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MAJOR PROVISIONS OF
THE NORTHERN MARIANA ISLANDS
DRAFT POLITICAL STATUS AGREEMENT
NOVEMBER, 1974

PROVISIONS OF THE DRAFT STATUS AGREEMENT

- I. DEFINITION OF THE POLITICAL RELATIONSHIP
- II. CITIZENSHIP AND NATIONALITY PROVISIONS
- III. APPLICATION OF U. S. LAWS
- IV. LAND PROVISIONS
- V. ECONOMIC AND FINANCIAL PROVISIONS
- VI. PROVISIONS FOR APPROVAL AND TIMING
OF THE AGREEMENT.

I. DEFINITION OF THE POLITICAL RELATIONSHIP

- A. SELF-GOVERNING COMMONWEALTH
- B. UNITED STATES SOVEREIGNTY
- C. MUTUAL CONSENT
- D. WASHINGTON REPRESENTATION
- E. CONSULTATION CONCERNING
STATUS

A. SELF-GOVERNING COMMONWEALTH

1. RIGHT OF LOCAL SELF-GOVERNMENT EXPLICITLY RECOGNIZED IN STATUS AGREEMENT.
2. PEOPLE OF NORTHERN MARIANAS WILL FORMULATE AND APPROVE THEIR OWN LOCAL CONSTITUTION.
3. THE LOCAL CONSTITUTION WILL CONTAIN A BILL OF RIGHTS AND PROVIDE FOR SEPARATE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES.
4. THERE WILL BE A POPULARLY ELECTED GOVERNOR AND OTHER OFFICIALS AS PROVIDED IN LOCAL CONSTITUTION.
5. MEMBERS OF LEGISLATURE WILL BE POPULARLY ELECTED, WITH REPRESENTATION FOR EACH ISLAND TO BE DETERMINED BY THE LOCAL CONSTITUTION.
6. LOCAL COURTS CAN BE ESTABLISHED AS LOCAL CONSTITUTION OR LAWS DETERMINE.
7. THERE WILL BE A U. S. COURT FOR THE NORTHERN MARIANAS TO WHICH THE LOCAL LEGISLATURE CAN GIVE TRIAL OR APPELLATE JURISDICTION WITH RESPECT TO LOCAL MATTERS.

B. UNITED STATES SOVEREIGNTY

1. NORTHERN MARIANAS WILL BE UNDER U. S. SOVEREIGNTY AS ARE ALL STATES, TERRITORIES AND THE COMMONWEALTH OF PUERTO RICO.
2. APPLICABLE FEDERAL LAW (INCLUDING STATUS AGREEMENT) WILL BE SUPREME, AS IN ALL STATES, TERRITORIES AND THE COMMONWEALTH OF PUERTO RICO.
3. THE U. S. WILL HAVE AUTHORITY OVER FOREIGN AFFAIRS AND DEFENSE, AND WILL CONSIDER ADVICE OF THE NORTHERN MARIANAS ON MATTERS OF CONCERN.

C. MUTUAL CONSENT OF THE GOVERNMENT OF THE NORTHERN MARIANA ISLANDS AND THE GOVERNMENT OF THE U. S. WILL BE REQUIRED TO CHANGE FUNDAMENTAL PROVISIONS OF THE STATUS AGREEMENT

1. THIS ASSURES THAT THERE CAN BE NO CHANGE IN BASIC RELATIONSHIP UNLESS MARIANAS AGREES.

2. PROVISIONS WHICH CANNOT BE ALTERED WITHOUT MUTUAL CONSENT WILL INCLUDE AT LEAST THE FOLLOWING:

- ESTABLISHMENT OF SELF-GOVERNING COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS UPON TERMINATION OF TRUSTEESHIP.

- GUARANTEE OF RIGHT OF LOCAL SELF-GOVERNMENT AND AUTHORITY TO FRAME LOCAL CONSTITUTION.

- GUARANTEES OF U. S. CITIZENSHIP OR NATIONALITY.

- APPLICATION OF U. S. CONSTITUTION, INCLUDING BILL OF RIGHTS.

3. ADDITIONAL LIMITS ON U. S. AUTHORITY ARE BEING NEGOTIATED.

D. WASHINGTON REPRESENTATION

1. THE NORTHERN MARIANA ISLANDS WILL BE ENTITLED TO A REPRESENTATIVE IN WASHINGTON WHO WILL BE GIVEN OFFICIAL RECOGNITION BY THE U. S. GOVERNMENT.
2. THE U. S. EXECUTIVE BRANCH WILL SUPPORT THE REQUEST OF THE NORTHERN MARIANA ISLANDS FOR A NON-VOTING DELEGATE IN THE U. S. CONGRESS.
3. ADDITIONAL ASSURANCE OF NON-VOTING DELEGATE STILL BEING NEGOTIATED.

E. CONSULTATION

1. REGULAR CONSULTATIONS BETWEEN THE GOVERNMENT OF THE U. S. AND THE GOVERNMENT OF THE NORTHERN MARIANA ISLANDS CONCERNING RELATIONSHIP.
2. FORMAL MEETING OF SPECIAL REPRESENTATIVES AT LEAST EVERY TEN YEARS AND WHEN NEEDED TO CONSIDER LEVELS OF U. S. FINANCIAL ASSISTANCE.

II. U. S. CITIZENSHIP AND NATIONALITY PROVISIONS

A. UPON TERMINATION OF THE TRUSTEESHIP, THE FOLLOWING PERSONS AND THEIR CHILDREN UNDER 18 WILL BECOME U. S. CITIZENS:

- PERSONS BORN IN THE NORTHERN MARIANAS AND LIVING HERE OR IN THE U. S. OR A U. S. TERRITORY OR POSSESSION.
- PERSONS WHO ARE CITIZENS OF THE TRUST TERRITORY WHO HAVE BEEN PERMANENT RESIDENTS OF THE NORTHERN MARIANAS CONTINUOUSLY FOR AT LEAST FIVE YEARS AND WHO HAVE REGISTERED TO VOTE PRIOR TO STATUS AGREEMENT SIGNING.
- PERSONS WHO ARE NOT CITIZENS OF THE TTPI OR CITIZENS OF A FOREIGN COUNTRY WHO HAVE BEEN PERMANENT RESIDENTS OF THE NORTHERN MARIANAS CONTINUOUSLY SINCE BEFORE STATUS AGREEMENT SIGNING.

B. ANY PERSON WHO BECOMES A U. S. CITIZEN UPON TERMINATION MAY CHOOSE TO BE A U. S. NATIONAL INSTEAD.

C. AFTER TERMINATION, PERSONS BORN IN THE NORTHERN MARIANAS WILL BE U. S. CITIZENS.

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III. APPLICATION OF U. S. LAWS

A. U. S. CONSTITUTION

B. U. S. LAWS GENERALLY

C. CERTAIN IMPORTANT U. S. LAWS
DEALT WITH SPECIALLY IN THE
AGREEMENT

A. U. S. CONSTITUTION

1. THE NORTHERN MARIANA ISLANDS WILL BE TREATED AS IF IT WERE A STATE FOR PURPOSES OF APPLICATION OF MUCH OF THE U. S. CONSTITUTION, INCLUDING ALL OF THE BILL OF RIGHTS.

2. SPECIAL PROVISIONS ARE INCLUDED IN THE STATUS AGREEMENT TO PERMIT LOCAL GOVERNMENT TO IMPOSE RESTRAINTS ON LAND ALIENATION AND TO PERMIT THE LOCAL LEGISLATURE TO HAVE REPRESENTATIVES FROM TINIAN AND ROTA IN EXCESS OF THE NUMBER THEY WOULD BE PERMITTED ON A STRICT POPULATION BASIS.

B. U. S. LAWS GENERALLY

1. THE STATUS AGREEMENT CONTAINS A FORMULA WHICH GENERALLY MAKES U. S. LAWS WHICH ARE APPLICABLE TO GUAM AND TO THE STATES APPLICABLE TO THE NORTHERN MARIANA ISLANDS.
2. LAWS PROVIDING FEDERAL PROGRAMS AND SERVICES ARE SPECIFICALLY MADE APPLICABLE.
3. A COMMISSION ON FEDERAL LAWS WITH SEVEN MEMBERS (AT LEAST THREE FROM THE MARIANAS) WILL BE ESTABLISHED TO REVIEW FURTHER AND TO MAKE RECOMMENDATIONS CONCERNING THE GENERAL APPLICABILITY OF FEDERAL LAWS.

C. CERTAIN IMPORTANT U. S. LAWS DEALT WITH SPECIALLY

1. MICRONESIAN CLAIMS ACT SPECIFICALLY REMAINS APPLICABLE.
2. IMMIGRATION LAWS AND COASTWISE LAWS ("JONES ACT") AND GENERAL MINIMUM WAGE LAWS WILL NOT BE APPLICABLE, UNTIL AND UNLESS THE U. S. CONGRESS SPECIFICALLY ACTS TO MAKE THEM APPLICABLE AFTER TERMINATION OF THE TRUSTEESHIP.
3. THE FEDERAL GOVERNMENT, THE U. S. MILITARY AND THEIR CONTRACTORS WILL HAVE TO PAY AT LEAST THE MINIMUM WAGE.
4. THE NORTHERN MARIANAS WILL BE OUTSIDE OF THE U. S. CUSTOMS TERRITORY, WHICH WILL PERMIT A DUTY-FREE PORT; BUT LOCAL PRODUCTS WILL ENTER U. S. CUSTOMS TERRITORY FREE OF DUTY.
5. INCOME TAXES: PRECISE APPLICATION NOT YET DETERMINED. HOWEVER, THESE PRINCIPLES HAVE BEEN ESTABLISHED:
 - ALL FEDERAL TAXES COLLECTED WILL AUTOMATICALLY BE RETURNED TO THE LOCAL GOVERNMENT;
 - THE LOCAL GOVERNMENT WILL HAVE THE AUTHORITY TO IMPOSE LOCAL TAXES AS IT SEES FIT AND TO REBATE FEDERAL TAXES PAID BY LOCAL CITIZENS AND TURNED OVER TO LOCAL GOVERNMENT.

IV. LAND PROVISIONS

- A. LAND FOR DEFENSE PURPOSES
- B. TERMS OF LAND USE ARRANGEMENT
- C. LAND ALIENATION
- D. FUTURE U. S. LAND NEEDS

A. LAND FOR DEFENSE PURPOSES

THE U. S. WILL BE PERMITTED TO USE THE FOLLOWING
LAND PARCELS FOR DEFENSE PURPOSES:

- TINIAN: 7,207 HECTARES

- SAIPAN: 196 HECTARES AT ISLEY FIELD
72 HECTARES AT TANAPAG HARBOR

- FARALLON DE MEDINILLA: 83 HECTARES

B. TERMS OF LAND USE ARRANGEMENT

1. INTEREST TO BE CONVEYED TO THE U. S. IS STILL BEING NEGOTIATED. MPSC POSITION IS THAT LAND WILL BE LEASED FOR 50 YEARS WITH AN OPTION TO RENEW FOR 50 YEARS. U. S. WANTS TO PURCHASE LAND.
2. PRICE IS STILL BEING NEGOTIATED. BEST ESTIMATES ARE THAT U. S. PAYMENTS WILL PROVIDE THE NORTHERN MARIANAS WITH \$1.0 TO \$2.5 MILLION ANNUALLY.
3. DETAILS OF TERMS OF LAND USE ARRANGEMENT STILL BEING NEGOTIATED, BUT A NUMBER OF PRINCIPLES HAVE ALREADY BEEN AGREED TO:
 - REVERSION FOR NON-USE
 - MAXIMUM LEASEBACK
 - MAXIMUM ACCESSIBILITY TO NATURAL RESOURCES
 - JOINT USE OF TINIAN HARBOR AND AIR FIELD
 - JOINT PLANNING AND DEVELOPMENT OF UTILITIES ON TINIAN
 - PARK AND RECREATIONAL FACILITIES AT TANAPAG
 - SAFETY AND ENVIRONMENTAL PROTECTION
 - JOINT CIVILIAN-MILITARY COMMITTEE
 - CANCELLATION OF USE AND OCCUPANCY AGREEMENTS ON OTHER MILITARY RETENTION LAND (APPROXIMATELY 1900 HECTARES)

C. LAND ALIENATION

THE GOVERNMENT OF THE NORTHERN MARIANAS
WILL BE EMPOWERED TO PREVENT PERSONS WHO
ARE NOT OF NORTHERN MARIANA ISLANDS
DESCENT FROM OWNING LAND.

D. FUTURE U. S. LAND NEEDS

1. THE U. S. WILL STATE IN THE STATUS AGREEMENT THAT IT HAS NO PRESENT NEED FOR OR INTENTION TO ACQUIRE ADDITIONAL LAND OR ANY GREATER INTEREST IN LAND THAN THAT GRANTED BY THE AGREEMENT.
2. THE U. S. WILL COMMIT ITSELF TO RESPECT THE SCARCITY AND SPECIAL IMPORTANCE OF LAND, AND TO ACQUIRE IN THE FUTURE ONLY THE MINIMUM AMOUNT AND INTEREST NEEDED.
3. EMINENT DOMAIN POWER OF THE U. S. SUBJECT TO FURTHER NEGOTIATION.

V. ECONOMIC AND FINANCIAL PROVISIONS

- A. FUNDS FOR TRANSITION AND PLANNING
- B. BUDGET SUPPORT FOR THE GOVERNMENT
OF THE NORTHERN MARIANAS
- C. FEDERAL PROGRAMS AND SERVICES
- D. SOCIAL SECURITY BENEFITS
- E. RETURN OF FEDERAL TAXES TO THE
GOVERNMENT OF THE NORTHERN
MARIANAS
- F. PAYMENTS FOR THE MILITARY USE
OF LAND

A. FUNDS FOR TRANSITION AND PLANNING

1. THE U. S. WILL PROVIDE \$1.5 MILLION FOR MARIANAS TRANSITION TO A NEW POLITICAL STATUS.

2. MAJOR TASKS TO BE UNDERTAKEN TO FACILITATE THE TRANSITION INCLUDE:
 - GOVERNMENT ORGANIZATION PLANNING

 - ECONOMIC DEVELOPMENT PLANNING

 - POLITICAL EDUCATION FOR A STATUS PLEBISCITE

 - CONSTITUTIONAL CONVENTION

 - POLITICAL EDUCATION FOR A CONSTITUTIONAL REFERENDUM

 - ELECTION OF THE NEW GOVERNMENT

B. BUDGET SUPPORT FOR THE GOVERNMENT OF THE NORTHERN MARIANAS

1. THE FEDERAL GOVERNMENT WILL GUARANTEE ANNUAL BUDGET SUPPORT GRANTS TO THE GOVERNMENT OF THE NORTHERN MARIANAS FOR CAPITAL IMPROVEMENTS, GOVERNMENT OPERATIONS AND ECONOMIC DEVELOPMENT.

	<u>ANNUAL GRANT</u>	<u>7-YEAR TOTALS</u>
(MILLIONS OF 1975 CONSTANT DOLLARS)		
CAPITAL IMPROVEMENT	4.0	28.0
GOVERNMENT OPERATIONS	8.0	56.0
ECONOMIC DEVELOPMENT	<u>1.5</u>	<u>10.5</u>
	13.5	94.5

2. U. S. BUDGET SUPPORT PAYMENTS WILL CONTINUE AT \$13.5 MILLION (1975 CONSTANT DOLLARS) ANNUALLY AFTER 7-YEARS UNLESS THE U. S. CONGRESS TAKES SPECIFIC ACTION TO CHANGE THE LEVEL OF SUPPORT.

C. FEDERAL PROGRAMS AND SERVICES

1. THE FULL RANGE OF FEDERAL PROGRAMS AND SERVICES AVAILABLE TO THE U. S. TERRITORIES WILL BE AVAILABLE TO THE NORTHERN MARIANAS.
2. THE VALUE OF FEDERAL PROGRAMS AND SERVICES TO BE AVAILABLE TO THE NORTHERN MARIANAS IS ESTIMATED TO BE AT LEAST \$3.0 MILLION (1975 CONSTANT DOLLARS) ANNUALLY.

D. SOCIAL SECURITY

1. AT TERMINATION OF THE TRUSTEESHIP AGREEMENT
CITIZENS OF THE NORTHERN MARIANAS WILL BECOME
FULL PARTICIPANTS IN THE U. S. SOCIAL SECURITY
SYSTEM.
2. FULL CREDIT WILL BE GIVEN BY THE U. S. SOCIAL
SECURITY SYSTEM FOR PARTICIPATION IN AND CON-
TRIBUTIONS TO THE MICRONESIAN SOCIAL SECURITY
SYSTEM.
3. PRIOR TO TERMINATION OF THE TRUSTEESHIP, THE
U. S. WILL ASSUME RESPONSIBILITY FOR ADMIN-
ISTERING THE MARIANAS' SHARE OF THE MICRONESIAN
SOCIAL SECURITY FUND.
4. BENEFITS OF PERSONS CURRENTLY RECEIVING
MICRONESIAN SOCIAL SECURITY BENEFITS, OR
WHO WILL BE ELIGIBLE FOR BENEFITS PRIOR
TO TERMINATION, ARE GUARANTEED BY THE U. S.

E. RETURN OF FEDERAL TAXES TO THE GOVERNMENT OF THE
NORTHERN MARIANAS

1. U. S. INCOME TAXES PAID BY U. S. MILITARY
PERSONNEL WILL BE RETURNED TO THE GOVERNMENT
OF THE NORTHERN MARIANAS. THESE TAXES ARE
TO BE APPROXIMATELY \$3.0 MILLION ANNUALLY
WHEN THE TINIAN BASE BECOMES FULLY OPERATIONAL.
2. CUSTOMS DUTIES, EXCISE TAXES AND ADMINISTRATIVE
FEES COLLECTED BY THE FEDERAL GOVERNMENT IN THE
NORTHERN MARIANAS ARE TO BE RETURNED TO THE
GOVERNMENT OF THE NORTHERN MARIANAS.

F. PAYMENTS FOR MILITARY USE OF LAND

1. TERMS AND PRICE FOR LAND ACQUISITIONS BY THE U. S. MILITARY HAVE NOT YET BEEN NEGOTIATED.

2. BEST ESTIMATES ARE THAT U. S. PAYMENTS FOR THE MILITARY USE OF LAND WILL PROVIDE THE GOVERNMENT OF THE NORTHERN MARIANAS WITH \$1.0 - \$2.5 MILLION ANNUALLY.

SUMMARY OF ECONOMIC AND FINANCIAL PROVISIONS

- A. THE U. S. WILL PROVIDE \$1.5 MILLION FOR TRANSITION AND PLANNING.
- B. THE U. S. GUARANTEES THE GOVERNMENT OF THE NORTHERN MARIANAS BUDGET SUPPORT FOR 7-YEARS (\$13.5 MILLION ANNUALLY--\$94.5 MILLION TOTAL, IN 1975 CONSTANT DOLLARS).
- C. VALUE OF FEDERAL PROGRAMS AND SERVICES TO BE AVAILABLE TO THE NORTHERN MARIANAS ESTIMATED TO BE \$3.0 MILLION 1975 CONSTANT DOLLARS ANNUALLY.
- D. BENEFITS DUE NORTHERN MARIANAS CITIZENS FROM MICRONESIAN SOCIAL SECURITY SYSTEM GUARANTEED BY THE U. S. NORTHERN MARIANAS CITIZENS WILL BE FULL PARTICIPANTS IN THE U. S. SOCIAL SECURITY SYSTEM AFTER TERMINATION OF THE TRUSTEESHIP.
- E. ALL TAXES AND ADMINISTRATIVE FEES COLLECTED BY THE FEDERAL GOVERNMENT IN THE NORTHERN MARIANAS WILL BE RETURNED TO THE GOVERNMENT OF THE NORTHERN MARIANAS. ESTIMATE APPROXIMATELY \$3.0 MILLION IN U. S. INCOME TAXES PAID BY U. S. MILITARY PERSONNEL WILL BE RETURNED TO THE GOVERNMENT OF THE NORTHERN MARIANAS ANNUALLY.
- F. ESTIMATE PAYMENTS BY THE U. S. FOR MILITARY USE OF LAND WILL PROVIDE \$1.0 - \$2.5 MILLION ANNUALLY TO GOVERNMENT OF THE NORTHERN MARIANAS.

VI. PROVISIONS FOR APPROVAL AND TIMING OF THE AGREEMENT

A. APPROVAL

APPROVAL BY DISTRICT LEGISLATURE, THEN BY
PEOPLE IN PLEBISCITE, AND THEN BY U. S.
CONGRESS AND PRESIDENT

B. TIMING

1. TRANSITION PLANNING FUNDS UPON SIGNING;
SEPARATE ADMINISTRATION AFTER PLEBISCITE.
2. VIRTUALLY ALL PROVISIONS OF STATUS AGREEMENT
EXCEPT U. S. CITIZENSHIP AND NATIONALITY,
U. S. SOVEREIGNTY, AND "COMMONWEALTH" WILL
BECOME EFFECTIVE AFTER APPROVAL OF THE STATUS
AGREEMENT AND THE LOCAL CONSTITUTION.
3. U. S. CITIZENSHIP AND NATIONALITY, U. S.
SOVEREIGNTY AND "COMMONWEALTH" PROVISIONS
WILL BECOME EFFECTIVE UPON TERMINATION OF
THE TRUSTEESHIP.

UNITED STATES CONSTITUTION

BILL OF RIGHTS

LIMITATIONS ON FEDERAL AND LOCAL GOVERNMENT POWER

- FREEDOM OF RELIGION, SPEECH, PRESS
AND ASSEMBLY
- PROTECTION AGAINST UNREASONABLE SEARCH
AND SEIZURE
- PROHIBITION AGAINST TAKING PROPERTY
WITHOUT JUST COMPENSATION
- GUARANTEE OF DUE PROCESS OF LAW
- RIGHTS OF PERSONS ACCUSED OF CRIMES,
INCLUDING PROHIBITIONS AGAINST SELF-
INCRIMINATION, DOUBLE JEOPARDY,
CRUEL AND UNUSUAL PUNISHMENT

EXAMPLES OF FEDERAL PROGRAMS AND SERVICES

PUBLIC HEALTH AND WELFARE

- PUBLIC HEALTH SERVICES
- HEALTH MAINTENANCE ORGANIZATION ASSISTANCE
- AID FOR DEPENDENT CHILDREN
- OLD AGE ASSISTANCE
- MEDICAID
- FOOD STAMP PROGRAM
- CHILD NUTRITION PROGRAM
- SCHOOL LUNCH PROGRAM

EDUCATION

- SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITY ASSISTANCE
- NATIONAL DEFENSE EDUCATION PROGRAM
- BASIC EDUCATION FOR ADULTS GRANTS
- VOCATIONAL EDUCATION GRANTS
- PUBLIC LIBRARY GRANTS

COMMUNITY DEVELOPMENT

- COMMUNITY DEVELOPMENT ACT GRANTS
- AIRPORT AND AIRWAY DEVELOPMENT ACT GRANTS
- MORTGAGE INSURANCE
- SEWAGE TREATMENT GRANTS
- RURAL ELECTRIFICATION AND TELEPHONE SERVICE ASSISTANCE
- DISASTER RELIEF

PUBLIC SERVICES

- POST OFFICE
- FEDERAL AVIATION ADMINISTRATION ASSISTANCE
- PUBLIC WORKS OR FACILITIES ASSISTANCE
- LAW ENFORCEMENT ASSISTANCE
- SOLID WASTE DISPOSAL ACT ASSISTANCE
- ASSISTANCE FOR ROAD CONSTRUCTION

EMPLOYMENT AND ECONOMIC DEVELOPMENT

- AID TO SMALL BUSINESS
- ECONOMIC OPPORTUNITY PROGRAMS
- MANPOWER DEVELOPMENT AND TRAINING