



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
WASHINGTON, D. C. 20301

File

6 December 1977

Howard P. Willens, Esquire
Wilmer, Cutler & Pickering
1666 K Street, N. W.
Washington, D. C. 20006

Dear Mr. Willens:

In accordance with our telephone conversation today I am sending you the attached two alternative draft agreements to effect the termination of U. S. real property interest in the Northern Marianas. I prepared the draft dated December 6, 1977 to eliminate those provisions included in the Navy draft, which are not necessary to effect the termination. I would appreciate receiving by December 14, 1977 any comments you may have on these alternative drafts.

Sincerely,

A handwritten signature in black ink, reading "Dennis H. Trosch", is written over the typed name.

Dennis H. Trosch
Assistant General Counsel
(Logistics)

Attachments

Draft
6 December 1977

AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA
and the
GOVERNMENT OF THE
TRUST TERRITORY OF THE PACIFIC ISLANDS

THIS AGREEMENT, made as of the 9th day of January, 1978, by and between the United States of America (herein called "United States") and the Government of the Trust Territory of the Pacific Islands (herein called "Trust Territory"):

WITNESSETH:

WHEREAS, by a series of seventeen (17) Use and Occupancy Agreements entered into between 9 July 1944 and 19 October 1971/ the Trust Territory has heretofore granted and conveyed to the United States the right to use and occupy the land described therein located on the Islands of Tinian, Saipan and Farallon de Medinilla in the Mariana Islands for an indefinite period of time.

WHEREAS, Section 1 of Public Law 94-241 (90 Stat. 263), approved by the President of the United States on 24 March 1976, recited Congressional approval of a Covenant to Establish Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (herein called the "Covenant"), the text of which is therein set forth.

WHEREAS, on October 24, 1977, President Jimmy Carter signed Presidential Proclamation No. 4534 (42 C.F.R. 56593) reciting approval of the Constitution of the Northern Mariana Islands and proclaiming that it should come into full force and effect at eleven o'clock in the morning of January 9, 1978, Northern Mariana Islands local time, and that certain sections of the Covenant, including Sections 802-805 shall come into full force and effect at that date and time.

WHEREAS, Section 804(a) of the Covenant provides that the United States will cause all agreements between it and the Trust Territory which grant the United States use or other rights in real property to be terminated on or before its effective date, 9 January 1978 as aforesaid, and further provides that all right, title and interest of the Trust Territory in and to such property will be transferred to the Government of the Northern Mariana Islands at the time of such termination.

NOW, THEREFORE, in implementation of the first requirement of Section 804(a) of the Covenant, the United States of America and the Government of the Trust Territory of the Pacific Islands do hereby agree that each and all of the agreements referred to above and which are listed and described on Exhibit A, together with any other agreements which grant to the Government of the United States use or other rights in real property in the Northern Mariana Islands and which may have been inadvertently

omitted from such listing, shall terminate as of 9 January 1978 at 1100 hours,
Northern Mariana Islands local time.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement
this _____ day of _____, 1978.

UNITED STATES OF AMERICA

By _____
(Title)

GOVERNMENT OF THE TRUST
TERRITORY OF THE PACIFIC

By _____
(Title)

LIST OF AGREEMENTS BETWEEN TRUST TERRITORY OF
THE PACIFIC ISLANDS AND UNITED STATES OF AMERICA
FOR USE OF LAND IN NORTHERN MARIANA ISLANDS

ISLAND OF TINIAN

<u>Area No.</u>	<u>Area Designation</u>	<u>Date of Agreement</u>	<u>Approximate Acreage</u>
1	North Field	8/1/44	3,145.00
2	West Field	8/1/44	2,135.41
3A	Central Bomb Dump	8/1/44	430.67
3E	Masalog Bomb Dump	8/1/44	878.00
3F	East Bomb Dump	8/1/44	443.33
3G	Q.M. Depot	8/1/44	396.98
3K, 3L, 3M	AGF Camp	8/1/44	1,104.85
3N	Bomb Group	8/1/44	58.04
3O, 3P	313th Wing H-Q	8/1/44	289.67

ISLAND OF SAIPAN

<u>Area No.</u>	<u>Area Designation</u>	<u>Date of Agreement</u>	<u>Approximate Acreage</u>
1	Tanapag Harbor	7/9/44	640.23
-	Coast Guard Loran Station & Housing Area	7/1/71	22.62
9	Kobler Field	7/9/44	795.97
13	Isley Field	7/9/44	1,189.35
15	Nafutan-Obiam	7/9/44	2,244.00
-	Wallace Highway and Fillet Area	7/9/44	32.51
-	Beach Road	7/9/44	38.22

FARALLON DE MEDINILLA

-	Impact Target Area	10/19/71	224.00
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Navy
Draft
28 November 1977

AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA
and the
GOVERNMENT OF THE
TRUST TERRITORY OF THE PACIFIC ISLANDS

THIS AGREEMENT, made as of the 9th day of January, 1978, by and between the United States of America (herein called "United States") and the Government of the Trust Territory of the Pacific Islands (herein called "Trust Territory"):

WITNESSETH:

WHEREAS, by a series of seventeen (17) Use and Occupancy Agreements entered into between 9 July 1944 and 19 October 1971, the Trust Territory has heretofore granted and conveyed to the United States the right to use and occupy the land described therein located on the Islands of Tinian, Saipan and Farallon de Medinilla in the Mariana Islands for an indefinite period of time.

WHEREAS, Section 1 of Public Law 94-241 (90 Stat. 263), approved by the President of the United States on 24 March 1976, recited Congressional approval of a Covenant to Establish Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (herein called the "Covenant"), the text of which is therein set forth.

WHEREAS, on October 24, 1977, President Jimmy Carter signed Presidential Proclamation No. 4534 (42 C.F.R. 56593) reciting approval of the Constitution of the Northern Mariana Islands and proclaiming that it should come into full force and effect at eleven o'clock in the morning of January 9, 1978, Northern Mariana Islands local time, and that certain sections of the Covenant, including Sections 802-805 shall come into full force and effect at that date and time.

WHEREAS, Section 804(a) of the Covenant provides that the United States will cause all agreements between it and the Trust Territory which grant the United States use or other rights in real property to be terminated on or before its effective date, 9 January 1978 as aforesaid, and further provides that all right, title and interest of the Trust Territory in and to such property will be transferred to the Government of the Northern Mariana Islands at the time of such termination.

NOW, THEREFORE, in implementation of the first requirement of Section 804(a) of the Covenant, the United States of America and the Government of the Trust Territory of the Pacific Islands do hereby agree as follows:

1. That there are presently in force seventeen (17) agreements between the Trust Territory and the United States granting to the United States use or rights in real property in the Northern Mariana

Islands, all of which agreements are listed and described on Exhibit A, attached hereto and made part hereof.

2. That each and all of said agreements listed and described on Exhibit A, together with any similar agreement inadvertently omitted from such listing, shall terminate as of 9 January 1978 at 1100 hours, Northern Mariana Islands local time and shall be of no further force and effect thereafter.

3. Pursuant to the terms of said agreements and this agreement, the United States shall have the right to remove all structures and improvements it has erected pursuant to said agreements prior to the effective date of the termination of such agreements, or within such time as shall be agreed upon with the Trust Territory or the Government of the Northern Mariana Islands, or within a reasonable time required for such removal in the absence of such agreement.

4. The United States advises and warns the Trust Territory that it has used the Farallon de Medinilla Island and immediately adjacent waters, comprising approximately 206 acres, as an aircraft and ship ordnance target area, so as to render the entire area unsafe, and expects to arrange with the Government of the Northern Mariana Islands for the continued use of such area, together with interim use of certain acreage on Tinian for Marine Corps short-term training requirements, pending consummation of the leases with the Government of

the Northern Mariana Islands contemplated by Section 803 of Public Law 94-241, as well as for said Government's assurance, pursuant to Section 804 of Public Law 94-241, of the United States continued use of any area actively used by the United States for civilian governmental purposes, including the Coast Guard Loran installation, and continued use of 177 acres on Saipan as necessary to carry out Section 803(d) and (e).

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this _____ day of _____, 1978.

UNITED STATES OF AMERICA

By _____
(Title)

GOVERNMENT OF THE TRUST
TERRITORY OF THE PACIFIC

By _____
(Title)

LIST OF AGREEMENTS BETWEEN TRUST TERRITORY OF
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3K, 3L, 3M	AGF Camp	8/1/44	1,104.85
3N	Bomb Group	8/1/44	58.04
30, 3P	313th Wing H-Q	8/1/44	289.67

ISLAND OF SAIPAN

<u>Area No.</u>	<u>Area Designation</u>	<u>Date of Agreement</u>	<u>Approximate Acreage</u>
1	Tanapag Harbor	7/9/44	640.23
-	Coast Guard Loran Station & Housing Area	7/1/71	22.62
9	Kobler Field	7/9/44	795.97
13	Isley Field	7/9/44	1,189.35
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-	Wallace Highway and Fillet Area	7/9/44	32.51
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FARALLON DE MEDINILLA

-	Impact Target Area	10/19/71	224.00
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