

(c) Vacancy

In case of a permanent vacancy in the office of Delegate, the office of Delegate shall remain vacant until a successor is elected and qualified.

(d) Commencement of term

The term of the Delegate shall commence on the 3d day of January following the date of the election.

(Pub. L. 110-229, title VII, §712, May 8, 2008, 122 Stat. 868.)

§ 1753. Qualifications for office of Delegate

To be eligible for the office of Delegate a candidate shall—

- (1) be at least 25 years of age on the date of the election;
- (2) have been a citizen of the United States for at least 7 years prior to the date of the election;
- (3) be a resident and domiciliary of the Commonwealth of the Northern Mariana Islands for at least 7 years prior to the date of the election;
- (4) be qualified to vote in the Commonwealth of the Northern Mariana Islands on the date of the election; and
- (5) not be, on the date of the election, a candidate for any other office.

(Pub. L. 110-229, title VII, §713, May 8, 2008, 122 Stat. 868.)

§ 1754. Determination of election procedure

Acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, the Government of the Commonwealth of the Northern Mariana Islands may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a permanent vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for in this subchapter.

(Pub. L. 110-229, title VII, §714, May 8, 2008, 122 Stat. 869.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§711-718) of title VII of Pub. L. 110-229, May 8, 2008, 122 Stat. 868, which enacted this subchapter and amended sections 4342, 6954 and 9432 of Title 10, Armed Forces. For complete classification of subtitle B to the Code, see Tables.

§ 1755. Compensation, privileges, and immunities

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Commonwealth of the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to any other nonvoting Delegate to the House of Representatives.

(Pub. L. 110-229, title VII, §715, May 8, 2008, 122 Stat. 869.)

§ 1756. Lack of effect on covenant

No provision of this subchapter shall be construed to alter, amend, or abrogate any provision of the covenant referred to in section 1751 of this title except section 901 of the covenant.

(Pub. L. 110-229, title VII, §716, May 8, 2008, 122 Stat. 869.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§711-718) of title VII of Pub. L. 110-229, May 8, 2008, 122 Stat. 868, which enacted this subchapter and amended sections 4342, 6954 and 9432 of Title 10, Armed Forces. For complete classification of subtitle B to the Code, see Tables.

The covenant, referred to in text, is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of this title.

§ 1757. Definition

For purposes of this subchapter, the term “Delegate” means the Resident Representative referred to in section 1751 of this title.

(Pub. L. 110-229, title VII, §717, May 8, 2008, 122 Stat. 869.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§711-718) of title VII of Pub. L. 110-229, May 8, 2008, 122 Stat. 868, which enacted this subchapter and amended sections 4342, 6954 and 9432 of Title 10, Armed Forces. For complete classification of subtitle B to the Code, see Tables.

CHAPTER 17—NORTHERN MARIANA ISLANDS**SUBCHAPTER I—APPROVAL OF COVENANT AND SUPPLEMENTAL PROVISIONS**

Sec.	
1801.	Approval of Covenant to Establish a Commonwealth of the Northern Mariana Islands.
1802.	Consideration of issues affecting relations with United States.
1803.	Financial assistance to Government of Northern Mariana Islands.
1804.	Direct grant assistance.
1805.	Failure to meet performance standards; resolution of issues; withholding of funds.
1806.	Immigration and transition.
1807.	Technical assistance program.
1808.	Operations.

SUBCHAPTER II—JUDICIAL MATTERS

1821.	District Court for the Northern Mariana Islands.
1822.	Jurisdiction of District Court; original jurisdiction; procedural requirements.
1823.	Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules.
1824.	Relations between courts of United States and courts of Northern Mariana Islands; applicability of statutory provisions.
1825.	Effective date.
1826.	Authorization of appropriations.

SUBCHAPTER III—MISCELLANEOUS

1841.	Funds and services.
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- Sec.
 1842. Covering into Commonwealth treasury of tax proceeds collected pursuant to Covenant.
 1843. Exemption from taxation for income derived from sources within Commonwealth.
 1844. Political union between Territory of Guam and Commonwealth of Northern Mariana Islands.
 1845. Plans for development, utilization, and conservation of water and related land resources.
 1846. Exemption from assessment and taxation of real property owned by Commonwealth in United States capital.

SUBCHAPTER I—APPROVAL OF COVENANT AND SUPPLEMENTAL PROVISIONS

§ 1801. Approval of Covenant to Establish a Commonwealth of the Northern Mariana Islands

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the text of which is as follows, is hereby approved. (Pub. L. 94-241, §1, Mar. 24, 1976, 90 Stat. 263.)

REFERENCES IN TEXT

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, referred to in text, which was contained in this section (section 1 of Pub. L. 94-241), is set out as a note below.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

APPLICABILITY OF REQUIREMENT OF UNITED STATES CITIZENSHIP OR NATIONALITY AS PREREQUISITE OF ANY BENEFIT, RIGHT, ETC., TO CITIZENS OF NORTHERN MARIANA ISLANDS

Pub. L. 98-213, §§17-25, Dec. 8, 1983, 97 Stat. 1463-1466, exempted citizens of Northern Mariana Islands from laws prohibiting United States Government from compensating or employing noncitizens and from requirement of United States citizenship in certain Federal laws providing Federal services or financial assistance to Northern Mariana Islands, authorized President to issue proclamations exempting citizens of Northern Mariana Islands from United States citizenship or nationality requirements of certain statutes, provided that if President failed to timely issue a proclamation, the requirement of United States citizenship or nationality as a prerequisite of any benefit, right, privilege, or immunity in any statute made applicable to the Northern Mariana Islands would not apply to citizens of the Northern Mariana Islands, provided that Pub. L. 98-213 did not extend to Northern Mariana Islands any statutory provision or regulation, particularly statutes relating to immigration and nationality, not otherwise applicable to or within Northern Mariana Islands, provided for termination of President's authority to issue proclamations upon establishment of Commonwealth of the Northern Mariana Islands, defined terms, and provided for merger of benefits acquired under Pub. L. 98-213 into those acquired by virtue of United States citizenship unless recipient exercised his privilege to become a national but not a citizen of United States.

AUTHORIZATION OF APPROPRIATIONS FOR TRANSITION OF MARIANA ISLANDS DISTRICT TO COMMONWEALTH STATUS

Pub. L. 94-27, §2, May 28, 1975, 89 Stat. 95, authorized appropriation of \$1,500,000 to aid in transition of Mari-

ana Islands District to a new Commonwealth status as a territory of United States and provided that no part could be obligated or expended until Congress approved final agreement between Marianas Political Status Commission and United States.

RECITAL CLAUSES

Pub. L. 94-241 which enacted this subchapter contained several "Whereas" clauses reading as follows:

"Whereas the United States is the administering authority of the Trust Territory of the Pacific Islands under the terms of the trusteeship agreement for the former Japanese-mandated islands 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 18, 1947; and

"Whereas the United States, in accordance with the trusteeship agreement and the Charter of the United Nations, has assumed the obligation to promote the development of the peoples of the trust territory toward self-government or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the peoples concerned; and

"Whereas the United States, in response to the desires of the people of the Northern 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 Northern Mariana Islands; and

"Whereas, on February 15, 1975, a 'Covenant to Establish A Commonwealth of the Northern Mariana Islands in Political Union with the United States of America' [set out below] was signed by the Marianas Political Status Commission for the people of the Northern Mariana Islands and by the President's Personal Representative, Ambassador F. Haydn Williams for the United States of America, following which the covenant was approved by the unanimous vote of the Mariana Islands District Legislature on February 20, 1975 and by 78.8 per centum of the people of the Northern Mariana Islands voting in a plebiscite held on June 17, 1975".

TEXT OF COVENANT

Pub. L. 94-241, §1, Mar. 24, 1976, 90 Stat. 263, as amended by Pub. L. 98-213, §9, Dec. 8, 1983, 97 Stat. 1461; Pub. L. 104-208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009-181, 3009-196; Pub. L. 110-229, title VII, §702(g)(1), May 8, 2008, 122 Stat. 864, contained the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America as follows:

"COVENANT 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 the consent of the governed, 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;

"Now, therefore, the Marianas Political Status Commission, being the duly appointed representative of the