

TITLE XI

Approvals, Effective Dates, Definitions, and  
Other Matters

Section 1101. (a) The people of the Northern Mariana Islands and the United States shall give their approval to this Agreement as provided in this Section.

(b) Approval by the Northern Mariana Islands

(1) This Agreement shall promptly be submitted to the Mariana Islands District Legisla<sup>n</sup>, and shall be approved if a resolution of approval is adopted by a majority vote of all members authorized to vote;

(2) The Secretary of the Interior shall, within [150] days after the approval of this Agreement by the Mariana Islands District Legislature, cause a plebiscite to be held on the Agreement. All residents of the Northern Mariana Islands who would be eligible to vote in a general election therein if such an election were held on the day the plebiscite is conducted shall be eligible to vote in the plebiscite. The Agreement shall be approved if [a majority] [55 %] of the qualified votes cast in the plebiscite favor approval. [Only affirmative and negative votes shall be counted.]

(c) Approval by the United States shall be given when <sup>the</sup> ~~the~~ Commonwealth Agreement has been enacted into law in accordance with the constitutional processes of the United States.

Section 1102. (a) The Constitution of the Commonwealth of the Northern Mariana Islands shall be drafted, <sup>and approved into effect,</sup> and approved in accordance with this Section.

(b) Following approval of this Agreement by the people of the Mariana Islands District, the Mariana Islands District Legislature shall establish a Convention to draft a Constitution of the Commonwealth of the Northern Mariana Islands.

(c) The Secretary of the Interior shall, within [150] days after the Convention has drafted a Constitution of the Commonwealth of the Northern Mariana Islands, cause a referendum to be held on the Constitution. All residents of the Northern Mariana Islands who would be eligible to vote in a general election therein if such an election were held on the day the referendum is conducted shall be eligible to vote in the referendum. The Constitution shall be approved if a majority of the qualified votes cast in the referendum favor approval. [Only affirmative and negative votes shall be counted.]

(d) Within 30 days of the approval of a Constitution

Not less than 30 days [nor more than 120] after such transmittal, the President shall issue a proclamation stating that the Constitution of the Northern Mariana Islands is approved by the United States, unless he finds that the Constitution is not consistent with this Agreement. If the President finds that the Constitution is not consistent with this Agreement he shall transmit the Constitution together with a statement of the reasons for his determination to the Secretary of the Interior who shall transmit this material to the Mariana Islands District Legislature.

*Land those portions of the United States Constitution and Federal*

*laws to be applicable within the Northern Mariana Islands pursuant to this Agreement.*

*so*

(e) The procedures provided for in this Section shall be repeated as necessary until the Constitution of the Northern Mariana Islands is approved by the people thereof and by the United States.

Section 110<sup>6</sup>. The laws of the Trust Territory of the Pacific Islands, of the Mariana Islands District and the local municipalities, and all other Executive and District orders of a local nature applicable within the Northern Mariana Islands on the effective date of this Section and not inconsistent with this Agreement or with the provisions of the Constitution of the United States or federal laws applicable within the Northern Mariana Islands will remain in force and effect until and unless repealed by the Government of the Northern Mariana Islands.

*Insert over*



in accordance  
with its terms

(f) ~~###~~ The Constitution of the Commonwealth shall become effective as the Constitution of the Northern Mariana Islands on the same day as those provisions described in Section 1103 (b) become effective, provided that if the President finds and declares that the effectiveness of any provision of the Constitution prior to termination of the Trusteeship Agreement would be inconsistent with the Trusteeship Agreement such provision shall be ineffective until termination of the Trusteeship Agreement. Upon the establishment of the Commonwealth as provided in Section 1104, the entire Constitution of the Commonwealth shall become effective <sup>of this Agreement</sup> ~~as the Constitution of the Commonwealth~~.

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containing sections  
1103, 1104 and 1105

by the people of the Northern Mariana Islands in a referendum, the Secretary of the Interior shall transmit to the President and to the Congress of the United States copies of the Constitution. Not less than 30 days [nor more than 120] after such transmittal, the President shall issue a proclamation stating that the Constitution of the Northern Mariana Islands is approved by the United States, unless he finds that the Constitution is not consistent with this Agreement and those portions of the United States Constitution and federal laws to be applicable within the Northern Mariana Islands pursuant to this Agreement. If the President finds that the Constitution is not so consistent he shall transmit the Constitution together with a statement of the reasons for his determination to the Secretary of the Interior who shall transmit this material to the Mariana Islands District Legislature.

(e) The procedures provided for in this Section shall be repeated as necessary until the Constitution of the Northern Mariana Islands is approved by the people thereof and by the United States.

Section 1103. The provisions of this Agreement shall become effective in accordance with their terms, as follows, unless otherwise specifically provided:

(a) Title III [requirements of local Constitution]; Section 506 [Joint Law Review Commission]; Title VII [financial assistance] [?]; Sections 80\_\_ and 80\_\_ [granting U.S. rights in land for military purposes and providing for payment] [?];

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and Title XI [approvals, effective dates, definitions], except for Section 1106 [continued application of TTPI and local laws] shall become effective upon approval of this Agreement;

(b) Title IV [U.S. judicial authority]; Sections 501 through 505 [applicability of laws]; and Sections 603 through 607 [customs, excises, social security tax and benefits, tax free bonds, and coverover]; Title IX [constitution]; and Title X [Washington representation] shall become effective 180 days after this Agreement and the Constitution of the Commonwealth have been approved, or at such earlier time as the President of the United States determines and by proclamation announces;

(c) The remainder of this Agreement [Title I re political relationship; Title II re citizenship; Sections 601 and 602 re federal and territorial taxes; Section 80\_\_ re eminent domain] shall become effective upon the establishment of the Commonwealth.

Section 1104.(a) At such time as the President determines that the Trusteeship Agreement, in its entirety or insofar as it affects the Northern Mariana Islands, is or will be terminated on a certain day, he shall immediately issue a proclamation to that effect and on such day the Commonwealth of the Northern Mariana Islands shall be established [provided

that the Commonwealth shall not be established unless this Agreement and the Constitution of the Commonwealth shall have been approved].

(b) Any determination of the President that the Trusteeship Agreement is or will be terminated on a certain day shall be final and shall not be subject to review by any authority of the Northern Mariana Islands or of the United States, including the courts of either.

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

Section 1105. As used in this Agreement:

(a) "Trusteeship Agreement" means the Trusteeship Agreement entered into between the Security Council of the United Nations and the United States of America, pursuant to which the United States is the Administering Authority of the Northern Mariana Islands;

(b) "Northern Mariana Islands" means the area known at the time this Agreement is signed as the <sup>(Mariana)</sup> Islands District of the Trust Territory of the Pacific Islands, consisting of those islands and territorial waters which lie within the area north of 14° north latituede south of 21° north latitude, west of 150° east longitude and east of 144° east longitude;

(c) "Government of the Northern Mariana Islands" includes, as appropriate, the Government of the Mariana Islands District of the Trust Territory of the Pacific Islands at the time this Agreement is signed, its agencies and instrumentalities, and its successors, including the Government of the Commonwealth of the Northern Mariana Islands.

Section 1106. The laws of the Trust Territory of the Pacific Islands, of the Mariana Islands District and the local municipalities, and all other Executive and District orders of a local nature applicable within the Northern Mariana Islands on the effective date of this Section and not inconsistent with this Agreement or with the provisions of the Constitution of the United States or federal laws applicable within the Northern Mariana Islands will remain in force and effect until and unless repealed by the Government of the Northern Mariana Islands.

Section 1107. The United States has agreed to make funds available, ~~[subject to approval by the Congress,]~~ promptly after the signing of this Agreement, ~~]~~ [in accordance with its constitutional processes, ] to establish a Joint Commission on Transition and to cover the costs of conducting transitional studies, programs and events relating to the establishment of a new Government of the Northern Mariana Islands. If the Joint Commission on Transition is not already established at the time



this Agreement is approved, it shall be established immediately after such approval, and the United States shall make funds available to the Joint Commission on Transition for it works in accordance with the agreement previously made.

Section 1108. The United States shall, for purposes of administration, separate the Northern Mariana Islands from ~~the remainder of the Trust Territory of the Pacific Islands from~~ the remainder of the Trust Territory of the Pacific Islands in accordance with the request of the Mariana Islands District Legislature as promptly as possible after the approval of this Agreement by the people of the Northern Mariana Islands.