

Working Draft
September 9, 1974

TITLE V

Applicability of United States Constitution and Laws

Section 501. [reserved for applicability of U. S. Constitution]

Section 502. [reserved for provisions assuring Marianas treatment consistent with the U. S. Constitution]

Section 503. The following laws of the United States in existence on the effective date of this Section, and amendments to such laws, shall apply within the Northern Mariana Islands as follows, except insofar as the applicability of such laws would be inconsistent with other sections of this Agreement:

(a) Those laws which provide financial assistance, or which are part of the federal banking laws, or which are part of Titles I, X, or XIV of the Social Security Act shall apply as they apply within the Territory of Guam; and the Public Health Services Act shall apply as it applies in the Territory of the Virgin Islands;

(b) Those laws not described in Subsection (a) which have provisions making them applicable within the Territory of Guam, and which are of general application within the several States, shall apply as they are of general application within the several States;

(c) Those laws not described in Subsections (a) or (b) which have provisions making them applicable within the Trust Territory of the Pacific Islands shall apply in accordance with their terms until termination of the Trusteeship Agreement, and (except for the Micronesian Claims Act, which shall continue to apply in accordance with its terms) shall thereafter be inapplicable.

Section 504. Any law of the United States which would otherwise be applicable within the Northern Mariana Islands shall be inapplicable until termination of the Trusteeship Agreement if the President finds and declares that the application of such law prior to termination of the Trusteeship Agreement would be inconsistent with the Trusteeship Agreement.

Section 505. (a) The immigration laws of the United States shall not apply within the Northern Mariana Islands except in the manner and to the extent made applicable by Congress after termination of the Trusteeship Agreement. Until such time as laws of the United States relating to immigration are made applicable within the Northern Mariana Islands, the Government of the Northern Mariana Islands shall have authority to regulate and control immigration into the Northern Mariana Islands.

(b) The naturalization laws of the United States shall not apply within the Northern Mariana Islands

except to the extent made applicable by Congress after termination of the Trusteeship Agreement. At such time as the naturalization laws of the United States are made applicable they shall apply in a manner consistent with the following provisions of this Subsection:

(1) Immediate relatives (that is, children, spouse, brothers and sisters) of persons who are nationals or citizens 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 the United States.

(2) Persons born outside the United States of parents either or both 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 the United States of parents either or both of whom became citizens of the United States by virtue of being born in a State.

(3) For purposes of Subsections (b)(1) and (2) of this Section, and for the purpose of a person who became a national of the United States pursuant to this Agreement becoming a citizen of the United States, and for no other purpose, residence or physical presence in the Commonwealth shall satisfy any residence or physical presence

requirement of the naturalization laws of the United States to the same extent as residence or physical presence respectively in a State of the Union.

(4) The courts of record established under the Constitution or laws of the Commonwealth and the District Court for the Northern Mariana Islands shall have jurisdiction to naturalize persons as citizens of the United States in accordance with applicable laws.

Section 506. (a) The coastwise laws of the United States, and any prohibition in the laws of the United States against foreign vessels landing fish or fish products in the United States, shall not apply within the Northern Mariana Islands except in the manner and to the extent made applicable by Congress after termination of the Trusteeship Agreement.

(b) The Secretary of Commerce shall issue regulations which provide that persons who are nationals but not citizens of the United States and who are domiciled in the Northern Mariana Islands shall be considered citizens of the United States for the purpose of such provisions of the maritime and shipping laws of the United States as he deems appropriate.

Section 507. The minimum wage provisions of the Fair Labor Standards Act shall not apply within the Northern Mariana Islands except in the manner and to the extent made applicable by Congress. The Government of the Northern Mariana

Islands shall enact such minimum wage provisions as are appropriate to the economic circumstances.

Section 508. The President shall appoint a Commission on Federal Laws to survey the field of federal statutory laws and to make recommendations to the Congress as to which statutes of the United States not applicable within the Northern Mariana Islands should be made applicable, and which statutes applicable should be made inapplicable. The Commission shall consist of seven persons (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 Northern Mariana Islands at the time of their appointments) who shall be representative of the federal, local, private and public interests in the applicability of federal laws within the Northern Mariana Islands. The Commission shall make its final report and recommendations to the Congress within one year after the establishment of the Commonwealth, and before that time shall make such interim reports and recommendations to the Congress as it considers appropriate to facilitate the transition of the Northern Mariana Islands to its new political status. In formulating its recommendations, the Commission shall take into consideration the effect or potential effect of each federal law on local conditions within the Northern Mariana Islands, the federal policies embodied

in the law, and the provisions and purposes of this Agreement. Unless the House of Representatives or the Senate enacts legislation which specifically disapproves all or part of the recommendations made in the final report of the Commission within one year after the final report has been received by Congress, all or part of the recommendations therein, as the case may be, shall have the force and effect of law.

TITLE II

United States Citizenship and Nationality

Section 201. The following persons and their children under the age of 18 years on the effective date of this Section, who are not citizens or nationals of the United States under any other provision 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 Northern Mariana Islands who are citizens of the Trust Territory of the Pacific Islands on the day preceding the effective date of this Section, and who on that date reside or are domiciled in the Northern Mariana Islands or in any area in or under the jurisdiction of the United States;

(b) All persons who are citizens of the Trust Territory of the Pacific Islands on the day preceding the effective date of this Section, who have been domiciled continuously in the Northern Mariana Islands 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, 197[5]; and

(c) All persons domiciled in the Northern Mariana Islands on the day preceding the effective day of this Section, who, although not citizens of the Trust Territory of the Pacific Islands, do not on that day owe allegiance to any foreign state, and who on that date have been domiciled continuously in the Northern Mariana Islands since at least January 1, 197[4].

Section 202. Any person who becomes a citizen of the United States solely by virtue of the provisions of Section 201 may within six months after the effective date of that Section or within six months after reaching the age of 18 years, whichever date is the later, become a national but not a citizen of the United States by making a declaration under oath before any federal court or any court of record in the Commonwealth in the form as follows:

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

Section 203. All persons born in the Commonwealth 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.

NOTES

1. Provisions in both drafts granting the federal court for the Northern Marianas and the local courts of general jurisdiction authority to naturalize persons as citizens of the United States, CA §305, Cov. §204, have tentatively been moved to Title V (Applicability of United States Laws).

2. Provisions in both drafts defining "domicile," CA §306, Cov. §205, have been eliminated as unnecessary.

3. The provision in the MPSC draft dealing with residence in the Northern Marianas for naturalization purposes, CA §304, has been moved to Title V (Applicability of United States Laws). There is no comparable provision in the U.S. draft.

4. Brackets have been placed around the years in Subsections (b) and (c) of Section 201 because the principals may wish to reconsider the dates in light of the extended period now anticipated before termination of the Trusteeship Agreement.