

**§ 1803. Financial assistance to Government of Northern Mariana Islands**

Pursuant to section 701 of the foregoing Covenant, enactment of this section shall constitute a commitment and pledge of the full faith and credit of the United States for the payment of \$228 million at guaranteed annual amounts of direct grant assistance for the Government of the Northern Mariana Islands for an additional period of seven fiscal years after the expiration of the initial seven-year period specified in section 702 of said Covenant, which assistance shall be provided according to the schedule of payments contained in the Agreement of the Special Representatives on Future United States Financial Assistance for the Government of the Northern Mariana Islands, executed July 10, 1985, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands. The islands of Rota and Tinian shall each receive no less than a ½ share and the island of Saipan shall receive no less than a ¼ share of annualized capital improvement project funds, which shall be no less than 80 per centum of the capital development funds identified in the schedule of payments in paragraph 2 of part II of the Agreement of the Special Representatives. Funds shall be granted according to such regulations as are applicable to such grants.

(Pub. L. 94-241, § 3, as added Pub. L. 99-396, § 10, Aug. 27, 1986, 100 Stat. 840.)

REFERENCES IN TEXT

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.

CODIFICATION

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

USE OF ECONOMIC DEVELOPMENT LOAN FUNDS FOR CAPITAL IMPROVEMENT PROJECTS

Pub. L. 99-396, § 2, Aug. 27, 1986, 100 Stat. 838, authorized use of up to \$4,000,000 of funds reserved for use by the economic development loan fund, as established under section 702(c) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, 48 U.S.C. 1801 note, for capital improvement projects, if such funds became available for use by the economic development loan fund, and were not obligated for economic development loans.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1804, 1805 of this title.

**§ 1804. Continuing financial assistance**

(a) Section 704(c) of the foregoing Covenant shall not apply to the Federal financial assistance which is provided to the Government of the Northern Mariana Islands pursuant to section 1803 of this title.

(b) Upon the expiration of the period of Federal financial assistance which is provided to the Government of the Northern Mariana Islands pursuant to section 1803 of this title, pay-

ments of direct grant assistance shall continue at the annual level provided for the last fiscal year of the additional period of seven fiscal years until Congress otherwise provides by law.

(Pub. L. 94-241, § 4, as added Pub. L. 99-396, § 10, Aug. 27, 1986, 100 Stat. 841.)

REFERENCES IN TEXT

The Covenant, referred to in subsec. (a), 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.

CODIFICATION

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

**§ 1805. Failure to meet performance standards; resolution of issues; withholding of funds**

Should the Secretary of the Interior believe that the performance standards of the agreement identified in section 1803 of this title are not being met, he shall notify the Government of the Northern Mariana Islands in writing with the intent to resolve such issue in a mutually agreeable and expeditious manner and notify the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Should the issue not be resolved within thirty days after the notification is received by the Government of the Northern Mariana Islands, the Secretary of the Interior may request authority from Congress to withhold payment of an appropriate amount of the operations funds identified in the schedule of payments in paragraph 2 of part II of the Agreement of the Special Representatives for a period of less than one year but no funds shall be withheld except by Act of Congress.

(Pub. L. 94-241, § 5, as added Pub. L. 99-396, § 10, Aug. 27, 1986, 100 Stat. 841.)

CODIFICATION

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

CHANGE OF NAME

Committee on Interior and Insular Affairs of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 5, One Hundred Third Congress, Jan. 5, 1993. Committee on Natural Resources of House of Representatives changed to Committee on Resources of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

SUBCHAPTER II—JUDICIAL MATTERS

**§ 1821. District Court for the Northern Mariana Islands**

**(a) Establishment; judicial circuit; terms of court**

There is established for and within the Northern Mariana Islands a court of record to be known as the District Court for the Northern Mariana Islands. The Northern Mariana Islands shall constitute a part of the same judicial circuit of the United States as Guam. Terms of court shall be held on Saipan and at such other

places and at such times as the court may designate by rule or order.

**(b) Appointment, tenure, removal, compensation, etc., of District Court judge; appointment of United States attorney and United States marshal**

(1) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court for the Northern Mariana Islands who shall hold office for the term of ten years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

(2) The Chief Judge of the Ninth Judicial Circuit of the United States may assign justices of the High Court of the Trust Territory of the Pacific Islands or judges of courts of record of the Northern Mariana Islands who are licensed attorneys in good standing or a circuit or district judge of the ninth circuit, including a judge of the District Court of Guam who is appointed by the President or a recalled senior judge of the District Court of Guam or of the District Court of the Northern Mariana Islands, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit to serve temporarily as a judge in the District Court for the Northern Mariana Islands whenever such an assignment is necessary for the proper dispatch of the business of the court. Such judges shall have all the powers of a judge of the District Court for the Northern Mariana Islands, including the power to appoint any person to a statutory position, or to designate a depository of funds or a newspaper for publication of legal notices.

(3) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and United States marshal for the Northern Mariana Islands to whose offices the provisions of chapters 35 and 37 of title 28, respectively, shall apply.

(4) If the President appoints a judge for the District Court for the Northern Mariana Islands or a United States attorney or a United States marshal for the Northern Mariana Islands who at that time is serving in the same capacity in another district, the appointment shall, without prejudice to a subsequent appointment, be for the unexpired term of such judge or officer.

**(c) Applicability of Federal rules and statutory requirements**

Where appropriate, and except as otherwise provided in articles IV and V of the Covenant approved by the Act of March 24, 1976 (90 Stat. 263), the provisions of part II of title 18 and of titles<sup>1</sup> 28, the rules of practice and procedure heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28 shall apply to the District Court for the Northern Mariana Islands and appeals therefrom; except that the terms "Attorney for the government" and "United States attorney", as

used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of the Northern Mariana Islands, include the Attorney General of the Northern Mariana Islands or such other person or persons as may be authorized by the laws of the Northern Mariana Islands to act therein.

(Pub. L. 95-157, §1, Nov. 8, 1977, 91 Stat. 1265; Pub. L. 98-454, title IX, §901, Oct. 5, 1984, 98 Stat. 1744.)

REFERENCES IN TEXT

The Covenant, referred to in subsec. (c), 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.

Act of March 24, 1976, referred to in subsec. (c), is Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, as amended, which is classified generally to subchapter I (§1801 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

The Federal Rules of Criminal Procedure, referred to in subsec. (c), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

CODIFICATION

Section was formerly classified to section 1694 of this title.

AMENDMENTS

1984—Subsec. (b)(1). Pub. L. 98-454, §901(a), substituted "for a term of ten years" for "for a term of eight years".

Subsec. (b)(2). Pub. L. 98-454, §901(b), inserted "or a recalled senior judge of the District Court of Guam or of the District Court of the Northern Mariana Islands" after "President" in first sentence.

Subsec. (c). Pub. L. 98-454, §901(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "The provisions of chapters 43 and 49 of title 28, and the rules heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28 shall apply to the District Court for the Northern Mariana Islands and appeals therefrom where appropriate, except as otherwise provided in articles IV and V of the covenant provided by the Act of March 24, 1976 (90 Stat. 263). The terms 'attorney for the government' and 'United States attorney' as used in the Federal Rules of Criminal Procedure (rule 54(c)) shall, when applicable to cases arising under the laws of the Northern Mariana Islands, include the attorney general of the Northern Mariana Islands or any other person or persons as may be authorized by the laws of the Northern Marianas to act therein."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

EFFECTIVE DATE

For effective date of this section, see section 1825 of this title and Effective Date of Constitution note thereunder.

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.

EXTENSION OF TERM OF DISTRICT JUDGES

Extension of term of district court judges to ten years applicable to judges holding office on Oct. 5, 1984,

<sup>1</sup> So in original.

see section 1004 of Pub. L. 98-454, set out as a note under section 1424b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1823 of this title.

**§ 1822. Jurisdiction of District Court; original jurisdiction; procedural requirements**

(a) The District Court for the Northern Mariana Islands shall have the jurisdiction of a District Court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a bankruptcy court of the United States.

(b) The district court shall have original jurisdiction in all causes in the Northern Mariana Islands not described in subsection (a) of this section jurisdiction over which is not vested by the Constitution or laws of the Northern Mariana Islands in a court or courts of the Northern Mariana Islands. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court of the Northern Mariana Islands for the purposes of determining the requirements of indictment by grand jury or trial by jury.

(Pub. L. 95-157, §2, Nov. 8, 1977, 91 Stat. 1266; Pub. L. 98-454, title IX, §902, Oct. 5, 1984, 98 Stat. 1744.)

CODIFICATION

Section was formerly classified to section 1694a of this title.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-454 amended subsec. (a) generally, substituting “, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a bankruptcy court of the United States” for “, except that in all causes arising under the Constitution, treaties, or laws of the United States, it shall have jurisdiction regardless of the sum or value of the matter in controversy”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

EFFECTIVE DATE

For effective date of this section, see section 1825 of this title and Effective Date of Constitution note thereunder.

**§ 1823. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules**

**(a) Appellate jurisdiction of District Court**

Prior to the establishment of an appellate court for the Northern Mariana Islands the district court shall have such appellate jurisdiction over the courts established by the Constitution or laws of the Northern Mariana Islands as the Constitution and laws of the Northern Mariana Islands provide, except that such Constitution and laws may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263) (hereinafter referred to as “Cov-

enant”), or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of the Northern Mariana Islands or of any orders or regulations issued or actions taken by the executive branch of the government of the Northern Mariana Islands with the Constitution, treaties, or laws of the United States, including the Covenant or with any authority exercised thereunder by an officer or agency of the United States.

**(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions**

Appeals to the district court shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 1821(b)(2) of this title: *Provided*, That no more than one of them may be a judge of a court of record of the Northern Mariana Islands. The concurrence of two judges shall be necessary to any decision by the appellate division of the district court on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

**(c) United States Court of Appeals for Ninth Circuit; jurisdiction; appeals; rules**

The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the appellate division of the district court. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

(Pub. L. 95-157, §3, Nov. 8, 1977, 91 Stat. 1266; Pub. L. 98-454, title IX, §903, Oct. 5, 1984, 98 Stat. 1744.)

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 subsec. (a), is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of this title.

CODIFICATION

Section was formerly classified to section 1694b of this title.

AMENDMENTS

1984—Pub. L. 98-454 designated existing provisions as subsec. (a), substituted provisions governing the appellate jurisdiction of the District Court prior to the establishment of the appellate court for former provisions which related to the appellate jurisdiction of the court and certain procedural matters which are covered under subsec. (b), and added subsecs. (b) and (c).