

Memorandum

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Subject

Compact with the Micronesian Entities

Date

May 12, 1981

To Ginger Lew
Deputy Assistant Secretary of State
Department of State
Washington, D.C.

From Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

The Department of Justice has the following comments on the initialled Compact with Micronesia:

1. In Section 178(a) the reference should be to Section 174(d) rather than to Section 174(b).

2. We believe that the scope of Section 174(c) should be carefully examined to determine whether and to which extent the U.S. has exposed itself to nuclear and taking claims in the courts of Micronesia.

3. An implementing agreement should provide that Micronesians applying for admission to the United States under § 141(a) of the compact are required to present some documentation, such as an identity card issued by the appropriate government.

4. If a decision to renegotiate the Compact should be made, the exemption from the Foreign Agents Registration Act provided for in section 153(a), of the Compact should be narrowed. This problem, standing by itself, however, does not constitute in our view a sufficient reason to reopen the negotiation.