



CDC-2020-0006



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Good

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### Comment

Nationwide should include Formosa (22 CFR 120.13, 22 CFR 51.1, 22 USC 619, 18 USC 3185, Neely v Henkel, Matter of Muller "While the United States by reason of its nonannexation of the territory occupied by the achievement of its arms may not be the true sovereign of that territory (see Oppenheim, The Legal Relations between an Occupying Power and the Inhabitants, 33 L.Q. Rev. 363) ... "these enemy aliens owed the duty of obedience"), the National Health Insurance Database on Formosa, and environmental health databases on Formosa, especially since America has treaty duties for nuclear safety on Formosa: especially given the Japanese tsunami earthquake nuclear incident disaster, and the spent fuel deposits on Lanyu Orchid island with very poor perimeter security accessible from sea from the Batan islands in the northern Philippines. As Lanyu are native Formosans, the USMG have special fiduciary duties: see Rubi v Mindoro, Duarte v Dade.

America is responsible for nuclear issues on Formosa by solemn Treaty duties for which the nation's faith has been pledged stewardship, interlocution, and superior command responsibilities:

Agreement concerning the application of non-proliferation assurances to Australian uranium to be transferred to the United States of America for enrichment and retransfer to Taiwan, with annex. Exchange of notes at Washington July 31, 2001. Entered into force May 17, 2002. TIAS; 2208 UNTS 497

Agreement concerning cooperation on the application of nonproliferation assurances to Canadian uranium to be transferred from Canada to the U.S. for enrichment and fabrication into fuel and retransferred to Taiwan for use in nuclear reactors, with annex. Exchange of letters at Washington February 24 and March 5, 1993. Entered into force March 5, 1993. TIAS 12490; 1914 UNTS 209

Agreement concerning cooperation on the application of nonproliferation assurances to material, nuclear material, equipment and facilities transferred from France to Taiwan for use in Taiwan's nuclear research and light water nuclear power reactor programs, with annex and related exchanges of notes. Exchange of notes at Washington January 19, 1993. Entered into force January 19, 1993. TIAS

Agreement concerning the listing of reactors supplied from the Federal Republic of Germany to the Taiwan Power Company on the inventory of the IAEA safeguards agreement of December 6, 1971 (TIAS 7228). Exchange of letters at Washington November 5, 1981. Entered into force November 5, 1981. 33 UST 4505; TIAS 10321

The United States does not recognize the "Republic of China" as a state or government.  
<https://www.state.gov/vp-content/uploads/2019/06/2019-TIF-Bilaterals-6.13.2019-web-version.pdf>

The US exercised the rights of US Military government under Article IV of the Peace Treaty with Japan, concomitant the rights secured pursuant to the SOFA Agreements:

Agreement relating to the installation of a submarine cable with a terminal facility at San Miguel Communications Station. Exchange of notes at Manila August 12, 1965. Entered into force August 12, 1965. 16 UST 1127; TIAS 5855; 579 UNTS 47

<https://history.state.gov/historicaldocuments/frus1955-57v02/d282>

Even the juridical position of Taiwan is in doubt. The United States also has an interest in

[Page 620]Taiwan which we got away from Japan. Japan has merely renounced sovereignty over Taiwan which has not been disposed of by the peace treaty and not ceded to anyone. Consequently the United States also could assert a legal claim until Taiwan is disposed of by some means. We cannot, therefore, admit that the disposition of Taiwan is merely an internal problem.

<https://history.state.gov/historicaldocuments/frus1955-57v03/d186>

During the discussion, the Secretary pointed out that we might consider acting under the Japanese Treaty since the U.S. has residual responsibility over all former Japanese territories.

<https://history.state.gov/historicaldocuments/frus1950v06/d773>

As regards Formosa and the Pescadores, ...consistently with the obligations of Article 73 of the United Nations Charter, which obligations have now been assumed by the nations which were allied against Japan.

October 25, 1950

<https://history.state.gov/historicaldocuments/frus1950v06/d775>

Formosans, remain wards of the military government of the US, with some civil government: <https://history.state.gov/historicaldocuments/frus1944v05/d1218> the tribal aborigines as wards of the military government (PWC-19463).

<https://history.state.gov/historicaldocuments/frus1944v05/d1208>

tribal aborigines, who are akin to the non-Christian peoples of Northern Luzon, are neither Japanese nor Chinese, but more properly to be considered as wards of whatever government has control of the island.

Moreover, both the notice and the system must comply with 25 USC 2902 and 2904, to include Formosan languages, Samoan, Chamorro, Carolinian, Puerto Rican Spanish and Arawak, and appropriate First Nations languages (Dine (Navajo), Cherokee, Choctaw).

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Environmental Public Health Tracking Network should also track gun violence, as it is an important element of public health, and should be tracked to identify locales, reasons for, frequency of, and causes of gun violence including particularly mass shootings. Such data can be collected from State and Local Health Directories as well as other sources, and would inform the CDC and other interested agencies of trends in, and means to prevent or mitigate gun violence.

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