

Mpsc Agreement

AGREEMENT TO ESTABLISH A
SELF-GOVERNING COMMONWEALTH OF
THE MARIANA ISLANDS IN POLITICAL
UNION WITH THE
UNITED STATES OF AMERICA

Whereas, pursuant to a Trusteeship
Agreement with the Security Council of
the United Nations, the United States
of America presently administers the
Mariana Islands District of the Trust
Territory of the Pacific Islands; and

Whereas, the Charter of the United
Nations and the aforesaid Trusteeship
Agreement guarantee the people of the
Mariana Islands District the right
freely to express their wishes for self-
government or independence; and

Whereas, for over twenty years, the
people of the Mariana Islands District,
through public petition and referendum,
have clearly expressed their desire for
political union with the United States;
and

U. S. COVENANT

COVENANT ESTABLISHING A POLITICAL
UNION BETWEEN THE MARIANA ISLANDS
DISTRICT OF THE TRUST TERRITORY
OF THE PACIFIC ISLANDS AND THE
UNITED STATES OF AMERICA

Preamble

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

Whereas, for over twenty years,
the people of the Mariana Islands
District, through public petition
and referendum, have clearly expressed
their desire to attain the benefits
inherent in political union with the
United States;

United States;

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MPSC AGREEMENT

and

Whereas, the people of the Mariana Islands District, through their duly elected representatives in the Mariana Islands District Legislature, have constituted the Marianas Political Status Commission and authorized that body to negotiate with the United States on the future political status of the Mariana Islands District; and

U. S. COVENANT

Now, therefore, the Marianas Political Status Commission, being the duly appointed representatives of the people of the Mariana Islands District, and the Personal Representative of the President of the United States have agreed to this Covenant containing general principles and attached articles of agreement establishing a self-governing commonwealth for the Mariana Islands District within the American political system and defining the future relationship between the people of the Mariana Islands District and the United States.

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MPSC AGREEMENT

U. S. COVENANT

Whereas the United States, recognizing its responsibilities under the Charter of the United Nations and the Trusteeship Agreement and supporting the desire of the people of the Mariana Islands District to exercise their inalienable and sovereign right of self-determination, has authorized the Personal Representative of the President of the United States to negotiate with the Marianas Political Status Commission on the future political status of the Mariana Islands District; and

Whereas, the United States of America fully recognizes and supports the desire of the people of the Mariana Islands District of the Trust Territory of the Pacific Islands to exercise their inalienable right of self-determination; and

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Title XI

This Covenant will become effective only after it has been approved by the Marianas District Legislature and the people of the Mariana Islands District in a plebiscite thereby constituting a sovereign act of self-determination and by the Government of the United States.

Signed at _____
on the ____ day of _____ 1974

FOR THE MARIANA ISLANDS DISTRICT:

FOR THE UNITED STATES OF AMERICA:

06-2270002

MPSC AGREEMENT

Whereas, the people of the Mariana Islands District and the people of the United States share the goals and values found in the American system of government based upon the principles of government by consent, individual freedom, and democracy;

Now, therefore, on this _____ day of _____, 197_, the Marianas Political Status Commission and the Personal Representative of the United States have made and entered into an Agreement to Establish a Self-Governing Commonwealth of the Mariana Islands in Political Union with the United States of America. This Commonwealth Agreement shall become mutually binding according to its terms and effective as provided herein after it is approved by resolution of the Mariana Islands District Legislature, approved by the people of

U. S. COVENANT

Whereas, the people of the Mariana Islands District and the United States share the goals and values found in the American system of government based upon the principles of individual freedom and democracy; and

Now, therefore, the Marianas Political Status Commission, being the duly appointed representatives of the people of the Mariana Islands District, and the Personal Representative of the President of the United States have agreed to this Covenant containing general principles and attached articles of agreement establishing a self-governing commonwealth for the Mariana Islands District within the American political system and defining the future relationship between the people of the Mariana Islands District and the United States.

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the Mariana Islands District in a plebiscite, and enacted into law in accordance with the constitutional processes of the United States.

General Principles

Title I

Upon 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" (hereinafter referred to as the "Commonwealth").

Title II

The Commonwealth will govern itself pursuant to its own Constitution as set forth in the attached Articles (hereinafter referred to as the "Articles") and

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in accordance with this Covenant, applicable provisions of the United States Constitution, and applicable federal law. The Constitution of the Commonwealth will be framed by the people of the Mariana Islands District and adopted by popular vote. It will provide for a bill of rights, the separation of powers and a popularly elected chief executive and legislature.

Title III

The Government of the Northern Mariana Islands may establish local courts with such jurisdiction as may be prescribed by local law. Their operation will be compatible with the federal court system of the United States and consistent with applicable federal law. The United States will also establish a District Court for the Northern Mariana Islands with powers as set forth in the Articles.

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Title IV

At the time the Commonwealth is established the people of the Mariana Islands District will be given the opportunity to become either citizens or nationals of the United States, as they may choose, with all the rights, privileges, immunities and responsibilities pertaining thereto, as set forth in the Articles.

Title V

The United States will have full responsibility for and authority in the fields of foreign affairs and defense. In the exercise of its responsibilities in foreign affairs, the United States will consider the advice of the Commonwealth Government on international matters directly affecting the people of the Northern Mariana Islands and will facilitate the establishment of Commonwealth offices abroad to promote the

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economic and cultural interests of the Commonwealth.

Title VI

The United States may enact legislation effective within the Commonwealth except as otherwise specified in this Covenant. The legislative powers of the United States will be exercised with strict regard for the preservation of the internal self-government in the Commonwealth.

Title VII

The Commonwealth will regulate the alienation of all public and private lands so as to prevent their transfer to persons not of Northern Marianas ancestry except as otherwise provided in this Covenant.

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Title VIII

The Government of the Northern Mariana Islands will make land available to the United States Government for the exercise of its responsibilities in the Northern Mariana Islands as specified in the Articles. All United States property and interests in property in the Northern Mariana Islands shall be acquired pursuant to the procedures set forth in the Articles.

Title IX

The United States will extend financial support to the Government of the Northern Mariana Islands as specified in the Articles. Such assistance will include funds to support an orderly transition to the new political status; funds to develop the economy of the Northern Mariana Islands toward self-

sufficiency; the extension of federal programs and services; and other assistance in meeting future development needs.

Title X

Modification of the fundamental provisions of the Covenant listed in Article I may be made only by mutual consent of the Commonwealth and the United States. Amendments of 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 other federal law.

Title XI

This Covenant will become effective only after it has been approved by the Marianas District Legislature and the people of the Mariana Islands District in a plebiscite thereby constituting a sovereign act of self-determination and by the Government of the United States.

Signed at _____
on the ____ day of _____ 1974

FOR THE MARIANA ISLANDS DISTRICT:

FOR THE UNITED STATES OF AMERICA:

MPSC AGREEMENT

U. S. COVENANT

Title I -- Definitions

Section 101:

"Trusteeship Agreement" means the Trusteeship Agreement entered into between the Security Council of the United Nations and the United States of America, approved by Joint Resolution of the United States Congress July 18, 1947, Pub. L. No. 80-204, 61 Stat. 397, which made the United States the administering authority for the Trust Territory of the Pacific Islands.

Section 102:

"Mariana Islands District" means the Mariana Islands District of the Trust Territory of the Pacific Islands, which consists 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.

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

ARTICLE I

Political Relationship

Section 101. The Northern Mariana Islands, now 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 now administered by the United

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MPSC AGREEMENT

U. S. COVENANT

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 termination of the 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 103:

The "Marianas Political Status Commission" means the body authorized by the people of the Mariana Islands District, through their duly elected representatives in the Mariana Islands District Legislature, to negotiate with the United States on the future political status of the Mariana Islands District.

06-417403

MPSC AGREEMENT

U. S. COVENANT

Section 104:

"Commonwealth Agreement" means the Agreement to Establish a Self-Governing Commonwealth of the Mariana Islands in Political Union with the United States, entered into between the Marianas Political Status Commission and the Personal Representative of the President of the United States on ____ day of

____, 197__.

Section 105:

"Commonwealth" means the Commonwealth of the Mariana Islands.

Title II -- Political Relationship

Section 201.

(a) The relations between the people of the present Mariana Islands District of the Trust Territory of the Pacific Islands and the United States shall be governed by the Agreement to Establish a Self-Governing Commonwealth of the Mariana Islands in Political Union

Section 102. The relations between the Commonwealth and the United States shall be governed by this Covenant. In the exercise of its powers the United States will be guided by its traditional respect for local self-government. The United States may enact legislation effective within the Common-

MPSC AGREEMENT

U. S. COVENANT

with the United States of America, which shall be mutually binding according to its terms.

wealth with the exception that the fundamental provisions of this Covenant, listed as follows, may be modified only with the consent of the Government of the Northern Mariana Islands: (LIST)

The Government of the Northern Mariana Islands as used herein includes, as appropriate, the present Government of the Mariana Islands District, its agencies and instrumentalities, and its successors including the future Government of the Commonwealth of the Northern Mariana Islands.

Now, therefore, the Marianas Political Status Commission, being the duly appointed representatives of the people of the Mariana Islands District, and the Personal Representative of the President of the United States have agreed to this Covenant containing

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MPSC AGREEMENT

U. S. COVENANT

(b) Insofar as the Commonwealth Agreement shall affect the relations between the people of the Mariana Islands District and the United States prior to termination of the Trusteeship Agreement, such provisions are not intended to affect the duties and obligations owed by the United States to the United Nations and to the people of the Mariana Islands District under the Trusteeship Agreement, but to be consistent with those duties and obligations.

Section 202.

The Mariana Islands District shall become a self-governing commonwealth, to be known as "The Commonwealth of the Mariana Islands."

general principles and attached articles of agreement establishing a self-governing commonwealth for the Mariana Islands District within the American political system and defining the future relationship between the people of the Mariana Islands District and the United States.

Section 101. The Northern Mariana

Islands, now 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

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that are now 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 termination of the trusteeship be a self-governing commonwealth under the sovereignty of the United States, to be known as "The Commonwealth of the Northern Mariana Islands".

Title I

Upon 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" (hereinafter referred to as the "Commonwealth").

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MPSC AGREEMENT

Section 203.

Upon termination of the Trusteeship Agreement, the Commonwealth of the Mariana Islands shall achieve political union with the United States and the United States shall have sovereignty in the Commonwealth in accordance with the terms of the Commonwealth Agreement.

U. S. COVENANT

Section 101. The Northern Mariana Islands, now 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 now 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 termination of the trusteeship be a self-governing commonwealth under the sovereignty of the United States, to be known as "The Commonwealth of the Northern Mariana Islands".

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Title I

Upon 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" (hereinafter referred to as the "Commonwealth").

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Section 204.

(a) The people of the Commonwealth of the Mariana Islands shall govern themselves in accordance with a Constitution of their own adoption. The Constitution of the Commonwealth of the Mariana Islands shall be framed by representative of the people of the present Mariana Islands District and approved by popular vote. The people of the Commonwealth of the Mariana Islands shall retain the right to initiate and approve constitutional amendments according to procedures provided in the Constitution.

ARTICLE III

The Constitution of the Northern Mariana Islands

Section 301. The people of the Mariana Islands District will form a government pursuant to a Constitution of their own adoption, as provided in this Covenant.

Title II

The Commonwealth will govern itself pursuant to its own Constitution as set forth in the attached Articles (hereinafter referred to as the "Articles") and in accordance with this Covenant, applicable provisions of the United States Constitution, and applicable federal law.

The Constitution of the Commonwealth will be framed by the people of the Mariana Islands District and adopted by popular vote. It will provide for a bill of rights, the separation of powers and a popularly elected chief executive and legislature.

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MPSC AGREEMENT

(b) The Constitution of the Commonwealth of the Mariana Islands shall provide for a republican form of government, with separate executive, legislative, and judicial branches, a bill of rights, a popularly elected chief executive and legislature, and in all other respects shall be consistent with this Commonwealth Agreement and with those provisions of the United States Constitution and of federal laws applicable in the Commonwealth of the Mariana Islands.

U. S. COVENANT

Section 306. The Constitution of the Commonwealth will provide for a republican form of government with separate executive, legislative and judicial branches, and will contain a bill of rights.

Title II

The Commonwealth will govern itself pursuant to its own Constitution as set forth in the attached Articles (hereinafter referred to as the "Articles") and in accordance with this Covenant, applicable provisions of the United States Constitution, and applicable federal law. The Constitution of the Commonwealth will be framed by the people of the Mariana Islands District and adopted by popular vote. It will provide for a bill of rights, the separation of powers and a popularly elected chief executive and legislature.

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(c) Except as provided in Section 1202(c) below, the United States shall have no authority to review and disapprove the original provisions of the Constitution. Further, the United States shall have no authority to review and disapprove any amendments to the Constitution; the federal courts, however, shall be competent to determine whether the Constitution and amendments thereto are consistent with the Commonwealth Agreement and with those provisions of the United States Constitution and of federal laws applicable in the Commonwealth of the Mariana Islands.

Section 305. Amendments to the Constitution of the Commonwealth may be made as provided in that Constitution. Such amendments will not require approval by the United States, but the courts of the United States shall be competent to pass on their consistency with this Covenant and with relevant provisions of the United States Constitution and other federal law.

Title X

Modification of the fundamental provisions of the Covenant listed in Article I may be made only by mutual consent of the Commonwealth and the United States. Amendments of 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 other federal law.

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MPSC AGREEMENT

Section 205.

(a) The authority of the Commonwealth of the Mariana Islands shall extend to all matters of local concern and shall be exercised in a manner which is not inconsistent with this Commonwealth Agreement or with provisions of the United States Constitution or federal laws applicable in the Commonwealth of the Mariana Islands.

U. S. COVENANT

Section 307. The executive power of the Commonwealth will be vested in a popularly elected Governor and such other officials as may be provided for under the Constitution. In addition to the responsibilities conferred upon it by the Constitution and laws of the Government of the Northern Mariana Islands, the executive branch of the Commonwealth Government will be responsible for the faithful execution of the laws of the Government of the Northern Mariana Islands and the laws of the United States applicable to the Northern Mariana Islands.

Section 308. The legislative power of the Commonwealth will be vested in a popularly elected legislature. Its legislative power will extend to all subjects of local application and may not be exercised in a manner inconsis-

tent with the applicable provisions of the Constitution of the United States, the terms of this Covenant, or with those federal statutes which are applicable to the Commonwealth, including such statutes as may be enacted in the future.

Section 309. The courts of the Commonwealth will have jurisdiction as prescribed by the laws of the Government of the Northern Mariana Islands. The operation of these courts will be compatible with the federal judicial system of the United States and consistent with applicable federal law.

Title II

The Commonwealth will govern itself pursuant to its own Constitution as set forth in the attached Articles (hereinafter referred to as the "Articles") and in accordance with this Covenant, applicable provisions of the United States

MPSC AGREEMENT

U. S. COVENANT

Constitution, and applicable federal law.

The Constitution of the Commonwealth will be framed by the people of the Mariana Islands District and adopted by popular vote. It will provide for a bill of rights, the separation of powers and a popularly elected chief executive and legislature.

(b) This Commonwealth Agreement, together with the provisions of the United States Constitution, treaties of the United States, and federal laws applicable in the Commonwealth of the Mariana Islands, shall be the supreme law of the Commonwealth and the courts of the Commonwealth shall be bound thereby, anything in the Constitution or laws of the Commonwealth to the contrary notwithstanding.

Section 308. The legislative power of the Commonwealth will be vested in a popularly elected legislature. Its legislative power 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 federal statutes which are applicable to the Commonwealth, including such statutes as may be enacted in the future.

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MPSC AGREEMENT

Section 206.

The United States shall have full responsibility for and authority in conducting foreign affairs affecting the Commonwealth of the Mariana Islands and providing for the defense of the islands and territorial waters constituting the Commonwealth.

Section 207.

(a) Except as otherwise provided in this Commonwealth Agreement, the United States, in accordance with Article IV, Section 3, Clause 2 of the Constitution of the United States, may make legislation applicable within the Commonwealth of the Mariana Islands, except that legislation which the United States could not make applicable within the several States may be made applicable within the Commonwealth only if such legislation specifically provides that it shall be

U. S. COVENANT

Title VI

The United States may enact legislation effective within the Commonwealth except as otherwise specified in this Covenant. The legislative powers of the United States will be exercised with strict regard for the preservation of the internal self-government in the Commonwealth.

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MPSC AGREEMENT

applicable within the Commonwealth of the Mariana Islands and if, taking into account the right of self-government retained by the people of the Commonwealth, there is a compelling national interest in the application of such legislation within the Commonwealth.

U. S. COVENANT

Section 102. The relations between the Commonwealth and the United States shall be governed by this Covenant.

In the exercise of its powers the United States will be guided by its traditional respect for local self-government. The United States may enact legislation effective within the Commonwealth with the exception that the fundamental provisions of this Covenant, listed as follows, may be modified only with the consent of the Government of the Northern Mariana Islands: (LIST)

The Government of the Northern Mariana Islands as used herein includes, as appropriate, the present Government of the Mariana Islands District, its agencies and instrumentalities, and its successors including the future Government of the Commonwealth of the Northern Mariana Islands.

06-227226

MPSC AGREEMENT

U. S. COVENANT

Title VI

The United States may enact legislation effective within the Commonwealth except as otherwise specified in this Covenant. The legislative powers of the United States will be exercised with strict regard for the preservation of the internal self-government in the

(b) Notwithstanding any provision of this Commonwealth Agreement, or of the Constitution or laws of the United States, or of the Constitution or laws of the Commonwealth of the Mariana Islands, neither the United States nor the Commonwealth shall have any authority to alter or to impair, without the consent of the other, the following provisions of this Agreement: Titles II, III, VI, VII, Section 803, Title IX, Sections 1101, 1203 and 1205.

Section 102. The relations between the Commonwealth and the United States shall be governed by this Covenant. In the exercise of its powers the United States will be guided by its traditional respect for local self-government. The United States may enact legislation effective within the Commonwealth with the exception that the fundamental provisions of this Covenant, listed as follows, may be modified only with the consent of the Government of the Northern Mariana Islands: (LIST)

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The Government of the Northern Mariana Islands as used herein includes, as appropriate, the present Government of the Mariana Islands District, its agencies and instrumentalities, and its successors including the future Government of the Commonwealth of the Northern Mariana Islands.

Title X

Modification of the fundamental provisions of the Covenant listed in Article I may be made only by mutual consent of the Commonwealth and the United States. Amendments of 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 other federal law.

(c) The consent required under Sub-section (b) of this Section shall be given as follows:

(1) Consent by the United States shall be given by the Congress of the United States through the enactment of a law providing for approval or providing for the delegation of the power of approval to an official of the United States.

(2) Consent by the Commonwealth of the Mariana Islands shall be given by the Legislature of the Commonwealth of the Mariana Islands through the enactment of a law providing for approval, or, if the Legislature so provides by law, by the people of the Commonwealth in a referendum where a majority of the qualified votes cast are in favor of giving consent.

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Section 208.

(a) Except as provided in subsection (b), the exercise within the Commonwealth of the Mariana Islands of the authority of the United States or of the authority of the Commonwealth, as the case may be, shall be in accordance with the following provisions of the Constitution of the United States as if the Commonwealth were a State of the Union: Article I, Section 9, Clauses 2 and 3; Article IV, Section 1 and Section 2, Clause 1; Amendments I through IX; Amendment XIII; Amendment XIV, section 1, Sentence 2; Amendments XV, XIX and XXVI.

ARTICLE IV

Applicable Laws and United States
Judicial Authority

Section 401. 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 9, Clauses 2, 3, 6 and 8, and Section 10, Clauses 1-3; Article IV, Section 1, and Section 2, Clause 2; Article VI, Clause 2; Amendments 1 through 4; Amendment 5, except as it provides a right to indictment by grand jury; Amendment 6; Amendment 7, except as it provides a right to 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.

06-227030

MPSC AGREEMENT

(b) Nothing in this Commonwealth Agreement, or in the portions of the Constitution or laws of the United States which are or which may be made applicable to the Commonwealth, shall be deemed to prohibit the Commonwealth

(1) from regulating, in the interest of maintaining the culture and traditions of the people of the Mariana Islands, the alienation of interests in real property so as to restrict the acquisition of such interests to persons of Marianan descent; or

(2) [from providing in the Constitution of the Commonwealth that members of the legislative branch may be selected without regard to population].

Section 209.

(a) The Commonwealth of the Mariana Islands shall not be considered an instrumentality or agency of the United States.

U. S. COVENANT

Section 402. The privileges and immunities of citizens of the United States shall be respected in the Commonwealth as though it were a State of the Union and subject to the provisions of clause 1, section 2 of Article IV of the

Title VII

The Commonwealth will regulate the alienation of all public and private lands so as to prevent their transfer to persons not of Northern Marianas ancestry except as otherwise provided in this Covenant.

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MPSC AGREEMENT

U. S. COVENANT

(b) Citizens of the Commonwealth shall be entitled to all privileges and immunities of citizens in the several States.

Title IV

At the time the Commonwealth is established the people of the Mariana Islands District will be given the opportunity to become either citizens or nationals of the United States, as they may choose, with all the rights, privileges, immunities and responsibilities pertaining thereto, as set forth in the Articles.

(c) Full faith and credit shall be given in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, and in the several States to the public acts, records and judicial proceedings of the Commonwealth of the Mariana Islands.

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Section 210.

It is the intention of the parties hereto that cases or controversies arising under this Commonwealth Agreement shall be justifiable in the courts of the United States and that the limitations upon the exercise of federal authority specified herein shall be enforceable in such proceedings.

Section 211.

All public officials and employees of the Commonwealth of the Mariana Islands, its agencies, instrumentalities and political subdivisions, before entering upon their respective duties, shall be required to take an oath or affirmation to support those provisions of the United States Constitution and laws of the United States that are applicable in the Commonwealth of the Mariana Islands and to support the Constitution and laws of the Commonwealth.

Section 310. All members of the legislature and all officers of the executive and judicial branches of the Government of the Northern Mariana Islands will take an oath or affirmation to support the provisions of the Constitution and the laws of the United States applicable to the Commonwealth and to support the Constitution of the Commonwealth.

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Title III -- United States
Citizenship and Nationality

Section 301.

Except as otherwise provided in Section 302 of this Title, the following persons, and their children under the age of eighteen years on the date of termination of the Trusteeship Agreement, who are not citizens or nationals of the United States under any other provisions of law, and who have taken no affirmative steps to preserve or acquire foreign nationality, are declared to be citizens of the United States:

(a) All persons born in the Mariana Islands District or Commonwealth of the Mariana Islands who are citizens of the Trust Territory of the Pacific Islands on the date of termination of the Trusteeship Agreement, and who on that date reside or are domiciled in the Commonwealth of the Mariana Islands or

ARTICLE II

Citizenship and Nationality

Section 201. The following persons, and their children under the age of eighteen years on the effective date of this section, who are not citizens or nationals of the United States under any other provisions of law, and who have taken no affirmative steps to preserve or acquire foreign nationality, are declared to be citizens of the United States, except as otherwise provided in Section 202:

(a) All persons born in the Mariana Islands District who are citizens of the Trust Territory of the Pacific Islands on the effective date of this Section, and who on that date reside or are domiciled in the Mariana Islands District or in any area in or under the jurisdiction of the United States;

06-447333

MPSC AGREEMENT

in the United States, the Virgin Islands, Guam, the Commonwealth of Puerto Rico or any other possession or territory of the United States;

(b) All persons who are citizens of the Trust Territory of the Pacific Islands on the date of termination of the Trusteeship Agreement, who have been domiciled continuously in the Mariana Islands District or Commonwealth of the Mariana Islands for at least five years immediately prior to that date, and who, if of age to do so, have registered to vote in district elections in the Mariana Islands District prior to January 1, 1975; and

(c) All persons who are not citizens of the Trust Territory of the Pacific Islands on January 1, 1974, but who, on the date of termination of the Trusteeship Agreement, have been domiciled continuously for at least five years in the Mariana Islands District or Commonwealth

U. S. COVENANT

(b) All persons who are citizens of the Trust Territory of the Pacific Islands on the effective date of this section, who have been domiciled continuously in the Mariana Islands District for at least five years immediately prior to that date, and who, unless under age, have registered to vote in district elections in the Mariana Islands District prior to January 1, 1975; and

(c) All persons domiciled in the Mariana Islands District on the day preceding the effective date of this section who, although not citizens of the Trust Territory of the Pacific Islands, do not owe allegiance to any foreign state, and on that date who have been domiciled continuously in the Mariana Islands District for at least five years. No domicile established after January 1, 1974 shall count for the purposes of this subsection.

06-227205

MPSC AGREEMENT

U. S. COVENANT

of the Mariana Islands and who, on that date, owe no allegiance to any foreign state.

Title IV

At the time the Commonwealth is established the people of the Mariana Islands District will be given the opportunity to become either citizens or nationals of the United States, as they may choose, with all the rights, privileges, immunities and responsibilities pertaining thereto, as set forth in the Articles.

Section 302.

Any person who becomes a citizen of the United States solely by virtue of the provisions of Subsections (a) through (c) of Section 301 may within six months after the date of termination of the Trusteeship

Section 202. Any person who would become

a citizen of the United States solely by virtue of the provisions of Section 201 may within six months after the effective date of this Section or within six months after reaching the age of

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MPSC AGREEMENT

Agreement or within six months after reaching the age of eighteen years, whichever date is the later, make a declaration under oath before any federal court or a court of general jurisdiction in the Commonwealth of the Mariana Islands in the form as follows:

"I . . . being duly sworn, hereby declare my intention to become a national but not a citizen of the United States."

"I,, being duly sworn, hereby declare my intention to become a national but not a citizen of the United States."

U. S. COVENANT

eighteen years, whichever date is the later, become a national but not a citizen of the United States by making a declaration under oath before a court in the district wherein he resides in the form as follows:

Title IV

At the time the Commonwealth is established the people of the Mariana Islands District will be given the opportunity to become either citizens or nationals of the United States, as they may choose, with all the rights, privileges, immunities and responsibilities pertaining thereto, as set forth in the Articles.

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MPSC AGREEMENT

U. S. COVENANT

Section 303.

All persons born in the Commonwealth of the Mariana Islands on or after the date of termination of the Trusteeship Agreement, and subject to the jurisdiction of the United States, shall be citizens of the United States.

Section 304.

(a) After the date of termination of the Trusteeship Agreement, immediate relatives (that is, children, spouse, parents, brothers and sisters) of persons who are citizens or nationals of the United States who are domiciled in the Commonwealth, shall have a right to become naturalized citizens of the United States to the same extent as persons residing in a State.

Section 203. All persons born in the Mariana Islands District on or after the effective date of this Section, and subject to the jurisdiction of the United States, shall be citizens of the United States.

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(b) After the date of termination of the Trusteeship Agreement, persons born outside the United States of parents either or both of whom are citizens or nationals of the United States who are domiciled in the Commonwealth shall become citizens of the United States at birth (and shall have the right to retain such citizenship thereafter) under the same terms and conditions as persons born outside of the United States of parents either or both of whom became citizens of the United States by virtue of being born in a State.

(c) For the purposes of Subsections (a) and (b) of this Section, and for the purpose of a national becoming a citizen of the United States, and for no other purpose, residence or physical presence in the Commonwealth

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MPSC AGREEMENT

U. S. COVENANT

of the Mariana Islands after the effective date of this Title shall satisfy any residence or physical presence requirement of the nationality and naturalization laws of the United States to the same extent as residence or physical presence, respectively, in a State.

Section 305.

The courts of general jurisdiction established under the Constitution of the Commonwealth of the Mariana Islands and the United States District Court for the Mariana Islands shall have jurisdiction to naturalize persons as citizens of the United States in accordance with applicable law.

Section 204. The courts of general jurisdiction established under the Constitution of the Northern Mariana Islands provided for in Article III shall have jurisdiction to naturalize persons as citizens of the United States in accordance with applicable law.

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Section 306.

For the purposes of this Title, domicile means that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period.

Title IV -- Applicability of United States Laws

Section 401.

(a) Except insofar as the applicability of a law of the United States is determined by other sections of this Commonwealth Agreement, and except insofar as the authority of the United States to make laws applicable within the Commonwealth of the Mariana Islands is limited by other provisions of this Commonwealth Agreement,

Section 205. For the purpose of Section 201 domicile means that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which he has the intention of returning whenever he is absent, even for an extended period.

Section 403.

(a) Upon the effective date of this Section and until such time as they may by law be made inapplicable (except as herein otherwise provided) the following laws will be applicable to the Commonwealth:

(1) The laws of the United States expressly made applicable to the Commonwealth.

(2) The existing laws of the United States applicable to the Trust Territory of the Pacific Islands.

06-227231

MPSC AGREEMENT

(1) every law of the United States which has provisions making it effective within the Territory of Guam on the effective date of this section and which is of general application within the several States on the effective date of this section, shall be applicable within the Commonwealth of the Mariana Islands in the same manner and to the same extent as it is applicable within the several States; provided, however,

(i) that any such law which provides financial assistance or which is part of the federal banking laws shall apply in the same manner and to the same extent as it applies within the Territory of Guam, and

(ii) that the minimum wage provisions of the Fair Labor

U. S. COVENANT

(3) The laws of the United States applicable in the Territory of Guam in the same manner and to the same extent those laws are of general applicability; provided that the internal revenue laws of the United States shall become so applicable ten years after the establishment of the Commonwealth. During the interim period the Government of the Commonwealth will enact internal revenue legislation as provided for in Section 601.

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

MPSC AGREEMENT

Standards Act shall not apply within the Commonwealth of the Mariana Islands; and]

(2) the following laws shall apply within the Commonwealth of the Mariana Islands as follows:

(i) Titles I, X, XIV, and XVI of the Social Security Act shall apply within the Commonwealth of the Mariana Islands in the same manner and to the same extent as they apply within the Territory of Guam; and

(ii) Those provisions of the Public Health Services Act which do not come within the provisions of subsection (a)(1) of this section, Title III of the Consolidated Farmers Home Administration Act, and the Federal Crop Insurance Act shall apply within the Commonwealth of the

U. S. COVENANT

Section 602. The support provided to the Government of the Northern Mariana Islands by the United States will consist of the following types of direct and indirect grant assistance and other payments:

(a) Direct Assistance and Payments

(3) The United States will also make available without cost to the Northern Mariana Islands federal services and programs available to the Territories of the United States.

MPSC AGREEMENT

U. S. COVENANT

Mariana Islands in the same manner and to the same extent as they apply within the several States.

(b) [reserved for provisions relating to lower local matching share and to the use of funds from federal sources for such share].

(c) The laws made applicable or in-applicable by this Section 401 shall continue to be applicable or inapplicable as the case may be until such time as their applicability or inapplicability shall be altered pursuant to the Commonwealth Agreement.

Section 403.

(a) Upon the effective date of this Section and until such time as they may by law be made inapplicable (except as herein otherwise provided) the following laws will be applicable to the Commonwealth:

(1) The laws of the United States expressly made applicable to the Commonwealth.

(2) The existing laws of the United States applicable to the Trust Territory of the Pacific Islands.

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(3) The laws of the United States applicable in the Territory of Guam in the same manner and to the same extent those laws are of general applicability; provided that the internal revenue laws of the United States shall become so applicable ten years after the establishment of the Commonwealth. During the interim period the Government of the Commonwealth will enact internal revenue legislation as provided for in Section 601.

(4) The laws of the Trust Territory of the Pacific Islands, of the Marianas District Legislature and local municipalities, and all other executive and district orders of a local nature now applicable to the Mariana Islands District and not inconsistent with the laws of the United States set forth in paragraphs (1)

through (3), will remain in force and effect until and unless repealed by the Government of the Commonwealth.

Section 402.

(a) The President of the United States shall appoint a commission of seven persons, none of whom shall be employees of the United States Government and at least three of whom shall be citizens of the Trust Territory of the Pacific Islands who are and have been for at least five years domiciled continuously in the Mariana Islands District or in the Commonwealth, to survey the field of federal statutory laws and to make recommendations, to the Congress of the United States within two years after the effective date of this Section as to which statutes of the United States not made applicable in the Commonwealth of the Mariana Islands by Section 401(a)

Section 404. 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. That commission shall make recommendations to the Congress of the United States, within twelve months after the establishment of the Commonwealth, as to which statutes of the United States not applicable to the Commonwealth should be made applicable to them and which statutes applicable at that time should be made inapplicable.

MPSC AGREEMENT

U. S. COVENANT

hereof shall be made applicable in the Commonwealth and as to which statutes of the United States made applicable in the Commonwealth by Section 401(a) shall be declared inapplicable. In formulating its recommendations, the commission shall take into consideration the effect of each federal law on the local conditions in the Commonwealth of the Mariana Islands, the federal policies embodied in the law, and the consistency of the law with the provisions and purposes of the Commonwealth Agreement.

(b) Unless the House of Representatives or the Senate of the United States enacts legislation which specifically disapproves all or part of the recommendations made pursuant to subsection (a) within one year after the recommendations have been transmitted

06-427237

MPSC AGREEMENT

U. S. COVENANT

to Congress, all or part of those recommendations (as the case may be), shall have the force and effect of law

(c) The enactment into law of this Commonwealth Agreement shall constitute an authorization for and appropriation of \$ _____ to support the work of such commission.

Section 403.

The following laws, to the extent not incompatible with the Commonwealth Agreement, which are applicable in the Mariana Islands District on the effective date of this Section, shall remain in force and effect until and unless repealed by the Commonwealth of the Mariana Islands pursuant to local law:

(a) The statutory laws, executive and district orders, and judicial decisions of the Trust Territory of the Pacific Islands;

Section 403.

(a) Upon the effective date of this Section and until such time as they may by law be made inapplicable (except as herein otherwise provided) the following laws will be applicable to the Commonwealth:

(4) The laws of the Trust Territory of the Pacific Islands, of the Marianas District Legislature and local municipalities, and all other executive and district orders of a local nature now applicable to the

MPSC AGREEMENT

U. S. COVENANT

(b) The statutory laws of the Mariana Islands District Legislature; and

(c) The laws and ordinances of local municipalities within the Mariana Islands District.

Title V -- United States
Judicial Authority

Section 501.

(a) The Commonwealth of the Mariana Islands shall constitute the judicial district of the Mariana Islands, which is hereby established within Chapter 5 of Title 28 of the United States Code. There shall be in the judicial district of the Mariana Islands a district court which shall be a court of record known as the "United States District Court for the District of the Mariana Islands" and which shall be a court of the United States and a

Mariana Islands District and not inconsistent with the laws of the United States set forth in paragraphs (1) through (3), will remain in force and effect until and unless repealed by the Government of the Commonwealth.

Section 405. The United States will establish a District Court which will have in the Commonwealth powers and jurisdiction analogous to those of the District court of Guam in the Territory of Guam.

MPSC AGREEMENT

U. S. COVENANT

district court of the United States. The judicial district of the Mariana Islands shall be within the same judicial circuit of the United States as is the judicial district of Hawaii.

(b) The President shall appoint, by and with the advice and consent of the Senate, one district judge for the judicial district of the Mariana Islands who shall hold office for a term of eight years, and until his successor is chosen and qualified, unless sooner removed by the President for cause. Upon the expiration of the eight-year term, the President shall appoint, by and with the advice and consent of the Senate, a judge or judges for the judicial district of the Mariana Islands who shall hold office during good behavior. From that time forward, the United States District Court for the District of the Mariana Islands

06-427220

shall be a court established pursuant to Article III of the Constitution of the United States.

Section 502.

(a) The United States District Court for the District of the Mariana Islands, in addition to its jurisdiction as a district court of the United States and the jurisdiction conferred upon it by Section 305, shall have such original and appellate jurisdiction in all other causes in the Commonwealth of the Mariana Islands as the Constitution or laws of the Commonwealth may provide.

(b) Upon the expiration of one eight-year term for the judge of the United States District Court for the District of the Mariana Islands and upon the appointment and qualification of a successor who shall hold office during good behavior, all additional original

MPSC AGREEMENT

U. S. COVENANT

and appellate jurisdiction, if any, authorized pursuant to Section 502(a) shall terminate. No proceeding pending in the United States District Court for the District of the Mariana Islands at the time of such termination shall abate, but such proceedings as are no longer within the jurisdiction of the court shall be transferred to the appropriate court of the Commonwealth of the Mariana Islands. Termination of such additional jurisdiction of the United States District Court for the District of the Mariana Islands shall not affect the right to appeal from and appellate review of final decisions of the court rendered prior to such termination, whether or not an appeal therefrom shall have been perfected prior to such termination.

26-417412

MFSC AGREEMENT

U. S. COVENANT

Section 503.

For purposes of appeals from decisions of the courts of appeals to the Supreme Court of the United States, the laws of the Commonwealth of the Mariana Islands shall be treated as if they were the laws of a State.

Section 504.

For purposes of review by the Supreme Court of the United States of final judgments or decrees, the courts of the Commonwealth of the Mariana Islands shall be treated as if they were courts of a State.

Section 505.

For purposes of the original jurisdiction of the district courts based on diversity of citizenship, the Commonwealth of the Mariana Islands shall be treated as if it were a State.

MPSC AGREEMENT

U. S. COVENANT

Section 506.

The laws of the United States which govern relations between the courts of the United States and the courts of the several States with respect to appeals, certiorari, removal of causes, issuance of writs of habeas corpus, and other matters or proceedings shall in similar matters or proceedings govern the relations between the courts of the United States and the courts of the Commonwealth of the Mariana Islands.

Section 507.

Jurisdiction, venue, procedure, and other matters affecting the operation of the courts of the Commonwealth of the Mariana Islands shall be governed by the Constitution and laws of the Commonwealth.

Section 406. 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 Commonwealth.

Section 309. The courts of the Commonwealth will have jurisdiction as prescribed by the laws of the Government of the Northern Mariana Islands. The operation of these courts will be compatible with the federal judicial system of the United States and consistent with applicable federal law.

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Title III

The Government of the Northern Mariana Islands may establish local courts with such jurisdiction as may be prescribed by local law. Their operation will be compatible with the federal court system of the United States and consistent with applicable federal law. The United States will also establish a District Court for the Northern Mariana Islands with powers as set forth in the Articles.

Title VI -- Taxation and Customs

Section 601.

(a) Those persons who reside in the Commonwealth of the Mariana Islands and not in any other part of the United States, and who, if prior to termination of the Trusteeship Agreement, would be eligible to become United States citizens or nationals pursuant to Title III of this

Section 403.

(a) Upon the effective date of this Section and until such time as they may by law be made inapplicable (except as herein otherwise provided) the following laws will be applicable to the Commonwealth:

MPSC AGREEMENT

U. S. COVENANT

Commonwealth Agreement, or who, if after termination of the Trusteeship Agreement, would be eligible to become United States citizens or nationals pursuant to Title III of this Commonwealth Agreement, shall be subject to federal income tax only on United States source income, not on income earned in the Commonwealth. Such persons shall not be subject to United States gift and estate taxation except with respect to property situated in the United States outside the Commonwealth.

(b) For purposes of determining under Subsection (a) of this Section what persons would be eligible to become United States citizens or nationals pursuant to Title III of the Commonwealth Agreement, the requirement of Section 301(b) and (c) that persons be domiciled

(3) The laws of the United States applicable in the Territory of Guam in the same manner and to the same extent those laws are of general applicability; provided that the internal revenue laws of the United States shall become so applicable ten years after the establishment of the Commonwealth. During the interim period the Government of the Commonwealth will enact internal revenue legislation as provided for in Section 601.

continuously in the Mariana Islands District or Commonwealth of the Mariana Islands for at least five years prior to termination shall instead be read as requiring that persons be domiciled continuously in the Mariana Islands District or Commonwealth of the Mariana Islands for at least five years prior to the beginning of the period or the date of the event for which the tax treatment in Section 601(a) is claimed.

Section 602.

United States citizens, other than those described in Section 601, and United States corporations doing business in the Commonwealth of the Mariana Islands shall not be subject to federal income tax on any foreign source income (including income earned in the Commonwealth) if they derive 80 percent of their gross income from sources within the Commonwealth and other United

active conduct of a trade or business in the Commonwealth and other United States possessions.

Section 603.

Except as otherwise provided herein, the Commonwealth of the Mariana Islands shall be considered a "possession" for all purposes of administering the internal revenue laws of the United States; provided, however, that the enactment of the Commonwealth Agreement shall hereby amend Subsection 872(b)(4) of the Internal Revenue Code to continue its application with respect to bonds purchased in the District of the Mariana Islands prior to the date of the signing of the Commonwealth Agreement.

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Section 604.

[(a) That portion of the Trust Territory Social Security Retirement Fund which has been paid in by persons who are citizens of the Commonwealth, together with interest and earnings thereon, shall be paid over to the Social Security Administration of the United States, to be held as a separate fund (to be supplemented by the United States if necessary) to pay benefits to such citizens eligible for benefits in accordance with the laws of the Trust Territory of the Pacific Islands at the time the Commonwealth is established.]

[(b) Those laws of the United States which impose taxes to support Old Age, Survivors, Disability and Health Insurance Trust Funds shall be applicable within the Commonwealth, but the tax on

Section 604.

[(a) That portion of the Trust Territory Social Security Retirement Fund which has been paid in by persons who are citizens of the Commonwealth, together with interest and earnings thereon, shall be paid over to the Social Security Administration of the United States, to be held as a separate fund (to be supplemented by the United States if necessary) to pay benefits to such citizens eligible for benefits in accordance with the laws of the Trust Territory of the Pacific Islands at the time the Commonwealth is established.]

[(b) Those laws of the United States which impose taxes to support Old Age, Survivors, Disability and Health Insurance Trust Funds shall be applicable with- in the Commonwealth, but the tax on

MPSC AGREEMENT

U. S. COVENANT

employees and employers within the Commonwealth shall be at the rate of one per centum of so much of the employee's income as is subject to tax during the first year after the establishment of the Commonwealth, and shall increase by one percentage point (or fraction thereof), on both the employer and employee, each year until the rate of tax on employers and employees within the Commonwealth is the same as in a State.]

[(c) Persons in the Commonwealth shall receive benefits from the Old Age, Survivors, Disability and Health Insurance Trust Funds of the United States in the same manner and to the same extent as persons in a State, provided, however, that no person who receives benefits under both subsections (a) and (c) hereof shall receive a total amount which exceeds the maximum to which he would have been entitled if he had contributed to the Old Age, Survivors,

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Disability and Health Insurance Trust Funds throughout the entire period he contributed either to those Funds or to the Trust Territory Social Security Retirement Fund.]

Section 605.

The Commonwealth of the Mariana Islands shall have exclusive authority to enact, amend or repeal its internal revenue laws; provided, however, that the Commonwealth shall enact no law which a State would not have the power to enact imposing any tax or levy upon the property of the United States or of the Government of the Trust Territory of the Pacific Islands.

Section 403.

(a) Upon the effective date of this Section and until such time as they may by law be made inapplicable (except as herein otherwise provided) the following laws will be applicable to the Commonwealth:

(3) The laws of the United States applicable in the Territory of Guam in the same manner and to the same extent those laws are of general applicability; provided that the internal revenue laws of the United States shall become so applicable ten years after the establishment of the Commonwealth. During the interim period the Government

of the Commonwealth will enact internal revenue legislation as provided for in Section 601.

Section 601. The Government of the United States will undertake together with the Government of the Commonwealth such measures as will facilitate the achievement of economic self-sufficiency and higher standards of living

(b) For its part, the Government of the Northern Mariana Islands will enact during the interim period provided for in Section 403(a)(3) non-discriminatory comprehensive internal revenue laws, under which the people of the Northern Mariana Islands will assume an increasing local tax burden, consistent with the stages of their

economic development. These laws will include individual and corporate income taxes, as well as estate and gift taxes, all of which will be progressive and will reflect local conditions.

Section 503. 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;

MPSC AGREEMENT

U. S. COVENANT

Section 606.

All bonds issued by or on behalf of the Commonwealth of the Mariana Islands shall be exempt, as to principal and interest, from taxation by the United States or by any State, territory, possession, the Commonwealth of Puerto Rico, the District of Columbia, or any political subdivision thereof.

Section 607.

The Commonwealth of the Mariana Islands shall not be included within the customs territory of the United States. The Commonwealth of the Mariana Islands shall have exclusive authority to enact laws providing for customs duties on imports into the Commonwealth from foreign countries, provided that this authority shall not be exercised in a

Section 504. All bonds issued by the Commonwealth 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, the District of Columbia, territory or possession of the United States, the Commonwealth of Puerto Rico, or any subdivision of any of them.

ARTICLE V

Revenue and Taxation Provisions

Section 501. Imports from the Commonwealth into the customs territory of the United States will be subject to the same treatment as those from the Territory of Guam.

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manner inconsistent with the international obligations of the United States, including the General Agreement on Tariffs and Trade ("GATT").

Section 608.

Exports from the Commonwealth of the Mariana Islands shall enter the customs territory of the United States free of any import duty; provided, however, that if more than 50 percent of the value of a product is derived from foreign materials, such product shall not be considered an "export from the Commonwealth of the Mariana Islands" for purposes of this Section. The United States shall, if

06-42255

MPSC AGREEMENT

U. S. COVENANT

necessary in order to carry out this agreement, endeavor to obtain a special exemption to the GATT.

Section 609.

The United States shall seek to obtain from foreign countries favorable treatment for exports from the Commonwealth of the Mariana Islands. In particular, the United States shall encourage other countries to consider the Commonwealth of the Mariana Islands a "developing territory" within the meaning of the June 25, 1971 GATT waiver regarding preferential tariff treatment for goods from developing countries and territories.

Section 610.

The Commonwealth of the Mariana Islands shall have the exclusive authority to impose duties on exports from its territory.

06-422257

MPSC AGREEMENT

U. S. COVENANT

Section 611.

The Commonwealth of the Mariana Islands shall have the exclusive authority to impose excise taxes upon goods manufactured or sold in the Commonwealth and upon goods imported into the Commonwealth; provided that such excise taxes as are imposed on goods imported into the Commonwealth shall be consistent with the international obligations of the United States.

Section 612.

There shall be paid into the Treasury of the Commonwealth, to be expended for the benefit of the people as the Government of the Commonwealth may by law prescribe, all federal revenue (other than sums collected by the United States in accordance with Section 604)

Section 502. The Government of the Northern Mariana Islands may, in a manner consistent with the international obligations of the United States, levy duties on goods imported into the Commonwealth from any area other than the United States, its territories or possessions.

Section 602. The support provided to the Government of the Northern Mariana Islands by the United States will consist of the following types of direct and indirect grant assistance and other payments:

MPSC AGREEMENT

U. S. COVENANT

derived from the Commonwealth, including:

(a) the proceeds of all taxes or other levies collected under the internal revenue laws of the United States on articles produced in the Commonwealth and transported to the United States, its territories, or possessions; (b) the proceeds of any other taxes which may, consistent with this Commonwealth Agreement, be levied by the Congress on the inhabitants of the Commonwealth of the Mariana Islands; (c) all federal quarantine, passport, immigration, and naturalization fees collected in the Commonwealth of the Mariana Islands; and (d) the proceeds of all federal income taxes collected by the United States on wages and other income earned in the Commonwealth of the Mariana Islands by all persons subject to such tax.

(b) Indirect Assistance. From the first day of July following the effective date of this Section, there shall be paid into the Treasury of the Government of the Northern Mariana Islands to 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 the following: all customs duties and federal income taxes 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; the proceeds of

06- 227659

any other taxes which may be levied by the Congress on the inhabitant of the Northern Mariana Islands; and all quarantine, passport, immigration, and naturalization fees collected in the Northern Mariana Islands. But nothing in this subsection shall apply to any tax imposed by Chapters 2 or 21 of Title 26, United States Code, regarding social security and self-employment taxes.

Section 503. The Government of the Northern Mariana Islands will:

(b) Authorize no public indebtedness in excess of ten percentum of the aggregate tax valuation of the real property in the Commonwealth. Bonds or other obligations of the Government

MPSC AGREEMENT

U. S. COVENANT

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.

Title VII -- Other Laws

Section 701.

[reserved for immigration]

Section 702.

(a) The coastwise laws of the United States shall not extend to the Commonwealth of the Mariana Islands.

(b) The prohibitions in the laws of the United States against foreign vessels landing fish or fish products in the United States shall not extend to the Commonwealth of the Mariana Islands.

MPSC AGREEMENT

U. S. COVENANT

(c) The Secretary of Commerce shall issue regulations which provide that for the purposes of such provisions of the maritime and shipping laws of the United States as he deems appropriate in the circumstances, persons who are not citizens of the United States and who are domiciled in the Commonwealth shall be considered citizens of the United States.

Title VIII -- United States
Financial Assistance

Section 801.

The United States shall provide direct financial support to the Government of the Commonwealth of the Mariana Islands for local government operations and programs, for capital improvement projects and for economic development until such time as the Commonwealth has achieved a standard of living comparable

ARTICLE VI

Financial Provisions

Section 601. The Government of the United States will undertake together with the Government of the Commonwealth such measures as will facilitate the achievement of economic self-sufficiency and higher standards of living for the people of the Northern Mariana Islands.

06-2271002

MPSC AGREEMENT

U. S. COVENANT

to that within other parts of the United States and until the Government of the Commonwealth can meet the financial responsibilities of self-government from its own resources.

Title IX

The United States will extend financial support to the Government of the Northern Mariana Islands as specified in the Articles. Such assistance will include funds to support an orderly transition to the new political status; funds to develop the economy of the Northern Mariana Islands toward self-sufficiency; the extension of federal programs and services; and other assistance in meeting future development needs.

Section 802.

Such direct financial assistance shall consist of guaranteed levels of economic support for periods of not less than five years as herein provided, so as to permit orderly planning for government operations and economic development by the Commonwealth Government.

(a) To this end the United States will provide financial support to the Government of the Northern Mariana Islands in the form of assistance for budgetary support and economic development as set forth in Section 602, below.

MPSC AGREEMENT

U. S. COVENANT

Section 803.

(a) The enactment into law of this Commonwealth Agreement shall constitute an authorization for and an appropriation of the following guaranteed annual levels of direct grant assistance to the Commonwealth of the Mariana Islands for each of the five fiscal years beginning with fiscal year 1978:

- (1) \$10 million for budgetary support for government operations; and
- (2) \$4.5 million for capital improvement projects; and
- (3) \$1.5 million for an economic development loan fund.

Such of the above sums as are not expended by the Commonwealth during any fiscal year shall remain available for expenditure by the Commonwealth in subsequent fiscal years for any of the above purposes.

Section 602. The support provided to the Government of the Northern Mariana Islands by the United States will consist of the following types of direct and indirect grant assistance and other payments:

(a) Direct Assistance and Payments

- (1) The United States will make available annually for the first five years following the effective
- (3) The United States will also make available without cost to the Northern Mariana Islands federal services and programs available to the Territories of the United States.

06-417204

MPSC AGREEMENT

U. S. COVENANT

(b) The enactment into law of this Commonwealth Agreement shall also constitute an authorization for and an appropriation of a pro rata share of each of the three guaranteed levels of direct grant assistance in subsection (a) for that period between the effective date of this section and the beginning of fiscal year 1978.

(c) The amounts authorized and appropriated by subsection (a) shall be adjusted for each fiscal year by a percentage which corresponds to the percentage change in the Guam Consumer Price Index using 1975 as the base year.

(d) Upon the expiration of the five year period, the annual level of payments in each category listed in subsection (a) shall continue until Congress passes a law which appropriates a different amount.

06-427205

MPSC AGREEMENT

Section 804.

The Commonwealth Government will submit to the President of the United States or his appointed representative an annual report on the administration of the funds transferred to the Commonwealth pursuant to Section 803 and such reports shall be transmitted by the President to the United States Congress.

Section 805.

(a) Not later than two years prior to the expiration of any multi-year period for which a commitment of guaranteed annual levels of financial assistance has been made, appropriate representatives of the United States designated by the President and duly authorized officials of the Commonwealth of the Mariana Islands shall meet to discuss the annual levels of guaranteed assistance required for the next proceeding multi-year period.

U. S. COVENANT

Section 604. The Government of the Northern Mariana Islands will submit to the President of the United States or his appointed representative an annual report on the administration of funds transferred to the Government of the Northern Mariana Islands pursuant to the provisions of this Article. Such reports will be transmitted by the President to the Congress of the United States.

06-427200

MPSC AGREEMENT

U. S. COVENANT

(b) The parties shall negotiate in good faith to reach agreement on the level of such required financial assistance as may be necessary:

(1) to raise the average level of per capita income in the Commonwealth of the Mariana Islands in order to eliminate any substantial disparities between the standard of living in the Commonwealth and that prevailing within other parts of the United States;

(2) to move the Government of the Commonwealth progressively toward economic self-sufficiency; and

(3) to build toward an adequate physical, economic and social infrastructure, to provide necessary public services and programs, and to encourage and promote the economic development of the Commonwealth.

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(c) In these negotiations the parties shall take into consideration the needs of the people of the Commonwealth of the Mariana Islands and also their capacity to shoulder an increasing local tax burden and to supplement and expand their sources of revenue otherwise than from direct financial assistance of the United States.

(d) The parties shall prepare a report setting forth the results of their negotiations and their recommendations for the annual levels of guaranteed assistance required for the next preceding multi-year period. This report shall be transmitted to the Chief Executive and the Legislature of the Commonwealth of the Mariana Islands and to the President and the Congress of the United States.

06-417208

MPSC AGREEMENT

U. S. COVENANT

Section 806.

The enactment into law of this

Commonwealth Agreement shall constitute an authorization for an appropriation by the Congress of the United States of such additional funds as may be necessary and appropriate to carry out the provisions and purposes of this Commonwealth Agreement.

(9) Any person with a grievance relating to the presence of the United States military in the Commonwealth may submit such grievance to a Joint Committee on Civil-Military Affairs composed of two representatives appointed by the United States (at least one of whom shall be a military officer) and three representatives appointed by the Commonwealth Government. The Joint Committee shall make a good faith effort to resolve the grievance.

(10) Upon an adjudication by a court of proper jurisdiction that the United States has breached any provision of the Commonwealth Agreement, and upon the failure of the United States to correct the breach within a reasonable time, the Govern-

06-227210

MPSC AGREEMENT

U. S. COVENANT

ment of the Commonwealth of the Mariana Islands may cause the lease to be terminated.

Section 903.

(a) Upon the effective date of this Section, the Government of the Commonwealth of the Mariana Islands shall cause the Mariana Islands Public Land Corporation, or its successor-in-interest to the land acquired pursuant to the Public Land Transfer Act, to enter into covenants running with the land for the benefit of the United States with respect to the following land and waters:

- (1) [Tanapag Harbor -- description of land area];
- (2) [Isley Air Field -- description of land area];

Section 702.

(a) The Government of the United States will be given title to the following areas immediately upon termination of the Trusteeship to enable it to carry out its defense responsibilities under Title V of this Covenant and will be assured the unrestricted use of these areas no later than upon the approval of the Covenant:

(2) On Saipan Island:

Approximately _____ acres adjacent to Isley Field, together with the continued joint use of Isley Field, and approximately _____ acres at Tanapag Harbor. The United States will at its discretion make available for the use of the Government of the Northern Mariana Islands

06-4174-1

MPSC AGREEMENT

(b) The terms of such covenants shall restrict civilian use of the land in a manner consistent with military use by the United States at a future time and will provide that the land would be available to the United States if needed for military purposes at a future time.

U. S. COVENANT

for purposes not inconsistent with possible military use, so much of this acreage as is not immediately essential to the exercise of United States defense responsibilities.

Title VIII

The Government of the Northern Mariana Islands will make land available to the United States Government for the exercise of its responsibilities in the Northern Mariana Islands as specified in the Articles. All United States property and interests in property in the Northern Mariana Islands shall be acquired pursuant to the procedures set forth in the Articles.

06-417072

MPSC AGREEMENT

U. S. COVENANT

Section 904. Upon the effective date of the leases provided for in Section 902, all rights of the United States with respect to land in the Commonwealth of the Mariana Islands shall be governed by the Commonwealth Agreement and leases entered into thereunder, any prior agreements between the Trust Territory of the Pacific Islands and the United States notwithstanding.

(b) The Government of the United States will release to the Government of the Northern Mariana Islands for its unrestricted use all military retention lands not included in subsection (a), above, no later than upon the approval of the Covenant.

(c) 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 by the United States Government, and the Government of the Northern Mariana Islands takes all such land as set forth in Section 701 above, subject to such agreements.

06-22-2013

Section 905. The lease of land to the United States through the Mariana Islands Public Land Corporation or otherwise shall not be construed as indicating that the Government of the Commonwealth has ceded to the United States its legislative authority or political jurisdiction over such land.

Section 906.

(a) The Commonwealth of the Mariana Islands shall take all steps necessary to preserve the rights and interests of the United States under the lease agreements described in Section 902 and the covenants described in Section 903.

(b) The Commonwealth shall exercise its power of eminent domain or shall authorize the Mariana Islands

MPSC AGREEMENT

U. S. COVENANT

Public Land Corporation, or its successor-in-interest to the land acquired pursuant to the Public Land Transfer Act, to exercise the power of eminent domain to whatever extent necessary to effectuate the lease agreements and covenants described in this Title.

(c) Whenever the Commonwealth of the Mariana Islands shall acquire title to the lands which are subject to the lease agreements and covenants described in Sections 902 and 903, it shall also assume the duties and responsibilities of its predecessor-in-interest under such lease agreements and covenants.

Section 907. The United States shall have the power of eminent domain within the Commonwealth of the Mariana Islands in accordance with the following provisions:

Section 703.

(a) In addition to the foregoing areas the United States Government, its departments and agencies may, upon notice to the Government of the Northern

6-42723

MPSC AGREEMENT

U. S. COVENANT

(a) The United States shall never obtain an interest in land greater than a long-term lease subject to reversion to the Commonwealth Government in the event of the failure of the United States to use the land substantially and frequently for the purpose for which it was acquired.

(b) With the exception of interests in property which extend for less than one year, the United States shall not acquire interests in land directly from private landowners either by direct negotiation or by condemnation.

(c) For the purpose of acquiring an interest in land to be used for non-military purposes, or for the purpose of acquiring an interest in Tanapag Harbor or Isley Field (des-

Mariana Islands, acquire for public purposes property in the Northern Mariana Islands or interest in property, including any temporary use, including that owned or controlled by private parties or the Government of the Northern Mariana Islands, by purchase, lease, exchange, gift, or otherwise under such terms and conditions as may be negotiated by the parties. In any such acquisition the United States will pay particular regard to the scarcity and special importance of land in the Northern Mariana Islands.

(b) In the event the United States is unable to acquire property or an interest in property by negotiation in accordance with subsection (a) above, it may as a last resort acquire property or an interest therein utilizing

6-22-76

MPSC AGREEMENT

U. S. COVENANT

cribed in Section 903(a)), the United States shall seek a decision of the [Commonwealth Land Commission] or legislation from the Commonwealth Government, which would direct the transfer of the interest in the land to the United States.

federal eminent domain authority in accordance with the United States Constitution and presently established and future federal law and procedures with respect to the acquisition of real property or an interest in real property. 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 amount or amounts previously paid, gratuitously or otherwise, therefore.

(1) If the decision of the Commonwealth Land Commission or the legislation passed by the Commonwealth Government is in accord with the amount of and the interest in the land sought by the United States, but the decision price than was offered by the United States for such land, a judicial determination of "just compensation" shall be had if requested by the parties.

(2) If the decision of the Commonwealth Land Commission or the legislation of the Commonwealth Govern-

(c) 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 by the United States Government, and the Government of the Northern Mariana

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MPSC AGREEMENT

ment is not in accord with the request made by the United States for the amount of and the interest in the land, or if neither the Land Commission nor the Commonwealth Legislature acts upon the request of the United States within a reasonable length of time, the United States shall be entitled to seek a court order transferring the land to it upon payment of just compensation. In such a proceeding, or in a proceeding to obtain an interest in land pursuant to subsection (b), the court shall consider, in addition to any other issue properly brought before it, the issue of whether the United States has a legitimate need for the land and the issue of whether the amount of land and the estate in land proposed to be taken are the minimum required to meet that need.

U. S. COVENANT

Islands takes all such land as set forth in Section 701 above, subject to such agreements.

Title VIII

The Government of the Northern Mariana Islands will make land available to the United States Government for the exercise of its responsibilities in the Northern Mariana Islands as specified in the Articles. All United States property and interests in property in the Northern Mariana Islands shall be acquired pursuant to the procedures set forth in the Articles.

(3) Without detracting from the right of parties in the proceedings of Paragraphs (1) and (2) above to request a jury trial on any other appropriate issue, any party to such proceeding shall have the right to a jury trial on the issue of "just compensation."

(d) The United States shall not seek to acquire an interest in any land located in the Commonwealth for military purposes by means of the involuntary procedures set out in Subsection (c) of this Section; provided, however, that upon a declaration of war or upon the existence of other lawful hostile military action by the United States armed forces and upon a declaration by the President of the United States that particular land is needed for either of those purposes, the United States shall have authority to take

06-11-1963

such land in the same way that it could take land in the several States, and provided further that the United States may obtain the use of land for military purposes at any time with the agreement of the Government of the Commonwealth.

Title X -- Consultation Between
the Parties

Section 1001.

(a) At the request of the Commonwealth of the Mariana Islands or at the request of the United States, and not less frequently than once every five years, a meeting shall be held between representatives of the United States Government and representatives of the Government of the Commonwealth of the Mariana Islands to discuss the relationship between the Commonwealth and the United States.

6-22-50

(b) In preparation for that meeting, the President of the United States shall designate a representative of the United States Government to meet with the Chief Executive of the Commonwealth of the Mariana Islands for the purpose of establishing an agenda for the meeting.

(c) After the determination of the agenda, the President of the United States shall designate representatives of appropriately high rank from each of the agencies concerned with the agenda items who shall meet with an equal number of duly authorized representatives of the Commonwealth.

(d) The representatives of the United States and the representatives of the Commonwealth shall negotiate in good faith with respect to the items on the agenda.

06-417131

(e) The representatives shall prepare a report setting forth the results of their discussions and their recommendations for resolving any issues with respect to the relationship between the Commonwealth and the United States. This report shall be transmitted to the Chief Executive and the Legislature of the Commonwealth of the Mariana Islands and to the President and the Congress of the United States.

Section 1002.

(a) In the exercise of its responsibilities in conducting the foreign affairs of the Commonwealth of the Mariana Islands, the Government of the United States shall give sympathetic consideration to the advice of the Government of the Commonwealth on international matters directly affecting the Commonwealth.

Title V

The United States will have full responsibility for and authority in the fields of foreign affairs and defense. In the exercise of its responsibilities in foreign affairs, the United States will consider the advice of the Commonwealth Government on international matters directly affecting the people of

MPSC AGREEMENT

U. S. COVENANT

(b) The United States shall support membership by the Commonwealth in regional or other international organizations concerned with social, economic, educational, scientific, technical and cultural matters of concern to the Commonwealth to the extent such organizations will permit this membership. The Commonwealth Government, with the acquiescence of the United States Secretary of State, may negotiate and sign agreements with any international organization of which it is a member, provided that those agreements apply only to the Commonwealth of the Mariana Islands and not to other parts of the United States.

(c) The United States shall assist and facilitate the establishment by the Commonwealth of the Mariana Islands of offices in the United States and

the Northern Mariana Islands and will facilitate the establishment of Commonwealth offices abroad to promote the economic and cultural interests of the Commonwealth.

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abroad to promote local tourism and other economic or cultural interests of the Commonwealth.

(d) The United States shall consent fully with the Government of the Commonwealth in regard to the efforts of the United States, pursuant to Section 608 hereof, to obtain favorable treatment by foreign countries for exports from the Commonwealth.

Title XI -- Delegates and Resident Commissioner

Section 1101. At such time as the population of the Commonwealth of the Mariana Islands exceeds 50,000 persons, or sooner as determined by the Congress of the United States, the qualified electors of the Commonwealth of the Mariana Islands shall choose a Delegate from the Commonwealth to the House of Representatives of the Congress of the United States.

MPSC AGREEMENT

U. S. COVENANT

(a) The Delegate from the Commonwealth of the Mariana Islands shall be entitled to receive official recognition by all the departments and agencies of the Government of the United States upon presentation through the Department of State of a certificate of election from the Chief Executive of the Commonwealth.

(b) The Delegate shall receive the same compensation, allowances, and benefits as a member of the House of Representatives, and shall be entitled to all privileges and immunities of office as a Representative in the House of Representatives; provided, however, that the Delegate shall not have a vote on the floor of the House; provided that the clerk hire allowance of the Delegate shall be a single per annum gross rate that is

06-447405

MPSC AGREEMENT

U. S. COVENANT

60 percent of the clerk hire allowance of a Member; and provided that the transportation expenses incurred by the Delegate in traveling on official business between Washington, D.C. and the Commonwealth of the Mariana Islands by the nearest usual route shall not be reimbursed in an amount which exceeds the cost of four round trips each year.

(c) The Delegate from the Commonwealth of the Mariana Islands shall be at least twenty-five years of age on the date of the election; shall be a citizen of the United States; shall be a resident of the Commonwealth of the Mariana Islands; and shall not be a candidate for any other office on the date of the election.

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MPSC AGREEMENT

U. S. COVENANT

(d) The initial term of office of the Delegate of the Commonwealth of the Mariana Islands shall expire on the third of January of the next preceding odd numbered year following his election; thereafter, such Delegate shall be elected for a term of two years from the third day of January following his election.

(e) In case of a vacancy in the office of the Delegate from the Commonwealth of the Mariana Islands by death, resignation, or permanent disability, the office shall remain vacant until a special election has been held and a successor elected and qualified.

Section 1102. Until such time as a non-voting delegate has been selected pursuant to Section 1101, the Commonwealth Government may appoint, or pro-

06-417207

MPSC AGREEMENT

U. S. COVENANT

vide by law for the election of, a Resident Commissioner to the United States, whose term of office shall be determined by the Commonwealth and who shall be entitled to receive official recognition as such Commissioner by all of the departments and agencies of the Government of the United States upon presentation of a certificate of commission from the Chief Executive of the Commonwealth. The United States shall provide the Resident Commissioner with the same salary as a Representative in the House of Representatives; a clerk hire allowance which is a single per annum gross rate of 60 percent of the clerk hire allowance of a Representative; a reasonable allowance for the cost of an office located in Washington, D.C.; and the cost of four round trips each

06-427453

MPSC AGREEMENT

U. S. COVENANT

year between the Commonwealth of the Mariana Islands and Washington, D.C. incurred in traveling on official business by the nearest usual route.

Title XII -- Transition

Section 1201.

(a) This Commonwealth Agreement shall become mutually binding between the parties and effective in accordance with its terms when both the people of the Mariana Islands District and the United States shall have approved the Agreement as provided in subsections (b) and (c) below.

(b) Approval by the people of the Marianas will be given as follows:

(1) After the signing of this Agreement, duly authorized representatives of the Mariana Islands Political Status Commission shall

ARTICLE VIII

Approval and Transitional Provisions

Section 801.

(a) The Covenant shall be approved by the United States in accordance with its Constitutional processes. It will be submitted to the Mariana Islands District Legislature and subsequently to the people of the Mariana Islands District for approval in a plebiscite to be called by the United States Secretary of the Interior. Approval must be by a majority of those voting in the plebiscite. All residents of the Mariana Islands District who would be

06-0127589

MPSC AGREEMENT

promptly submit the Commonwealth Agreement to the members of the Mariana Islands District Legislature for approval by a resolution which must be carried by a majority of all members authorized to vote;

(2) Upon approval by the Mariana Islands District Legislature as provided in paragraph (1) above, the High Commissioner of the Trust Territory of the Pacific Islands shall, within thirty days after such approval, issue a proclamation for a plebiscite on the Commonwealth Agreement to be held not more than 120 days after the date of the proclamation. All residents of the Mariana Islands District who would be entitled to vote in a general election in the District if such election were held on the day the plebiscite is conducted shall be

U. S. COVENANT

eligible to vote in elections in the Mariana Islands District if such elections were held on the day the plebiscite is conducted shall be eligible to vote in the plebiscite.

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MPSC AGREEMENT

eligible to vote in the plebiscite.
Such persons shall be asked to vote "yes" or "no" on the following proposition:

"The people of the Mariana Islands District hereby approve the Agreement to Create a Self-Governing Commonwealth of the Mariana Islands in Political Union with the United States of America."

The Commonwealth Agreement shall be approved if a majority of the qualified votes cast in the plebiscite favor the adoption of the proposition.

(c) Approval by the United

States shall be given when the Commonwealth Agreement has been enacted into law in accordance with the constitutional processes of the United States.

U. S. COVENANT

Title XI

This Covenant will become effective only after it has been approved by the Marianas District Legislature and the people of the Mariana Islands District in a plebiscite thereby constituting a sovereign act of self-determination and by the Government of the United States.

Signed at _____
on the _____ day of _____ 1974

FOR THE MARIANA ISLANDS DISTRICT:

FOR THE UNITED STATES OF AMERICA:

06-417451

MPSC AGREEMENT

U. S. COVENANT

Section 1202.

(a) Following approval of the Commonwealth Agreement by the people of the Mariana Islands District, the Mariana Islands District Legislature shall establish a convention to draft the Constitution of the Commonwealth of the Mariana Islands, the provisions of which shall be consistent with this Commonwealth Agreement.

(b) Upon completion of the Constitution of the Commonwealth, and upon approval of the Commonwealth Agreement pursuant to Section 1201, the Chairman of the Constitutional Convention shall inform the High Commissioner of the Trust Territory of the Pacific Islands of the completion of the Constitution of the Commonwealth. Within 30 days of being so informed, the High Commissioner

Section 302. The Mariana Islands

District Legislature will call a convention to draft a Constitution for the Commonwealth, the provisions of which shall be in accordance with this Covenant. Each of the present electoral districts within the Mariana Islands District will be represented in the constitutional convention.

Section 304.

(a) Upon certification by the Congress of the United States to the Secretary in accordance with Section 303 of this Article, the Secretary 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:

MPSC AGREEMENT

U. S. COVENANT

shall issue a proclamation for a referendum to be held not more than 120 days after the date of the proclamation. All residents of the Mariana Islands District who would be eligible to vote in general elections in the District if such elections were held on the day the referendum is conducted shall be eligible to vote "yes" or "no" on the following proposition:

"The people of the Mariana Islands District hereby adopt the Constitution of the Commonwealth of the Mariana Islands as proposed by the Constitutional Convention."

The Constitution shall be approved if a majority of the qualified votes cast in the referendum favor the adoption of the proposition. The High Commissioner of the Trust Territory of the Pacific Islands shall, within thirty

"The people of the Mariana Islands District 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 Constitution will be approved if a majority of the votes cast in the referendum favor the adoption of the proposition. Only affirmative and negative votes will be counted. The Secretary will, within thirty days following the referendum, determine the results of the referendum and convey his determination to the President of the United States.

MPSC AGREEMENT

days following the referendum, certify the results of the referendum to the Chairman of the Constitutional Convention, who shall within seven days certify the results of the referendum to the President of the United States.

(c) Within 30 days of receiving a certification from the Chairman of the Constitutional Convention that the people of the Mariana Islands District have approved the Constitution of the Commonwealth, the President of the United States shall determine whether the Constitution as approved is consistent with this Commonwealth Agreement. If the President of the United States determines that the Constitution is not consistent with the Commonwealth Agreement, he shall immediately certify that determination, stating the reason for his determination, to the Chairman of the Constitutional

U. S. COVENANT

Section 303. The proposed Constitution for the Commonwealth will be submitted to the United States Secretary of the Interior hereinafter referred to as the "Secretary" 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 applicable provisions of the Constitution of the United States of America, the terms of this Covenant and applicable federal law, it will so certify to the Secretary, who will so advise the Mariana Islands

06-11700A

Convention for further action The

procedures set forth in this subsection shall be repeated until the Constitution is determined by the President of the United States to be consistent with the Commonwealth Agreement. The President of the United States shall immediately certify such a determination to the Chairman of the Constitutional Convention.

dissolve the constitutional convention. If the Congress finds that the proposed Constitution does not meet the above criteria it will so advise the Secretary stating wherein in its judgment the Constitution is deficient. The Secretary 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 Constitution is certified by the Congress.

Section 1203. Within 30 days of the Presidential certification that the Constitution of the Commonwealth of the Mariana Islands, as approved by the people, is consistent with the Commonwealth Agreement, the President of the United States shall issue a proclamation announcing that the Commonwealth

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MPSC AGREEMENT

of the Mariana Islands shall be established 180 days after the date of the proclamation.

U. S. COVENANT

(b) The results of the plebiscite shall be certified by the Secretary to the President of the United States. The President of the United States will issue a proclamation announcing a date upon which the Commonwealth will be established, when he finds:

(1) That the Covenant has been approved as set forth above; and

(2) That the people of the Mariana Islands District have adopted a Constitution pursuant to the Covenant;

and

(3) That the Trusteeship Agreement has been terminated or will terminate on the date on which the Commonwealth will be established.

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Section 1204. During the 180 days between the proclamation of the President given pursuant to Section 1203 and the establishment of the Commonwealth of the Mariana Islands, the Commonwealth Government shall be organized as provided in the Constitution of the Commonwealth of the Mariana Islands.

Section 1205. Following the establishment of the Commonwealth as specified in the Presidential Proclamation required by Section 1203:

(a) The relations between the United States and the people of the Commonwealth shall be governed by the Commonwealth Agreement;

(b) All provisions of this Commonwealth Agreement shall become effective, except Section 203 and Title III, which shall become effective

Section 802.

(a) Unless otherwise specifically provided, the provisions of the Covenant shall become effective as follows:

(1) Articles II and III; Sections 602(a) and 604 of Article VI; Sections 702 and 704 of Article VII; and Article VIII upon the approval of the Covenant.

(2) The remainder of the Covenant upon the establishment of the Commonwealth, provided, however,

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upon termination of the Trusteeship Agreement.

that the President of the United States will have the power to make effective at an earlier date so much of the remainder of this Covenant and so much of the Constitution of the Commonwealth as he deems consistent with the continuation of the Trusteeship. This power may include the establishment of an interim government for the Commonwealth and its separate administration within the Trust Territory of the Pacific Islands.

Section 1206.

(a) The United States shall make all good faith efforts to terminate the Trusteeship Agreement at the earliest practical date, in its entirety or insofar as it affects the Commonwealth of the Mariana Islands.

06-427298

MPSC AGREEMENT

U. S. COVENANT

(b) At such time as the President of the United States determines that the Trusteeship Agreement, in its entirety or insofar as it affects the Commonwealth, has been terminated, he shall immediately issue a proclamation to that effect and thereupon Section 203 and Title III shall become fully effective.

Section 802.

(a) Unless otherwise specifically provided, the provisions of the Covenant shall become effective as follows:

(1) Articles II and III; Sections 602(a) and 604 of Article VI; Sections 702 and 704 of Article VII; and Article VIII upon the approval of the Covenant.

(2) The remainder of the Covenant upon the establishment of the Commonwealth, provided, however, that the President of the United States will have the power to make effective at an earlier date so much of the remainder of this Covenant and so much of the Constitution of the Commonwealth as he deems consistent with the continuation of the Trusteeship. This power may include the

MSPC AGREEMENT

U. S. COVENANT

establishment of an interim government for the Commonwealth and its separate administration within the Trust Territory of the Pacific Islands.

(c) The determination of the President of the United States under subsection (b) above shall be final and shall not be subject to review by any authority of the Commonwealth of the Mariana Islands or of the United States, including the courts of either.

(b) Any determination of the President of the United States that the Trusteeship has been terminated or that it will terminate on the day of the establishment of the Commonwealth, or that any provision made effective by him is consistent with the continuation of the Trusteeship shall be final.

MPSC AGREEMENT

U. S. COVENANT

(d) If the President of the United States determines that a further plebiscite on future status is necessary immediately prior to termination of the Trusteeship Agreement, such a plebiscite shall be held to provide the people of the Commonwealth of the Mariana Islands with an opportunity to reaffirm their commitment to the Commonwealth Agreement.

Section 1207. The United States may, for purposes of administration, separate the Mariana Islands District from the remainder of the Trust Territory of the Pacific Islands to the extent and in the manner requested by the Mariana Islands District Legislature; provided, however, that in no event shall such separation occur

Section 802.

(a) Unless otherwise specifically provided, the provisions of the Covenant shall become effective as follows:

(2) The remainder of the Covenant upon the establishment of the Commonwealth, provided, however, that the President of the United States will have the power to make effective at an earlier date so much of the remainder of this Covenant and

MPSC AGREEMENT

U. S. COVENANT

later than upon the date the Commonwealth is established.

so much of the Constitution of the Commonwealth as he deems consistent with the continuation of the Trusteeship. This power may include the establishment of an interim government for the Commonwealth and its separate administration within the Trust Territory of the Pacific Islands.

Section 1208. The Marianas Political Status Commission and the President's Personal Representative have agreed that a Joint Commission on Transition shall be established upon the signing of this Agreement for the purpose of conducting transitional studies,

Section 603. In addition to the foregoing, upon signature of the Covenant the United States will make available funds, subject to approval by the Congress of the United States, to cover the costs of transitional studies, programs and events related

MPSC AGREEMENT

U. S. COVENANT

programs and events relating to the establishment of the Commonwealth of the Mariana Islands. The Joint Commission on Transition shall consist of the following eight members: the Chairman of the Marianas Political Status Commission or its successor; the President of the District Legislature; two current or former members of the Marianas Political Status Commission, one from Tinian and one from Rota, appointed by the Mariana Islands District Legislature; the Marianas District Administrator; the Personal Representative of the President of the United States for Micronesia Status Negotiation, the Director of the Office of Territorial Affairs of the Department of the Interior; and a representative to be designated by the

to the establishment of a new Government of the Northern Mariana Islands, to be administered by a Joint Transition Commission established by agreement of the Marianas District Legislature and the United States.

Transition 26

MPSC AGREEMENT

U. S. COVENANT

United States. If the Joint Commission on Transition is not already established at the time the Commonwealth Agreement is approved as provided in Section 1201 hereof, it shall be established immediately upon such approval. The Marianas Political Status Commission and the President's Personal Representative have further agreed that the United States will provide such sums as are needed for the work of the Joint Commission on Transition, but in no event less than \$1,210,000. Upon the approval of the Commonwealth Agreement as provided in Section 1201 hereof, the United States shall make available such sums as have not previously been paid over or such additional sums as may be necessary for the work of the Joint Commission on Transition.

MPSC AGREEMENT

U. S. COVENANT

Title XIII -- Miscellaneous

Section 1301. The invalidity of any provision of this Commonwealth

Agreement shall not affect the validity of the remaining provisions hereof.

Section 1302. Any table of contents or headings of titles are not a part of this Commonwealth Agreement and shall not be deemed to affect the meaning or construction of any of its provisions.

SIGNED at _____ on
the _____ day of _____, 197_.

FOR THE MARIANAS POLITICAL STATUS COMMISSION
FOR THE UNITED STATES OF AMERICA

Signed at _____
on the _____ day of _____ 1974

FOR THE MARIANA ISLANDS DISTRICT:

FOR THE UNITED STATES OF AMERICA: