

Enclosed are corrected pages to ~~November 20~~
draft of Marianas Agreement

Nov 21, 1974

$\frac{15}{2,3,4}$

06- 417765

JOINT DRAFTING COMMITTEE WORKING DRAFT

November 21, 1974

[MPSC: AGREEMENT] [US: CONVENANT; or: ARTICLES] TO
ESTABLISH A 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;

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 this 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.]

[MPSC: (a) The United States, in 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 will 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.]

November 20, 1974

(1) the immigration and naturalization laws of the United States [US: except as otherwise provided in Section 506];

(2) the coastwise laws of the United States, and any prohibition in the laws of the United States against foreign vessels landing fish or unfinished 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 United States Government shipments or impose minimum wage requirements with respect to employees or contractors of the United States Government.

Section 504. 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

Section 505. 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.

Section 506. [MPSC: (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.]

[MPSC: (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.]

[MPSC: (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 will become citizens of the United States at birth (and 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 become citizens of the United States by virtue of being born in a State.]

[MPSC: (d) For purposes of Subsection (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 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.]

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

[US: (a) Notwithstanding the provisions of Section 503(a)(1), the provisions of the Immigration and Nationality Act of the United States will apply, beginning with the establishment of the Commonwealth, with respect to the immigration and naturalization of close relatives, as defined in Section 201(b) of the Act as amended, of persons who acquire United States citizenship pursuant to Article III of this Agreement.]

[US: (b) The term "United States" as defined in Section 101(a)(38) of the Act will be deemed to include the Northern Mariana Islands for the purpose of satisfying the residence requirements contained:

[(1) in the provisions of the Immigration and Nationality Act rendered applicable to the Northern Mariana Islands by Subsection (a) of this Section, and

[(2) in Sections 301 and 308 of the Immigration and Nationality Act relating to the acquisition of citizenship or nationality at birth of children born abroad to citizens or nationals of the United States, respectively.]

[US: (c) The courts of record of the Commonwealth and the District Court for the Northern Mariana Islands will have jurisdiction to naturalize persons to whom the Immigration and Nationality Act has been made applicable pursuant to Subsection (a) of this Section, and who reside within their respective jurisdictions.]

06-417771

November 20, 1974

United States, and for purposes of applying the United States Internal Revenue Code the United States will be treated as including the Northern Mariana Islands.]

[US: (d) Any individual who is liable for income taxes to the jurisdiction of the United States or the Northern Mariana Islands will be relieved of taxes imposed by the other jurisdiction.]

[MPSC: (a) The United States Internal Revenue Code of 1954 will 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.]

[MPSC: (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 this 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 will be exempt from United States federal income tax and income derived from sources within the United States will be subject to such tax under Section 1 of the Internal Revenue Code;

06-417772

November 20, 1974

Section 605. (a) Not later than at the time this Agreement is approved, that portion of the Trust Territory Social Security Retirement Fund attributable to the Northern Mariana Islands will be paid over to the Social Security Administration of the United States, to be held as a separate fund to be known as the "Northern Mariana Islands Social Security Retirement Fund." and to be administered in accordance with the laws of the Northern Mariana Islands. The United States will supplement such Fund if necessary to assure that persons receive benefits therefrom comparable to those they would have received from the Trust Territory Social Security Retirement Fund under the laws applicable thereto on the day preceding the establishment of the Northern Mariana Islands Social Security Retirement Fund, so long as the rate of contributions thereto also remains comparable.

(b) Those laws of the United States which impose taxes to support, or which provide benefits from, the United States Old Age, Survivors, Disability and Health Insurance Trust Funds will not be applicable to the Northern Mariana Islands until termination of the Trusteeship Agreement or such earlier date as may be agreed to by the Government of the Northern Mariana Islands and the Government of the United States.

06-417773

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 606. (a) All bonds issued by the Government of the Northern Mariana Islands or by its authority will be exempt, as to principal and interest, 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

06-417774

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

military in the Northern Mariana Islands may submit such grievance, and which will make a good faith effort to resolve such grievance; and

[(14) upon an adjudication by a court of proper jurisdiction that the United States has breached this Agreement, and upon a failure of the United States to correct a breach within a reasonable time, the Government of the Northern Mariana Islands may cause the lease to be terminated, but shall not terminate the lease under any other circumstance not provided for in the lease itself.]

Section 804. 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 required for active use by the United States for civilian governmental purposes ^{UNPAC!} and the joint use agreement relating to Isley Field, to be terminated upon or before the effective date of this Section.

417776

November 20, 1974

[MPSC: (b) The Government of the United States and the Government of the Northern Mariana Islands will negotiate in good faith concerning the terms and conditions under which real property located in the Northern Mariana Islands needed for active use by the United States for civilian governmental purposes will be made available, and concerning the terms and conditions of the joint use of Isely Field on Saipan; provided, however, that the United States will continue to have the use of such real property and the joint use of Isely Field under the terms and conditions in effect upon the approval of this Agreement until but not after such negotiations are completed or the Trusteeship is terminated, whichever first occurs.]

Section 805. Except as otherwise provided in this Article, and notwithstanding the provisions of the Constitution or laws of the United States applicable to the Northern Mariana Islands, 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 to protect them against exploitation and to promote their economic advancement and self-sufficiency, [US: will] [MPSC: may; or: will be empowered to] regulate the

06-417777

alienation of interests in real property, 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].

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 by 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

06-417778

November 20, 1974

[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 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.]

06-417779

JOINT DRAFTING COMMITTEE WORKING DRAFT

November 20, 1974

ARTICLE X

Approval, Effective Dates,
and Definitions

Section 1001. (a) This Agreement will be submitted to the Mariana Islands District Legislature for its approval. 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 [US: residents of] [MPSC: persons who are domiciled in] the Northern Mariana Islands [US: who are of Northern Mariana Islands descent] and 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 to the President of the United States.

(b) This Agreement will be approved by the United States in accordance with its constitutional processes and will thereupon become law.

06- 417780

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, of the Trust Territory of the Pacific Islands, the Northern Mariana Islands or the United States. [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.]

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

06-417781