

November 20, 1974

(c) At such time as the laws described in Subsection (b) become applicable to the Northern Mariana Islands:

(1) the Northern Mariana Islands Social Security Retirement Fund will be disbursed as appropriate into the United States Old Age, Survivors, Disability and Health Insurance Trust Funds; and

(2) contributions to the Trust Territory Social Security Retirement Fund or the Northern Mariana Islands Social Security Retirement Fund will be considered to have been made to the United States, Old Age, Survivors, Disability and Health Insurance Trust Funds for the purpose of determining eligibility of persons in the Northern Mariana Islands for benefits from such Funds.

Section 608. (a) All bonds issued by the Government of the Northern Mariana Islands or by its authority will be exempt, as to principal and interest, from 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) During the initial seven year period of financial assistance provided for in Section 702, and during such subsequent periods of financial assistance as may be agreed, 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

JOINT DRAFTING COMMITTEE WORKING DRAFT

November 20, 1974

ARTICLE VIII

Property

At the time of the signing of this Agreement, the Government of the Trust Territory of the Pacific Islands owned or held by the Government of the Trust Territory of the Pacific Islands on the date of the signing of this Agreement, or thereafter acquired by such Government in any manner whatsoever, will, no later than upon the termination of the Trusteeship Agreement, be transferred to the Government of the Northern Mariana Islands. All right, title and interest in and to all personal property owned or held by the Government of the Trust Territory of the Pacific Islands on the date of the signing of this Agreement, or thereafter acquired in any manner whatsoever, will, no later than upon the termination of the Trusteeship Agreement, be distributed equitably in a manner to be determined by the Government of the Trust Territory and in consultation with those concerned, including the Government of the Northern Mariana Islands.]

November 20, 1974

Section 802. (a) The following property will be made available to the United States [MPSC: by lease] in accordance with this Agreement to enable it to carry out its defence responsibilities;

(1) on Tinian Islands, approximately 17,808 acres (7,207 hectares) and the water immediately adjacent thereto;

(2) on Saipan Island, approximately 485 acres (196 hectares) adjacent to Isley Field, and approximately 177 acres (72 hectares) at Tanapag Harbor;

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

(b) The United States affirms 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.

November 20, 1974

Section 803. [US: The terms and conditions under which the foregoing land areas will be made available to the United States by the Government of the Northern Mariana Islands are included in a separate technical agreement executed at the same time as this Agreement. The technical agreement will be submitted to the Mariana Islands District Legislature for its approval and become effective upon the approval of this Agreement.] [MPSC: (a) The Government of the Northern Mariana Islands will cause the lease for the property described in Section 802 to be executed. The terms of the lease will conform to the provisions of this Agreement, will implement to recommendations of the Joint Land Negotiating Committee established by the Mariana^{CS} Political Status Commission and the Personal Representative of the President of the United States, and will not contain limitations on the use of the property leased which conflict with the basic responsibilities and authorities of the United States under this Agreement.]

[MPSC: (b) The terms of the lease for the property described in Section 802 will include, but need not be limited to the following:

alienation ^{of} interest²³_A in real property, other than short term interests, so as to restrict the acquisition of such interests to persons of Northern Mariana Island decent [US: ^{and} ~~as~~ will regulate the extent to which land now classified as public land can be held by individuals].

Section 806. (a) The United States recognizes 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 ^{be} careful and reasonable selection, seek to acquire only the minimum area 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.

(b) The United States may, upon prior written notice to the Government of the Northern Mariana Islands, acquire for public purposes in accordance with established federal laws and procedures any interest in real property in the Northern Mariana Islands whether owned or controlled by private parties or by the Government of the Northern Mariana

November 20, 1974

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 real property for public purposes by voluntary means under this Subsection before exercising the power of eminent domain under Subsection (c).

[MPSC: (c) (1) In the event ~~it~~^{is} is not possible for the United States to obtain an interest in ~~the~~ real property 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 real property 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 particular real property in the Commonwealth.

[(2) Notwithstanding the provisions of Subsection (c)(1) of this Section, upon a determination by

November 20, 1974

[US: (b) The Resident Agent 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] ^eas Resident Agent who is not--

(1) a bona fide citizen of the Northern Mariana Islands, provided that any Resident Agent [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 by death, resignation, or otherwise, the Governor, by and with the advice and consent of the upper house, will appoint a Resident Agent to fill the vacancy, who will serve the remainder of his predecessor's term and until his successor is [elected and] qualified.]

Section 902. The Government of the United States 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 at least one year prior to the expiration of every period of such financial assistance.

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

Section 100[3]. 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 in accordance with this Agreement. 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, judicial or otherwise, Mariana Islands or the United States.

of the Trust Territory of the Pacific Islands, the Northern

[MPSC: The United States will make all good faith efforts to terminate the Trusteeship Agreement at the earliest practicable date, in its entirety of insofar as it affects the Northern Mariana Islands.]

Section 100[4]. The provisions of this Agreement will become effective as follows, unless otherwise specifically provided:

(a) Sections 105, 201-203, 503, 504, 605, [801] and Article X will become effective on approval of this Agreement;

(b) Sections 102, 103, 204, 304, Article IV, Sections 501, 502, 505, [601], 603, 604, 606, Article VII, Sections 802-805, and 901-903 will become effective on a date to be determined and proclaimed by the President of