

7
5,643

JOINT DRAFTING COMMITTEE
WORKING DRAFT

NORTHERN MARIANAS STATUS AGREEMENT •
November 1, 1974

03-029060

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 23, 1974

AGREEMENT TO ESTABLISH A ~~(MPSC) SELF-GOVERNING~~
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN
POLITICAL UNION WITH THE UNITED STATES OF AMERICA

Whereas, the Charter of the United Nations and the Trusteeship Agreement between the Security Council of the United Nations and the United States of America guarantee to the people of the Northern Mariana Islands the right freely to express their wishes for self-government or independence; and

Whereas, the United States supports the desire of the people of the Northern Mariana Islands to exercise their inalienable right of self-determination; and

Whereas, the people of the Northern Mariana Islands and the people of the United States share the goals and values found in the American system of government based upon the principles of government by consent, individual freedom, and democracy; and

Whereas, for over twenty years, the people of the Northern Mariana Islands, through public petition and referendum, have clearly expressed their desire for political union with the United States;

029061

Now, therefore, the Marianas Political Status Commission, being the duly appointed representative of the people of the Northern Mariana Islands, and the Personal Representative of the President of the United States have entered into this Agreement in order to establish a self-governing commonwealth for the Northern Mariana Islands within the American political system and to define the future relationship between the Northern Mariana Islands and the United States. This Agreement will be mutually binding when it is approved by the United States, by the Mariana Islands District Legislature, and by the people of the Northern Mariana Islands in a plebiscite, constituting on their part a sovereign act of self-determination.

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 23, 1974

ARTICLE I

Political Relationship

Section 101. The Northern Mariana Islands on termination of the Trusteeship Agreement will become a self-governing commonwealth to be known as the "Commonwealth of the Northern Mariana Islands," in political union with and under the sovereignty of the United States of America.

Section 102. The relations between the Northern Mariana Islands and the United States will be governed by this Agreement which, together with the provisions of the Constitution, treaties or ^{other} laws of the United States applicable to the Northern Mariana Islands will be the supreme law of the Northern Mariana Islands.

Section 103. The people of the Northern Mariana Islands will have the right of local self-government and will govern themselves with respect to internal affairs in accordance with a Constitution of their own adoption.

Section 104. The United States will have complete responsibility for and authority with respect to matters relating to foreign affairs and defense affecting the

029063



A

US 11/15/74

Section 105. [US: The United States may enact legislation in accordance with its constitutional processes, which will be applicable to the Northern Mariana Islands. But in order to respect the right of the people of the Northern Mariana Islands to self-government guaranteed by this Agreement the United States agrees to limit the exercise of that authority with respect to the fundamental provisions of the Agreement contained in Articles I, II and III, and section 501, to the extent that they may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands.]

029064

Northern Mariana Islands.

Zusatz
(A)
✓

Section 105. ~~[US: The United States may enact legislation in accordance with its constitutional processes, which will be applicable to the Northern Mariana Islands. But in order to respect the right of the people of the Northern Mariana Islands to self-government guaranteed by this Agreement the United States agrees to limit the exercise of that authority with respect to the following provisions of this Agreement to the extent that they may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands: ~~the~~.]~~

[MPSC: (a) The United States, accordance with Article IV, Section 3, Clause 2 of the Constitution of the United States, may, except as otherwise provided in this Agreement, enact legislation applicable to the Northern Mariana Islands, provided that legislation which the United States could not make applicable to a State of the Union may be made applicable to the Northern Mariana Islands only if such legislation specifically provides that it shall be applicable to the Northern Mariana Islands and if, taking into account the right of local self-government of the people of the Northern Mariana Islands, there is a compelling national interest in the application of such legislation to the

Northern Mariana Islands.]

Search
(B)
[MPSC: (b) ~~Notwithstanding any other provision~~
of this Agreement or of the Constitution or laws of the United
States, or of the Constitution or laws of Northern Mariana
Islands, the fundamental provisions of this Agreement, listed
as follows, may be modified only with the consent of the
Government of the United States and the Government of the
Northern Mariana Islands: *list.*]

H
[MPSC: (c) Consent by the United States or the
Northern Mariana Islands will be given in a manner to be
determined by their respective Constitution or laws, provided
however that prior to the termination of the Trusteeship
Agreement consent by the Northern Mariana Islands may not be
given without the approval of the legislature thereof.]

Present Status of Mutual Consent List

US and MPSC: (a) The Commonwealth relationship
between the United States and the Northern Mariana Islands,
as defined in this Agreement, established under Article I.

(b) The right of the people of the Northern
Mariana Islands to adopt and amend their own Constitution
under Article II.

Would they see...
The U.S. can not...
[Handwritten notes]

Draft/MSH/Alt. C.
November 7, 1974

[MPSC!]

~~Section 105~~. (b) The following provisions of this Agreement may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands:

(1) provisions in Article I establishing/ the Commonwealth relationship between the United States and the Northern Mariana Islands, as defined herein;

(2) provisions in Article II guaranteeing the right of the people of the Northern Mariana Islands to adopt and amend their own Constitution;

(3) provisions in Article III stating the circumstances under which persons may become United States citizens or nationals; and

(4) provisions in Sections 501, 503, 804 and 805 determining the application of certain provisions of the Constitution and laws of the United States to the Northern Mariana Islands, and provisions in Section 702 assuring initial federal financial support.

B

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 23, 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 ^{those} ~~the~~ applicable provisions of the Constitution and laws of the United States]. ^{to be applicable to the NMI} [MPSC: ~~The United States shall approve the original provisions of the Constitution as provided in Section 100~~ ^{will be deemed to have been approved 60 days after its receipt by the President unless} ~~100~~ of this Agreement.] ~~Subsequent~~ ^{other} amendments to the Constitution of the Northern Mariana Islands may be made by the people of the Northern Mariana Islands without approval by 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, treaties or ^{other} laws of the United States applicable to the Northern Mariana Islands.

earlier disapproved. The same procedure will be repeated if necessary.

Section 203. (a) The Constitution will provide for a republican form of government with separate executive, legislative, and judicial branches, and will contain a bill of rights.

(b) The executive power of the Northern Mariana Islands will be vested in a popularly elected Governor and such other officials as the Constitution or laws of the Northern Mariana Islands may provide.

(c) The legislative power of the Northern Mariana Islands will be vested in a popularly elected legislature, and will extend to all rightful subjects of legislation.

~~[MPSC, Nothing in this Agreement or in the provisions of the Constitution or laws of the United States applicable to the Northern Mariana Islands shall prevent the Constitution of the Northern Mariana Islands from providing for a distribution of the membership of the legislature on a basis which takes into account matters such as geographical or historical interests as well as population, provided such distribution is ratified by the people of the Northern Mariana Islands by their approval of the Constitution or amendments thereto.]~~

legislative
may provide
the
of
considerations in addition to population not to be taken
other provisions of this Agreement or of the Constitution
laws of the (U.S.) applicable to the (N.M.I.)

(d) The judicial power of the Northern Mariana Islands will be vested in such courts as the Constitution or laws of the Northern Mariana Islands may provide.

draft [US: The operation of the courts of the Northern Mariana Islands will be compatible with the federal judicial system of the United States and consistent with applicable federal law.]

Section 204. All members of the legislature of the Northern Mariana Islands and all officers and employees of the Government of the Northern Mariana Islands will take an oath or affirmation to support this Agreement, the provisions of the Constitution treaties and laws of the United States applicable to the Northern Mariana Islands, and the Constitution and laws of the Northern Mariana Islands.

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 23, 1974

ARTICLE III

Citizenship and Nationality

Section 301. 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 302;

(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 the United States or any territory or possession thereof;

(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

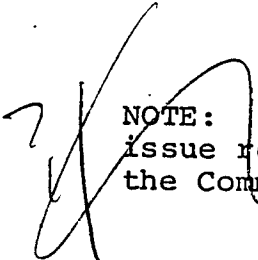
(c) All persons domiciled in the Northern Mariana Islands on the day preceding the effective date of this Section, who, although not citizens of the Trust Territory of the Pacific Islands, do not on that day owe allegiance to any foreign state, and who on that date have been domiciled continuously in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

Section 302. Any person who becomes a citizen of the United States solely by virtue of the provisions of Section 301 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 court established by the United States 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 303. All persons born in the Commonwealth on or after the effective date of this Section and subject to the jurisdiction of the United States, will be citizens of the United States.

Section 304. Citizens of the Northern Mariana Islands shall be entitled to all privileges and immunities of citizens in the several States of the United States.

 NOTE: Brackets in Sections 301(b) and (c) indicate an issue reserved for the principals, not disagreement within the Committee.

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 30, 1974

ARTICLE IV

Judicial Authority

Section 401. The United States will establish for and within the Northern Mariana Islands a court of record to be known as the "District Court for the Northern Mariana Islands." The Northern Mariana Islands will constitute a part of the same judicial circuit of the United States as Guam.

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 ^{to} of the sum or 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) ~~X~~ jurisdiction over which was 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

OK
Not to be used
John J. ...
...

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 ^{defeating the requirement of} ~~the application of the United States Constitution~~ _{Indictment by a Grand Jury or Trial by Jury}

(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 Constitution or laws of 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 will be treated as if it were a State of the Union.]

Final
(C)

W. J. ...
...

...
...

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 23, 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 ^{those} ~~the~~ applicable provisions of the Constitution and laws of the United States]. ^{To be applicable to the (NMI)} [MPSC: ~~The United States shall approve the original provisions of the Constitution as provided in Section 1002/134~~ ^{will be deemed to have been approved 60 days after receipt by the President unless} of this Agreement.] ~~Subsequent~~ ^{other} amendments to the Constitution of the Northern Mariana Islands may be made by the people of the Northern Mariana Islands without approval by 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, treaties or ^{other} laws of the United States applicable to the Northern Mariana Islands.

earlier disapproved. The same procedure will be repeated if necessary.

029076

U.S. 11/15/74

①

Section 403. (a) The relations between the courts established by the Constitution or laws of 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, except as otherwise provided in this ^{Article} ~~Agreement~~; provided that for the first fifteen years following the establishment of an appellate court of the Northern Mariana Islands, the United States Court of Appeals for the judicial circuit which includes the Northern Mariana Islands will have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands from which a decision could be had in all cases involving the Constitution, treaties or laws of the United States, or any ^{authority} ~~method~~ exercised thereunder, unless those decisions are reviewable in the District Court for the Northern Mariana Islands pursuant to section 402(c).

(b) Except as otherwise provided in this Article, those portions of title 28 of the United States Code which apply to

029077

Guam or to the District Court of Guam will be applicable
[~~in the same manner~~] to the Northern Mariana Islands or to
the District Court for the Northern Mariana Islands, respec-
tively.

(b) Those portions of Title 28 of the United States Code which apply to 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. *Went to court 7*

[US: (c) For the first 15 years following the establishment of an appellate court of the Northern Mariana Islands, 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 from which a decision could be had 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).] *dash*

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 23, 1974

ARTICLE V

Applicability of Laws

Section 501. (a) The following provisions of the Constitution of the United States will be applicable within the Northern Mariana Islands as if the Northern Mariana Islands were a State of the Union: Article I, Section 9, Clauses 2, 3 and 8; Article I, Section 10, Clauses 1 and 3; Article IV, Section 1 [MPSC:, sentence 1], and Section 2, Clauses 1 and 2; Amendments 1 through 9, inclusive; Amendment 13 ~~[MPSC:, Section 1]~~; Amendment 14, [US: Section 1] and ~~5] [MPSC: Section 1]~~; Amendment 15 ~~[MPSC:, Section 1]~~; Amendment 19 ~~[MPSC:, sentence 1]~~; Amendment 26 ~~[MPSC: Section 1]~~.

✓ (b) ^{Other provision of} ~~Future~~ amendments to the Constitution of the United States which do not apply of their own force within the Northern Mariana Islands will become applicable within the Northern Mariana Islands only with the approval of the Government of the Northern Mariana Islands and ^{the Government} ~~the~~ United States, ~~Congress~~.

029080

②

11/15/74

U. S. PROPOSAL

Section 502. The following laws of the United States in existence on the effective date of this section, and subsequent amendments to such laws, will apply to the Northern Mariana Islands as follows, except as otherwise provided in ~~sections~~

~~_____~~ of this Agreement:

cut
sections
-
system
1/17
see
100 61

(a) ^{in PSC:} The laws which provide federal services and financial assistance programs, Titles I, X, XIV ^{, also XVI} of the Social Security Act, as amended, and sections 13, 25 and 25(a) of the Federal Reserve Act, as amended (12 U.S.C. 466 and 601-632), and section 5191 of the Revised Statutes (12 U.S.C. 143) will apply as they apply to Guam; the Public Health Services Act will apply as it applies to the Virgin Islands; and the Micronesian Claims Act as it applies to the Trust Territory of the Pacific Islands;

(b) Those laws not described in subsection (a) which have provisions making them applicable to Guam and which are of general application to the several States will apply in the manner in which they are applicable to the several States;

(c) Those laws not described in subsections (a) or (b) which are applicable to the Trust Territory of the Pacific Islands, but not their subsequent amendments unless specifically

made applicable to the Northern Mariana Islands, will apply to the Northern Mariana Islands as they apply to the Trust Territory until termination of the Trusteeship Agreement, and will thereafter be inapplicable.

VS 11/15/74

To be checked off by [unclear]

Section 503.

(F)

~~(a)~~ (2) the coastwise laws of the United States, and any prohibition in the laws of the United States against the landing in the United States by foreign vessels of fish or fish products taken on the high seas, to the extent that such laws relate to raw fish.

~~and on if that is any law~~
~~is listed relative to that~~

Insert (B)

Section 502 [This Section states the formula for the applicability of federal laws to the Northern Mariana Islands. The various versions of the formula now being considered are attached as an annex to this Article.]

Section 503. (a) 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:


(1) the immigration and naturalization laws of the United States;

(2) ~~the coastwise [US: shipping] laws of the United States [MPSCU] and any prohibition in the laws of the United States against foreign vessels landing fish or fish products in the United States]; and~~

(3) The minimum wage provisions of the Fair Labor Standards Act, as amended.

(b) Nothing in this Section shall be deemed to prevent the application to the Northern Mariana Islands of laws of the United States *to the extent that they affect* which concern United States Government shipments or which impose minimum wage requirements with respect to employees or contractors of the United States Government.

Insert (F)
[Handwritten signatures and initials]

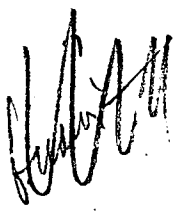


[MPSC: Section 504. Appropriate officials of the United States Government will be empowered to issue regulations providing that persons who are nationals but not citizens of the United States and who are domiciled in the Northern Mariana Islands will be considered citizens of the United States for the purpose of such provisions of the maritime and shipping laws of the United States as such officials deem appropriate.]

Section 50[5]. The President will appoint a Commission on Federal Laws to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner. The Commission will consist of seven persons (at least three of whom will 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 will be representative of the federal, local, private, and public interests in the applicability of laws of the United States to the Northern Mariana Islands. The Commission will make its final report and recommendations to the Congress within one year after the termination of the Trusteeship, 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. In formulating its recommendations, the Commission will take into consideration the potential effect of each law on local conditions within the Northern Mariana Islands, the policies embodied in the law, and the provisions and purposes of this Agreement. [MPSC: Unless the House of Representatives or the Senate adopts a resolution 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 the Congress, all or part of the recommendations therein, as the case may be, will have the force and effect of law. *UK* The United States will bear the cost of the work of the Commission.]

No



Section 50[6]. The laws of the Trust Territory of the Pacific Islands, of the Mariana Islands District and its local municipalities, and all other Executive and District orders of a local nature applicable to the Northern Mariana Islands on the effective date of this Section and not inconsistent with this Agreement or with the provisions of the Constitution treaties or laws of the United States applicable to the Northern Mariana Islands will remain in force and effect until and unless altered by the Government of the Northern Mariana Islands.

[MPSC: Section 507. (a) At such time as the naturalization laws of the United States are made applicable to the Commonwealth of the Northern Mariana Islands they will 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, will 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~~^{will} become citizens of the United States at birth (and ~~shall~~^{will} 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, residence or physical presence in the Commonwealth ~~shall~~^{will} 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~~^{will} have jurisdiction to naturalize persons as citizens of the United States with accordance with applicable law.]

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 23, 1974

ARTICLE VI

Revenue and Taxation Provisions

Section 601. ~~MPSO~~ (a) The income tax laws in force in the United States and those which may hereafter be enacted shall be likewise in force in the Northern Mariana Islands as a separate territorial income tax, to be payable to the Government of the Northern Mariana Islands and to be known as the "Northern Mariana Islands Territorial Income Tax."

~~(b)~~ (b) As used in Subsection (a) of this Section the term "income tax laws in force in the United States" includes but is not limited to the following provisions of the Internal Revenue Code of 1954, where not manifestly inapplicable or incompatible with the intent of this Section: subtitle A (not including Chapter 2 and section 931); chapters 24 and 25 of subtitle C, with reference to the collection of income tax at source on wages; and all provisions of subtitle F which apply to the income tax, including provisions as to crimes, other offenses, and forfeitures contained in chapter 75.

029089

V(c) In applying the Northern Mariana Islands Territorial Income Tax pursuant to Subsection (a) of this Section, except where it is manifestly otherwise required, the applicable provisions of the Internal Revenue Code of 1954 shall be read so as to substitute "The Northern Mariana Islands" for "the United States," "Governor or his delegate" for "Commissioner of Internal Revenue" and "Collector of Internal Revenue," "District Court of the Northern Mariana Islands" for "District Court," with other changes in nomenclature and other language, including the omission of inapplicable language, where necessary to effect the intent of this Section.

A(d) The administration and enforcement of the Northern Mariana Islands Territorial Income Tax shall be performed by or under the supervision of the Governor of the Northern Mariana Islands. The Governor or his delegate shall have the same administrative and enforcement powers and remedies with regard to the Northern Mariana Islands Territorial Income Tax as the Secretary of the Treasury, and other United States officials of the Executive Branch, have with respect to the United States income tax.

^{MPSC}
[(e) The Legislature of the Northern Mariana Islands shall have the power by law to amend, alter, modify or repeal the Northern Mariana Islands Territorial Income Tax.]

Insert (b)
Section 602. [MPSC: (a) The United States Internal Revenue Code of 1954 shall apply by its terms to persons and entities within the Northern Mariana Islands who are subject to the taxing jurisdiction of the United States by reason of citizenship, place of incorporation, residence or source of income, except as otherwise provided in this Article.

[Handwritten signature]
[(b) In the case of an individual who is a resident of the Northern Mariana Islands and a United States citizen or United States national solely by reason of his being a citizen of the Northern Mariana Islands, or his birth or residence within the Northern Mariana Islands,

[(1) income derived from sources without the United States shall be exempt from United States federal income tax and income derived from sources within the United States shall be subject to such tax under Section 1 of the Internal Revenue Code;

[(2) The federal estate tax shall apply only to that part of the gross estate which at the time of death is situated in the United States and shall be imposed at the rate provided by Section 2101 of the Internal Revenue Code (relating to nonresidents who are not citizens); and

[(3) the federal gift tax shall only apply to gifts of tangible property situated within the United States.]

MPSCI [US (e)]
[(c)]

References in the Internal Revenue Code to possessions of the United States shall be deemed also to refer to the Northern Mariana Islands, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof.

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 may, in a manner consistent with the international obligations of the United States,

(1) levy duties on goods imported into its territory from any area outside the customs territory of the United States;

[US: (2) impose duties on exports from its territory.]

Joseph H

[Handwritten initials]

[Handwritten signature]

(Handwritten circled 'A')

(Handwritten 'X')

Draft/MSH
November 7, 1974

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 may, in a manner consistent with the international obligations of the United States, levy duties on goods imported into its territory from any area outside the customs territory of the United States, and impose duties on exports from its territory.

(c) Imports from the Northern Mariana Islands into the customs territory of the United States will be subject to the same treatment as imports from Guam into the customs territory of the United States.

34 ... any person ... sub 24

(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.

~~(e) Articles going into the Northern Mariana Islands from [any area within the customs territory of] the United States will be subject to the same treatment for purposes of the internal revenue laws of the United States as like articles going into Guam. [26 USC § 7653(b) and (c); not otherwise picked up under formula or Agreement §602].~~

New
not

11/5/74
p. 166 KS

Article VI, p. 4

[MPSC: (c) The Government of the Northern Mariana Islands will have the exclusive authority to impose duties on exports from its territory.]

[(c) [US: To the extent such treatment would be consistent with the international obligations of the United States,] [I]mports from the Northern Mariana Islands into the customs territory of the United States will be subject to the same treatment as imports from Guam into the customs territory of the United States. The United States will, if necessary [US: in order to extend such treatment, endeavor to] [MPSC: to implement this Subsection,] obtain appropriate waivers or modifications of its international obligations.

011
10/1/74

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

Handwritten notes and signatures on the left margin, including a large signature and some illegible text.

Section 604. (a) The United States may levy excise taxes on goods manufactured, sold or used or services rendered in the Northern Mariana Islands in the same manner and to the same extent as such taxes are applicable within the several States.]

goods received
11/1/74

(b) The Northern Mariana Islands will have the authority to impose excise taxes upon goods manufactured, sold or used or services rendered within its territory

or upon goods imported into its territory, provided that such excise taxes imposed on goods imported into its territory will be consistent with the international obligations of the United States.

Insert
(I)
[scribble]

[MPSC: 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 so much of the employee's income as it 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.]

[MPSC: (b) Persons in the Northern Mariana Islands shall receive benefits from the Old-Age, Survivors, Disability and Health Insurance Trust Funds of the United

States in the same manner and to the same extent as persons in a State, provided however, that no person who receives benefits under this Subsection and under Subsection (c) of this Section shall receive a total amount which exceeds the maximum to which he would have been entitled if he had contributed to the Old-Age, Survivors, Disability and Health Insurance Trust Funds throughout the entire period he contributed either to those Funds or to the Trust Territory Social Security Retirement Fund.

[MPSC: (c) That portion of the Trust Territory Social Security Retirement Fund which has been paid in by persons who are domiciled in the Northern Mariana Islands, together with interest and earnings thereon, shall be paid over to the Social Security Administration of the United States to be held as a separate fund (and to be supplemented by the United States if necessary) to pay benefits to such persons eligible for benefits in accordance with the laws of the Trust Territory of the Pacific Islands upon the effective date of this Section.]

Section 60/6]. (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.

HS
Free
(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 *Section 701* ~~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 valuation of the property within the Northern Mariana Islands.

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 24, 1974

ARTICLE VIII

Land

~~Section~~ ^[US:] Section 801. ^{and} The title to ^{any} real and personal property remaining in the Mariana Islands District on the date of termination of the Trusteeship Agreement which is owned ~~for the~~ by the Government of the Trust Territory of the Pacific Islands will be transferred to the Government of the Northern Mariana Islands ^{upon such termination]}

~~[MPSC: 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 Mariana Islands will take such right, title and interest subject to the valid claims and rights or interests of~~

[Handwritten signatures and initials]

ARTICLE VIII

Property

MPSC:

(D) 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 and personal property as is necessary for active use by the Government of the Trust Territory in the administration thereof.]

[(b) 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 on the day preceding the termination of the Trusteeship Agreement will be transferred to the Government of the Northern Mariana Islands upon termination.]

*/ I.e., upon the establishment of the new Government of the Northern Mariana Islands.

(c) The Government of the Northern Mariana Islands will take the right, title, and interest which will be conveyed to it under this Section subject to the valid claims or rights or interests of others respecting such real and personal property.

Section 802. (a) The following property will be made available to the United States ^{[MPSC] [LUS: on purchase]} by lease in accordance with this Agreement to enable it to carry out its defense responsibilities:

(1) on Tinian Island, approximately ^{17,808} ~~17,475~~ acres (^{7,207} ~~6,993~~ hectares) and the water immediately adjacent thereto;

(2) on Saipan Island, approximately ⁵ 48~~2~~ acres (¹⁹⁶ hectares) adjacent to Isley Field, and approximately ¹⁷⁷ ~~197~~ acres (⁷² ~~98~~ hectares) at Tanapag Harbor;

(3) on Farallon de Medinilla Island, approximately ²⁰⁶ ~~229~~ acres (⁸³ ~~93~~ hectares) encompassing the entire island, and the water immediately adjacent thereto.

(b) The United States ~~by its approval of this Agreement will~~ affirm that it has no present need for or ~~present~~ intention to acquire any additional property, or any greater interest in property than that which is granted to it in accordance with this Agreement, in order to carry out its defense responsibilities.

others respecting such property.]

~~MISC:~~ (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 real property described in Section 802, to be terminated upon or before the approval of this Agreement.]

~~MISC:~~ Section 802. The Government of the Northern Mariana Islands will make available to the United States ^[MISC:] ~~by lease~~ ^[US: to purchase] 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 Medinilla Island, approximately 229 acres encompassing the entire island, and ~~the water immediately adjacent thereto.~~]

Section 803. [Terms and conditions of the land transfer, ~~including disclaimer of present U.S. intent to acquire more land for defense purposes.~~]

Preferred by MPSC

A

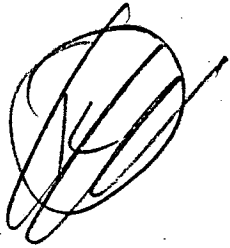
U.S. DRAFT

A

11/15/74

Section 805. Notwithstanding the provisions of the Constitution and laws of the United States applicable to the Northern Mariana Islands, ^{and} except as otherwise provided in this Article ~~and~~, The Government of the Northern Mariana Islands, in view of the importance of the ownership of land for the culture and traditions of the people of the Northern Mariana Islands and ^{in order} ~~the need~~ to protect them against exploitation and promote their economic advancement and self-sufficiency, ^(USI) will ^{may} [MPSC: ~~be empowered to~~] regulate the alienation of interests in real property ~~[US:~~ other than short-term interests] so as to restrict the acquisition of such interests to persons of Northern Mariana Islands descent [US: and will regulate the extent to which land now classified as public land can be held by individuals].

029102



Draft/MSH
November 14, 1974

~~Section 805~~(a). The United States ~~will~~ recognize and will respect the scarcity and special importance of land in the Northern Mariana Islands. If the United States must acquire any interest in real property not transferred to it under this Agreement, it will by careful and reasonable selection, seek to acquire only the minimum area of land necessary to accomplish the public purpose for which the real property is sought; seek only that minimum interest in the real property necessary to support such public interest, acquiring title only if the public purpose cannot be accomplished if a lesser interest is obtained; and seek first to satisfy the requirement by acquiring an interest in public rather than private real property.

~~Section 805 (a)~~

recognize and will respect the scarcity and special importance of land in the Northern Mariana Islands. In the event it should become necessary for the Government of the United States to acquire an interest in land not made available to it under this Agreement, the United States Government whether by voluntary means under Subsection (b) or involuntary means under Subsection (c) will:

(1) acquire only the minimum amount of land necessary to accomplish the public purpose for which the land is needed; and

(2) acquire the minimum interest in land necessary to accomplish the public purpose, acquiring title only if the public purpose cannot be accomplished if a lesser interest is obtained; and

(3) acquire an interest in public rather than in private land whenever the public purpose can be accomplished by the use of such public land.

(b) The United States may, upon notice to the Government of the Northern Mariana Islands, acquire for public purposes in accordance with the established federal laws and

real property in the Northern Mariana Islands, whether owned by private parties or by the Government of the Northern Mariana Islands, by purchase, lease, exchange, gift or otherwise under such terms and conditions as may be mutually agreeable.

The United States will:

(a) By careful and reasonable selection seek to acquire only the minimum area of land necessary to accomplish the public purpose for which the real property is sought, taking into account the scarcity and special importance of land in the Northern Mariana Islands;

(b) Seek that minimum interest in the real property necessary to support such public interest, acquiring title only if a lesser interest would not be sufficient to satisfy the requirement.

(c) Seek first to satisfy the requirement by acquiring an interest in public rather than private real property.]

~~Section 906.~~

(14) [US: (a)] Except as provided in Subsection (b) of this Section the United States will not seek any interest in real property unless the Congress of the United States has both authorized the proposed project and provided funds therefore. Any interest in real property acquired pursuant to such Congressional action will be by voluntary means where possible. The power of eminent domain will be exercised within the Commonwealth only when voluntary means fail, only to the extent necessary, in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and with full recognition of the due process procedures required by the United States Constitution.

[⁽⁶⁾] The minor land acquisition authority of Title 10, United States Code, may be exercised within the Commonwealth to the same extent it is available within any State of the Union.]

procedures any interest in land in the Northern Mariana Islands, whether owned or controlled by private parties or by the Government of the Northern Mariana Islands, by purchase lease, exchange, gift or otherwise under such terms and conditions as may be negotiated by the parties. The United States Government will in all cases attempt to acquire any interest in land for public purposes by voluntary means under this Subsection before exercising the power of eminent domain under Subsection (c).

7-20-68
K

[MPS C] (c) (1) In the event it is not possible for the United States to obtain an interest in land for public purposes by voluntary means, it will have and may exercise within the Commonwealth the power of eminent domain to the same extent and in the same manner as it has and can exercise the power of eminent domain in a State of the Union; provided however, that the United States will not exercise the power of eminent domain to acquire any interest in land within the Commonwealth until the Congress of the United States has by law explicitly approved the exercise of the power of eminent domain to obtain a particular interest in a particular parcel of land in the Commonwealth.]

no!

(2) Notwithstanding the provisions of Subsection (c) (1) of this Section, upon a determination by the President that an interest in land in the Commonwealth is

needed for national defense purposes, the United States may take such interest in land by eminent domain to the same extent and in the same manner as it can take an interest in land by eminent domain in a State of the Union. No interest in land taken pursuant to the preceding sentence will extend beyond nine months, and at the end of such period, the interest in land will revert to the original owner thereof, unless the United States shall have obtained an interest in such land in accordance with Subsections (b) or (c) (1). The authority of the United States under the first sentence of this Subsection (c) (2) will not be exercised with respect to a particular parcel of land unless six months or more has elapsed since the most recent exercise of this authority with respect to such parcel.]

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 24, 1974

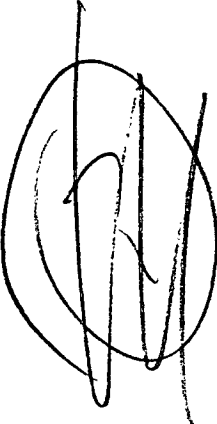
ARTICLE IX

[MPSC: Delegate] [US: Resident ^{Agent} Commissioner] and Consultation

Section 901. [MPSC: 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 will choose a Delegate from the Northern Mariana Islands to the House of Representatives of the Congress of the United States. After termination of the Trusteeship Agreement, the Delegate from the Northern Mariana Islands must be a citizen of the United States. Those provisions of law applicable to the Delegate from Guam will apply in like manner to the Delegate from the Northern Mariana Islands, except that Section 3(b) of Public Law 92-271, as amended, shall not apply until the election following the seventh year after termination of the Trusteeship.]

029109

~~MPSC~~ (b) Until such time as a Delegate has been selected pursuant to Subsection (a), 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 will be determined by the Government of the Northern Mariana Islands and who will 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 Governor. The United States will provide the Resident Commissioner with the same compensation, allowances and benefits as are provided to the Delegate from Guam.]



[US: (a) The Northern Mariana Islands may maintain in Washington, D.C. a Resident ^{Agent} ~~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 ^{Agent} ~~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 ^{Agent} ~~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 ^{Agent} ~~Commissioner~~ by death, resignation, or otherwise, the Governor, by and with the advice and consent of the upper house, will appoint a Resident ^{Agent} ~~Commissioner~~ to fill the vacancy, who will serve the remainder of his predecessor's term and until his successor is [elected and] qualified.]

Section 902. ~~USA~~ The United States Government and the Government of the Northern Mariana Islands will 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 ~~in good faith~~ such issues affecting the relationship between the Northern Mariana Islands and the United States as may be designated by either Government 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 multi-year financial assistance to the Northern Mariana Islands pursuant to Section 701, to meet as least one year prior to the expiration of ~~the initial seven year~~ [MPSC. every] 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

Article IX, p. 6

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.]

October 24, 1974

TITLE X

Approval, Effective Dates,
and Definitions

Section 1001. (a) This Agreement will be ~~MPSC~~
~~promptly~~ submitted to the Mariana Islands District Legisla-
ture for its approval. ^{Following} ~~Within~~ 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. Approval must be
by a majority of the valid votes cast in the plebiscite.
The results of the plebiscite will be certified ~~by~~
~~the Secretary of the Interior~~ to the President of the
United States.

(b) ~~[MPSC: 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] [US: This Agreement will be approved by the United
States in accordance with its constitutional processes, and
will thereupon have the force and effect of law in accordance
with its terms.]~~ ^[US: and become law] ^[MPSC: and]

~~Section 1002. [see Section 1006]] [US: The
President of the United States will issue a proclamation
announcing a date upon which the Commonwealth will be
established, when he finds:~~

~~[(a) That the Agreement has been approved as
set forth in Section 1001; and~~

~~[(b) That the people of the Mariana
Islands District have adopted a Constitution pursuant
to the Agreement; and~~


~~[(c) That the Trusteeship Agreement has
been terminated or will terminate on the date on which the
Commonwealth will be established.]~~

[MPSC: Section 100~~2~~ (a) 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 Constitution, treaties or laws of the United States 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 a statement of the reasons for his determination to the Mariana Islands District Legislature.

[(c) The procedures provided for in this Section will be repeated as necessary until the Constitution is approved by the people of the Northern Mariana Islands and by the United States.]

 Section 1004. The provisions of this Agreement shall become effective as follows, unless otherwise specifically provided:

[US: (a) Article I, Section 105 [Mutual Consent]; Article II, Sections 201-203 [Local Constitution]; Article V, Section 505 [Commission on Federal Laws]; and Article X [Approval, Effective Dates and Definitions] will become effective upon approval of this Agreement by the United States and the people of the Northern Mariana Islands;]

[US: (b) Article I, Sections 102 and 103 [Supremacy Clause, self-government]; Article II, Section 204 [Oath of Office]; Article III, Section 304 [privileges and



(L)

64

U. S. DRAFT

11/15/74

Section 100 ^[3]. ~~[This section should follow present~~
~~section 1005].~~ ¹⁰³ The President of the United States will issue
a proclamation announcing the termination of the Trusteeship
Agreement, or the date on which the Trusteeship Agreement will
terminate, and the establishment of the Commonwealth of the
Northern Mariana Islands ^{resulting from} ~~concurrent with such termination.~~ ^{in accordance with this agreement}
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 judicial or otherwise of the Trust Territory of the
Pacific Islands, the Northern Mariana Islands, or the United
States.

~~[REDACTED]~~

Draft/MSH
November 14, 1974

~~Section 1002. (a) At such time as the President of the United States determines that the Trusteeship Agreement has been terminated or will be terminated on a day certain, he will issue a proclamation announcing his determination, and upon termination of the Trusteeship Agreement the Commonwealth of the Northern Mariana Islands will be established. Any determination by the President that the Trusteeship Agreement has been terminated or will be terminated on a day certain 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 by any of them.~~

[MPSC: (b) 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.]

029119

Draft/MSH
November 14, 1974

Section 100³. The provisions of this Agreement will become effective as follows, unless otherwise specifically provided:

(a) ^(MPSC) Sections 105, 201-203, 503, 505, 605, and Article X will become effective on approval of this Agreement;

(b) [Sections 102, 103, 204, 304, Article IV, Sections 501, 502, 506, 601, 603, 604, 606, Article VII, Sections 801-805, and 901-903] ^(MPSC) will become effective on a date to be determined and proclaimed by the President of the United States which ^{will be not more than} ~~is within~~ 180 days after this Agreement and the Constitution of the Northern Mariana Islands have both been approved; and

(c) The remainder of this Agreement will become effective upon the termination of the Trusteeship Agreement and the establishment of the Commonwealth of the Northern Mariana Islands.

Notes:

-- Section numbers placed in brackets because the numbers will change as the Agreement continues to be drafted.

-- Subsection (c) presently covers Sections 101, 104, 301, 302, 303, [507], 602, 806, and 904.

029120

Section 1005. (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 1006. [MPSC: 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. The President of the United States will issue a proclamation announcing the establishment of the Commonwealth of the Northern Mariana Islands upon the termination of the Trusteeship Agreement.] 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 1007. As used in this Agreement:

(a) "Trusteeship Agreement" means the Trusteeship Agreement for the former Japanese Mandated Islands entered into between the Security Council of the United Nations and the United States of America, entered in to force on July 18, 1947;

(b) "Northern Mariana Islands" means the area now known as the Mariana Islands District of the Trust Territory of the Pacific Islands, which lies within the area north of 14° north latitude, south of 21° north latitude, west of 150° east longitude and east of 144° east longitude;

(c) "Government of the Northern Mariana Islands" includes, as appropriate, the Government of the Mariana Islands District of the Trust Territory of the Pacific Islands at the time this Agreement is signed, its agencies and instrumentalities, and its successors, including the Government of the Commonwealth of the Northern Mariana Islands.

(d) "Territory or possession" with respect to the United States includes the District of Columbia, the Commonwealth of the Puerto Rico, the Virgin Islands, Guam, American Samoa and the Panama Canal Zone.

[MPSC: 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.]

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 24, 1974

SIGNATURES

Signed at Saipan, Mariana Islands on the day
of , 1974

FOR THE PEOPLE OF THE NORTHERN
MARIANA ISLANDS

FOR THE UNITED STATES
OF AMERICA

Chairman, Marianas Political
Status Commission

Personal Representative of
the President of the
United States

Co-Chairman, Marianas Political
Status Commission

Member, Marianas Political
Status Commission

[ETC.]

029124