

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 18, 1974

ARTICLE IV

[U.S.: United States] Judicial Authority

Section 401.(a) The United States will [U.S.: provide] [MPSC: establish] for and within the Northern Mariana Islands a court of record to be known as the "District Court for the Northern Mariana Islands." [MPSC: The United States will provide a District Judge for the District Court for the Northern Mariana Islands.]

[MPSC:(b) The United States will provide for the Northern Mariana Islands a United States Attorney and a United States Marshall who, in addition to their regular functions, will perform such functions relating to the execution of the laws of the Northern Mariana Islands as may be assigned to them by the legislature thereof.]

Section 402.(a) The District Court for the Northern Mariana Islands will have the jurisdiction of a District Court of the United States, except that in all causes arising under the Constitution, treaties or laws of the United States it will have jurisdiction without regard

of the sum of value of the matter in controversy.

(b) The District Court will have original jurisdiction in all causes in the Northern Mariana Islands not described in Subsection (a), jurisdiction over which has not been transferred by the legislature to another court or courts established by the Constitution or laws of the Northern Mariana Islands [MPSC: In causes brought in the District Court solely on the basis of this Subsection, the District Court shall be considered a court of the Northern Mariana Islands for purposes of the applicability of the United States Constitution.]

(c) The District Court will have such appellate jurisdiction as the legislature may provide. When it sits as ^{an} appellate court, the District Court will consist of three judges, at least one of whom will be a judge of a court of record of the Northern Mariana Islands.

Section 403.(a) The relations between the courts established by the United States and the courts of the Northern Mariana Islands with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings will be governed by the laws of the United States pertaining to the relations between the courts of the United States and the courts of the several States in such matters and proceedings. [MPSC: For

purposes of review by the Supreme Court of the United States of judgments and decrees of courts established by the United States, the Northern Mariana Islands shall be treated as if it were a State of the Union.]

[MPSC: (b) Those portions of Title 28 of the United States Code applicable to the Territory of Guam or the District Court of Guam will be applicable in the same manner to the Northern Mariana Islands or the District Court for the Northern Mariana Islands, respectively, except as otherwise specifically provided in this Agreement.]

[U.S.: (b) The Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands in all cases involving the Constitution, laws or treaties of the United States or any authority exercised thereunder, and in all habeas corpus cases, and in all civil cases where the value in controversy exceeds \$5,000, exclusive of interest and costs, unless those decisions are reviewable in the District Court for the Northern Mariana Islands pursuant to Section 402 (c).]

Section 603. (a) The Northern Mariana Islands will not be included within the customs territory of the United States.

(b) The Government of the Northern Mariana Islands will not levy duties on goods imported into its territory from the customs territory of the United States.

(c) Exports from the Northern Mariana Islands into the customs territory of the United States will be subject to the same treatment as exports from the Territory of Guam into the customs territory of the United States. The United States, will, if necessary in order to extend such treatment, endeavor to obtain appropriate waivers or modifications of its international obligations.

(d) The United States will seek to obtain from foreign countries favorable treatment for exports from the Northern Mariana Islands and will encourage other countries to consider the Northern Mariana Islands a developing territory.

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Section 502. (a) Laws of the United States in existence on the effective date of this Section, and subsequent amendments to such laws, which apply to the Territory of Guam shall apply in the same manner and to the same extent to the Northern Mariana Islands, except

(1) as otherwise provided in this Agreement;

(2) to the extent such laws are not of general applicability; and

(3) to the extent such laws would govern intra-territorial matters within the Northern Mariana Islands.

(b) The Micronesian Claims Act shall continue to apply to the Northern Mariana Islands.

(c) The Public Services Act shall apply to the Northern Mariana Islands to the same extent and in the same manner as it applies to the Territory of the Virgin Islands.

(d) Those laws not described in Subsections (a), (b) and (c) of this Section which, on the effective date of this Section, apply to the Trust Territory of the Pacific Islands, shall continue to apply to the Northern Mariana Islands; but subsequent amendments to such laws shall not apply to the Northern Mariana Islands unless such amendments specifically

so provide. Unless expressly otherwise provided, the laws described in this Subsection will cease to apply to the Northern Mariana Islands upon termination of the Trusteeship Agreement.

Section 503. The following laws of the United States, presently inapplicable to the Trust Territory of the Pacific Islands, will not apply to the Northern Mariana Islands except in the manner and to the extent made applicable by the United States Congress by law after termination of the Trusteeship Agreement:

(a) The immigration and naturalization laws of the United States;

(b) 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, provided however that such laws shall apply to the Northern Mariana Islands as provided in Section 502 to the extent they concern United States Government shipments; and

(c) The minimum wage provisions of the Fair Labor Standards Act, provided however that the minimum wage provisions of laws relating to employees and contractors of the United States Government shall apply as provided in Section 502.

Section 504. Appropriate officials of the United States Government will be empowered to issue regulations providing that persons who are nationals but not citizens

of the United States and who are domiciled in the Northern Mariana Islands will be considered citizens of the United States for the purpose of such provisions of the maritime and shipping laws of the United States as such officials deem appropriate.

Section 50[?]. (a) At such time as the naturalization laws of the United States are made applicable to the Commonwealth of the Northern Mariana Islands they shall apply in a manner consistent with Subsections (b), (c) and (d) of this Section.

(b) 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.

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

(d) For purposes of Subsections (b) and (c) of this Section, and for the purposes of a person who becomes a national of the United States pursuant to this Agreement becoming a citizen of the United States, and for no other purpose, residents 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.

(e) The courts of record of the Commonwealth and the District Court for the Northern Mariana Islands shall have jurisdiction to naturalize persons as citizens of the United States with accordance with applicable law.

Section 605. (a) Those laws of the United States which impose taxes to support the Old-Age, Survivors, Disability and Health Insurance Trust Funds will be applicable to the Northern Mariana Islands, provided that the tax schedule with respect to employers and employees in the Northern Mariana Islands for the first year after the effective date of this Section will be the same as the schedule relating to the Trust Territory Social Security Retirement Fund on the day preceding the effective date of this Section. Thereafter, the tax will increase by one percentage point (or fraction thereof) on both employer and employee with respect to much of the employee's income as is subject to tax under the laws of the United States each year until the tax imposed in the Northern Mariana Islands is the same as that in a State of the Union.

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Section 703. Those provisions of the laws of the United States pertaining to the cover-over of funds collected by the United States with respect to the Territory of Guam shall apply in a like manner with respect to the Northern Mariana Islands.