

A BILL FOR AN ACT

To amend title 7 of the Code of the Federated States of Micronesia, by amending sections 202, 203, 204, 205, and 206, for the purpose of codifying the term "Micronesian" as the official appellation for citizens of the Federated States of Micronesia; to substitute the term "Micronesian citizen" for the term "citizen of the Federated States of Micronesia" throughout title 7, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1       Section 1. Section 202 of title 7 of the Code of the Federated  
2 States of Micronesia is hereby amended to read as follows:

3               "Section 202. Citizenship.

4                       (1) Hereinafter in this chapter, and for all official  
5                       purposes, a citizen of the Federated States of Micronesia as  
6                       defined by the relevant provisions of this chapter shall be  
7                       referred to as a "Micronesian citizen" or, in the alternative,  
8                       "Micronesian".

9                       (2) The following are Micronesian citizens ~~of the~~  
10                      ~~Federated States of Micronesia:~~

11                     ~~1-1~~ (a) a person who is a citizen of the Trust Territory  
12 of the Pacific Islands immediately prior to the effective date  
13 of the Constitution and a domiciliary of a district ratifying  
14 the Constitution of the Federated States of Micronesia;

15                     ~~1-2~~ (b) a person born, at any time, of parents one or  
16 both of whom are citizens of the Federated States of  
17 Micronesia; and

18                     ~~1-3~~ (c) a person who becomes a citizen pursuant to  
19 section 4 or 5 of article III of the Constitution."

20       Section 2. Section 203 of title 7 of the Code of the Federated  
21 States of Micronesia is hereby amended to read as follows:

22               "Section 203. Dual citizenship is prohibited.

23               A Micronesian citizen ~~of the Federated States of~~  
24               ~~Micronesia~~ who is recognized as a citizen of another nation  
25 shall, within three years of his eighteenth birthday, or within

1 three years of the effective date of the Constitution,  
2 whichever is later, register his intent to remain a Micronesian  
3 citizen ~~of the Federated States of Micronesia~~ with the  
4 President or his designee in a manner and form prescribed by  
5 law or regulation and renounce his citizenship of another  
6 nation. If he fails to comply with this section, he becomes a  
7 national of the Federated States of Micronesia."

8 Section 3. Section 204 of title 7 of the Code of the Federated  
9 States of Micronesia is hereby amended to read as follows:

10 "Section 204. Naturalization.

11 The President, on Congress's recommendation by bill, may  
12 naturalize a person as a Micronesian citizen ~~of the~~  
13 ~~Federated States of Micronesia~~ in a manner or form  
14 prescribed by law or regulation if the person:

15 (1) shall have lawfully resided within the Federated  
16 States of Micronesia, whether prior or subsequent to the  
17 effective date of the Constitution, for at least five years  
18 immediately preceding the date of filing his petition for  
19 naturalization;

20 (2) is a child or spouse of a Micronesian citizen or is a  
21 national of the Federated States of Micronesia;

22 (3) upon naturalization, shall have renounced previous  
23 citizenship and allegiance to any and all foreign powers and  
24 rulers, and taken an oath of allegiance in a manner and form  
25 prescribed by law or regulation; and

1 (4) has competence in at least one of the indigenous  
2 languages of the Federated States of Micronesia evidenced by  
3 passing a language examination prepared and administered by the  
4 President or his designee."

5 Section 4. Section 205 of title 7 of the Code of the Federated  
6 States of Micronesia is hereby amended to read as follows:

7 "Section 205. Naturalization rights and duties --  
8 Cancellation.

9 (1) The rights and duties of persons who have become  
10 Micronesian citizens ~~of the Federated States of~~  
11 ~~Micronesia~~ by naturalization shall be the same as those of  
12 persons who are Micronesian citizens ~~of the Federated~~  
13 ~~States of Micronesia~~ except as otherwise provided by the  
14 Constitution.

15 (2) Naturalization may be cancelled within five years of  
16 discovery that naturalization was obtained through concealment  
17 of a material fact or willful misrepresentation in applying for  
18 naturalization. Cancellation shall be by court order. Upon  
19 cancellation of naturalization under this section, such person  
20 shall be divested of all real property obtained in the  
21 Federated States of Micronesia and be provided just  
22 compensation for such property. Disposition of such property  
23 shall be in accordance with law."

24 Section 5. Section 206 of title 7 of the Code of the Federated  
25 States of Micronesia is hereby amended to read as follows:

1 "Section 206. Loss of citizenship.

2 (1) No Micronesian citizen ~~of the Federated States of~~  
3 ~~Micronesia~~ may be deprived of his citizenship unless  
4 subsequent to attaining such citizenship:

5 (a) he shall voluntarily obtain naturalization in a  
6 foreign state upon his own application;

7 (b) he shall voluntarily take an oath or make an  
8 affirmation or other formal declaration of allegiance to a  
9 foreign state or political subdivision thereof;

10 (c) he shall voluntarily enter, or serve in, the  
11 armed forces of a foreign state, provided, however, that he may  
12 serve in the Armed Forces of the United States of America  
13 without loss of citizenship during the remainder of the  
14 Trusteeship Agreement, any future relationship of free  
15 association with the United States, and thereafter as may be  
16 required by his prior enlistment or contract;

17 (d) he shall vote in a political election in a  
18 foreign state where a prerequisite to such a vote is  
19 citizenship of that foreign state; or

20 (e) he shall, if over eighteen years of age,  
21 voluntarily make a formal renunciation of the Micronesian  
22 ~~Federated States of Micronesia~~ citizenship.

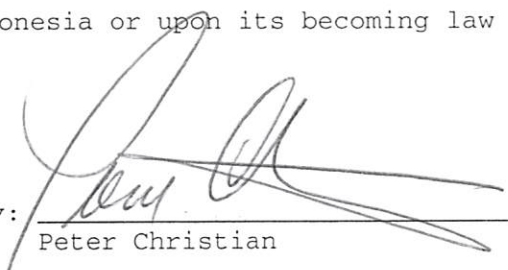
23 (2) Whenever the loss of Micronesian ~~Federated States of~~  
24 ~~Micronesia~~ citizenship is put in issue in any action or  
25 proceeding, the person or party claiming that such loss



1 occurred must establish such claim by a preponderance of the  
2 evidence."

3 Section 6. This act shall become law upon approval by the  
4 President of the Federated States of Micronesia or upon its becoming law  
5 without such approval.

6  
7 Date: 11/06/95

Introduced by: 

Peter Christian

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CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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COMMITTEE ON  
RESOURCES AND  
DEVELOPMENT

A- 11/30/95

STANDING COMMITTEE REPORT NO. 9-80

NOVEMBER 29, 1995

RE: C.B. NO. 9-100

The Honorable Jack Fritz  
Speaker, Ninth Congress  
Federated States of Micronesia  
Second Regular Session, 1995

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 9-100, entitled:

C.B. No. 9-100, "A BILL FOR AN ACT TO AMEND TITLE 7 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, BY AMENDING SECTIONS 202, 203, 204, 205, AND 206, FOR THE PURPOSE OF CODIFYING THE TERM 'MICRONESIAN' AS THE OFFICIAL APPELLATION FOR CITIZENS OF THE FEDERATED STATES OF MICRONESIA; TO SUBSTITUTE THE TERM 'MICRONESIAN CITIZEN OR FOR THE TERM 'CITIZEN' OF THE FEDERATED STATES OF MICRONESIA' THROUGHOUT TITLE 7, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title.

This bill amends the portion of this nation's statutes dealing with citizenship to change the terminology used to refer to a citizen from a "citizen of the Federated States of Micronesia" to a "Micronesian citizen" or a "Micronesian." The Constitution, article III, deals with citizenship. It uses the terminology "citizen of the Federated States of Micronesia."

NOVEMBER 29, 1995

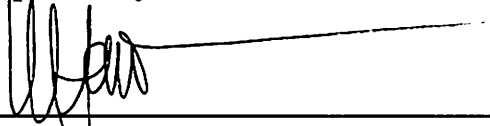
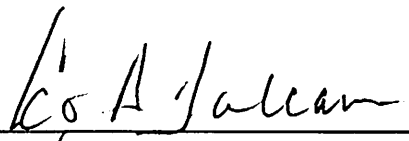
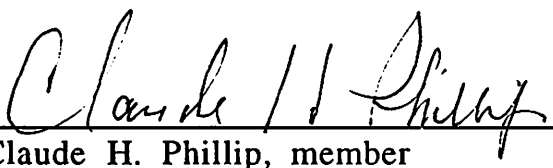


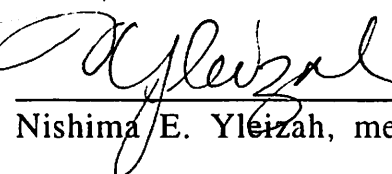
RE: C.B. NO. 9-100

However, it does not mandate this terminology as the exclusive method of referring to citizens of this Nation. Congress is free to legislate as it sees fit on this subject. Although this Nation cannot require other nations to use this terminology in referring to its citizens, it may certainly require the use of this terminology by its own government.

It is significant to note that the Constitution's Preamble refers to the "people of Micronesia" and to "Micronesia." Both of these terms are consistent with the term "Micronesian."

Therefore, your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 9-100 and recommends its passage on First Reading, and that it be placed on the Calendar for Second and Final Reading.

Respectfully submitted,

  
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Wagner M. Lawrence, chairman  
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Leo A. Falcam, member  
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Claude H. Phillip, member  
w/R  
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Joseph J. Urusemal, member  
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Jack Fritz, member  
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Nishima E. Yleizah, member  
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John R. Petewon, member

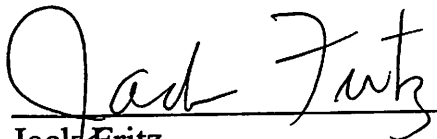
CD/A 12/1/95

**FLOOR AMENDMENT TO C.B. No. 9-100**

**Proposed by Speaker Jack Fritz**

1. Page 1, line 4 - delete the words "Hereinafter in this chapter, and for" and insert "For" in lieu thereof.

2. Page 1, line 9 through Page 5, line 2 - delete in their entirety.

  
\_\_\_\_\_  
Jack Fritz

Rationale: The amendment keeps "Micronesian" as the official term for a citizen of the Federated States of Micronesia, but retains the statutory definitions that duplicate the language of the Constitution.