

1974

Comparison of N.M. & P. Guam

SUBJECT

MARIANAS
COMMONWEALTH

GUAM

GUAM : DY

Self-Determination

By approval of the status agreement

By elected form of government

U.S. recognition of right to by permitting local constitution

Political Status

Commonwealth (fundamental relationship with U.S. subject to modification only by mutual consent)

Unincorporated, organized U.S. territory (status subject to unilateral U.S. determination)

Commonwealth or modified territorial status on terms as good as Northern Marianas status

U.S. Sovereignty

X

X

No change

Foreign Affairs/Defense Authority

X; U.S. welcome the advice of Marianas on international matters directly affecting Marianas

"

U.S. seek Guam advice on matters directly affecting Guam

U.S. Constitution

Partially apply

Partially apply

No change

Article I, § 9, cl. 2, 3

X

X

§ 9, cl. 6, 8

X

By implication of sovereignty

§ 10, cl. 1-3

X

By implication of sovereignty

IV, § 1, (full faith & credit)

X

X

§ 2, cl. 1 (privileges & immunities)

X; but lands under local control

X

Further study on local controls of land as relates to foreign investment

§ 2, cl. 2

X

By implication of sovereignty

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16
5,3,4

SUBJECT

MICRONESIA
COMMONWEALTH

GUAM ()DY

Article IV, § 3, cl. 2 (plenary power USC)

VI, cl. 2

Amendment 1 - 4

5

6

7

8 - 9

13

14, § 1, sent. 2

§ 5

15

19

U.S. Citizenship

Representation in U.S. Congress

X; but some local areas not subject to U.S. Congress authority

X

X

Except as it provides a right to indictment by a grand jury

X

Except as it provides a right to trial by jury in non-criminal cases.

X

X

X

X

X

X

With an option to become a U.S. National

0

X

By implication of sovereignty

X

Except as it provides a right to indictment by a grand jury

X

Except as it provides a right to trial by jury in non-criminal cases

X

X

X

X

X

X

X

X

Non-voting member

023900

SUBJECT

MARIANAS
COMMONWEALTH

GUAM : DY

Application of U.S. Laws

Interim application of
Guam federal laws
until U.S. Congress
acts on status agree-
ment and on Joint
Commission report

U.S. Congress
determines

No change

Joint Statutory Review Commission

X

1950

Internal Revenue Laws

Exclusive local
income tax with local
rates

Territorial tax
follows U.S. IRC
rates

§ 931 of IRC

X

Not applicable

Jones Act (U.S. bottoms for goods between U.S.
ports)

X

Notes act not exte
to Virgin Islands
and American Samoa
but should include
Guam yet exempt
during shipping
strikes

Eminent Domain

X

Trade/Tariff

Duty free port

X

X

Customs laws

locally derived to
extent not in conflict
with U.S. obligations

X

Import duties

Headnote III-A free
entry if value 50%
locally derived

Headnote III-A free
entry if value 50%
locally derived

023901

Local authority to enact excise tax

Local authority to enact export tax

U.S. to seek favorable foreign tariff on local exports and encourage foreign states to regard local area as a "developing territory"

Minimum Wage

Immigration & Nationality Act

Permanent Immigration

Temporary Admission of Aliens

X

X

X

As prevails in Guam

X

(Guam Minimum wage above U.S.; prevailing wage for construction above U.S. minimum wage but below (1/2) U.S. prevailing wage)

X

Federal government controls

Federal government controls

U.S. seek more Guam advice on matters directly affecting Guam

To permit reduction of prevailing wage to level of Guam minimum wage rate for alien labor must be studied

Local control would lead to discrimination and abuse but Guam to be given same degree of local control as Mariana but need to tighten up practices where non-immigrants on 3 year temporary admission remain in Guam by short visit beyond 3 mile limit

Temporary 1 year admission for permanent-type jobs in no local labor; admit families of such workers

M ANAS
COM WEALTH

SUBJECT

GUAM STUDY

Maintain status quo

Federal government controls

With jurisdiction as state court (\$10,000 suit)

U.S. District Court

"To the extent such organizations permit representation of constituent parts of a political family".

Membership in Regional/International Organizations

1. Trade agreement U.S. to consult with Guam, with possible Guam representative on U.S. delegation
2. Membership in regional organizations generally but discouraged but allowed where federal supremacy not challenged (ECAF, ADB possibilities [DOD - discourage such membership by case by case exceptions considered])

Local Constitution

Embodied in the Organic Act

Possible, with US approval of local draft.