A BILL FOR AN ACT

To propose an amendment to section 6 of article XI of the Constitution of the Federated States of Micronesia for the purpose of eliminating diversity jurisdiction in the national courts of cases in which the ownership of land or waters is at issue, and for other purposes.

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

Section 1. Proposed amendment. It is hereby proposed that article XI, Section 6 of the Constitution of the Federated States of Micronesia be amended to read as follows:

"Section 6. (a) The trial division of the Supreme Court has original and exclusive jurisdiction in cases affecting officials of foreign governments, disputes between states, admiralty or maritime cases, and in cases in which the national government is a party except where an interest in land is at issue.

(b) The national courts, including the trial division of the Supreme Court, have concurrent original jurisdiction in cases arising

(i) under this Constitution;

(ii) under national law or treaties; and

(iii) [in] from disputes between a state and a citizen of another state, between citizens of different states, and between a state or a citizen thereof, and a foreign state, citizen, or subject, provided that the national courts shall not have jurisdiction under
subsection (b)(iii) of this section in cases in which
the ownership of land or waters is at issue.

(c) When jurisdiction is concurrent, the proper
court may be prescribed by statute."

Section 2. This act shall become law upon approval by the
President of the Federated States of Micronesia or upon its
becoming law without such approval.

Date: 12/13/04                        Introduced by: /s/ Peter M. Christian
                                         Peter M. Christian