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DEPARTMENT OF INTERIOR ORDER NO. \_\_\_\_\_  
GOVERNMENT OF THE MARIANA ISLANDS OF THE  
TRUST TERRITORY OF THE PACIFIC ISLANDS

WHEREAS, the United States is the administering authority of the Trust Territory of the Pacific Islands under the terms of the Trusteeship Agreement entered into by the United States with the Security Council of the United Nations on April 2, 1947, and approved by the United States on July 19, 1947; and

WHEREAS, the United States, in response to the desires of the people of the Mariana Islands clearly expressed over the past twenty years through public petition and referendum, and in response to its own obligations under the Trusteeship Agreement to promote self-determination, entered into political status negotiations with representatives of the people of the Mariana Islands; and

WHEREAS, the people of the Mariana Islands approved the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America in the plebiscite on June 17, 1975; and

WHEREAS, on September 7, 1974, the Mariana Islands District Legislature indicated popular support for separate administration by passing unanimously Resolution No. 1-1974, which contained the joint position of the Marianas Political Status Commission and the District Legislature that a separate administration of the Marianas should commence after the people have approved Commonwealth in their plebiscite; and

WHEREAS, the United States agreed to this request and has approved the Covenant to Establish a Commonwealth of the

Northern Mariana Islands in Political Union with the United States of America; and

WHEREAS, it is appropriate that a separate basic Order be issued establishing a separate Government of the Mariana Islands of the Trust Territory of the Pacific Islands,

NOW, THEREFORE, the following single basic Order respecting the Government of the Mariana Islands of the Trust Territory of the Pacific Islands is issued:

PART I. Purpose

The purpose of this document is to delimit the extent and nature of the authority of the Government of the Mariana Islands of the Trust Territory of the Pacific Islands (hereinafter called "Government of the Mariana Islands"), as it will be exercised under the jurisdiction of the Secretary of the Interior, pursuant to Executive Order No. 11021 of May 7, 1962, and to prescribe the manner in which the relationships of the Government of the Mariana Islands shall be established and maintained with the Congress, the Department of the Interior and other Federal agencies, and with foreign governments and international bodies. "Mariana Islands" means the area now known as the Mariana Islands District of the Trust Territory of the Pacific Islands, as described in Section 1(1) of Title 3 of the Trust Territory Code, as amended.

PART II. Executive Authority

Section 1. The executive authority of the Government of the Mariana Islands, and the responsibility for carrying out the international obligations undertaken by the United States with respect to the Mariana Islands shall be vested in a United States Resident Commissioner of the Mariana Islands (hereinafter called "the Resident Commissioner") who will be assisted by a Deputy Resident Commissioner who shall be a permanent resident of the Marianas. The Deputy Resident Commissioner shall be appointed by the Resident Commissioner subject to the advice and consent of the Congress of the Mariana Islands. During the absence of the Resident Commissioner from the Mariana Islands the Deputy Resident Commissioner shall be acting in his behalf.

Section 2. The relations of the Government of the Mariana Islands with the Congress of the United States on all legislative matters, including appropriations, shall be conducted through the Department of the Interior.

Section 3. With freedom to consult directly with the Secretary when necessary, the Resident Commissioner shall normally communicate with the Secretary through the Director of Territorial Affairs. The Resident Commissioner shall be responsible for all United States property in the Mariana Islands which is required for the operation of the Government of the Mariana Islands and for which the Department of the Interior has administrative responsibility. The Resident Commissioner shall perform such other functions for the Department of the Interior in the Mariana Islands as may be delegated to him by the Secretary

Section 4. Initial contact by the Government of the Mariana Islands with Federal agencies outside the Department of the Interior on other than routine matters shall be established through the Director of Territorial Affairs of the Department of the Interior. Once the relationship has been established, direct contact between the Government of the Mariana Islands and the Federal agencies concerned may be maintained, in which event the Director of Territorial Affairs shall be kept informed of significant developments in the relationship.

Section 5. Communications of the Government of the Mariana Islands with foreign governments and international bodies shall be cleared through the Department of the Interior for transmittal by the Department of State, unless some other procedure is approved by the Secretary of the Interior. Communications between the High Commissioner and U.S. Resident Commissioner may be conducted directly with each other.

Section 6. In exercising his authority the Resident Commissioner shall obtain prior Secretarial approval of any significant deviation from the budget justification presented to the Congress, and any significant transfer of funds between programs or between administration and construction funds.

Section 7. The Resident Commissioner shall have such staff as may be necessary to carry out his duties and responsibilities. The following departments are hereby created and shall be under the supervision of the Resident Commissioner:

1. Department of Education
2. Department of Health Services
3. Department of Management Services
4. Department of Commerce and Trade
5. Department of Agriculture
6. Department of Public Works

Section 8. There shall be the offices of the Resident Commissioner's Representatives for Rota and Tinian who shall be appointed by the Resident Commissioner and under the supervision of and responsible to the Resident Commissioner. The appointees shall be a resident of the respective municipalities.

Section 9. The Resident Commissioner shall be responsible for the supervision of the following offices of the Government of the Marianas Islands:

1. Program and Budget Office
2. Attorney General's Office
3. Office of the Physical Planner
4. Office of the Federal Program Coordinator
5. Public Affairs Office
6. Public Defender's Office
7. Office of the Land Commissioner
8. Office of Internal Auditor

Department subdivisions and lines of authority shall be set forth in a table of organization approved by the Resident Commissioner. All departmental directors and heads of the foregoing offices shall be filled by the Resident Commissioner subject to the advice and consent of Congress of the Mariana Islands. Reorganization of the departments and lines of authority may be made by the Resident Commissioner.

PART III. Legislative Authority

Section 1. Organization. The Legislature of the Government of the Mariana Islands shall be known as the "Congress of the Mariana Islands" and shall consist of one House.

The Congress of the Mariana Islands shall have the authority to administer its own internal affairs. The presiding officer shall be designated by the title of "Speaker" and the members shall be known as "Senators".

Section 2. Legislative Power. The legislative power of the Congress shall extend to all rightful subjects of legislation, except that no legislation may be inconsistent with

- (a) treaties or international agreements of the United States;
- (b) laws of the United States applicable to the Mariana Islands as part of the Trust Territory of the Pacific Islands;
- (c) Executive Orders of the President of the United States and orders of the Secretary of the Interior; or
- (d) Sections 1 through 12 of Title 1 of the Trust Territory Code (Bill of Rights).

No law shall be passed by the Congress imposing any tax upon property of the United States or property of the Mariana Islands or the Trust Territory of the Pacific Islands; nor shall the property of nonresidents be taxed at a higher rate than the property of residents. No import or export levies shall be imposed on goods transported or transshipped between or among the Districts of the Trust Territory and Mariana Islands, or any political subdivision thereof, and the levy of duties on goods imported into the Mariana Islands is hereby reserved to the Congress of the Mariana Islands and the Resident Commissioner.

Section 3. Powers of the Resident Commissioner. The Resident Commissioner may submit to the Legislature prior to and during any legislative session legislation for its consideration.

Section 4. Budget. Appropriation measures enacted by the Congress shall not provide for the appropriation of funds in excess of such amounts as are available or estimated to be available from revenues raised pursuant to the tax laws and other revenue laws of the Mariana Islands.

Prior to his final submission to the Secretary of requests for Federal funds necessary for the support of governmental functions in the Mariana Islands, the Resident Commissioner shall prepare a preliminary budget plan. He shall submit such plan to the Congress of the Mariana Islands or the appropriate authorized committee or committees thereof for its review and recommendations with respect to such portions as relate to expenditures of funds proposed to be appropriated by the Congress of the United States. With respect to such portions of the preliminary budget plan, the Resident Commissioner shall adopt such recommendations of the Congress or the appropriate authorized committee or committees thereof as he shall deem appropriate, but he shall transmit to the Secretary of the Interior all recommendations he has not adopted.

Section 5. Adoption of Charter. The Charter of the Mariana Islands District Legislature together with all amendments in effect as of the date of this Order is hereby adopted as the Charter of the Congress of the Mariana Islands. Whenever the words "High Commissioner" or "District Administrator" appear in the Charter or its amendments, they shall mean the "Resident

Commissioner". Any provisions of the Charter or its amendments inconsistent with the provisions of this Order is superseded.

Section 6. Approval or Disapproval by the Resident Commissioner. Every bill passed by the Congress shall be certified by the Speaker and Legislative Secretary and shall thereupon be presented to the Resident Commissioner. If he approves, he shall sign the bill and it shall become law. If the Resident Commissioner disapproves, he shall so indicate and return it with his objections to the Congress within ten consecutive calendar days after it shall have been presented to him. If the Resident Commissioner takes no action and does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the Legislature by adjournment prevents its return.

The Resident Commissioner shall have thirty days to consider bills transmitted to him less than ten days before adjournment or presented after adjournment except that appropriation measures shall be considered within fifteen days. If he approves, he shall sign the bill and it shall become law. If the Resident Commissioner disapproves, he shall so indicate and return it with his objections to the Congress within thirty consecutive calendar days after it shall have been presented to him. If the Resident Commissioner takes no action and does not return the bill within such period, it shall be a law in like manner as if he had signed it.

When a bill is disapproved and returned by the Resident Commissioner to the Congress with his objections, the Congress may proceed to reconsider it. If such a bill is repassed by a two-thirds majority of the entire membership (one reading being required for such passage), it shall be presented again to the Resident Commissioner. If he does not approve it within twenty days after presentation, he shall send it together with his comments thereon to the Secretary of the Interior. Within

sixty days after its receipt by him, the Secretary shall either approve or disapprove the bill. If he fails to act on it within said period, it shall become a law.

If any bill presented to the Resident Commissioner shall contain several items of appropriation of money, he may object to one or more such items, or any part or parts thereof, while approving the other items or parts of the bill. In such case he shall append to the bill, at the time of signing, a statement of the item or items, part or parts thereof, so objected to, and the item or items, part or parts thereof so objected to shall have the effect of being vetoed.

Section 7. Publication of Laws. The Resident Commissioner shall cause the resolutions and laws to be published in English within 30 days after they become law, and shall make provision for their distribution to public officials and sale to the public.

Section 8. Procedure.

(a) Quorum. A two-thirds (2/3) majority of the members of the Congress shall constitute a quorum for the transaction of business: Provided, however, that at least two representatives of one or more islands other than Saipan are present. Provided, further that no member of the Congress shall refuse to attend a meeting upon duly written notice and shall be excused only in the case of natural or personal emergencies. Should a member or members be unable to attend a meeting in case of emergency beyond his or their control, the provision of this section will not apply. Justifiable and compelling reasons must be given before any member will be granted permission not to attend a meeting.

No member shall excuse himself from a meeting by the exercise of a boycott.

A smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and



under such penalties as the Congress may provide.

(b) Reading of Bills-Passage. A bill in order to become a law shall pass two readings, on separate days, the final passage of which shall be by a majority vote of all the members, which vote shall be entered upon the journal.

(c) Title. Every legislative act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title, but if any subject shall be embraced in an act which shall not be expressed in the title, such an act shall be void only as to so much thereof as shall not be embraced in the title.

(d) Amendment and Revision by Reference Prohibited. No law or section of the law shall be amended or revised by reference to its title only, but in every instance such amendment or revision of the law or section thereof shall be published at full length and in its entirety as amended or revised and shall be reenacted.

(e) Journal. The Congress shall keep a journal of its proceedings, and publish the same in English.

(f) Public Sessions. The business of the Congress and of its committees shall be transacted openly and not in secret session except when in executive session.

(g) Procedural Authority. The Congress shall be the sole judge of the elections and qualifications of its members; shall have and exercise all the authority and attributes inherent in legislative assemblies and shall have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths.

Section 9. Immunity. No member of the Congress shall be held to answer before any tribunal other than the Congress for any speech or debate in the Congress, and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions.

of the Congress and in going to and from the same.

Section 10. Compensation and Expenses. The members of the Congress shall receive compensation for their services and expenses as may be prescribed by law. Such compensation and expenses shall be from funds available to and appropriated by the Congress. Per diem, if paid to the members of Congress shall be in compliance with the law set by the Congress. Compensation, expenses, per diem, and other Congressional expenses, shall not be allowed in excess of such amounts as may be budgeted therefor.

Section 11. Appointment to new Offices. No members of the Congress shall be appointed to any office which was created by the Congress.

Section 12. Vacancies. Whenever a vacancy in the membership of the Congress occurs, the provisions of the Charter of the Congress of the Mariana Islands shall apply.

Section 13. Delegates at Large. In order to allow service by the elected members to the Congress of Micronesia from the Marianas, and in order to accommodate the expressed desire of the Mariana Islands District Legislature now known as Congress of the Mariana Islands, the members of the Marianas delegation to the Congress of Micronesia who on the effective date of this Order have not resigned or been removed from such office shall serve as delegates at large and shall be members of the Congress of the Mariana Islands with the same rights and privileges as other members. They shall serve as members of the Congress for the remaining term of their original office, or until resignation, or until the next general election of the Congress, whichever occurs first. Provisions of Section 10 above notwithstanding, the Congress shall determine the compensation and expenses for the delegates at large.

Section 14. Additional Representative for the Municipality of Tinian. There is hereby created an additional seat in the Congress of the Mariana Islands to represent the people of the Municipality of Tinian immediately upon the effective date of this Order. The representative from Tinian shall be appointed by the Tinian Municipal Council. The appointee shall be a resident of the Municipality of Tinian.

Section 15. Amendment. This Part may be amended only by further direction of the Secretary of the Interior upon consultation with the Congress of the Mariana Islands. The Congress may, during any regular session, recommend to the Resident Commissioner the amendment of any Section of this Part. The Resident Commissioner shall transmit such recommendation, together with his own recommendation thereon, to the Secretary of the Interior.

PART IV. Continuity of Laws, Court Proceedings, and Rights

Section 1. 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 Mariana Islands District on the effective date of this Order and not inconsistent with this Order or the applicable provisions of the Covenant or provisions of the Constitution, treaties or laws of the United States applicable to the Mariana Islands will remain in force and effect until they expire by their own limitation, or until and unless altered or repealed by the Congress of the Mariana Islands or by such other appropriate bodies.

Section 2. The Government of the Mariana Islands as established by this Order shall enforce all such laws and regulations issued pursuant thereto through its appropriate departments and agencies.

Section 3. All civil and criminal proceedings now pending before the Judiciary of the Trust Territory shall remain unaffected by the creation of the Government of Mariana Islands.

Section 4. All civil and criminal proceedings in which the Trust Territory is a party shall remain unaffected, however, from the effective date of this Order, (1) criminal proceedings in the Mariana Islands shall be brought in the name of "Government of the Mariana Islands" and (2) civil proceedings on matters which are within the control or jurisdiction of the Government of the Mariana Islands shall be brought by or against the Government of the Mariana Islands.

Section 5. All contracts, franchises, claims, demands, titles, rights, permits, licenses and other forms of rights, privileges and obligations entered into or obtained prior to the Order shall remain in force and effect until their natural or legal termination.

PART V. Revenues.

Section 1. All locally raised revenues, fees, taxes, interest, royalties, rentals from public lands in the Marianas, fines, licenses, and governmental charges imposed by the Government of the Mariana Islands shall be deposited into the Treasury of the Government of the Mariana Islands for appropriation by the Congress.

Section 2. All other locally raised revenues, fees, taxes, interest, royalties, rentals from public lands in the Marianas, fines, licenses, and governmental charges imposed by municipal governments shall be deposited into the Treasury of the appropriate municipality for appropriation by its municipal council.

PART VI. Municipalities.

The municipalities and municipal governments in existence in the Mariana Islands District on the effective date of this Order shall remain unaffected until amended by law.

PART VII. Public Lands and other Properties

Titles to public lands of the Trust Territory which are situated in the Mariana Islands and which are actively used by the Trust Territory Government shall vest with the Resident Commissioner for the Government of the Mariana Islands. All other public lands which titles are now vested with the Trust Territory Government and

have not been returned to the legal entity created by the Mariana Islands District Legislature shall vest in the Resident Commissioner for the Government of the Mariana Islands. All rights, title and interest of the Government of the Trust Territory of the Pacific Islands in and to all personal property on the effective date of this Order 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 of the Pacific Islands in consultation with those concerned, including the Government of the Northern Mariana Islands. No properties of the Trust Territory Government presently located in the Mariana Islands District shall be removed until an equitable determination is made by a mutual agreement between the High Commissioner and Resident Commissioner. Further, the High Commissioner shall provide within 60 days upon issuance of this Order the Resident Commissioner with an inventory of all personal properties located in the Marianas.

PART VIII. Public Facilities.

The use of port facilities, airfields, hospitals, institutions of education and recreation and other governmental facilities (to the extent that this authority lies in the Congress of the Mariana Islands) shall be made available to the Government of the Trust Territory according to the terms agreed upon by the High Commissioner and the Resident Commissioner to be covered in a separate Memorandum of Understanding.

PART IX. Joint Services - Memorandum of Understanding

During the transitional period, the High Commissioner and the Resident Commissioner shall enter into Memorandum of Understanding which shall provide for joint and mutual support services on a reciprocal and equitable basis in the interests of both governments. The Memorandum of Understanding may be amended by mutual agreement of both High Commissioner and Resident Commissioner.

PART X. Job Protections

Citizens of the Trust Territory who are residents of the Mariana Islands and employed by the Trust Territory Government on the effective date of this Order shall not be denied continued employment or equal training opportunities upon separate administration for the Mariana Islands. Similarly, citizens of the

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Trust Territory who are residents of the other districts and employed by the Trust Territory Government but work for the Mariana Islands District Administration on the effective date of this Order shall not be denied continued employment or equal training opportunities upon separate administration for the Mariana Islands.

PART XI. Freedom of Travel

Citizens of the Trust Territory shall, regardless of their residences be free to travel within the Trust Territory as they could have done so prior to the separation of the Mariana Islands.

PART XII. Import and Export

No import or export taxes shall be imposed by the Congress of Micronesia or the Congress of the Mariana Islands on goods transported or transshipped between the Districts of the Trust Territory as described in Section 1 of Title 3 of the Trust Territory Code, as amended, or any political subdivisions thereof and the Mariana Islands or any political subdivisions thereof.

PART XIII. Judicial Authority

The judicial authority of the Government of the Mariana Islands shall remain vested in the High Court of the Trust Territory and such other courts as may be established pursuant to law, provided, however, that one justice shall be assigned to the Mariana Islands on a full time basis upon consultation on the appointment with the Congress of the Mariana Islands.

PART XIV. Effect of Installation of the Constitutional Government

Upon the installation of a new government for the Northern Marianas under a Constitution as provided for in the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, this Order shall cease to have any force and effect.