and cause an annual audit to be conducted of the annual financial statement of the Marshall Islands Government.

### **3.6 Federated States of Micronesia.**

A. Freely Associated State Government. Under the Compact (Public Law 99-239 of January 14, 1986), the Federated States of Micronesia (FSM) is a self-governing state able to conduct its own foreign affairs. The government seat is Kolonia, Pohnpei.

B. Relationship of Government to Interior. Pursuant to Executive Order 12569 of October 16, 1986, the Secretary of the Interior is responsible for seeking the appropriation of funds for the Federated States of Micronesia.

(1) The Secretary shall coordinate and monitor any program or activity by any department or agency of the United States (with the exception of services provided by the Department of Defense and Peace Corps) provided to the Freely Associated States and shall coordinate and monitor related economic development planning.

(2) The Secretary of the Interior must report to Congress, similar to that explained

in the proceeding section on the Marshall Islands, on economic development plans prepared by the Government of the Federated States of Micronesia.

### **3.7 Republic of Palau**

A. Territorial Government. Pursuant to Secretary's Order No. 3119, as amended, dated July 10, 1987, a constitutional government was established in Palau. The Government of the Republic of Palau includes state and national executive, legislative, and judicial branches. Local residents elect the President and Vice President by popular vote. A council of Chiefs advises the President on matters concerning traditional law and custom. Palau has a bicameral national legislature composed of a House of Delegates and a Senate. The territorial government seat is Koror, Palau.

B. Relations of Government to Interior. Communications and relationships of Palau with agencies of the United States Government and with foreign governments and organizations shall be through the Assistant Secretary - Territorial and International Affairs and the Secretary of the Interior, except in specific cases in which a different procedure is approved by the Secretary of the Interior (Secretary's Order 3119, as amended, dated July 10, 1987). Communications with foreign governments and International organizations shall be transmitted by the Department of State.

### **3.8 Other Territorial Areas - Administration.**

A. Howland, Baker, and Jarvis Islands. These islands are uninhabited at present and no local government administration is required. These islands were designated units of the National Wildlife Refuge System because of their great value to seabirds and marine life. Administrative responsibility is assigned to the United States Fish and Wildlife Service.

B. Palmyra. The island is privately owned and no local administration is required.

C. Wake Island. The U.S. Air Force (USAF) is responsible for the civil administration of Wake Island. The authority for civil administration is delegated to the General Counsel of the Air Force. The Air Force Military Commander of Wake Island acts as the agent for the USAF General Counsel (USAF Secretarial Order 111.2, dated June 19, 1972).

D. Midway Island. The U.S. Navy is responsible for the civil administration of Midway Island. The administrative authority is Commander in Chief of the Pacific Fleet (CINCPACFLT).

E. Johnston Island. The U.S. Air Force is responsible for the civil administration of Johnston Island. The authority is delegated to the Defense Nuclear Agency (DNA) (Memorandum of Understanding between USAF and U.S. Navy, dated July 1, 1973). The residing military commander of Johnston Island acts as the agent for the Defense Nuclear Agency. Use of the facilities by DNA is covered by permit issued by the USAF.

F. Navassa Island. The U.S. Coast Guard is responsible for the civil administration of

**Secretary's Order 2657, as Amended  
Government of American Samoa**

Sec. 1     Purpose. The purpose of this document is to delimit the extent and nature of the authority of the Government of American Samoa, as it will be exercised under the jurisdiction of the Secretary of the Interior pursuant to Executive Order No. 10264 of June 29, 1951, pending enactment of organic legislation by the Congress, and to prescribe the manner in which the relationships of the Government of American Samoa with the Congress, with the Department of the Interior and other Federal agencies, and with foreign governments and international bodies shall be established and maintained.

Sec. 2     Laws and legislative authority. (a) the laws of American Samoa in effect on July 1, 1951 and the procedure for formulating and amending the laws shall remain in effect until changed by competent authority: Provided, however, That the power formerly exercised by the Secretary of the Navy or his designated representative shall be exercised by the Secretary of the Interior or his designated representative.

(b) No measure affecting the powers of the legislature shall become effective without the approval of the Secretary of the Interior.

Sec. 3     Executive authority. (a) The executive authority of the Government of American Samoa shall be vested in the Governor and other officials appointed pursuant to laws, and shall be exercised under the supervision and direction of the Secretary of the Interior.

(b) The relations of the Government of American Samoa with the Congress of the United States on all legislative matters, including appropriations shall be conducted through the Department of the Interior.

(c) With freedom to consult directly with the Secretary when necessary the Governor of American Samoa shall normally communicate with the Secretary of the Interior through the Deputy Assistant Secretary for Territorial Affairs. The Governor shall be responsible for all United States property in American Samoa which is required for the operation of the Government of American Samoa and to which the Department of the Interior has custodial title or which it may use under permit. The Governor shall perform such other functions for the Department of the Interior in American Samoa as may be delegated to him by the Secretary.

(d) Initial contact by the Government of American Samoa with Federal agencies outside the Department of the Interior on other than routine matters shall be established through the Deputy Assistant Secretary for Territorial Affairs of the Department of the Interior. Once

the relationship has been established, direct contact between the Government of American Samoa and the Federal agencies concerned may be maintained and the Deputy Assistant Secretary for Territorial Affairs kept informed of significant developments in the relationship. Federal agencies should be encouraged to extend their normal Federal services and assistance to American Samoa wherever practicable, and the Government of American Samoa should be reimbursed for services which it performs for such Federal agencies.

(e) Communications of the Government of American Samoa with foreign governments and international bodies shall be cleared through the Department of the Interior for transmittal by the Department of State, unless some other procedure is approved by the Secretary of the Interior.

Sec. 4 Judicial authority. The judicial authority shall be independent of the executive and legislative powers. Budgetary requests for the territorial judiciary, with supporting justification, should be drawn up by the Chief Justice of American Samoa and submitted for the approval of the Department of the Interior by the Governor of American Samoa as a separate item in the annual budget for American Samoa. The Governor should call the attention of the Department to any questions which he may have regarding the budget for the judiciary. Laws or regulations bearing on the organization or operation of the judiciary shall be submitted to the Secretary of the Interior for approval prior to promulgation. The High Court of American Samoa is hereby given jurisdiction to effect the judicial enforcement of the Occupational Safety and Health Act of 1970 (P.L. 91-596; 84 Stat. 1590).

---

575 DM 3  
**Appendix 2**

## **Secretary's Order 2918, as Amended Government of the Trust Territory of the Pacific Islands**

### **PART I. Purpose**

The purpose of this Order is to delimit the extent and nature of the authority of the Government of the Trust Territory of the Pacific Islands, except the Mariana Islands District as described in Section 1(1) of Title 3 of the Trust Territory Code, as amended, (hereinafter called "Government of the Trust Territory"), as it will be exercised under the jurisdiction of the Secretary of the Interior (hereinafter called "the Secretary"), pursuant to Executive Order No. 11021 of May 7, 1962, and to prescribe the manner in which the relationships of the Government of the Trust Territory shall be established and maintained with the Congress, the Department of the Interior and other Federal agencies, and with foreign governments and international bodies.

### **PART II. Executive Authority.**

Section 1. The executive authority of the Government of the Trust Territory, and

the responsibility for carrying out the international obligations undertaken by the United States with respect to the Trust Territory, shall be vested in a High Commissioner of the Trust Territory and shall be exercised and discharged under the general supervision and direction of the Secretary.

The Secretary shall appoint a Deputy High Commissioner, who shall have all the powers of the High Commissioner in the case of a vacancy in the office of the High Commissioner or the disability or temporary absence of the High Commissioner.

Section 2. The relations of the Government of the Trust Territory with the Congress of the United States on all legislative matters, including appropriations, shall be conducted through the Department of the Interior.

Section 3. With freedom to consult directly with the Secretary when necessary, the High Commissioner of the Trust Territory shall normally communicate with the Secretary of the Interior through the Director of Territorial Affairs. The High Commissioner shall be responsible for all United States property in the Trust Territory which is required for the operation of the Government of the Trust Territory and for which the Department of the Interior has administrative responsibility. The High Commissioner shall perform such other functions for the Department of the Interior in the Trust Territory as may be assigned to him by the Secretary or his delegate.

Section 4. All contact by the Government of the Trust Territory with Federal agencies outside the Department of the Interior shall be through the Director of Territorial Affairs of the Department of the Interior. Specific contact channels between the Government of the Trust Territory and Federal agencies other than the Interior Department on routine matters shall be established by the Director of Territorial Affairs.

Section 5. All communications of the Government of the Trust Territory with foreign governments and international bodies shall be through the Department of the Interior for transmittal by the Department of State, unless some other procedure is approved for specific cases by the Secretary of the Interior. Communications between the High Commissioner and the United States Resident Commissioner of the Northern Mariana Islands (hereinafter called "the Resident Commissioner") shall be conducted directly.

Section 6. In exercising his authority, the High Commissioner shall obtain prior Secretarial approval of any significant deviation from the budget jurisdiction presented to the Congress, and any significant transfer of funds between programs or between administration and construction funds.

### PART III. Legislative Authority

Section 1. Organization. The Legislature of the Trust Territory of the Pacific Islands shall be known as the "Congress of Micronesia" and shall consist of two Houses, the Senate and the House of Representatives. The two Houses shall sit separately except as otherwise provided herein.

When a Congress convenes, 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.

Section 2. Legislative Power. The legislative power of the Congress of Micronesia shall extend to all rightful subjects of legislation, except that the Congress of Micronesia shall have no authority or responsibility in and for the Mariana Islands District and that no legislation may be inconsistent with:

- (a) Treaties or international agreements of the United States;
- (b) laws of the United States applicable to the Trust Territory;
- (c) Executive Orders of the President of the United States and Orders of the Secretary of the Interior; or
- (d) Sections 1 through 12 of Title 1 of the Trust Territory Code (Bill of Rights).

No law shall be passed by the Congress imposing any tax upon property of the United States or property of the Trust Territory of the Pacific Islands; nor shall the property of nonresidents be taxed at a higher rate than the property of residents. Any parts of any laws passed by the Congress or district legislatures in the aggregate imposing upon the United States agencies, instrumentalities, contractors of the United States and their respective non-Micronesian citizen employees any greater tax, fee, revenue, duty, tariff, impost, charge, or cost of any kind that is imposed by Trust Territory of the Pacific Islands Public Law 4C-2 as amended prior to 1975 (77 TTC, Chapter 11) shall, to the extent that it imposes such tax, fee, revenue, duty, tariff, impost, charge, or cost, not be given effect, except that, the exemptions from such tax, fee, revenue, duty, tariff, impost, charge, or cost described above shall not be applicable to activities conducted exclusively for or on behalf of the Trust Territory of the Pacific Islands, by (1) its agencies, instrumentalities, contractors, and their respective employees or (2) by non-military United States agencies, instrumentalities, contractors and their respective employees. No import or export levies shall be imposed on goods transported between or among the Districts of the Trust Territory, as described in Section 39 of the Code of the Trust Territory, or any political subdivision thereof, and the levy of duties on goods imported into the Trust Territory is hereby reserved to the Congress of Micronesia and the High Commissioner.

Those portions of the Trust Territory Code dealing with the levy of duties on imported goods in effect on the effective date of the separate administration of the Northern Mariana Islands shall remain in effect in the Northern Mariana Islands subject to collection by the Trust Territory Government Revenue Division and further subject to the accrual of fifty percent of the annual gross amount of such duties to the Northern Mariana Islands Legislature and the accrual of the remaining fifty percent to the Congress of Micronesia.



Section 3. Powers of the High Commissioner. The High Commissioner may submit legislation to the Congress prior to and during any legislative session for its consideration.

Section 4. Budget. Money bills enacted by the Congress of Micronesia shall not provide for the appropriation of funds in excess of such amounts as are available or estimated to be available from revenues raised pursuant to the tax laws and other revenue laws of the Trust Territory: Provided, That the Secretary shall, from time to time, define the term "revenue" as used herein, so as generally to exclude therefrom all sums attributed to user charge or service related reimbursements to the Government of the Trust Territory.

Prior to his final submission to the Secretary of the Interior of requests for Federal funds necessary for the support of governmental functions in the Trust Territory, the High Commissioner shall prepare a preliminary budget plan. He shall submit such plan to the Congress of Micronesia or the appropriate authorized committee or committees thereof for its review and recommendations with respect to such portions as relate to expenditures of funds proposed to be appropriated by the Congress of the United States. With respect to such portions of the preliminary budget plan, the High Commissioner shall adopt such recommendations of the Congress or the appropriate authorized committee or committees thereof as he shall deem appropriate, but he shall transmit to the Secretary of the Interior all recommendations he has not adopted.

Section 5. Membership. Subsection (a) of this section is and shall remain effective through December 31, 1976. Subsection (b) of this section shall become effective January 1, 1977.

(a) For the purpose of representation in the Congress, the Trust Territory is divided into five Districts: the Marshall Islands, Palau, Ponape, Truk and Yap; as they are individually described in Section 1 of Title 3 of the Trust Territory Code, as amended.

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

The House of Representatives shall consist of eighteen members, who shall be known as "Representatives," and who shall be elected from each District as follows:

In the Marshall Islands District, four;  
In the Palau District, three;  
In the Ponape District, four;  
In the Truk District, five;  
In the Yap District, two.

Each of the five Districts shall be subdivided initially into single member election districts of approximately equal population, in such manner as the High Commissioner shall determine, and each such election district shall elect one of the Representatives to which the District is entitled. Future subdivisions shall be established by law.

Election districts shall be reapportioned every 10 years on the basis of population, but each of the five Administrative Districts shall be entitled to at least two Representatives. The first such reapportionment shall be accomplished by law with Congressional action occurring no later than the end of the second regular session of the Sixth Congress of Micronesia.

(b) For the purpose of representation in the Congress the Trust Territory is divided into six Districts: Kusaie, the Marshall Islands, Palau, Ponape, Truk and Yap; as they are individually described in Section 1 of Title 3 of the Trust Territory Code, as amended.

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-two members, who shall be known as “Representatives”, and who shall be elected from each District as follows:

In the Kusaie District, one;  
In the Marshall Islands District, five;  
In the Palau District, three;  
In the Ponape District, four;  
In the Truk District, seven;  
In the Yap District, two.

Each of the six Districts shall be subdivided initially into such number of single member election districts of approximately equal populations as there are Representatives to which the District is entitled. Future subdivisions shall be established by law.

Election districts shall be reapportioned by law on a basis of population within one year after the results of the United States decennial census are made known to the High Commissioner, except that each of the six Administrative Districts shall be entitled to at least one Representative and except that the first reapportionment shall be accomplished by law with Congressional action occurring no later than the end of the second regular session of the Sixth Congress of Micronesia.

Section 6. Qualification of Legislators. In order to be eligible to election as a member of the Congress a person shall:

- (a) have been a citizen of the Trust Territory 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 (as described in Section 1, Title 3 of the Code of the Trust Territory), 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 and accessory thereto, and no person who has been convicted of a felony by any court of

the Trust Territory, a court of one of the States of the United States, or any court with the jurisdiction of a district court of the United States, shall sit in the Congress unless the person so convicted has received a pardon restoring his civil rights.

Section 7. Franchise. The franchise shall be vested in residents of the Trust Territory who are citizens of the Trust Territory and eighteen years of age or over. Additional qualifications may be prescribed by the Congress: Provided, That no property, language, or income qualification shall ever be imposed or required of any voter, nor shall any discrimination in qualification be made or based upon literacy, tribal custom, or social position, nor upon difference in race, color, ancestry, sex, or religious belief.

Section 8. General Elections. General elections shall be held biennially in each even-numbered year or the first Tuesday following the first Monday in November: Provided, That in the event of a natural disaster or other Act of God, the effect of which precludes holding the election on the foregoing date, the High Commissioner, with the approval of the Secretary, may proclaim a later election date in the affected election district or districts. All elections shall be held in accordance with such procedures as this document and the laws of the Trust Territory may prescribe. Legislators shall be chosen by secret ballot of the qualified electors of their respective district. Beginning with the 1976 general elections, Kusaie District shall elect two Senators and one Representative.

Section 9. Term of Office. Each Senator shall hold office for a term of four years.

Representatives shall each hold office for a term of two years.

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

Section 10. Disqualification of Government Officers and Employees. Any person employed by any branch of the Government of the Trust Territory, 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. If any such person is elected, he shall resign from his employment with the Government of the Trust Territory, or any political subdivision thereof, prior to the date upon which his term of office commences.

No person serving as a member of a legislative body of any political subdivision of the Government of the Trust Territory 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 document, from the Government of the Trust Territory or any political subdivision thereof.

Section 11. Sessions. There shall be a regular session of the Congress held in each year beginning on the second Monday in January and continuing for not to exceed 50 consecutive calendar days.

The High Commissioner may call special sessions for such periods 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 High Commissioner to the Congress while in such session.

Section 12. Enacting Clause. The enacting clause of all bills shall be: "Be it enacted by the Congress of Micronesia," and no law shall be enacted except by bill. Bills may originate in either House, and may be amended or altered or rejected by the other.

Section 13. Approval or Disapproval by the High Commissioner. Every bill passed by the Congress shall be certified by the presiding officers and clerks of both Houses and shall there- upon be presented to the High Commissioner. If he approves, he shall sign the bill and it shall become law. If the High Commissioner disapproves, he shall so indicate and return it with his objections to the Congress within ten consecutive calendar days after it shall have been presented to him. If the High Commissioner takes no action and does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the Congress by adjournment prevents its return.

The High Commissioner shall have thirty days to consider bills presented to him less than ten days before adjournment or presented after adjournment. If he approves, he shall sign the bill and it shall become law. If the High Commissioner disapproves, he shall so indicate and return it with his objections to the Congress within thirty consecutive calendar days after it shall have been presented to him. If the High Commissioner takes no action and does not return the bill within such period, it shall be a law in like manner as if he had signed it.

When a bill is disapproved and returned by the High Commissioner to the Congress with his objections, each House may proceed to reconsider it. If such a bill is repassed by both Houses of the Congress by a two-thirds majority of the entire membership of each House (one reading being required for such passage), it shall be presented again to the High Commissioner. If he does not approve it within twenty days after presentation, he shall send it together with his comments thereon to the Secretary. Within sixty days after its receipt by him, the Secretary shall either approve or disapprove the bill. If he approves it, it shall become a law; otherwise, it shall not.

If any bill presented to the High Commissioner shall contain several items of appropriation of money, he may object to one or more such items, or any part or parts thereof, while approving the other items or parts of the bill. In such case, he shall append to the bill, at the time of signing, a statement of the item or items, part or parts thereof, so objected to, and the item or items, part or parts thereof so objected to shall have the effect of being vetoed.

Section 14. Adjournment. Neither House may adjourn for more than two consecutive days nor may either House adjourn sine die without the concurrence of the other House.

Section 15. Publication of Laws. The High Commissioner shall cause the 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.

Section 16. Procedure.

(a) Quorum. 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) Reading of Bills-Passage. A bill in order to become a law shall pass two readings in each House, on separate days, the final passage of which in each House shall be by majority vote of all the members of such House, which vote shall be entered upon the journal.

(c) Title. Every legislative act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such an act shall be void only as to so much thereof as shall not be embraced in the title.

(d) Certification of Bills from one House to the other. Every bill when passed by the House in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and sent to the other House for consideration.

(e) Amendment and Revision by Reference Prohibited. No law or section of the law shall be amended or revised by reference to its title only, but in every instance such amendment or revision of the law or section thereof shall be published at full length and in its entirety as amended or revised and shall be re-enacted.

(f) Language. 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 rights 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.

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

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

(i) Procedural Authority. The Congress shall be the sole judge of the elections and qualifications of its members; shall have and exercise all the authority and attributes inherent in legislative assemblies and shall have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths.

Section 17. Immunity. 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 regardless of the location of the meeting place in the Trust Territory. Members of the Northern Mariana Islands Legislature shall enjoy this same immunity in the districts of the Trust Territory.

Section 18. Compensation and Expenses. The members of the Congress of Micronesia shall receive compensation for their services and expenses as may be prescribed by law. Such compensation and expenses shall be from funds available to and appropriated by the Congress of Micronesia. The Congress may at no time increase the salaries of the incumbents during the current Congress. If the Congress of Micronesia should provide for an increase in the annual compensation paid to members for their services, such increase will apply to succeeding Congresses only. Per diem, if paid to the members of Congress, shall be in compliance with the standard Trust Territory rates. Compensation, expenses, per diem, etc., shall not be allowed in excess of such amounts as may be budgeted therefore.

Section 19. Repealed.

Section 20. Appointment to new Offices. 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.

Section 21. Vacancies.

(a) Whenever a vacancy in the membership of the House of Representatives occurs, the Speaker of the House of Representatives shall notify the High Commissioner and the High Commissioner shall then call a special election to fill such vacancy: Provided: That no special election shall be held if such vacancy occurs less than ninety days prior to the next succeeding general election.

(b) Whenever a vacancy in the membership of the Senate occurs, the President of the Senate shall notify the High Commissioner. If a vacancy occurs sixty days or more prior to the next succeeding general election, the High Commissioner shall make temporary appointment to fill such vacancy. The Appointee shall be from the same administrative district as the person whom he succeeds and shall serve until the next succeeding general election at which time he shall be replaced by a regularly elected Senator who, unless the term of the person he succeeds shall have expired at the time of such election, shall serve only for the unexpired term of such person. In the event the election is for an unexpired term of only, the High Commissioner shall issue a proclamation designating the election for the filling of such unexpired term.

Section 22. Repealed.

Section 23. Repealed.

Section 24. Amendment. This Part may be amended only by further order of the Secretary who may consult with the Congress. The Congress may, during any regular session, by a two-thirds majority vote of the membership of each House, recommend to the High

Commissioner the amendment of any Section of this Part. The High Commissioner shall transmit such recommendation, together with his own recommendation thereon, to the Secretary.

#### PART IV. Judicial Authority.

The judicial authority of the Government of the Trust Territory shall be vested in a High Court for the Trust Territory and such other courts as may be established pursuant to law. The Secretary shall appoint the Chief Justice and Associate Justices of the High Court, may make temporary appointments when a vacancy exists, and in addition may appoint temporary judges to serve on the High Court. The judicial authority shall be independent of the executive and legislative powers. Budgetary requests for the territorial judiciary, with supporting justification, shall be drawn up by the Chief Justice of the Trust Territory and submitted for the approval of the Department of the Interior by the High Commissioner of the Trust Territory as a separate item in the annual budget for the Trust Territory. The High Commissioner should call the attention of the Secretary to any question which he may have regarding the budget for the judiciary. The High Court of the Trust Territory of the Pacific Islands is hereby given jurisdiction to effect the judicial enforcement of the Occupational Safety and Health Act of 1970 (P.L. 91-596; 84 Stat. 1590).

Until a judiciary for the Northern Mariana Islands District has been established in accordance with the "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America", the judicial authority for the Government of the Northern Mariana Islands shall remain vested in the High Court of the Trust Territory of the Pacific Islands and such other courts as may be established pursuant to law.

#### PART V. Public Lands and Other Properties.

Section 1. Title to public lands of the Trust Territory of the Pacific Islands which are situated in the Northern Mariana Islands and which are actively used by the Trust Territory Government is hereby transferred to and vested in the United States Resident Commissioner for the Northern Mariana Islands (hereinafter called "the Resident Commissioner") subject to the continued use of such land by the Trust Territory Government until relocation of the capital of the Trust Territory, such use to be in accordance with the terms of agreements reached by the High Commissioner and the Resident Commissioner. All other public lands situated in the Northern Mariana Islands title to which is now vested with the Trust Territory Government and which has not been transferred to the legal entity created by the Mariana Islands District Legislature according to Secretary of the Interior Order No. 2969 shall vest in the Resident Commissioner. All rights, title and interest of the Government of the Trust Territory of the Pacific Islands in and to all personal property on the effective date of this Order or thereafter acquired in any manner whatsoever will, prior to the termination of the Trusteeship Agreement, be distributed equitably in a manner to be determined by the Government of the Trust Territory of the Pacific Islands in consultation with those concerned, including the Government of the Northern Mariana Islands. Any such determination must first be approved by the Secretary before it shall take effect. No properties of the Trust Territory Government presently located in the Mariana Islands District shall, outside of the common course of Government business, be removed unless under the terms of a mutual agreement between the High Commissioner and the

Resident Commissioner.

Section 2. There is hereby established a Trust Territory Capital District on Saipan Island the exact bounds of which shall be determined by the High Commissioner of the Trust Territory and the Resident Commissioner. In general, except for the exercise of its police powers, the Northern Mariana Islands Legislature shall have no legislative authority within the Capital District. Legislative authority within the Capital District is hereby generally vested in the Congress of Micronesia. When questions of legislative jurisdiction arise with regard to the Capital District, they shall be resolved in consultation between the Governments of the Trust Territory and the Northern Mariana Islands and will be finally decided by the Secretary if necessary.

#### PART VI. General Provisions

Section 1. Joint Services-Memorandum of Understanding. During the transitional period, the High Commissioner and the Resident Commissioner shall enter into a Memorandum of Understanding which shall provide for joint and mutual support services on a reciprocal and equitable basis in the interests of both governments. The Secretary shall settle disputes or disagreements-as to the terms of the Memorandum of Understanding. The Memorandum of Understanding may be amended by mutual agreement of both the High Commissioner and the Resident Commissioner.

Section 2. Public Facilities. The use of port facilities, airfields, hospitals, institutions of education and recreation and other governmental facilities situated in the Northern Mariana Islands shall be made available to the Government of the Trust Territory according to the terms agreed upon by the High Commissioner and the Resident Commissioner.

Section 3. Job Protections. Citizens of the Trust Territory who are residents of the Northern Mariana Islands and employed by the Trust Territory Government on the effective date of this Order shall not be denied continued employment or equal training opportunities by reason of the separate administration for the Northern Mariana Islands. Similarly, citizens of the Trust Territory who are residents of the other districts and employed by the Trust Territory Government but work for the Mariana Islands District Administration on the effective date of this Order shall not be denied continued employment or equal training opportunities by reason of the separate administration for the Northern Mariana Islands.

Section 4. Freedom of Travel. Citizens of the Trust Territory shall, regardless of their residences, be free to travel within the Trust Territory as they could have done prior to the separation of the Northern Mariana Islands.

Section 5. Future Government of Micronesia. At such time as a location for the future Government of Micronesia is determined, the United States will assist in the funding for the planning and construction of new facilities for such government. The level of such assistance will be subject to the ultimate authorization and appropriation authority of the United States Congress. Until such action shall have been completed, the Government of the Northern Mariana Islands will share in the facilities of the Trust Territory headquarters to the extent



agreed upon by the High Commissioner and the Resident Commissioner.

Section 6. Federal Audit of the Trust Territory Government. The United States Government Comptroller for Guam and the Trust Territory shall have the authority and responsibility for the official audit of the operations of the Government of the Trust Territory. The authority to make provision out of the Trust Territory budget for the operation of the Comptroller with regard to the Trust Territory Government and its political subdivisions is hereby reserved to the Secretary.

Section 7. Prior Orders. Secretary of the Interior Order No. 2876 of January 30, 1964, as amended, and Order No. 2882 of September 28, 1964, as amended, are hereby superseded. Provisions of other prior orders of the Department of the Interior, insofar as they are inconsistent with the provisions of this document, are hereby superseded. Existing laws, regulations, orders, appointments, or other acts in effect immediately prior to the effective date of this document shall remain in effect until they are superseded pursuant to the provisions of this document.

\*

4/27/89 #3422

Replaces 4/27/89 #2851