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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 ("Trusteeship Agreement"), the United States of America ("United States") presently administers the Mariana Islands District of the Trust Territory of the Pacific Islands ("Mariana Islands District"), 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; and

Whereas, under the Charter of the United Nations and the aforesaid Trusteeship Agreement, the people 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 for political union with the United States; 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

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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 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 individual freedom and of government by consent;

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 ("Commonwealth Agreement"). This Commonwealth Agreement shall become binding and effective according to its terms only after it is approved by resolution of the Mariana Islands District Legislature, by the people of the Mariana Islands District in a plebiscite, and by an Act of the Congress of the United States.

Title I -- Political Relationship

Section 101. (a) This Agreement to Establish a Self-Governing Commonwealth of the Mariana Islands in Political Union with the United States of America may be referred to as the "Commonwealth Agreement."

(b) 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 Commonwealth Agreement.

(c) Insofar as provisions of 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 intended to be consistent with, and shall constitute full satisfaction of, the duties and obligations owed by the United States to the people of the Mariana Islands District pursuant to that Trusteeship Agreement. Nothing in the Commonwealth Agreement is intended to affect the duties and obligations owed by the United States to the United Nations under the Trusteeship Agreement.

Section 102. (a) The Mariana Islands District shall become a self-governing commonwealth, to be known as "The Commonwealth of the Mariana Islands."

(b) Upon termination of the Trusteeship Agreement, the Commonwealth of the Mariana Islands shall achieve political union with the United States and shall be under the sovereignty of the United States.

Section 103. (a) The Commonwealth of the Mariana Islands, consisting of separate executive, legislative, and judicial branches, shall be constituted by and shall derive its authority from a Constitution to be framed by representatives of the people of the present Mariana Islands District and approved by popular vote. Citizens of the Commonwealth of the Mariana Islands shall retain the right to initiate and approve constitutional amendments according to procedures spelled out in the Constitution.

(b) The Constitution of the Commonwealth of the Mariana Islands shall provide for a republican form of government, the separation of powers, a bill of rights, and 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 that are applicable in the Commonwealth of the Mariana Islands.

(c) Except as provided in Section 1002 below, the United States shall have no authority to review and disapprove provisions of the Constitution or of any amendments thereto; provided, however, that federal courts and local courts in the Commonwealth of the Mariana Islands shall be competent to pass upon the consistency of any provisions of the Constitution of the Mariana Islands (and of amendments thereto) with the Commonwealth Agreement and with applicable provisions of the United States Constitution and of federal law.

Section 104. The Commonwealth of the Mariana Islands shall, according to the Constitution of the Commonwealth, have exclusive authority in all matters of local application, except that such authority shall not be exercised in a manner inconsistent with this Commonwealth Agreement or with applicable provisions of the United States Constitution.

Section 105. 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 matters constituting the Commonwealth.

Section 106. (a) The United States may enact federal legislation effective within the Commonwealth of the Mariana Islands, except as otherwise provided in this Commonwealth Agreement. Such federal legislation, together with this Commonwealth Agreement and those provisions of the United States Constitution made applicable in the Commonwealth hereby, shall be the supreme law of the Commonwealth and the courts of the Commonwealth shall be bound thereby, anythings in the Constitution or laws of the Commonwealth to the contrary notwithstanding.

(b) The application in the Commonwealth of the Mariana Islands of federal legislation affecting [citizenship, tax customs, maritime,], as set forth in Sections ____, ____, and ____ of the Commonwealth Agreement, shall not be modified without the consent of the Government of the Commonwealth.

(c) In the exercise of its legislative authority under the Commonwealth Agreement, the United States shall maintain strict regard for the right of local self-government retained by the people of the Commonwealth of the Mariana Islands.

Section 107. 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 to support those provisions of the 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.

Title II -- United States Citizenship and Nationality

Section 201. Except as otherwise provided in Section 202 of this Title, the following persons, and their children under the age of eighteen years on the effective date of this Title, 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 effective date of this Title, and who on that date reside or are domiciled in the Commonwealth of the Mariana Islands or in the United States, the Virgin Islands, Guam, the Commonwealth of Puerto Rico or any other possession or territory of the United States;

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(b) All persons who are citizens of the Trust Territory of the Pacific Islands on the effective date of this Title, 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, immediately prior to the effective date of this Title, have been domiciled continuously for at least five years in the Mariana Islands District or Commonwealth of the Mariana Islands and who, on that date, owe no allegiance to any foreign state.

Section 202. Any person who becomes a citizen of the United States solely by virtue of the provisions of subsection (a) through (c) of Section 201 may within six months after the effective date of this Title 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."

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

Section 204. (a) After the effective date of this Title, immediate relatives (including children, spouse, parents, brothers and sisters) of persons who become citizens or nationals of the United States solely by virtue of the provisions of this Title shall have a right to become naturalized citizens of the United States to the same extent as persons residing in a State.

(b) After the effective date of this Title, persons born outside the United States of parents either or both of whom have become citizens or nationals of the United States solely by virtue of the provisions of this Title 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.

(c) Solely for the purposes of subsections (a) and (b) of this Section, and for no other purpose, residence or physical presence in the Commonwealth 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 205. The courts of general jurisdiction established under the Constitution of the Commonwealth of the Mariana Islands and the United States District Court for the Commonwealth of the Mariana Islands shall have jurisdiction to naturalize persons as citizens of the United States in accordance with applicable law.

Section 206. For the purposes 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.

Title III -- Application of the United States
Constitution and Federal Law

Section 301. (a) The following provisions of the Constitution of the United States shall apply, as the case may be, to the Government of the United States and to the Government of the Commonwealth of the Mariana Islands as if the Commonwealth were a State of the Union:

[list with brief description -- U.S. draft is too cryptic. E.g., we should say:

"(1) Article I, Section 9, Clause 2, relating to the privilege of the writ of habeas corpus."]

(b) (1) Citizens of the Commonwealth of the Mariana Islands shall be entitled to all privileges and immunities of citizens in the several States.

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

[NOTE: "(b)" is designed to protect Marianas citizens outside of the Marianas against the U.S. and the States; there may be other provisions which should be picked up. To the extent Marianians have U.S. citizenship, they will be automatically protected to a great extent. Incidentally, both the full faith and credit clause (Art. IV, Sec. 1,) and privileges and immunities (both Art. IV, Sec. 2, cl. 1 and Amend. XIV, Sec. 1, cl. 2) should be listed in (a) so as to protect others against the Commonwealth government.]

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

(d) Nothing in this Section shall be deemed to prohibit the Commonwealth of the Mariana Islands from regulating the alienation of interests, including future interests, in real property located within the Commonwealth for the purpose of restricting acquisition of such interests to the persons described in Section 201 above and their direct descendants [for a period not to exceed 50 years.]

Section 302. (a) Except as otherwise provided in this Commonwealth Agreement, after the effective date of this Section and until such time as they may by law be made

inapplicable, the following laws of the United States shall be applicable in the Commonwealth of the Mariana Islands:

(1) Those laws of the United States applicable to the Trust Territory of the Pacific Islands and in effect in the Mariana Islands District on the date of signing this Commonwealth Agreement, except:

(i) [The Secretarial Order]

(ii) . . .;

(2) Those laws of the United States of general application in the United States and in effect in the Territory of Guam on the date of signing this Commonwealth Agreement; provided, however

(i) except as provided below, such laws shall apply in the Commonwealth of the Mariana Islands in the same manner and to the same extent as they are of general application;

(ii) the following laws shall apply in the Commonwealth of the Mariana Islands in the same manner and to the same extent as they apply in the Territory of Guam: [. . .]

(iii) the following laws shall not apply in the Commonwealth of the Mariana Islands: [. . .]

(3) Those laws of the United States hereafter made expressly applicable in the Commonwealth of the Mariana Islands.

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

(c) No statutory law of the United States enacted after the effective date of this Section shall have any force or effect in the Commonwealth of the Mariana Islands unless specifically made applicable by reference to the "Commonwealth of the Mariana Islands."

Section 303. The following laws, applicable in the Marianas Island 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 and executive and district orders of the Trust Territory of the Pacific Islands;

(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 IV -- United States Judicial Authority

Section 401. (a) The United States shall establish a United States District Court for the Commonwealth of the Mariana Islands, whose original jurisdiction shall be no less

repealed
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*Title 46
Chap 19A
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than that of a United States District Court in the several States.

(b) The United States District Court for the Commonwealth of the Marianas shall have such original jurisdiction in all other causes in the Commonwealth of the Mariana Islands, jurisdiction over which has not been vested by the Constitution of the Commonwealth in local courts established under the Constitution.

(c) The United States District Court for the Commonwealth of the Mariana Islands shall have such appellate jurisdiction over decisions and orders of local courts as the Constitution of the Commonwealth may provide.

(d) The United States Court of Appeals for the Ninth Circuit shall have appellate jurisdiction over final decisions and interlocutory orders of the United States District Court for the Commonwealth of the Mariana Islands, and the Supreme Court of the United States shall have appellate jurisdiction to review such cases in the Court of Appeals, as if the Commonwealth of the Mariana Islands were a State.

(e) At such time as the Constitution of the Commonwealth of the Mariana Islands shall establish local courts of general jurisdiction and shall provide that the United States District Court for the Commonwealth of the Mariana Islands shall not exercise any appellate jurisdiction over such courts, final

judgments and decrees rendered by the highest court of the Commonwealth in which a decision could be had shall be reviewable by the Supreme Court as if the Commonwealth were a State.

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Section 402. (a) The rules of venue and procedure in the local courts of the Commonwealth of the Mariana Islands shall be prescribed by the laws of the Commonwealth. [Appeals to the District Court?]

(b) The rules of procedure, heretofore or hereafter promulgated and made effective by the Supreme Court of the United States in civil cases, in admiralty cases, in criminal cases and in bankruptcy cases shall apply to the United States District Court for the Commonwealth of the Mariana Islands and to appeals therefrom.

(c) The laws of the United States relating to venue of district courts and removal of actions to district courts shall apply to the United States District Court for the Commonwealth of the Marianas as if the Commonwealth were a State.

(d) For the purpose of determining whether a United States district court has original jurisdiction of a matter by reason of the diversity of citizenship of the parties, citizens of the Commonwealth of the Mariana Islands shall be considered citizens of a State.

Section 403. The President of the United States, by and with the advice and consent of the United States Senate, shall appoint a United States District Judge or Judges for the

United States District Court for the Commonwealth of the Mariana Islands, a United States attorney for the Commonwealth and a United States marshall for the Commonwealth, whose terms, conditions and duties of office shall be equal, respectively, to those of the United States District Judge, United States attorney and United States marshall for the Territory of Guam. The Chief Justice of the United States may, with the consent of the judge or judges so assigned, assign any United States circuit or district judge to serve as a judge in the United States District Court for the Commonwealth of the Mariana Islands whenever he determines that such an assignment is necessary for the proper dispatch of the business of the court.

Title V -- Taxation and Customs

Section 501. Those persons who reside in the Commonwealth of the Mariana Islands and not in any other part of the United States, and who become United States citizens or nationals pursuant to Title II 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.

Section 502. United States citizens, other than those described in Section 501, 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 States possessions and if 50 percent of such gross income is derived from the active conduct of a trade or business in the Commonwealth and other United States possessions.

Section 503. 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 Section 872(b)(4) of the Internal Revenue Code, [which provides that income derived from a series E or H United States savings bond is exempt from tax if an individual acquired the bond while a resident of the Trust Territory,] shall be amended to continue its application in the Commonwealth of the Mariana Islands.

Section 504. [Social security laws of the United States.]

Section 505. 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 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 506. 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 manner inconsistent with the international obligations of the United States, including the General Agreement on Tariffs and Trade ("GATT").

Section 507. 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. [75% for certain articles?] The United States shall, if necessary in order to carry out this agreement, endeavor to obtain a special exemption to the GATT.

Section 508. The United States shall seek to obtain from foreign countries favorable treatment of 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 509. The Commonwealth of the Mariana Islands shall have the exclusive authority to impose duties on exports from its territory.

Section 510. 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 511. From and after the first day of July following the effective date of this Section, there shall be paid into the Treasury of the Commonwealth of the Mariana Islands, to be expended for the benefit of the people as the Government of the Commonwealth may by law prescribe, all customs duties and Federal income taxes derived from the Commonwealth of the Mariana Islands, including: (a) the proceeds of all customs, 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.

Title VI -- Other Laws

Section 601 et seq. [Immigration, Maritime, others.]

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Title VII -- United States Financial Assistance

Section 701. The United States shall provide direct financial support to the Government of the Commonwealth of the Mariana Islands for local government operations and programs and for capital improvement projects and economic development until such time as the people of the Commonwealth have achieved a standard of living comparable to that of other Americans and until the Government of the Commonwealth can meet the financial responsibilities of self-government from its own resources.

Section 702. Such direct financial assistance shall consist of guaranteed levels of economic support for periods of not less than six years so as to permit orderly planning for government operations and economic development by the Commonwealth Government.

Section 703. There is hereby authorized and appropriated for a period of six years after the effective date of this Section the following guaranteed annual levels of direct grant assistance to the Commonwealth of the Mariana Islands:

- (a) \$ _____ million for budgetary support for government operations;
- (b) \$ _____ million for capital improvements; and
- (c) \$ _____ million for an economic development loan fund.

Section 704. Within each of the categories set forth in Section 703 above, the Commonwealth Government shall be free to expend such moneys for the benefit of the people of the Commonwealth as the Commonwealth may by law prescribe; provided that 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 this Section and such reports shall be transmitted by the President to the United States Congress.

Section 705. (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 Government as may be designated by the President and duly

authorized officials of the Commonwealth of the Marianas shall meet to discuss the annual levels of guaranteed assistance required for the next proceeding multi-year period.

(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 so as eventually to eliminate any substantial disparities between the standard of living in the Commonwealth and that prevailing in other parts of the United States;

(2) to move the Commonwealth progressively toward economic self-sufficiency, taking into consideration the needs of the people and also their capacity to shoulder an increasing local tax burden and otherwise to supplement and expand their sources of revenue other than direct financial assistance from the United States;

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

Section 706. There are hereby authorized to be appropriated annually by the Congress of the United States such additional sums as may be necessary and appropriate to carry out the provisions and purposes of this Commonwealth Agreement.

Title VIII -- Public Property of the Commonwealth and
Property Required by the United States.

Section 801. The title and all other interests and rights to the real and personal property in the Mariana Islands District owned or held by the Government of the Trust Territory of the Pacific Islands shall be transferred to the Commonwealth of the Mariana Islands upon the effective date of this Section; provided, however, that the President of the United States may exclude from this Section, for a period not to extend beyond the termination of the Trusteeship Agreement, such property and interests in property as are required for active use by the Government of the Trust Territory of the Pacific Islands in its administration of the other five districts of the Trust Territory.

Section 802. (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 of 1974, to enter into lease agreements with the Government of the United States for the following land and waters:

- (1) [Tinean base -- describe land area];
- (2) [Isley Air Field -- describe land area];
- (3) [Farallon de Medinillee -- describe land area];
- (4) [other -- Coast Guard, post office, etc?].

(b) The terms of such lease agreements with respect to each such area shall include the following:

- (1) [50 years with option to renew];
- (2) [Reverter upon failure of active use];
- (3) [Provision for determination of valuation and reassessment at periodic intervals];
- (4) [Lease in complete substitution for military use and occupancy agreements];
- (5) [Reservation of water rights, recreation usage, etc. -- consistent with intended use by United States];
- (6) [Breach by U.S. of any provision of the Commonwealth Agreement prior to termination is cause for termination of lease agreements; breach of certain provisions of Commonwealth Agreement after termination is cause for termination of lease agreements];
- (7) [Misc. provisions: environmental impact; relocation of residents; joint undertakings for community development and dispute settlement; retention of civil authority by Commonwealth government].

Section 803. (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 of 1974, to undertake covenants

running with the land for the benefit of the United States with respect to the following land and waters:

- (1) [Tanapag Harbor -- describe land area];
- (2) [Isley Air Field -- describe land area].

(b) The terms of such covenants with respect to each such area shall include the following:

- (1) [Restriction of land use];
- (2) [Other?].

Section 804. (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 802 and the covenants described in Section 803.

(b) The Commonwealth shall exercise its power of eminent domain or shall authorize the Mariana Island Public Land Corporation, or its successor in interest to the land acquired pursuant to the Public Land Transfer Act of 1974, to exercise the power of eminent domain to whatever extent necessary to enter into 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 802 and 803, it shall also assume the duties and responsibilities of its predecessor in interest under such lease agreements and covenants.

Section 805. [Rules with respect to satisfaction of future United States land requirements in the Marianas, i.e., eminent domain power. See Marianas Commission proposal of December 19, 1973.]

Title IX -- Consultation Between the Parties

Section 901. At the request of the Commonwealth of the Mariana Islands, and not less frequently than once every five years, the President of the United States shall designate officials of the United States Government to meet with duly authorized representatives of the Commonwealth to discuss any aspect or aspects of the relationship between the Commonwealth and the United States. The representatives shall prepare a report setting forth the results of their deliberations and recommendations for resolving any outstanding questions or disputes with respect to the administration of the Commonwealth Agreement, including proposals for amendment of that Agreement. Their 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 902. In the exercise of its responsibilities in conducting the foreign affairs of the United States, the Government of the United States shall consider the advice of the Government of the Commonwealth of the Mariana Islands on international matters directly affecting the Commonwealth. The

United States shall support membership by the Commonwealth in regional or other international organizations concerned with social, economic and cultural matters of concern to the Commonwealth to the extent such organizations will permit such membership. The United States shall assist and facilitate the establishment by the Commonwealth of the Mariana Islands of offices in the United States and abroad to promote local tourism and other economic or cultural interests of the Commonwealth. The United States shall consult fully with the Government of the Commonwealth in regard to the efforts of the United States, pursuant to Section 508 hereof, to obtain favorable treatment by foreign countries for exports from the Commonwealth.

Section 903. (a) The President of the United States shall appoint a commission of seven persons, at least three of whom shall be of the class of persons described in Section 201 hereof, to survey the field of federal statutory laws and to make recommendation, not inconsistent with the provisions of this Commonwealth Agreement, to the Congress of the United States within 2 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 302(a) hereof shall be made applicable in the Commonwealth and as to which statutes of the United States made applicable in the Commonwealth by Section 302(a) shall be declared inapplicable.

(b) There is hereby authorized and appropriated the sum of \$ _____ to support the work of such commission.

Section 904. (a) For the purpose of maintaining a liaison between the Commonwealth of the Mariana Islands and the Government of the United States, the Commonwealth Government may appoint, or provide 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 salary and expenses of office of the Resident Commissioner shall be borne by the Commonwealth Government.

(b) At such time as the combined population of the Commonwealth of the Mariana Islands and the Territory of Guam exceeds 100,000 persons, or sooner as may be determined by the United States Congress, the qualified electors of the Commonwealth and of the Territory of Guam, in an election at large to be scheduled by agreement between the Chief Executive of the Commonwealth and the Governor of Guam (or in the case of a dispute by the United States Congress), shall choose a Representative of the Western Pacific Islands who shall represent both the Commonwealth of the Mariana Islands and the Territory of Guam without

partiality in the House of Representatives of the Congress of the United States and may, with the consent of the Government of the Commonwealth, assume the duties and responsibilities of the Resident Commissioner referred to in subsection (a) above. The Representative of the Western Pacific Islands shall be entitled to all of the privileges and emoluments of office of a Representative in the House of Representatives except a vote on the floor of the House. The initial term of office of the Representative of the Western Pacific Islands shall expire on the third of January of the second proceeding even numbered year following his election; thereafter, such Representative shall be elected for a term of four years from the third day of January following his election. In case of a vacancy in the office of Representative of the Western Pacific Islands by death, resignation, or otherwise, the Chief Executive of the Commonwealth and the Governor of Guam shall together appoint a successor to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified. In case the Chief Executive of the Commonwealth and the Governor of Guam are unable to agree on an appointment, the office shall remain vacant until the next general election and until a successor is elected and qualified.

Title X -- Transition

Section 1001. (a) This Commonwealth Agreement shall become fully binding between the parties and effective under the terms hereof 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) At the next proceeding regular session of the Mariana Islands District Legislature following signature of the Commonwealth Agreement, or sooner at a special session of the Legislature convened pursuant to law, duly authorized representatives of the Mariana Islands Political Status Commission shall submit the Commonwealth Agreement to the assembled members of the Legislature for approval in 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 subparagraph (1) above, the High Commissioner of the Trust Territory of the Pacific Islands shall, within thirty days after such approval by the Legislature, issue a proclamation for a plebiscite on the Commonwealth Agreement to be held not more than ninety days after the date of the proclamation. All residents of the Mariana Islands District who would be entitled to vote in general elections in the District if such elections were held on the day the plebiscite

is conducted shall be eligible to vote in the plebiscite. Such persons will 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."

Approval must be by a majority of those voting in the plebiscite.

(c) Approval by the United States will be given when, in accordance with constitutional processes, the Commonwealth Agreement shall have been enacted as a Law of the United States.

Section 1002. (a) At the next regular session of the Mariana Islands District Legislature following approval of the Commonwealth Agreement by the people of the Mariana Islands District and the United States, or sooner at a special session of the Legislature convened pursuant to law, 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. Each of the present electoral districts within the Mariana Islands District shall be represented in the constitutional convention.

(b) Upon completion of the Constitution of the Commonwealth, the constitutional convention shall inform the High Commissioner of the Trust Territory of the Pacific Islands who, within 30 days of being so informed, shall issue a

proclamation for a referendum to be held not more than ninety days after the date of the proclamation. All residents of the Mariana Islands District who would be eligible to vote in district general elections 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 will 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 will, within thirty days following the referendum, certify the results of the referendum to the Secretary of the United States Department of Interior.

(c) Within 30 days of receiving a certification from the High Commissioner that the people of the Mariana Islands District have approved the Constitution of the Commonwealth, the Secretary of Interior shall make a determination whether the Constitution as approved is consistent with this Commonwealth Agreement. If the Secretary of Interior determines that the Constitution is not consistent with the Commonwealth Agreement, he shall immediately certify that determination, indicating the manner of any inconsistency, to the High Commissioner who shall in turn submit such message to the constitutional convention for further action. The procedures

set forth in this Section shall be repeated until the Constitution is determined by the Secretary of Interior to be consistent with the Commonwealth Agreement. The Secretary of Interior shall immediately certify such a determination to the President of the United States.

Section 1002. (a) Within 30 days of his receipt of the certification by the Secretary of Interior 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 of the Mariana Islands will be established on the next proceeding [Liberation Day] after the date of the proclamation.

(b) On the date specified in the Presidential Proclamation required by subsection (a) above,

(1) the Commonwealth of the Mariana Islands shall be established and all provisions of this Commonwealth Agreement shall become fully effective, except [those provisions which are inconsistent with the Trusteeship Agreement, e.g., § 102(b) and Title II], which shall become effective upon termination of the Trusteeship Agreement.

(2) The Mariana Islands District shall be administratively separated from the remainder of the Trust Territory of the Pacific Islands and the United States shall administer the Mariana Islands District as the Commonwealth of the Mariana.

Islands pursuant to this Commonwealth Agreement. The relations between the United States and the people of the Mariana Islands District shall be governed by the Commonwealth Agreement and that Agreement shall constitute full satisfaction of the duties and responsibilities owed by the United States to the people of the Mariana Islands District under the Trusteeship Agreement; provided that nothing in this Commonwealth Agreement is intended to affect the duties and obligations owed by the United States to the United Nations under the Trusteeship Agreement.

Section 1003. (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.

(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 all provisions of this Commonwealth Agreement shall become fully effective.

(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.

(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, such a plebiscite shall provide the people of the Commonwealth of the Mariana Islands with an opportunity to reaffirm their commitment to the Commonwealth Agreement.

Section 1004. Upon approval of the Commonwealth Agreement as provided in Section 1001 hereof, the United States shall make available the sum of \$ _____, to the extent not already paid over, to the Marianas Political Status Commission, for the purpose of conducting transitional studies, programs, and events relating to the establishment of the Commonwealth of the Mariana Islands.

Title XI -- Miscellaneous

Section 1101. The invalidity of any provision of this Commonwealth Agreement shall not affect the validity of the remaining provisions hereof.

Section 1102. 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.

Section 1103. It is the intention of the parties hereto that cases or controversies arising under this Commonwealth Agreement shall be justiciable 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 1104. All bonds issued by or on behalf of the Government of the Commonwealth of the Mariana Islands shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the government of any State, territory, possession, the Commonwealth of Puerto Rico, the District of Columbia, or any political subdivision of any of them.

Section 1105. Amendments to this Agreement shall be approved in substantially the same manner as provided in Section 1001 hereof for the approval ab initio of the Commonwealth Agreement.

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

FOR THE MARIANA ISLANDS
POLITICAL STATUS COMMISSION:

FOR THE UNITED STATES
OF AMERICA:

[Eddie]

[AmB.]