

COVENANT ESTABLISHING A POLITICAL UNION BETWEEN  
THE NORTHERN MARIANA ISLANDS AND THE UNITED STATES OF AMERICA

Whereas, the United States of America fully supports the desire of the people of the Northern Mariana Islands to exercise their inalienable right of self-determination; *and*

Whereas, under the Charter of the United Nations and the Trusteeship Agreement between the United Nations and the United States the inhabitants of the Northern Mariana Islands are free to express their wishes for self-government or independence;

Whereas, the peoples of the Northern Mariana Islands and the United States share the common goals and values found in the American system of government based upon the principles of individual freedom *and some are* and democracy; *and*

Whereas, the people of the Northern Mariana Islands for over twenty years, through public petition and referendum, have clearly expressed their desire to attain the benefits inherent in political union with the United States and to become *permanent* a member of the American political family;

Now, therefore, the Marianas Political Status Commission, being the duly appointed representatives of the people of the Northern Mariana Islands, and the Personal Representative of the President of the United States have *agreed to* agreed to *the following* [the following] Covenant and attached Articles *governing the establishment of the Northern Mariana Islands* that upon *ratification* [ratification] by the people of the Northern Mariana Islands and approval by the United States will *establish a new system of self-government for the Northern Mariana Islands in close political union with the United States and* govern their future relationship *on the basis of the United States* ~~on termination of the trusteeship.~~

TITLE I

Upon the termination of the present Trusteeship Agreement the Mariana Islands District of the Trust Territory of the Pacific Islands will become a

self-governing commonwealth under the sovereignty of the United States to be known as "The Commonwealth of the Northern Mariana Islands".

TITLE II

*as set forth in the attached articles*

The Commonwealth will govern itself pursuant to a constitution of its own adoption in accordance with this Covenant ~~and attached Articles~~, applicable provisions of the United States Constitution and ~~United States~~ federal law. ~~The constitution of the Commonwealth will be created by the people of the Northern Mariana Islands and adopted by popular vote of the people. It will provide for a bill of rights, the separation of powers and a popularly elected chief executive.~~

TITLE III

*nothing about execution legislative so early + not approved here*

The United States will establish a District Court with jurisdiction in the Northern Mariana Islands. The Government of the Northern Mariana Islands may also establish local courts to handle cases arising under local law. Their operation will be compatible with the federal courts system of the United States and consistent with applicable federal law.

TITLE IV

*as set forth in attached articles*

*status in the territories*

The people of the Northern Mariana Islands will be given the opportunity to become either citizens or nationals of the United States, as they may choose, ~~upon termination of the trusteeship~~ with all the rights, privileges, immunities and responsibilities pertaining thereto,

TITLE V

*on international matters directly affecting the Northern Mariana Islands*

The United States will have full responsibility for and authority in the fields of defense and foreign affairs. In the exercise of its responsibilities in foreign affairs, the United States will consider the advice of the Commonwealth Government, will support the membership of the Commonwealth in appropriate regional or other international organizations dealing with social, economic, and cultural matters of concern to the Commonwealth to the extent such organizations permit such representation, and will facilitate the establishment of Commonwealth offices abroad to promote the economic and cultural interests of the Commonwealth.

TITLE VI

The United States may enact ~~appropriate~~ legislation ~~for~~ the Commonwealth

*effective within*

*2 too vague!*

*035513*

*otherwise*  
except as specified in this Covenant ~~and the attached Articles~~. The legislative powers of the United States will be exercised with strict regard for the preservation of ~~the maximum~~ <sup>internal</sup> self-government for the Commonwealth ~~in internal affairs~~.

#### TITLE VII

The Commonwealth may regulate the alienation of all public and private lands so as to prevent their transfer to persons not of <sup>Northern</sup> Marianas descent, ~~but~~ *set forth in the attached articles* the privileges and immunities of United States citizens under the U.S. Constitution will ~~otherwise apply in the Commonwealth.~~

#### TITLE VIII

The United States will extend financial support to the Northern Mariana Islands as agreed in the Articles ~~attached to this Covenant and as may be approved by the Congress of the United States~~. Such assistance will include funds to support an orderly transition to the new political status, funds to build toward a new social and economic status, and extension of the provisions of federal programs and services and other assistance in meeting future development needs.

#### TITLE IX

The Government of the Northern Mariana Islands will make land available to the United States <sup>see Executive Order 11514 in the Northern Mariana Islands</sup> ~~federal~~ government for ~~defense purposes~~ <sup>as agreed in the attached articles</sup> ~~to this Covenant~~. All property and interests in property in the Northern Mariana Islands to be held by the United States ~~not directly related to defense responsibilities of the United States~~ shall be acquired <sup>in accordance to procedures</sup> ~~in~~ the ~~manner~~ set forth in the attached Articles.

#### TITLE X

Modification of the fundamental structure of ~~this~~ <sup>the</sup> political relationship between the Commonwealth and the United States ~~as specified in the attached~~

Articles] may be made only by mutual consent of the Commonwealth and the United States, <sup>as specified in Section 102 of the attached Articles,</sup> Amendments to the Constitution of the Commonwealth will not require approval by the United States, but federal courts will be competent to pass on their consistency with this Covenant, the United States Constitution and United States federal law.

This Covenant and attached Articles shall be approved by the United States in accordance with its constitutional processes. They will also be submitted for approval to the District Legislature of the Mariana Islands and subsequently to the people of the Mariana Islands District for approval in a referendum to be called by the Mariana Islands District Legislature. Approval must be by a majority of those voting in the referendum. All residents of the Northern Mariana Islands who would be eligible to vote in elections in the Trust Territory of the Pacific Islands if such elections were held on the day the referendum is conducted shall be eligible to vote in the referendum.

The results of the referendum shall be certified by the High Commissioner of the Trust Territory of the Pacific Islands. ~~Who will transmit the same to the President of the United States.~~ <sup>This Covenant will become effective.</sup> ~~The President of the United States will issue a proclamation announcing a date mutually acceptable to the United States and the Northern Mariana Islands upon which the Covenant will come into effect when he finds:~~ <sup>in accordance with Section 701 of the attached Articles</sup>

1. That the Covenant and attached Articles have been approved as provided above; and
2. That the people of the Northern Mariana Islands have adopted a Constitution pursuant to the attached Articles.

The United States will implement this Covenant and attached Articles to the extent practicable prior to the termination of the Trusteeship Agreement

in a manner consistent with the continuation of the Trusteeship.

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1974.

FOR THE NORTHERN MARIANA ISLANDS:

FOR THE UNITED STATES OF AMERICA:

A The attached articles on the subject of  
of the Government of the Northern  
Mariana Islands are an integral  
part of this Compact.

ARTICLES GOVERNING THE ESTABLISHMENT OF  
THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

ARTICLE I

Political Relationship

Section 101. The Northern Mariana Islands, <sup>now</sup> known as the Mariana Islands District of the Trust Territory of the Pacific Islands, consisting of those islands and the territorial waters thereof which lie within the area north of 14° north latitude, south of 21° north latitude, west of 150° east longitude, and east of 144° east longitude that are <sup>now</sup> administered by the United States of America pursuant to a Trusteeship Agreement with the Security Council of the United Nations (hereinafter referred to as the "Trusteeship Agreement") will upon <sup>the effective date of this</sup> ~~termination of that~~ Section trusteeship be a self-governing Commonwealth under the sovereignty of the United States, to be known as the Commonwealth of the Northern Mariana Islands.

Section 102. The relations between the Commonwealth of the Northern Mariana Islands and the United States shall be governed by <sup>this consent</sup> ~~these Articles~~ and <sup>shall be</sup> subject to the power of the United States Congress to legislate with respect to areas under the sovereignty of the United States, and shall be conducted through such agency or agencies of the United States as the President of the United States may designate, provided that the following provisions of <sup>this consent</sup> ~~these Articles~~ may be modified only with the consent of the Government of the Northern Mariana Islands:

(LIST)

Section 103. The privileges and immunities of citizens of the United States shall be respected in the Marianas as though the Northern Mariana Islands were a state of the union and subject to the provisions of clause 1, section 2 of Article IV of the Constitution of the United States. This ~~Section~~ shall not apply to the regulation of the alienation of real property or interests in real property for the purpose of restricting acquisition of such property or interests to persons of Northern Mariana Islands descent.

WHAT IF UN VOTER TERMINATED?

IN THE EXERCISE OF ITS POWERS UNDER ARTICLE IV, SECTION 3, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES TO ESTABLISH SUCH TERRITORIES AS IT MAY DEEM PROPER, THE UNITED STATES HAS TAKEN THE FOLLOWING ACTION:

(make a blank)

Section 104. The following provisions of and amendments to the Constitution of the United States shall apply within the Commonwealth as though it were a State of the Union: Article I, ~~Section 8, except Clause 7~~, Section 9, Clauses 2, 3, ~~5~~, 6, and 8, and Section 10, Clauses 1-3; Article IV, Section 1 and Section 2, Clause 2; Amendments 1 through 4; Amendment 5, except as it ~~requires~~ <sup>provides a right to</sup> indictment by grand jury; Amendment 6; Amendment 7, except as it provides a <sup>right to</sup> trial by jury in non-criminal cases; Amendments 8 and 9; Amendment 13; Sentence 2 of Section 1 and Section 5 of Amendment 14; and Amendments 15 and 19.

Section 105.

*Northen*  
(a) Except as provided below in this Section, all persons born in the Mariana Islands who were citizens of the Trust Territory of the Pacific Islands on the ~~date of the termination of the trusteeship~~ <sup>effective date of this Compact</sup>, or who reside on that date in the ~~Mariana Islands~~ <sup>Northen</sup> and who have no claim to foreign nationality and who are not citizens of the United States under any other provision of law, will become citizens of the United States on that date.

(b) All persons born in the Commonwealth of the Northern Mariana Islands after the termination of the Trusteeship, and subject to the jurisdiction of the United States shall be citizens of the United States.

(c) Any such person thus eligible for citizenship may on the date of the termination of the Trusteeship or within six months thereafter or within six months after reaching the age of eighteen years, whichever date is the later one, make a declaration under oath before a court in the district of which he resides in the form as follows:

*insert attached*  
*MSC proposal*  
*revisions need out 8/10 date*  
*see HM new draft*  
035519



"I - - - being duly sworn hereby declare my intention not to be a citizen of the United States."

Any person who makes this declaration shall be a national but not a citizen of the United States.

(d) Immigration and Nationality Act.

(1) Section 101 of the Immigration and Nationality Act (68 Stat. 166 as amended, 8 U.S.C. 101(a)(29)) is hereby amended by inserting before the words "American Samoa", the words "the Commonwealth of the Northern Mariana Islands".

(2) Section 101(a)(36) of the Immigration and Nationality Act (68 Stat. 166, as amended, 8 U.S.C. 101(a)(36)) is hereby amended by inserting after the words "District of Columbia", the words "the Commonwealth of the Northern Mariana Islands".

(3) Section 101(a)(38) of the Immigration and Nationality Act (68 Stat. 166, as amended, 8 U.S.C. 101(a)(38)) is hereby amended by inserting after the word "Hawaii", the words "the Commonwealth of the Northern Mariana Islands".

ARTICLE II

Constitutional Convention

✓ Section 201. The people of the Northern Mariana Islands will form a government for these islands pursuant to a Constitution of their own adoption, *as provided in this Covenant.*

Section 202. The District Legislature of the Marianas will call a ~~Constitutional~~ <sup>draft</sup> convention to ~~write~~ <sup>a</sup> Constitution for the Commonwealth of the Northern Mariana Islands, the provisions of which shall be in accordance with ~~these Articles.~~ <sup>this Covenant.</sup> Each of the present electoral districts within the Mariana Islands District will be represented in the constitutional convention.

Section 203. The proposed <sup>c</sup> Constitution for the Commonwealth of the Northern Mariana Islands will be submitted to the High Commissioner of the Trust Territory for transmission to the Congress of the United States not later than one year after the convening of the constitutional convention. If the Congress of the United States finds that the proposed constitution is not contrary to the Constitution of the United States of America, the terms of ~~these Articles~~ <sup>this Covenant</sup> and other relevant federal legislation, it will by joint

resolution so certify to the High Commissioner of the Trust Territory, who will so advise the Mariana Islands District Legislature which will then dissolve the constitutional convention. If the Congress finds that the proposed <sup>c</sup> Constitution does not meet the above criteria it will so advise the High Commissioner of the Trust Territory stating wherein in its judgment the <sup>c</sup> Constitution is deficient. The High Commissioner will in turn submit such message to the constitutional convention for further action. The revised document shall be returned to the Congress of the United States and the same procedures repeated until the <sup>c</sup> Constitution is certified by the Congress.

Section 204.

(a) Upon certification by the Congress of the United States to the High Commissioner of the Trust Territory in accordance with Section 203 of this Article the High Commissioner will, within thirty days after receipt of such certification, issue a proclamation for a referendum to be held not more than ninety days after the date of the proclamation to vote "yes" or "no" on the following proposition.

*The people of the Northern Mariana Islands hereby adopt the*

*Constitution of the Commonwealth of the Northern Mariana Islands as proposed by the constitutional convention and as certified by the Congress of the United States.*

(b) The High Commissioner of the Trust Territory will, within thirty days following the referendum, determine the results of that referendum and convey his determination to the President of the United States. If a majority of the qualified votes <sup>cast</sup> in the referendum are in favor of adopting the proposition the President will issue a proclamation which so states, and which sets the effective date of the Constitution of the <sup>Commonwealth of the</sup> Northern Mariana Islands. That date will be no later than the date of the termination of the Trusteeship Agreement.

Section 205. Amendments to the Constitution of the Commonwealth of the Northern Mariana Islands may be made from time to time as provided in that <sup>C</sup>Constitution. The courts of the United States shall be competent to pass on the consistency of such amendments with this Covenant and with relevant provisions of the United States Constitution and of other federal law.

ARTICLE III

The Constitution of the Commonwealth  
of the Northern Mariana Islands

Section 301. The Constitution of the Commonwealth of the Northern Mariana Islands will provide for a republican form of government, with separate executive, legislative, and judicial branches.

Section 302. The Executive. The executive power of the Government of the Northern Mariana Islands will be vested in a popularly elected Governor of the Commonwealth and such other officials as may be provided for under the Constitution of the Commonwealth; In addition to those responsibilities conferred upon it by the Constitution and laws of the Commonwealth, the executive branch of the Commonwealth Government will be responsible for the faithful execution of the laws of the Commonwealth and the laws of the United States applicable to the Commonwealth.

Section 303. The Governor may, with the approval of the President of the United States, restore in the Commonwealth such civil rights as may have been lost as the result of convictions by Federal or State courts of the United States.

Section 304.<sup>3</sup> Whenever it becomes necessary in case of disaster, invasion, insurrection, or rebellion, or imminent danger thereof, or to prevent or suppress lawless violence, the Governor of the Commonwealth may request of the President of the United States the assistance of the Armed Forces of the United States.

Section 305.<sup>4</sup> The Legislature. The legislative power of the Commonwealth will be vested in a legislature, every member of which will be popularly elected. The legislative power of the Commonwealth will extend to

all subjects of local application and may not be exercised in a manner inconsistent with the applicable provisions of the Constitution of the United States, the terms of this Covenant, or with those <sup>federal</sup> statutes enacted ~~under the authority of the United States~~ which are applicable to the Northern Mariana Islands, including such statutes as may be enacted in the future.

<sup>5</sup>  
Section 306. The Judiciary. Courts of the Northern Mariana Islands will have jurisdiction as prescribed by the laws of the Northern Mariana Islands to handle cases arising under local law. The operation of these courts will be compatible with the federal court system of the United States and consistent with applicable federal law.

<sup>6</sup>  
Section 307. All members of the legislature and all officers of the executive and judicial branches of the Government of the Commonwealth will take an oath or affirmation to support the provisions of the Constitution and laws of the United States applicable to the Northern Mariana Islands and <sup>to support</sup> the Constitution of the Commonwealth.

<sup>7</sup>  
Section 308. The United States will establish a District Court which will have in the Northern Mariana Islands powers and jurisdiction equal to those of the District Court of Guam *in the territory of Guam.*

<sup>8</sup>  
Section 309. The appropriate laws of the United States relating to removal of causes, appeals and other matters and proceedings as between the courts of the United States and the courts of the several states will govern in such matters and proceedings between the courts of the United States and the courts of the Northern Mariana Islands.

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to p. 22

ARTICLE IV

Financial Provisions

✓ Section 401. The Government of the Northern Marianas will undertake such measures ~~[and the United States will provide such financial and other economic assistance]~~ <sup>and</sup> as will facilitate the process of achieving higher standards of living for the people of the Northern Mariana Islands ~~and their economic self-sufficiency.~~

✓ ~~Section 402.~~ The Government of the Northern Mariana Islands will enact a non-discriminatory, comprehensive internal revenue law designed to promote economic self-sufficiency. The personal and corporate income tax provisions will be progressive and follow the income tax system in the territory of Guam as closely as possible modified as necessary to conform to local economic conditions.

✓ Section 40<sup>2</sup>. Effective on the first day of July following the effective date of this ~~Section~~ <sup>section</sup>, all customs duties and Federal income taxes of the United States derived from the Northern Mariana Islands, the proceeds of all taxes collected under the internal revenue laws of the United States on articles produced in the Northern Mariana Islands and transported to the United States, its territories, or possessions, or consumed in the Northern Mariana Islands ~~[and the proceeds of any other taxes which may be levied by the Northern Mariana Islands on the inhabitants of the Northern Mariana Islands]~~ and all quarantine, passport, immigration, and naturalization fees collected in the Northern Mariana Islands shall be ~~deposited~~ <sup>covered</sup> in the Treasury of the Government of the Northern Mariana Islands and shall be expended for the benefit of the people of the Northern Mariana Islands as the Government of the Northern Mariana Islands may by law prescribe.

✓ Section 40<sup>3</sup>. The United States will augment the funds made available under Section 403 for 15 years from the effective date of ~~the Covenant~~ <sup>this section</sup> through

grants of appropriated funds on a descending scale earmarked for budgetary support. The grants will be \$\_\_ million for each of the first five years after <sup>the effective date of this section</sup> ~~this Covenant~~ comes into effect; \$\_\_ million for <sup>each of the next five</sup> ~~the sixth to the~~ <sup>each of the remaining</sup> ~~the~~ <sup>5</sup> ~~10th~~ year; and \$\_\_ million for <sup>4</sup> ~~each of the next~~ five years.

Section 405. The United States will make available to the Government of the Northern Mariana Islands in amounts to be agreed, ~~funds to cover~~ compensation for lands made available to the United States Government <sup>for</sup> ~~for~~ purposes <sup>yes</sup> specified in Sections 502 and 503 of Article V. The Northern Mariana Islands will make <sup>this compensation</sup> ~~the annual income from the proceeds~~ available for economic development projects.

Section 406. The United States will provide the Northern Mariana Islands ~~without compensation~~ <sup>the same</sup> a full <sup>1</sup> ~~full~~ range of Federal services and programs <sup>as is</sup> available to ~~the States as well as to the Territory of Guam,~~ <sup>1</sup> ~~as provided in~~ Sections 601, 701, and 702 of ~~this Covenant~~.

Section 407. The Government of the United States agrees to make contributions annually for fifteen years from the effective date of <sup>this section</sup> ~~the Covenant~~ on a grant basis to a <sup>1</sup> ~~Commonwealth of the Marianas~~ <sup>Islands</sup> Capital Improvement Program Fund. The grant will be \$\_\_ million dollars for each of the first five years and \$\_\_ million dollars a year for each of the last ten years. This Fund will be <sup>by the Commonwealth</sup> used for public sector investment in essential economic <sup>development</sup> ~~social, and~~ <sup>projects.</sup> ~~physical infrastructure.~~

Section 408. The United States will also make available to the Northern Mariana Islands, financial assistance on a loan basis for economic development projects at an annual amount of \$\_\_ million for fifteen years from the effective date of <sup>this section</sup> ~~the Covenant~~ subject to the terms of long-term low-interest loan agreements between the United States and the Government of the Northern Mariana Islands.

Section 409<sup>8</sup>. The provisions of Sections 404<sup>3</sup>, 407<sup>6</sup>, and 408<sup>7</sup> will be reviewed by the United States and the Northern Mariana Islands at five year intervals, in light of changing conditions or more frequently if so requested by either the <sup>Government of the</sup> Northern Mariana Islands or the United States.

Section 410<sup>9</sup>. Upon signature of the Covenant the U.S. will provide the sum of \$\_\_\_, subject to approval by the Congress of the United States, to cover the costs of transitional studies, programs and events related to the establishment of a new Government of the Northern Mariana Islands.

Section 411<sup>10</sup>. Imports from the Northern Mariana Islands into the customs territory of the United States will be subject to the same treatment as those from the Territory of Guam.

Section 412<sup>11</sup>. ~~Subject to~~ international obligations of the United States, ~~the~~ levy ~~of~~ duties on goods imported into the Northern Mariana Islands from other than <sup>any area</sup> ~~United States~~ <sup>the</sup> sources <sup>its territories & possessions</sup> ~~is reserved to~~ the Government of the Northern Mariana Islands <sup>may, in a manner consistent with the</sup>

Section 413<sup>12</sup>. The Government of the Northern Mariana Islands shall submit to the President of the United States or his appointed representative an annual report on the administration of the funds transferred to the Government of the Northern Mariana Islands pursuant to the provisions of this chapter. Such reports will be transmitted by the President to the Congress of the United States.

Section 414<sup>13</sup>. The Government of the Northern Mariana Islands will:

(a) Enact no law imposing any tax or levies upon property of the United States or property of the Government of the Trust Territory of the Pacific Islands nor will it impose taxes or levies on goods imported into the Northern Mariana Islands from the United States or any of its territories or exported from the Northern Mariana Islands to the United States or any of its territories.



(b) Authorize no public indebtedness in excess of ten percentum of the aggregate tax valuation of the real property in the Northern Mariana Islands; bonds or other obligations of the Government of the Northern Mariana Islands payable solely from revenues derived from any public improvement or undertaking will not be considered public indebtedness of the Government of the Northern Mariana Islands within the meaning of this provision.

Section 4<sup>14</sup>15. All bonds issued by the Government of the Northern Mariana Islands or by its authority will be exempt, as to principal and interest, from taxation by the Government of the United States or by the Government of any State, Territory, possession, the Commonwealth of Puerto Rico, the District of Columbia, or any political subdivision of any of them.

ARTICLE V

Public Property of the Commonwealth  
and Property Acquired by the  
United States

Section 501. Upon termination of the Trusteeship Agreement the title to ~~the~~ real and personal property in the Mariana Islands District owned or held by the Government of the Trust Territory of the Pacific Islands will be transferred to the Government of the Commonwealth of the Northern Mariana Islands *no later than*

Section 502.<sup>3</sup> The United States may acquire property and interests in property [not directly related to the defense responsibilities of the United States] in the following manner:

(a) Within three years from the termination of the Trusteeship Agreement, the existing use rights of the United States Government will terminate, unless, within that time the United States proceeds to acquire, in accordance with subsection (c) or (d) hereof whatever rights in such lands may be considered necessary for the public purposes of the United States. *in land not related to defense responsibilities*

~~(b)~~ In any such acquisition, the amount to be paid for the property, or interest therein, will be the current fair market value of the interest acquired, exclusive of any improvements made by the United States or its assigns, and less any amount or amounts previously paid, gratuitously or otherwise, therefore.

*u*  
(d) The United States Government, its departments and agencies may acquire for public purposes in the Commonwealth any property or any interest in property, including any temporary use, only in accordance with this subsection and subsection <sup>or</sup> (c). Such property, including that owned or controlled by private parties or the Commonwealth Government, may be acquired under this subsection by purchase, lease, exchange, gift, or otherwise under such terms and conditions as may be negotiated by the parties, subject to the provisions

*move to 2nd part of (b) P-19*

in Section 501 and subject to the rights of the United States in subsection <sup>b</sup> (d) of this section.

<sup>b</sup> (d) In the event the United States is unable to acquire property or an interest in property by negotiation in accordance with subsection <sup>a</sup> (c), then it may as a last resort acquire property or an interest therein in accordance with its constitutional authority and presently established and future Federal law and procedures with respect to the acquisition of real property or an interest in real property. *reinsert 9.18 - (them) ->*

~~During the three year period referred to in subsection (a) above,~~ <sup>(c)</sup> Nothing herein will impair the existing agreements between the Trust Territory Government and the United States Government or any agency or instrumentality thereof insofar as they relate to land use and retention, and the Commonwealth Government takes all such land as set forth in Section 501 <sup>of Article</sup> ~~of this Covenant~~ subject to such agreements; provided, however, that such retention and use will at all times be consistent with the public purposes of the United States.

Section 502. ~~The United States may acquire property and rights and uses in the lands and waters of the Northern Mariana Islands for defense purposes.~~

The Mariana Islands Political Status Commission, Mariana Islands District Legislature and successor governments will take all measures necessary to effect the transfer <sup>of title</sup> to the United States ~~of use~~ of the following areas <sup>upon</sup>

*termination of the trusteeship act to provide the United States with*

(a) Tinian Island. Twenty-six thousand two hundred acres and the waters immediately adjacent <sup>thereto</sup> ~~to the island~~ shall be made available for the use of the United States to establish an integrated homogeneous basing area to minimize the total land area required by the United States in the Commonwealth.

*(In the event the U.S. is unable to acquire property or an interest in property by negotiation in accordance with subsection (c), then it may as a last resort acquire property or an interest therein in accordance with its constitutional authority and presently established and future Federal law and procedures with respect to the acquisition of real property or an interest in real property.)*

*use rights in these areas until the termination of the trusteeship act*

(b) Saipan Island

(1) Isley Air Field Area. Joint use of Isley Air Field and five hundred acres south and adjacent to the south runway encompassing previously held military retention land will be made available for use by the United States which shall at its discretion make available for the use of the Government of the Northern Mariana Islands such acreage as is not essential for the exercise of its defense responsibilities.

(2) Tanapag Harbor. Three hundred twenty acres extended south from "C" dock ~~and west from Beach Road~~ *and west from Beach Road* encompassing previously held military retention land will be made available for use by the United States which will at its discretion make available for the use of the Government of the Northern Mariana Islands such acreage as is not essential for the exercise of its defense responsibilities.

(c) Farallon de Medinilla Island. Two hundred twenty-nine acres encompassing the entire island and the waters immediately adjacent thereto will be made available for use by the United States.

*section 54*, In consideration for the lands and water areas described <sup>*in section 502*</sup> above not now held under use agreement, the United States will pay to the Government of the Northern Mariana Islands the sum of \$\_\_\_ annually for lease of the lands and adjacent waters described above prior to the termination of the Trusteeship and will purchase such lands and waters for \$\_\_\_ on termination of the Trusteeship.

*5* Section 50X. <sup>*and lease*</sup> The purchase agreements for the lands and waters listed in *2* Section 50X shall conform to the provisions of this Covenant and such agreements will not contain any limitation on the use of such lands and waters which conflict with the basic authorities and responsibilities of the United States for the defense and security of the Northern Mariana Islands and the United States under the Constitution of the United States. Such agreements will contain provision for reversion, protections against environmental damage, resettle-

ment of occupants wherever necessary, joint undertakings of the parties to insure a balanced social and community growth, and such other provisions that will provide for the mutual benefit and security of the parties.

ARTICLE VI  
Applicable Laws *& United States Federal Authority*

Section 601. Until the enactment of the legislation envisaged by Article VII, Section 702 (Statutory Commission) and except as herein otherwise provided the following laws ~~of the United States~~ will be applicable to the Northern Mariana Islands:

(a) The laws of the United States expressly made applicable to the Northern Mariana Islands.

(b) The <sup>existing</sup> laws of the United States applicable to the Trust Territory of the Pacific Islands;

(c) The laws of the United States applicable to the territory of Guam in the same manner and to the same extent as though those laws are applicable in the several states;

(d) The term "laws of the United States" includes statutes, joint resolutions, treaties and Executive agreements, proclamations, Executive Orders, judicial decisions, and regulations issued by the several departments, agencies, and regulatory commissions.

(e) see old 703 - page 23

Section 602 (see old 307)  
p. 13

Section 603 (see old 308)  
p. 13

ARTICLE VII

Sections 401  
of Article

Transitional Provisions

Section 701. Articles II, III, and IV; Sections 50<sup>2</sup> and 50<sup>5</sup> of Article V; Articles VI and VII shall become effective upon the approval of the Covenant. *Unless otherwise specifically provided* The remaining Articles shall become effective upon the termination of the trusteeship, provided, however, that the President of the United States shall have the power to make effective at an earlier date so much of the remainder of these Articles and so much of the Constitution of the Northern Mariana Islands as he deems consistent with the continuation of the Trusteeship.

Section 702. The President of the United States will appoint a commission of seven persons, at least three of whom shall be residents of the Northern Mariana Islands, to survey the field of Federal statutes, including federal services and assistance programs, and make recommendations to the Congress of the United States within twelve months after effective date of the Covenant and attached Articles as to which statutes of the United States not applicable to the Northern Mariana Islands on such date shall be made applicable to the Commonwealth of the Northern Mariana Islands upon the termination of the Trusteeship Agreement or at such other date as the President may determine and which statutes shall remain inapplicable.

(e) Section 703. The laws of the Trust Territory of the Pacific Islands, the Marianas District Legislature, of local municipalities and all other executive and district orders of a local nature now applicable to the Mariana Islands *of the United States* and *not inconsistent with the laws set forth in subsections (a) to (d)* District will remain in force and effect until and unless repealed or amended by the Government of the Northern Mariana Islands. ~~The Government of the Northern Mariana Islands will take appropriate action to insure no conflict between such local laws and this Covenant and federal legislation extended to the Commonwealth under Section 501.~~

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P. 22  
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of 601