

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 22, 1974

ARTICLE II

Constitution of the Northern Mariana Islands

Section 201. The people of the Northern Mariana Islands will formulate and approve a Constitution in accordance with this Agreement and may amend their Constitution pursuant to the procedures provided therein.

Section 202. [US: The Constitution will be submitted to the Government of the United States for approval on the basis of its consistency with this Agreement and the applicable provisions of the Constitution and laws of the United States.] [MPSC: The United States shall approve the original provisions of the Constitution as provided in Section ___ of this Agreement.] Subsequent amendments to the Constitution of the Northern Mariana Islands may be made by the people of the Northern Mariana Islands without further approval of the Government of the United States but the courts established by the Constitution or laws of the United States will be competent to determine whether the Constitution and subsequent amendments thereto are consistent with this Agreement and with those provisions of the Constitution of the United States and federal laws applicable to the Northern Mariana Islands.

Section 502.(a) Laws of the United States in existence on the effective date of this Section, and subsequent amendments to the such laws, applicable to the Territory of Guam, other than laws which are of singular application to that Territory, shall apply in the same manner and to the same extent to the Northern Marianas Islands, except as otherwise provided in this Agreement; provided however, that no such law shall apply so as to govern intraterritorial matters within the Northern Mariana Islands where similar intrastate matters are not so governed.

(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.

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Section 505The Commission will make its final report and recommendations to the Congress within one year after the Trusteeship Agreement is terminated, and before that time will 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.

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Section 606.(a) All bonds issued by the Government of the Northern Mariana Islands or by its authority will be exempt, as to principal and interest, by taxation by the United States, or by any State, territory or possession of the United States, or any political subdivision of any of them.

(b) [MPSC: During the initial seven year period of financial assistance provided for in Section 702,] [US: for so long as the United States Government provides direct financial assistance pursuant to Article VII of this Agreement,] the Government of the Northern Mariana Islands will authorize no public indebtedness (other than bonds or other obligations of the Government payable solely from revenues derived from any public improvement or undertaking) in excess of ten percentum of the aggregate assessed evaluation of the property within the Northern Mariana Islands.

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Section 801. (a) All right, title and interest in and to real and personal property in the Northern Mariana Islands owned or held by the Government of the Trust Territory of the Pacific Islands will be transferred to the Government of the Northern Mariana Islands upon the effective date of this Section; provided however, that the President may exclude therefrom, for a period not to extend beyond termination of the Trusteeship Agreement, such right, title and interest in and to such real or personal property as is necessary for active use by the Government of the Trust Territory in the administration thereof. The Government of the Northern Mariana Islands will take such right, title and interest subject to the valid claims and rights or interests of others respecting such property.

(b) The Government of the United States will cause all agreements between it and the Government of the Trust Territory which grant to the Government of the United States use or other rights in real property located within the Northern Mariana Islands, other than property described in Section 802, to be terminated upon or before the approval of this Agreement.

Section 802. The Government of the Northern Mariana Islands will make available to the United States by lease in

accordance with this Article the following property to enable the Government of the United States to carry out its defense responsibilities:

(a) On Tinian Island, approximately 17,475 acres and the water immediately adjacent thereto;

(b) On Saipan Island, approximately 482 acres adjacent to Isely Field, together with the continued joint use of Isely Field, and approximately 197 acres at Tanapag Harbor;

(c) On Farallon de Mendinilla Island, approximately 229 acres encompassing the entire island, and the water immediately adjacent thereto.

[Covenant Sections 701, 702(a) (except for the second sentence of (a)(2)) and (b), and 703(c)]

ARTICLE IX

Resident Commissioner and Consultation

Section 901. [MPSC:(a) At such time as the population of the Northern Mariana Islands exceeds 50,000 persons, or sooner as determined by the Congress of the United States, the qualified electors of the Northern Mariana Islands shall choose a Delegate from the Northern Mariana Islands to the House of Representatives of the Congress of the United States.]

[MPSC:(b) The Delegate from the Northern 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 Governor. The Delegate shall be entitled to all privileges and immunities of office as a Representative in the House of Representatives, but shall have no vote on the floor of the House. In all other respects, those provisions of law applicable to the Delegate from the Territory of Guam shall apply in like manner to the Delegate from the Northern Mariana Islands, except that prior to the termination of the Trusteeship Agreement the Delegate need not be a citizen of the United States.]

[MPSC:(c) Until such time as a Delegate has been selected pursuant to Subsections (a) and (b), the Government of the Northern Mariana Islands 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 Government of the Northern Mariana Islands 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 through the Department of State of a certificate of selection from the popularly elected governor. The United States shall provide the Resident Commissioner with the same salary and financial assistance as is provided to the Delegate from the Territory of Guam.]

[US:(a) The Northern Mariana Islands may maintain in Washington, D.C. a Resident Commissioner who will be entitled to receive official recognition by all of the departments and agencies of the United States Government upon presentation, through the Department of State, of a certificate of [election from] [appointment by] the Governor of the Northern Mariana Islands.]

[US:(b) The Resident Commissioner will have a term of two years and will be [elected at the first general election to be held in the Northern Mariana Islands following the effective date of this section by the people qualified to vote

for the members of the legislature, and subsequently at such general election every second year thereafter.]

[appointed by the Governor of the Northern Mariana Islands by and with the advice and consent of the upper house of the Northern Mariana Islands legislature.]]

[US:(c) No person will be eligible for [election] [appointment] as Resident Commissioner who is not--

(1) a bona fide citizen of the Northern Mariana Islands, provided that any Resident Commissioner [elected] [appointed] after the termination of the Trusteeship must be a citizen of the United States; and

(2) at least twenty-five years of age.]

[US:(d) In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the Governor, by and with the advice and consent of the upper house, shall appoint a Resident Commissioner to fill the vacancy, who shall serve the remainder of his predecessor's term and until his successor is [elected and] qualified.]

Section 902. [US: The United States Government and the Government of the Northern Mariana Islands shall consult regularly on all matters affecting the relationship between them and if any special issues should arise, the President of the United States and the Governor of the Northern Mariana Islands will each appoint a special representative or representatives to consider such issues and make recommendations

thereon.]. [MPSC: The United States Government and the Government of the Northern Mariana Islands will consult regularly on all matters affecting the relationship between them. At the request of either Government, and not less frequently than every ten years, the President of the United States and the Governor of the Northern Mariana Islands will designate special representatives to meet and to consider such issues affecting the relationship between the Northern Mariana Islands and the United States as may be appropriate, and to make a report and recommendations with respect thereto.]. Special representatives will be appointed in any event to consider and to make recommendations regarding future financial assistance to the Northern Mariana Islands pursuant to Section 701, and shall meet at least one year prior to the expiration of the initial seven year period of such financial assistance.

Section 903. Nothing herein shall prevent the presentation of cases or controversies arising under this Agreement to courts of or established by the United States. It is intended that any such cases or controversies will be justiciable in such courts, and that the undertakings by the United States Government and the Government of the Northern Mariana Islands provided for in this Agreement will be enforceable in such courts.

Section 904. (a) The Government of the United States will give sympathetic consideration to the advice of the Government of the Mariana Islands on international matters directly affecting the Northern Mariana Islands.

(b) The United States will assist and facilitate the establishment by the Northern Mariana Islands of offices in the United States and abroad to promote local tourism and other economic or cultural interests of the Northern Mariana Islands.

[MPSC:(c) The United States will support membership by the Northern Mariana Islands in regional or other international organizations concerned with social, economic, educational, scientific, technical and cultural matters of concern to it, to the extent such organizations will permit such membership. The Government of the Northern Mariana Islands, with the approval of the 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 Northern Mariana Islands and not to other parts of the United States.]

TITLE X

Approval, Effective Dates,
and Definitions

Section 1001. (a) This Agreement will be [promptly] submitted to the Mariana Islands District Legislature for its approval. Within [150] days after its approval by the Mariana Islands District Legislature, this Agreement will be submitted to the people of the Mariana Islands District for approval in a plebiscite to be called by the United States. All residents of the Northern Mariana Islands who would be eligible to vote in elections in the Mariana Islands District if such elections were held on the day of the plebiscite will be eligible to vote in the plebiscite. This Agreement will be approved if a majority of the valid votes cast in the plebiscite favor approval. The results of the plebiscite will be certified [by the Secretary of the Interior] to the President of the United States.

(b) Approval by the United States will be given when this Agreement has been enacted into law in accordance with the constitutional processes of the United States.

Section 1002. The Constitution of the Northern Mariana Islands will be drafted and approved by the people of the Northern Mariana Islands in a manner to be determined by the Mariana Islands District Legislature.

(b) Within thirty days after the approval of the Constitution by the people of the Northern Mariana Islands, copies of the Constitution will be transmitted to the President and the Congress of the United States. Not less than thirty nor more than 120 days thereafter, the President will issue a proclamation stating that the Constitution is approved by the United States, unless he finds that the Constitution is not consistent with this Agreement or those portions of the United States Constitution and federal laws which will apply to the Northern Mariana Islands pursuant to this Agreement. If the President finds that the Constitution of the Northern Mariana Islands is not so consistent, he will transmit it together with a statement of the reasons for his determination to the Mariana Islands District Legislature.

Section 1003. [Effective dates; like U.S. 10/11/74 Section 1003]

Section 1004. (a) The application of any law of the United States or provision of the United States Constitution which would otherwise apply to the Northern Mariana Islands may be suspended until termination of the Trusteeship Agreement if the President finds and declares that the application of such law or provision prior to termination would be inconsistent with the Trusteeship Agreement.

(b) The Constitution of the Northern Mariana Islands will become effective in accordance with its terms on the same day that the provisions of this Agreement specified in Section 1003(b) become effective, provided that if the President finds and declares that the effectiveness of any provision of the Constitution of the Northern Mariana Islands prior to termination of the Trusteeship Agreement would be inconsistent with the Trusteeship Agreement, such provision will be ineffective until termination of the Trusteeship Agreement. Upon the establishment of the Commonwealth of the Northern Mariana Islands, the Constitution will become effective in its entirety in accordance with its terms, as the Constitution of the Commonwealth of the Northern Mariana Islands.

Section 1005. The United States will 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. Any determination by the President of the United States that the Trusteeship Agreement is or will be terminated on a certain day will be final and will not be subject to review by any authority of the Trust Territory of the Pacific Islands, the Northern Mariana Islands or the United States, including the courts of or established thereby.

Section 1006. The United States will, for purposes of administration, separate the Northern Mariana 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.

Section 1007. [definitions; see U.S. 10/11/74 Section 1006.].