

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

COMMENTS AND RECOMMENDATIONS

to the

PRESIDENT OF THE UNITED STATES

on the

INTERAGENCY POLICY REVIEW

U.S. TERRITORIES AND THE TRUST TERRITORY



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMI Saipan

NOV 15 1979

Honorable James Joseph
Under Secretary
Department of Interior
Washington, D.C. 20240

Dear Mr. Joseph:

I am enclosing for transmittal to the President a letter which presents the views and recommendations of the Commonwealth concerning matters raised by the Interagency Policy Review on U.S. territories and the Trust Territory, and other similar concerns.

I would very much appreciate receiving a copy of the final presentation to the President at the earliest possible date.

Once again, thank you for the time and effort you and your staff have put towards this important project.

Hafa Adai,

CARLOS S. CAMACHO
Governor

Enclosure: as stated

Recd OTA
11/19/79



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMJ Saipan

NOV 15 1979

The President
White House
Washington, D.C.

Dear Mr. President:

I am delighted to enclose herewith the views and recommendations of the Government of the Commonwealth of the Northern Mariana Islands on the papers that have resulted from the Interagency Policy Review on the U.S. territories and the Trust Territory.

Although I do appreciate the many hours of hard work which the various agencies of the Federal Government put into these papers, I regret that both the process by which they were developed and the substance they contain, do not provide a useful framework to improve the relationship between the U.S. Government and the territories. Few of our comments, concerns, and corrections, submitted to the Department of the Interior in response to the draft reports of the Task Force committees were incorporated into their October 31st revision. We apparently will not be given an opportunity to comment on any further changes which might appear in the final document presented to you.

What is worse, we are now given to understand that even these present comments, and our option preferences, will only be made "reference to", rather than presented to you directly. This interception of communication between the Chief Executives of the territories and the Chief Executive of the United States is not only extremely patronizing and discourteous, but does not allow us to plead our case in our own words. It effectively insulates you from any criticism of the Task Force reports. This further serves to aggravate, rather than ameliorate, the problems that already exist.

In substance, the Task Force reports leave much to be desired. They continue to exhibit a woeful lack of understanding of the nature of the Covenant which binds the Northern Marianas and the United States together. In discarding the ill-conceived draft on economic development, they have thrown out the few good suggestions contained therein as well as several concrete proposals by the various territories which could immediately begin to enhance our development potential. Instead, the Task Force

The President
Page 2

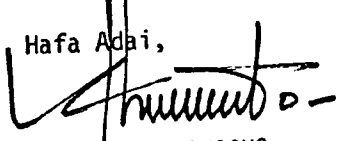
only suggests further studies which will further delay our development pending their completion and implementation. It is regrettable that the Task Force did not take the time to redo its study and provide concrete recommendations. Instead, they would sacrifice our development on the altar of self-imposed time limits and political expediency.

The Task Force seems to have lost sight of the developmental nature of territorial economies. They ask for fiscal self-reliance when this can only be achieved through private sector growth. The private sector, in turn, cannot grow in the absence of adequate economic and social infrastructure. This will require continued extra-ordinary Federal assistance in the near term and a Federal commitment to do no less for the United States' own developing territories than it does for foreign countries with similar developmental needs. Much of these infrastructure problems, of course, are the result of decades of neglect under Federal administration. We cannot be expected to take responsibility for financing what the U.S. should have been building and maintaining over the past thirty-five years.

Many of the recommendations of the Task Force represent a throwback to the mentality of another era. The increased Federal review and veto of local decision-making which they would impose is a giant step away from self-reliance. As a general rule, the territories should be subject to no greater interference than the States, particularly with respect to the Federal grants process.

If I could leave you with one thought, Mr. President, it would be that the United States, both institutionally and through its various officials, should bring an end to the age of patronization. Until then, the U.S. and its territories can never achieved a mature partnership for the fulfillment of our mutual goals and objectives. If these attitudes could be changed, and a full political partnership of mutual trust and respect could be established, this interagency review would be unnecessary. I respectfully urge you to focus your attention in that direction.

Hafa Adai,



CARLOS S. CAMACHO
Governor

Enclosure: as stated

Question No. 1 - POLITICAL DEVELOPMENT AND STATUS

Comments on Task Force Report

Although the Task Force pays lip service to the unique relationship between the Commonwealth and the United States, there is no meaningful discussion of how our Commonwealth status differs from the status of the other territories, if at all. No parallels are drawn between our situation and that of the Commonwealth of Puerto Rico. This should have been discussed.

The Task Force does not acknowledge that many of the factors in the relationship between the Northern Marianas and the United States were freely negotiated in good faith between the parties and are ours as a matter of contractual right, not because they were granted to us by anyone. For example, in the section on legal responsibilities, the report suggests that Congress has plenary power over all the territories, including the Commonwealth, and can delegate this power to the Executive Branch. This is not entirely true with respect to the Commonwealth, because of the guarantees to us and the restrictions on the United States contained in the Covenant. Our political status and its other fundamental provisions cannot be modified without our consent, and commitments by the U.S. will be enforceable by the Federal courts. Congress may indeed be able unilaterally to change the public law that contains our Covenant, but to do so would breach the Covenant itself and break faith with the Commonwealth. Our approval of the Covenant constituted a "sovereign act of self-determination". Its rupture could void that act and would violate the United States' international commitments.

The Task Force states that territorial policy is under the exclusive jurisdiction of the Congress, rather than the Executive Branch. This is no more so for the territories than any other policy issue. Congress makes policy through public laws which require the approval of the President. It is therefore entirely proper for the Executive to suggestion policy to the Congress.

Under "Territorial aspirations", the Task Force states that the Northern Marianas "show no inclination currently to modify (our relationship) substantially." This may be true, but the President should be warned that any United States attempt to modify the Covenant unilaterally could cause the Commonwealth to re-evaluate its status and could precipitate the downfall of a healthy and permanent relationship between our two entities. Also, it should be noted that the Northern Marianas share Guam's concerns regarding barriers to economic development imposed by some federal statutes, and the arbitrary and insensitive application of federal laws and regulations.

Under "National Security Objectives", the Task Force mentioned the U.S. option to lease most of the island of Tinian for military purposes. Unfortunately, there is no mention that the Northern Marianas desperately needs to know whether the United States intends to exercise its military lease option or not. We cannot adequately plan for the development of Tinian, without this knowledge.

There is a technical error in the section on self-government. The Task Force states that, "the people of the post-Trusteeship Northern Marianas (if they so choose) will be citizens of the United States".

Under the Covenant, we will become U.S. citizens automatically, but those of us born before the termination of the Trusteeship may elect to become nationals.

In discussing economic development objectives, the Task Force demonstrates an insensitivity to cultural values. It talks about, "the fullest measure of economic development" and "as much economic self-sufficiency as possible." This should be tempered with a statement suggesting that economic development "proceed at a deliberate pace consistent with cultural values and the availability of resources and infrastructure." The recent overwhelming passage of a referendum rejecting casino gambling demonstrates the commitment of our people to the protection of our culture.

To move from criticism to praise for a moment, the comments regarding health and education under "Social Development - the territories" are exceedingly well stated. We are surprised, however, that a U.S. commitment to additional financial assistance to support social development, which we praised in the first draft, was deleted from the final report.

In the discussion of Policy Question (2) regarding Senate representation for territorial delegates, it is implied that Delegates receive allowance on same basis as other members of Congress. In fact, only half the clerk-hire allowance and certain other expenses are provided. Of course, the Northern Mariana Islands Resident Representative gets none of these at all and has none of the privileges, immunities, and tax exemptions of the other Delegates.

Once again, the Task Force implies that Congress would be upset if the Executive Branch suggested any increase in territorial representation. There is no demonstrated basis for this statement. The idea would be treated with the same respect given other suggestions from the White House. Each House of Congress is still free to set its own rules regarding the activities of Delegates.

Also, a third option regarding Senate representation is needed. Option A implies that the same Delegate who serves in the House would concurrently be seated in the Senate. This is highly unlikely. In fact, the current House committee work and other duties are as much or more than any Delegate or Congressman can handle. It would be impossible for one person to be a Member of both the House and the Senate and attend meetings of both their committees, let alone be present on both Floors for debate at the same time. A new option should be considered to suggest separate representation in the Senate, under whatever rules that body might wish to apply, to serve alongside their House counterparts.

The discussion of Policy Question (3) suggests that the Executive Branch try to avoid discussions of political status. The Commonwealth is especially concerned that it is not even mentioned in Option B (formal status talks). Until such time as we might become a State of the Union, which would constitute an irrevocable act, our status, and the desires of our citizens, even possibly for independence, remain an open question. Pursuant to Section 902 of the Covenant, "Status Talks" at the Presidential level are available at any time the Governor (or the President) requests them, and not less than every ten years.

ep
f
C
e
m
o
h
o
7

The Commonwealth recognizes that the United States has committed itself to terminate its trusteeship over the entire Trust Territory at one time. We also understand that the important status negotiations being conducted with the other Micronesian entities cannot be bound by a rigid timetable, in order that the aspirations of their people may be properly expressed and planned for. However, there is a limit to how long the already-expressed aspirations of the people of the Northern Marianas should have to await completion of the process elsewhere.

We note with concern recent reports from Washington that the Trusteeship Agreement might not be terminated until 1985, or even later. Full U.S. citizenship for our people, and the other provisions of the Commonwealth which have not yet come into force, await these developments. If the process, in fact, will be significantly delayed, the U.S. and the Commonwealth should mutually re-consider the advisability and ramifications of early termination for the Northern Marianas.

Policy Question (4) can be eliminated. As options, statehood and independence are adequately handled under Policy Question (3) on Status Talks.

In discussing possible options for Congressional representation for the Commonwealth under Policy Question (6), the Task Force rightly notes that the Northern Marianas might resist being represented by the Guam delegate "on the ground that they would be swallowed up, and lose their identity." The report should have mentioned that Guam rejected union with the Northern Marianas in 1969, and that since then political institutions have developed separately in the two entities.

In discussing the pros of Option C, no Congressional representation, the Task Force states, "There is no major effort on the part of the Northern Marianas to change its current Washington representation arrangement." Now that American Samoa has been guaranteed its seat, there is significant feeling in the Commonwealth that the current situation is very unfair. In fact, the Marianas Senate has already passed a resolution requesting Congress to grant Delegate status to our Washington representative.

A new option is needed to provide Library of Congress access for NMI and American Samoa. Until American Samoa's Delegate is seated in 1981, and until the Commonwealth is given similar Congressional representation, their Washington representatives should be granted access to all the resources of the Library of Congress, including the Congressional Research Service. All other jurisdictions have this access through their Congressional Delegation. It is a valuable resource which should not be denied to these two remaining territories. Also, the representatives should be treated like the Delegates and taxed as if they were residing in, and their income were earned in, their home jurisdiction.

RECOMMENDATIONS TO THE PRESIDENT:

The following recommendations reflect the priorities and concerns of the Commonwealth and do not necessarily correspond to similarly numbered options set out by the Task Force.

1. The President should re-affirm the commitment of the United States to abide by Section 902 of the Covenant. This section requires the United States and the Commonwealth to "consult regularly on all

matters affecting the relationship between them." Such "status talks" can be called by either government, and must take place no less than every ten years.

2. The President should acknowledge that the aspirations of the people of the Northern Mariana Islands to join in a political union with the United States, with full U.S. citizenship, cannot be expected to await forever the conclusion of status negotiations in the rest of Micronesia. He should express his willingness to consider early termination of the Trusteeship Agreement for the Northern Marianas, if the overall process will be delayed beyond a reasonable time.

3. The President should repudiate any implication in the Task Force report that the United States is not bound by the provisions of the Covenant, that it need not fulfill its commitment thereunder, or that Congress can violate the principles of self-government guaranteed therein.

4. Congressional representation for the Northern Marianas: Quite naturally, the Northern Marianas favors Option 6a which recommends that the President "announce that the same status should be given the representatives of the Northern Marianas as that which the delegates from Guam and the Virgin Islands now enjoy." To refuse such representation for the Northern Marianas would be to perpetuate an unfairness and leave us the only people within the American community who do not have a voice in the Congress to whose laws we are so often subject. Population should not be a consideration, as it was not with the decision to sit a

delegate from American Samoa. Until the representatives of the Commonwealth and of American Samoa are seated, the privileges and immunities of Delegates should be extended to them as much as practicable. Especially important are Library of Congress/Congressional Research Service access, and equitable tax treatment. We utterly reject representation by the Delegate from Guam since we would have no significant impact on the selection of such a Delegate.

We similarly support a Constitutional amendment which would grant Delegates the right to vote, particularly in the House of Representatives. We would agree, however, that such voting right should not come into effect until the citizens of the territory are generally citizens of the United States.

The Northern Marianas would welcome the opportunity to have representation in the United States Senate. We would, of course, expect to be treated equitably with the other territories and Commonwealth. It is unreasonable, however, to assume that one person can effectively represent a territory in both the House and the Senate. This option therefore should be modified to provide for separate representation in the Senate under whatever rules that body may wish to enact.

5. Voting in National Elections: The Northern Marianas subscribes to the principle that United States citizens should be able to vote in national elections regardless of their place of residence. We would expect that U.S. citizens residing in the territories would be included in any Constitutional amendment for popular election of the President and Vice-President. In the meantime, under the Electoral College system, the only solution would be a Constitutional amendment granting

territories with general U.S. citizenship some reasonable number of electoral votes. We urge the President to endorse such an amendment regardless of the likelihood of Congressional passage and ratification by the States. Support by the Executive Branch at this time would demonstrate a commitment to the peoples of the territories and make the road to full participation in American democracy easier to travel.

6. Federal Grants-In-Aid Programs: We strongly support the extension of all Federal grants-in-aid programs to territorial residents under standards and criteria determined jointly by the U.S. and each territory.

7. Commission on the Application of Federal Laws: The Commission provided for in Section 504 of the Covenant should proceed with its work as quickly and expeditiously as possible. The Commission should select its own Chairman and should spend a significant portion of its time in the Commonwealth in order to better determine the impacts of Federal laws and regulations. The President should pledge himself to seeking prompt Congressional action on the recommendations of the Commission. Until this is accomplished, there will be continual conflict between the Commonwealth and the United States on the application of Federal laws. The prompt elimination of this area of contention will go a long way to stabilizing the relationship between our two entities.

8. Military Land Use: In order that the Northern Marianas may effectively plan for the development of Tinian, the President should direct the appropriate authorities to determine, at the earliest possible

date, whether or not the U.S. will exercise its option to lease a major portion of that island for defense purposes.

Question No. 2 ECONOMIC DEVELOPMENT

Comments on Task Force Report

In its discussion of its own recommendations, this Task Force rightly notes that its previous draft did not suggest a strategy to encourage economic development in the territories. We also criticized the draft for promoting the interests and concentrating on the problems of one territory while ignoring both the advantages and problems of other territories under similar circumstances. In addition, there were many inaccuracies in the presentation and many important sectors of the economy were completely ignored.

In addition to commenting on the so-called options presented in the draft report, we recommended eight additional options. One of these on specialized assistance read as follows:

In lieu of an immediate drastic change in the means of providing Federal development assistance to the territories (such as the proposed Territorial Development Bank), the U.S. and each territory could jointly study the current stage of development and the needs of the territory and agree on an appropriate mix of financial assistance of whatever form, as well as management support and technical assistance.

We still support this approach to meet the unique needs of each Territory. However, and most unfortunately, the final Task Force report seems to have seized upon this as the only means of encouraging territorial economic development. In doing so, it has rejected the many suggestions for immediate Federal action applicable to all territories.

The development of our economy can no longer await further studies. Constraints must be removed now; programs and projects must begin now; management support and technical assistance must be provided now;

Federal attitudes and policies need to be changed now; and barriers to participation in many developmental programs available to the States must be removed now.

We have been studied to death, figuratively. A few more years of study, without implementation, and our economic death may be literal as well. The recommended studies are welcome, but they should be in addition to, not in lieu of, immediate efforts toward economic development. We can modify programs in the light of new information or strategies developed by such studies. If we wait for their outcome, however, we will continue to be unnecessarily dependent upon the United States for many additional years.

Many of the inaccuracies and innuendos complained of in the draft remain in the final report. For example, the territories are not "natural resource poor" as claimed by the Task Force. Our major resources, however, are found in the sea which surrounds us--a fact which continental writers too often lose sight of when studying insular areas.

The Task Force complains that our economies are not "viable", because we have not reached "economic self-sufficiency". Neither has the United States, nor any state thereof. We live in an interdependent world in which we can only survive by doing what we do best and improving and increasing transportation and communication with the rest of the world. We must move ahead to reduce imports and increase exports, but if balance of trade were the only test of economic viability, the U.S. would come up short as well.

In discussing the private sector, the Task Force notes that significant investment in tourism, manufacturing, or military related industry have been made in the other three territories. There is no mention of the

significant investments made in tourism in the Northern Marianas. We fail to understand why our achievements have not been included in this discussion. Perhaps the reason is that the tourism industry here is generating more revenues than the corresponding costs of the increased governmental services needed to support its development.

The Task Force continues to ignore geography by imputing locational advantages to Guam which we share in equal measure. If Guam has the potential to export melons and eels for the Japanese market, the Northern Marianas, with more arable land, has at least the same potential, if not more. If Guam's location can be used to good advantage for transshipment of merchandise and to serve as regional headquarters for companies doing business in the Pacific, our location only a few miles away offers the same potential. The Federal Government should not attempt to play off one territory against another through such implications of comparative advantage, especially when such advantage does not exist, or exists only because of inequitable treatment by the U.S. over the years.

RECOMMENDATIONS TO THE PRESIDENT

Many, many concrete and immediate steps can be taken to encourage economic development in the territories without the need for further long term studies and other delaying tactics.

1. Marine Resources. The President should declare that the United States is returning to each island territory the peoples birthright by restoring to them control of the living and non-living resources of the sea which surrounds them. No single step would go as far in the international community to dispell the view of the U.S. as a colonial

power than this simple statement. The Executive Branch should seek whatever legislative changes are necessary to accomplish this. The territories should be freed from constraints on the development of their own fishing and other marine-oriented industries. They should also be able to benefit from control over the activities of foreign interests in their surrounding waters. Legislation should be sought to accomplish this, if necessary.

As a matter of policy, the Commonwealth maintains that it already has the right to control the resources of its surrounding sea. The suggestions herein, however, would clarify this point and insure that this control continues on a permanent basis.

2. Energy. The President should proclaim that, as developing areas, the energy needs of the territories must be met in full. Waste of energy in the territories should be avoided as elsewhere, but a net reduction in the use of energy would be a negative sign that our economies are not developing, rather than a positive sign that we are conserving energy. All Federally imposed constraints against the import of fuel by the territories should be removed. Any federally imposed allocation system should provide that the full requirements of the territories be met. When such an allocation system is not in force, the President should encourage fuels suppliers to meet our needs on a voluntary basis. Particularly important is the availability of increased quantities of jet fuel to support the expansion of tourism in the territories. A crash program for alternative energy sources in the territories should be undertaken immediately. In the Northern Marianas, for example, we have abundant resources to power large-scale wind machines and solar-

thermal generators, as well as potentially large concentrations of geothermal steam resources.

3. Ports and Harbors. The President should direct appropriate Federal agencies to meet with each territory at the earliest possible date to identify and remove Federal barriers to port development and to provide Federal assistance beyond normal programmatic funding levels to bring the various ports from their present situation to the point where they can meet the economic development needs of each territory. Territories should be able to participate in Maritime Administration and other Federal port development programs, but the additional effort is needed to compensate the decades of Federal neglect of our ports.

For example, we need to completely rebuild the port of Saipan and develop related shore facilities on Tinian and Rota. The present state of affairs is a significant barrier to reaching our economic potential. We will never be able to generate the revenue needed for such projects ourselves, but their financing by the Federal Government will enhance our ability to generate revenues in the future.

4. Airports and Air Transport. Expansion of international flight frequencies and destinations is necessary if tourism is to fulfill its potential as the major contributor to private sector economic development in most of the territories. It also is necessary for market development for perishable agricultural commodities. The U.S. should therefore commit itself to freeing the territories from the usual bilateral negotiations with current and potential destination countries on the grounds that they are economically underdeveloped areas. A Presidential proclamation may be needed to accomplish this.

It is particularly important to the viability of our tourist industry that the Commonwealth be exempted from the bilateral aviation agreements between the U.S. and Japan. Although there has been a rapid increase in Japanese tourism in the Northern Marianas, the earlier Task Force draft rightly stated that it has failed "to live up to expectations". This is because not enough flights are allowed to come from other cities like Osaka and Kagoshima, and charters are not permitted. Most hotels on Saipan operate at about 50% occupancy. This is not enough to repay the loans the various hotels have outstanding. It is certainly not an inducement to additional foreign investment.

Already Continental Airlines has reduced its service to the Commonwealth. Air transportation, the key link to economic development in an isolated island chain like ours, has to be increased at this stage rather than reduced.

We imagine other territories can give similar examples. In any event, whether in or out of bilateral talks, the U.S. should re-double its efforts as a strong advocate of expansion of air transportation to and from the territories. Inter-island service is also important, both to increase the length of tourist visits and for the socio-economic integration of scattered populations.

In order to adequately and safely serve the needs of air travellers in the territories, the Federal Government should also commit itself to funding all or part of the costs of providing appropriate airport, terminal, communication, and navigation installations to meet applicable FAA standards and the appropriate levels of expected traffic on principal and other islands.

5. Regional Cooperation. The President should support the efforts of territorial governors for the creation and funding of a Title V Regional Economic Commission for the Pacific. In its discussion of Question No. 4, the Inter-agency Policy Review criticizes Title V regional organizations for emphasizing economic development, rather than coordination of all Federal and territorial programs. We totally reject this analysis. First of all, these commissions were established by Congress for this purpose. Second, our search for regional economic cooperation should not be discouraged merely because there are other areas where cooperation will be useful. We also see no reason why a Title V Regional Commission cannot, at the same time, serve as a forum for cooperation in other sectors as well. If the Federal Government persists in refusing to extend eligibility for Title V to the territories, then the President should actively encourage and provide for funding of an equivalent type of regional entity in the Pacific, to include the State of Hawaii, as well.

6. Infrastructure Development. The President should commit the United States to provide the infrastructure necessary for the economic and social development of the territories. Power, water, communications, roads, sewers, storm drains, etc., as well as the ports and air facilities mentioned above must be emplaced if the private sector is ever to be able to grow toward territorial self-reliance. It is a vicious circle: the territories are asked to develop their private sector to raise revenues for infrastructure, but the private sector cannot develop without the infrastructure being in place. Only the Federal Government has the resources to resolve this enigma. If the United States wants

the territories to ever get out from massive Federal subsidies in the future, it must invest now in infrastructure. The States don't need this level of assistance, because they are building on an established base. The territories do, because we have no significant base on which to build.

7. Education for Development. In order for economic development to succeed, there must be a trained labor and managerial force. This will require assistance beyond the regular Federal grant programs, if it will have any meaning in the next several years. Capital facilities for general and vocational education will have to be built and equipped; teacher salaries may have to be subsidized; special scholarships, loans and grants targeted to specific needs will have to be provided.

8. Marketing Assistance. The United States has a special duty to assist the territories in the marketing of their exports, including tourism. These activities will not only help the territories, but the U.S. balance of payments as well. The NMI notes with pleasure the recent announcement that the U.S. Travel Service office in Tokyo will be restored. It has been of help to us in the past and we are counting on it for the future. It should be strengthened and expanded beyond previous levels. Commercial and Economic Officers in the U.S. Embassies throughout the Pacific (and the Caribbean as well) should be instructed to advise territories and their businesses regarding market opportunities and potential investors, make credit and reputation checks, and promote our products. The Department of Commerce should also help us in the United States itself, as dollars spent on tourism and products in and from the territories remain within the U.S. sphere.

9. Agricultural Development. The United States should institute a crash program to bring the territories up to their potential in commercial agriculture. The program would have to include assistance in both the production and economic sides of the problem. In the former, appropriate cash crops and animals for small, medium, and large scale agriculture must be identified (including tropical feed grains to support a livestock and poultry industry), irrigation provided where necessary, machinery made available, and farming methods and pest control improved. On the economic side, subsistence and small-scale farmers must be educated in the demands of the twentieth century market place. They must understand the meaning of contracts, the necessity to diversify, if not individually, at least collectively. Crops must be timed to arrive at market throughout the season, not all at once. Packaging methods must be improved and chilled storage provided. Market forecasting and development must be undertaken. This is one area where the NMI can become nearly self-sufficient and even develop a significant surplus for export. We cannot do it ourselves, however, and the regular grant programs of USDA are not likely to be sufficient. In fact, some territories, including the Commonwealth, are not currently eligible to participate in several important USDA programs, including soil conservation, extension services, experiment stations, and crop insurance. The U.S. should extend these programs to cover the remaining territories.

10. Regulatory Impacts on the Territories. Often regulations and Administration policies have unintended effects in the territories which may hinder economic development. Strict adherence to the President's new targets for reduction of oil imports is an example. The President

should instruct all Departments and agencies to consider the impacts of their actions on the territories and grant waivers where necessary. He should commit the White House itself to the same policy.

11. Communication. In order to take their proper place in the world community and meet the needs and demands of modern business institutions the territories must be able to communicate with their constituent islands, with each other, with the Federal Government, and with the rest of the world. Even within the region, it is nearly impossible for us to talk with American Samoa or Nauru, for example. To accomplish this, we must have access to the world-wide system of communication satellites, with both government (Federal Telecommunications System) and commercial channels available. This would provide voice, telegraph, and facsimile capability, computer data links, and navigation aids. Also, territorial efforts to emplace or rehabilitate inter and intra-island communication should be encouraged and assisted. For example, even when internal telephone service is inaugurated on Rota in the near future, that island will still not be able to communicate with Saipan. The U.S. is funding efforts such as these in foreign countries; it should do no less for its own territories.

12. Cultural Centers. The initial Task Force draft made an excellent suggestion that cultural centers be established in each territory with Federal assistance. We fail to understand why this excellent suggestion was dropped, although we complained at the time that the Northern Marianas was the only territory not included in this proposal. We recommend that the Federal and territorial governments work together with private investors to establish such a center in each territory. As the draft

originally stated, the territories "have distinct cultures that ought to be preserved and enhanced for their intrinsic worth to the local communities and the nation, and promoted in tourism development."

13. Mass Transit. The original draft report noted that the territories had a high number of vehicles per capita and inadequate (or in our case, non-existent) public transportation system. It is recommended that the Federal Government assist territorial efforts for mass transit development. We fail to understand why mention of this important sector has been removed in the final Task Force report.

Question No. 3 - FINANCIAL ASSISTANCE

Comments on Task Force Report:

Question No. 3 asks, among other things, how the need for ad hoc subsidies to the territories can be eliminated. The Northern Marianas suggests that the President be told that the question is not so much how, but when, or under what conditions.

For thirty-five years, the effort of the Federal Government to create, expand, maintain, and rehabilitate the infrastructure in the Northern Marianas has been substantially inadequate. In many cases, we are still using facilities built by the Japanese before and during World War II. Much of the rest was designed and built for military use shortly thereafter. Successive U.S. Administrations have allowed these facilities to fall into such disrepair that they can no longer meet our needs at our present level of development, let alone build our economy.

Although we hope that Federal subsidies are a temporary necessity until the private sector can support our needs, their ad hoc nature recognizes that the various territories are at a different levels of development and that the U.S. cannot, therefore, always legislate for them as a group.

When the infrastructure which should have been built and maintained by the U.S. over the past several decades is put into place to meet our current and future economic development needs, then we can begin to talk about eliminating ad hoc subsidies, and not before. In the meantime, we cannot generate the capital needed for these purposes. In fact, we never will be able to do so until we have the infrastructure necessary

to attract and support investment. Until then we will continue to request, and expect that we will be granted, funds for hospitals, schools, roads, power plants, sewers, storm drains, water systems, harbors, airports, etc., on an ad hoc basis, when regular Federal programs are insufficient for the purpose. We should have had these years ago.

The Task Force also should have reminded the President that deficit funding is constitutionally nearly impossible for the Commonwealth. The comments which blast territories in general for seeking federal funds to cover local deficits should exclude the Northern Mariana Islands.

The Task Force includes our Covenant funds under continuing authorizations with some negative connotations. It should be noted here, as elsewhere, that these funds were agreed upon in negotiations, at least for the first seven years of our existence. They should not be considered a negative factor in any way, shape, or form.

The Covenant provides that taxes on non-Marianas source income be covered over into the Marianas treasury in the same manner that this takes place on Guam. We do not know why the Task Force suggests that this only applies to Guam and the Virgin Islands.

The comments regarding our local income tax and rebates on "mirror" taxes does not show the inter-relationship of the two. The Northern Marianas has chosen by local law to exercise its authority under Section 601 of the Covenant to rebate all of the income taxes which would be collected under the "mirror" system. In lieu thereof, it has substituted a simple graduated income tax based solely on a percentage of gross income. This law will remain in effect until the termination of the Trusteeship, and may be extended by future local legislation. In effect,

the Internal Revenue Code is used for non-territorial source income.

Those who restrict their activities to the territory, have the benefits of simplified tax treatment for all their income. Those who choose to do business outside the territory can be presumed to have greater sophistication, or the means to acquire it, in order to fill out the more complicated IRS tax forms.

The Task Force report complains about "unending series of problems" in territorial income tax system. Of course, it fails to note the success of the Northern Marianas in doubling its local revenues in the first year-and-a-half of our existence. In fact, the graduated tax is expected to produce at least four times the revenue that would be realized if only the territorial tax (IRC mirror) were in effect.

What's more, we are collecting our taxes at a fantastic rate. Out of a total levy of approximately \$5 million (\$3 million income taxes, \$2 million excise taxes), only some \$12,000 remains outstanding at this time. This is less than one quarter of one per cent. We should be congratulated for our effort and not tarred with a brush that does not apply. Solutions to problems which do not exist in the Northern Marianas should not be imposed on us.

In its discussion of taxes collected by the territories, this Task Force suggests that, "the Federal Internal Revenue Code may be too complex to be effectively administered by the territorial finance department." What it fails to mention is that the Federal Internal Revenue Code may also be too complex to be appropriate for the general population of the territories.

RECOMMENDATIONS TO THE PRESIDENT:

1. The United States should recognize that the territories are developing areas and therefore will require high levels of assistance, often on an ad hoc basis, until the physical and social infrastructure necessary to support private sector development is put in place. This should carry with it an understanding that there are unavoidable minimum program costs that cannot be looked at on a per capita basis. The U.S. should indicate its understanding that the territories, in many cases, are starting from scratch. The states are building incrementally on an established base; we are building the base itself.

We therefore reject Option I, if it would substitute a matching fund for direct federal assistance. If we could still seek ad hoc assistance to meet out extraordinary developmental needs, however, the matching funds could serve as an additional incentive to increase local tax efforts. The matching funds alone is unacceptable because it is not related to the development needs of the territories.

2. Territorial Bank. The Commonwealth supports in principle the concept of a Territorial Development Bank or similar mechanism for increasing the amount of capital available in the territories for both public and private purposes. We are concerned however that the territories would suffer a significant loss of autonomy and control if loans were made directly to the private sector by an outside entity such as this. We therefore suggest that development funds for the private sector be channeled through territorial mechanisms such as local development banks. Rather than establish a territorial development bank as a

separate entity, it may be better to provide for direct territorial access to the Federal Financing Bank. The feasibility studies and technical assistance suggested by the Task Force should remain in the package, however, possibly as a new program of the U.S. Department of Commerce or other appropriate federal agency.

In no event should the establishment of a territorial development bank or similar mechanism be allowed to replace existing programs. First of all, this would mean that the Federal Government would be injecting additional capital with one mechanism and taking it away with another. There would be no net gain to the economic development efforts in the territories. Secondly, our Economic Development Loan Fund and Capital Improvement Fund are ours by right during at least the first seven years of the Covenant. They were freely negotiated and are guaranteed to us by compact and by law. We must also point out that a territorial development bank will be of little use to the Commonwealth for infrastructure development. It would require a constitutional amendment for the Commonwealth to borrow for most non-revenue infrastructure, such as roads and storm drains.

3. Block Grants. The Commonwealth would favor a single block grant to the territories in lieu of programmatic grants-in-aid. However, this should not be based on historical funding levels. It makes no sense to penalize the territories for lack of earlier grantmanship. Similarly, we have not been able to take advantage of many programs for which we are eligible, because our economy is not yet sufficiently developed or because we do not have the technical and managerial expertise

to implement such programs. A single block grant would only be acceptable to the Northern Marianas if it is a reflection of the total of the funds for which we would be eligible on a categorical basis. In effect, this would be a massive consolidation of Federal grants by all agencies, which would allow us to determine priorities locally and eliminate the need for much of the ad hoc funding which would otherwise be necessary.

4. Increased Federal Oversight. We categorically reject Option 4 as a throw-back to colonialism which is unacceptable to the Commonwealth and would be an embarrassment to the United States and the international community.

5. Income Taxes. We reject all of the options suggested by the Task Force report. We prefer to continue with the present system guaranteed to us by the Covenant. We are not having the problems with our income tax system suggested by the report; we appreciate that we may voluntarily seek the assistance of the Internal Revenue System in administering our tax laws; we believe that the Internal Revenue Code is unnecessarily complex for the States, let alone the territories; we believe that all residents of the Northern Marianas should be taxed in the same manner, without discrimination on the basis of citizenship or place of birth; and we see no reason for the Federal Government to interfere with our ongoing successful efforts. The President should reaffirm the commitment of the United States to abide by the provisions of Article VI of the Covenant.

6. Release of Federal Funds. The U.S. should revise the present inappropriate timing of the release of Federal funds to the territories. For example, the Northern Marianas is entitled to \$14 million per year

as a negotiated payment under the Covenant. This figure is adjusted for inflation, it is only past inflation that is considered. Therefore, as the year goes by, the Covenant funds become relatively less valuable to the Commonwealth. To maintain the earning power of those dollars, we need to have them allotted to us at the beginning of the year and put to work at interest. This would roughly keep up with current inflation. The U.S. Treasury Department, however, is restricting our "draw-down" to one week at a time. This may save the United States a miniscule amount of the service on its public debt, but it is a major factor of our success in meeting the needs of our citizens.

Question No. 4 - FEDERAL GRANT PROGRAMS

Comments on Task Force Report:

The Task Force report on this question gives only superficial consideration to the appropriateness of how Federal grant programs apply to the territories and under what standards and criteria. Drastic overhauls of the Federal grant system are proposed, when a little effort toward appropriateness might well solve most of the problem. This is reflected in our recommendations to the President below.

The report suggests that multi-year program plans be adopted jointly by the territory and the Federal government, apparently on a comprehensive basis. Since anything which is truly comprehensive would embrace more activities than are funded by Federal programs, requiring Federal government approval of such plans would be an infringement on local autonomy.

The previous draft rightly noted that comprehensive multi-year planning consumes manpower and resources. In fact, it is likely that the best manpower will continue to be drained away from implementation and towards grant generation to an even greater extent than at present. In developing areas, this is too high a price to pay, even with additional Federal incentives. We are disappointed that the final report has deleted internal criticism.

As stated earlier, territorial Governors remain committed to the establishment of a Title V Regional Commission or similar entity for cooperation among the Pacific territories and State of Hawaii. In addition to coordinating planning activities in the Pacific, such an entity would serve to pass through funds to each constituent member for projects of regional benefit. Such a commission or similar organization is not merely a process.

The entity which would be formed would be a reflection of the increased political maturity of the Pacific territories. The Task Force report would have the effect of undercutting these efforts by substituting a Federal process for a regional entity. This is not acceptable to the Commonwealth.

Option I suggests the establishment of a Federal coordinating unit for grants to each territory. They would locate this within whatever entity is established to handle territorial affairs generally, as discussed by Task Force #5. Some consideration should be given to having this coordination accomplished at the regional level by the appropriate Federal Regional Council.

The Northern Marianas already has a territorial coordinating agency in the Governor's office as suggested in Paragraph B of Option I and the concurrence of the Governor is required on grant applications, when not prohibited by law, as suggested in paragraph D. We do welcome, however, the suggestion that matching requirements for Section 701 grants and EDA 302 grants be waived.

Paragraph E of Option I would require approval of this unit before final action on federal grants by any agency. This is a far cry from review and coordination. We see no reason to interpose a new layer of expensive, time consuming bureaucracy, with no expertise in the subject matter, between the territories and granting agencies. This paragraph is unacceptable.

To further centralize the grant activities in Washington, as suggested in paragraph G of Option I, would work an even greater hardship on the Pacific territories. Washington is too far away, communications too unreliable, and the work day doesn't overlap at all. As stated above, it would be

better to decentralize these activities. In fact, this might be a good place to recommend the establishment of a new region, or at least a district, in the Pacific to handle the affairs of the territories and (if a region) Hawaii as well.

Option II ostensibly provides incentives to comply with Option I. Paragraph B requiring Federal review and approval of multi-year development plans is a disincentive, rather than an incentive. Also, paragraph C would authorize "investment plans" based on the development plans, without describing what these are or how they might be implemented. If this means that funding would be available above programmatic levels, that might provide the necessary incentive, but the text is too ambiguous for us to be certain.

Even paragraph A is not much of an incentive. The new Federal requirement for these plans won't go away, but the U.S. would cut its contribution to the task over three years and then end it completely. If the absolute cost of this declines with time, that is encouraging. The percentage share of Federal assistance with a task they themselves set for us, should remain at a constant high level.

It should be made clear that the entire concept of multi-year comprehensive plans is only feasible if the Block Grants option discussed under Option No. 3 is adopted. Otherwise, the territories would still have to comply with the categorical (or consolidated) planning requirements and goals of the various programs and the granting agencies.

In any case, the discussion and options of this question presupposes that the Northern Marianas will subject itself to oversight from, and representation by, any Federal agency responsible for territorial affairs. As our comments on Question No. 5 will indicate neither the Northern Marianas nor the United States has yet come to grips with this question.

If we decide to follow the Puerto Rico example, it would render the options presented in this part of the Task Force report meaningless with respect to the Northern Mariana Islands.

RECOMMENDATIONS TO THE PRESIDENT:

1. **Coordinating Units:** The President should direct Federal agencies waive matching requirements for territories which establish local coordinating agencies for Federal grants applications. So that overall development activities are not reduced, however, sufficient funds should be made available through the granting agencies to compensate for the lack of such matching funds.

The Commonwealth categorically rejects the suggestion that a Federal coordinating unit be established to rule upon our grant applications to the various Federal agencies. This proposal would destroy the good working relationships which the territories have built with granting agencies for projects and programs in the national and territorial interest. It would interpose unknowledgeable people between the two parties and be expensive and time consuming. It is patronizing in the extreme and would not be tolerated if it were proposed to apply to stateside grantees.

2. **Centralization:** We also reject the suggestion that Executive Order No. 12149 be modified to centralize control of territorial functions at the Washington level of each agency. It further increases the physical, temporal and emotional distance between the territories and agency decision-makers.

3. **Standards and Criteria:** By Executive Order, regulation, or legislation, as appropriate, the United States should insure that the standards and criteria for Federal programs are appropriate to each territory.

standards and criteria should be agreed upon jointly by the United States and the territory. Minimum and maximum levels of benefits, cost of living adjustments, eligibility, environmental standards, and the like should be considered. Sometimes this will reduce amounts which might be granted, and sometimes it will increase them. It is certain, however, that unintended side effects will be reduced, and the programs would be more likely to assist people on the same qualitative basis as in the United States.

4. Simplified Application Procedures: The President should direct all Federal agencies to permit the territories to apply for grants in a simplified fashion. Often a major portion of time and talent that should be put to work implementing a program is devoted simply to applying for it. Many of the requirements demand statistics and other information which may not be available in the territory. Simple descriptive narratives should usually suffice.

5. Operation and Maintenance: The Commonwealth recommends that the President direct, or seek legislation to allow, an operation and maintenance (O&M) component in Federal capital grants. The current Federal grant system provides incentives to territories to allow their infrastructure to deteriorate. It is not difficult to get a grant for capital improvement. Nearly always, however, it is impossible to get help with O&M. Perhaps this is why U.S. bureaucrats let the Northern Marianas fall into ruin during their administration.

In any event, there would be far fewer unnecessary grants for capital projects, if a portion of the original grant could be set aside for

O&M for a reasonable time, say five years. This would allow the territory to absorb the new facility better, rather than use it poorly or not have the means to maintain it.

This same interpretation should also be held to apply to the funds reserved for capital improvement projects under the Covenant..

6. Multi-year Development Plans: Where territories wish to establish multi-year comprehensive development plans, Federal assistance should be made available in terms of people and money to assist such efforts. The proportion of Federal support for this activity should not decline with time. Projects identified in such plans that cannot be adequately funded through existing Federal and local programs should be considered prime candidates for ad hoc funding by the Congress. Perhaps an even better approach would be for the President to seek legislation to establish a special fund for this purpose, so that long legislative delays could be avoided.

Question No. 5 FEDERAL ORGANIZATION

Comments on Task Force Report:

The Task Force report on Federal organization has been improved from the original draft by including a recognition that no formal arrangement has been made to provide for administrative responsibility or representation for the Northern Marianas within the U.S. Executive Branch. We disagree strongly, however, with the statement that "the Northern Marianas are within Interior's jurisdiction so long as the Trusteeship continues." Sections 103 of the Covenant, which guarantees our right to self-government and Section 105, which describes the method by which the United States can apply territorial-like legislation to us, are already in effect. If the U.S. wants to place us under the jurisdiction of any Federal agency without our consent, it will have to do so by legislation, not by Executive or Secretarial Order, and it will have to name us specifically therein.

The Section By Section Analysis of the Covenant to Establish a Commonwealth of the Northern Mariana Islands, which forms part of the official legislative history of the Covenant, describes what the situation will be like under Section 103:

The fact that the people of the Northern Marianas will have the right of local self-government and will govern themselves under their own constitution means that the Northern Mariana Islands will not be an agency or instrumentality of the United States Government. A territory is merely part of the United States Government and is subject to the direction of the Congress and Executive Branch of the government. The Northern Mariana Islands government will be an independent government, like that of the states.

The Analysis, in describing Section 105 states:

Neither the Commonwealth of Puerto Rico nor any territory has the express protection contained in Section 105; they can be affected

by federal legislation which could not be made applicable to a state even if they are not named in that legislation. Indeed, American Samoa and the Trust Territory of the Pacific Islands are now wholly run by the Executive Branch of the federal government and they can be affected not only by a wide variety of federal legislation but also by executive orders over which they have no control. This will not be true with respect to the Commonwealth of the Northern Marianas. It will not even be true prior to the establishment of the Commonwealth, for Section 105 comes into effect before termination of the Trusteeship (emphasis supplied).

In the meantime, we have assumed that the Department of the Interior's Office of Territorial Affairs has been serving as our focal point on an informal basis. Their help is greatly appreciated. However, as we develop our relationship with the Federal establishment becomes increasingly complex, and single agency representation may no longer serve our needs. In addition, the principles of self-government guaranteed in our Covenant with the United States may not be well served by the detailed oversight which a formal relationship implies.

Of the various options presented in the review of Question No. 5, Option 2, an interagency office for the territories, appears to be the most useful approach. We are surprised that the final Task Force report has moved this office out of the White House and back into the Department of the Interior, but either way, it is an improvement.

Our support for Option 2 should not imply that we necessarily would be willing to place ourselves under the stewardship of such an interagency office. This would depend on what assistance and services would be afforded the Commonwealth under such an arrangement, and what powers such an office would have over Commonwealth affairs. We reserve the right to follow the

Puerto Rican model, with no lead agency designated, or to conclude other arrangements with the United States after consultation pursuant to Section 902 of the Covenant.

Regardless of what office, if any, has the responsibility for the territories a mechanism is needed for effective coordination among Federal agencies which deal with the Pacific territories. As stated in our discussion of an earlier question, Washington is too far away to handle the day-to-day Federal/territorial interaction. We believe the most useful mechanism for Federal coordination would be the creation of a Pacific Federal Region based in Hawaii to serve that state and the Pacific territories. Sufficient travel should be allotted to regional employees to travel among the territories on a frequent basis. Federal funds should also be made available to the territories to travel to the regional location.

If the above suggestion is not practical, an alternative would be to create a Pacific Territories District in each appropriate department and co-locate it with the Hawaii district offices. This would insure, at the very least, that a minimum of one professional employee from each agency will be assigned full-time to deal with the needs of the territories. The same comments regarding travel in both directions apply here as they would to a new Federal region.

Regardless of what decentralization mechanism is chosen, all agencies should be required to participate, regardless of whether they normally follow the standard Federal region system.

RECOMMENDATIONS TO THE PRESIDENT:

1. The President should reaffirm the commitment of the United States to abide by Section 103 and 105 of the Covenant by declaring that since January 9, 1978, the Northern Mariana Islands have not been legally under the jurisdiction of any Federal agency, but are free to make formal or in-

and arrangements for coordination and representation with the mutual consent of both parties.

2. The President should establish an interagency office for the territories, located administratively either in the Department of the Interior or in the Executive Office of the President.

3. Whatever office is chosen as the focal point for territorial activities within the U.S. Executive Branch, the President should inform the Northern Marianas what duties, responsibilities, and powers he is assigning to such office, and invite the Commonwealth to enter into a formal arrangement for representation. If the Commonwealth declines to enter into such an arrangement, either the Governor or the President could request consultations pursuant to Section 902 of the Covenant.

4. The President should require all Federal departments to decentralize their territorial activities and participate in a new Federal Region XI to be located in Hawaii and serve the needs of that state and the Pacific territories. Alternatively, all agencies should assign at least one person in the Pacific to serve in a liaison capacity with the territories. Such liaison officers would constitute a special Federal District for the Pacific Territories and coordinate their activities with one another in the same manner that the Federal Executive Board does for Federal activities in the State of Hawaii. Sufficient travel funds should be made available for the designated Federal officials to visit the territories frequently and for Territorial officials to visit their Federal counterparts.

Question No. 6 - FEDERAL PRESENCE

Comments on Task Force Report:

Both the question and its analysis assumes the continuation of the Federal Comptrollers. We make no such assumption. The continued presence in the Northern Marianas of the Federal Comptroller for Guam is inimical to the principles of self-government set forth in the Covenant. The Federal Comptroller no longer serves a useful audit function now that the Northern Marianas has established the position of Public Auditor. The offices duplicate one another, and neither we, nor the Federal Government, can afford to waste funds in this fashion. The Public Auditor can supply reports to the Federal establishments as necessary; special audits can be conducted by agencies or the General Accounting Office should an unusual need arise; and the technical assistance functions of the Federal Comptroller can be transferred to another agency.

The Commonwealth has just moved out from under direct Federal administration. This vestige of colonialism must similarly be removed in the interests of the political development of the Northern Mariana Islands.

After full consideration, we also conclude that it would not in the best interest of the Northern Marianas to establish offices of Federal coordination at the territorial level. The final Task Force report makes it clear that a major function of such an office would be to enhance "Federal activities that are consistent with Washington's policy objectives." This smacks of lobbying, and represents an undue interference in the internal affairs of the Commonwealth. We are interested in receiving assistance to pursue our own policy objectives, not Washington's.

We have no particular objection to Option 3 which would assign a

Question No. 6 - FEDERAL PRESENCE

Comments on Task Force Report:

Both the question and its analysis assumes the continuation of the Federal Comptrollers. We make no such assumption. The continued presence in the Northern Marianas of the Federal Comptroller for Guam is inimical to the principles of self-government set forth in the Covenant. The Federal Comptroller no longer serves a useful audit function now that the Northern Marianas has established the position of Public Auditor. The offices duplicate one another, and neither we, nor the Federal Government, can afford to waste funds in this fashion. The Public Auditor can supply reports to the Federal establishments as necessary; special audits can be conducted by agencies or the General Accounting Office should an unusual need arise; and the technical assistance functions of the Federal Comptroller can be transferred to another agency.

The Commonwealth has just moved out from under direct Federal administration. This vestige of colonialism must similarly be removed in the interests of the political development of the Northern Mariana Islands.

After full consideration, we also conclude that it would not in the best interest of the Northern Marianas to establish offices of Federal coordination at the territorial level. The final Task Force report makes it clear that a major function of such an office would be to enhance "Federal activities that are consistent with Washington's policy objectives." This smacks of lobbying, and represents an undue interference in the internal affairs of the Commonwealth. We are interested in receiving assistance to pursue our own policy objectives, not Washington's.

We have no particular objection to Option 3 which would assign a