

Testimony of  
The Honorable Pedro A. Tenorio  
CNMI Resident Representative to the United States

before the

Senate Energy and Natural Resources Committee

On Senate Bill 1634  
July 19, 2007  
Dirksen Senate Office Building  
Washington, D.C.

Hafa Adai, Mr. Chairman, Senator Domenici, and Members of the Committee. Thank you for this opportunity to share with you my thoughts on this most important piece of legislation which will have profound affects on the Commonwealth of the Northern Mariana Islands. Before I get into the specifics, I would like to express my deep appreciation to this committee, the Secretary of the Interior and the Office of Insular Affairs for their hard work and including our recommendations in the drafting of this bill. While I have a few comments, overall I believe that this bill is a significant step forward in addressing the concerns I outlined before this committee's February 8<sup>th</sup> oversight hearing.

As I stated at that hearing, there has been no improvement in our economic condition and the outlook remains gloomy. We are bracing for more garment factory closures, layoffs in both the public and private sectors, and government revenue and tax collections continue to decline. We have few options for improving our economy without outside assistance. I request on behalf of our people, for your generosity and understanding of our plight.

Although many individuals in the CNMI will be making more due to the implementation of federal minimum wage, many families will be losing a wage earner due to the loss of jobs. I am greatly concerned about the ongoing degradation in the quality of life in our islands. The cost of living continues to increase and we lack common American social welfare safety nets such as unemployment benefits and Temporary Assistance to Needy Families. While the implementation of Section 503 of the Covenant is expected to bring long term benefits and stability, I would like to bring to the Committee's attention, that the immediate future offers little hope in improving the livelihood of our people.

As a member of the Marianas Political Status Commission which negotiated the Covenant, I can say with great confidence that it was our intention that non-resident workers would be employed only to supplement our local workforce. Unfortunately, however, it has become obvious that non-residents have supplanted our local work force in the private sector, creating a wholly unsustainable economy. When we were negotiating the Covenant we were concerned about immigrants to the U.S. overrunning

our indigenous population, but our own control of immigration has led us to this end. I hear reports daily about overstaying workers, and phony employment scams. I do not believe that our overall track record speaks to an effective system of monitoring a non-resident workforce or providing protections for our resident workforce. We need a major course correction to protect the indigenous population from losing the promise of achieving the American dream entrenched in our Covenant.

Many people in the CNMI fear the outcome of Senate Bill 1634. They fear political and social alienation as well as the loss of their homeland. However, I feel in reality we face this already. If things do not change we are at the greatest risk of losing our culture, our way of life, and control over our own destiny, if we have not already. Many local families are leaving the CNMI for Guam, Hawaii, or the mainland because just surviving in the CNMI is too difficult. I have recently learned that every year nearly half of our high school graduating seniors enlist in the U.S. armed services. Many of them enlist out of a deep sense of duty and patriotism, but some of them enlist because there are simply no employment options for them in their homeland.

We are eagerly awaiting the results of the many studies and assessments that are currently being conducted or are scheduled to be conducted in the near future. Not only do I think they will reveal the dire state of our economy, but I am hoping they provide insight into ways that we can overcome and correct our economic problems and improve the living conditions of the people of the CNMI.

Mr. Chairman, I see this bill as a mechanism for restoring the CNMI to the Chamorro and Carolinians who have always called it home. I believe that S. 1634 is a good beginning; however I have a few suggestions. These are to strengthen the bill so that we can once again regain the CNMI as the homeland for its indigenous populations.

1. The New Section 6(a) of the Covenant—Immigration and Transition. The bill currently calls for a transition period to begin one year after enactment. This seems a little ambitious, and I would suggest including language that would allow for a possible delay, if needed, to the beginning of the transition period, so as to ensure that regulations are not rushed and that everyone is prepared and responsive to the changes.
2. The New Section 6(c)(2) of the Covenant-- Family Sponsored Immigrant Visas. I believe that this section is already covered by Section 506(c) of the Covenant and one or the other should be deleted.
3. The New Section 6(c)(3) of the Covenant—Employment Based Visas. This section would allow skilled workers to enter the CNMI as U.S. legal permanent residents outside of INA caps. While this would be an asset in helping us attract doctors and nurses, I see that it will become a revolving door for immigrant health care professionals entering the U.S. I would suggest that other provisions in the bill could be utilized to bring in these professionals and that this section be deleted.

4. The New Section 6(d) of the Covenant-Nonimmigrant Investor Visas. With the current on-going economic downturn in the CNMI, I respectfully request that this section include language that would allow for easy processing of new investors into the CNMI.

5. The New Section 6(h) of the Covenant calls for a one time grandfather provision for certain long-term employees. This is probably the most controversial and discussed section of this bill, and while there are no compromises that will make everyone happy I would like to share a few thoughts on this topic.

I appreciate OIA's and the committee's intent to preserve the political and cultural rights of the indigenous populations in the CNMI, but I do not feel that this section truly addresses the problems at hand. We need these long staying non-resident workers as much today as we did when they were hired. The change of status for potentially thousands of these workers early in the transition period could leave us without a workforce if they exercise their option to leave immediately. Although this bill allows for a temporary guest worker program, I would like to see the transition period utilized to train and place as many indigenous persons into our private sector as possible. During this time I hope that we can refocus our educational system on training and skill development for our local people so they are ready to assume jobs currently held by non-residents, stabilize our economy, and build the Commonwealth we envisioned when we negotiated the Covenant.

6. Section 3(b) would grant a visa waiver program for the CNMI. This is vital to begin the recovery of our tourism economy. While countries are not specifically named, this would allow tourists from China and Russia to visit the CNMI the two potentially promising new markets that the Marianas Visitors Bureau has worked so hard to develop. I would like to take this opportunity to make the committee aware of the continued bilateral talks between the Peoples Republic of China and the United States. As more and more Americans wish to travel to China including to the 2008 Olympic Games to be held in Beijing, there is increased pressure for Chinese citizens to visit U.S. destinations. In recent bilateral talks the Chinese delegation expressed its desire that the U.S. Government make modifications in visa policy and procedures to promote travel to the United States including the CNMI by Chinese citizens. The Chinese delegation said such modifications would be conducive to expanding the bilateral air services agreement with a view to reaching full liberalization of air transport between China and the United States as the ultimate objective. I am attaching documents relating to these recent talks.

The CNMI plays a vital role in meeting the U.S. obligations in this bilateral agreement. Allowing us to include China in a visa waiver program will help the U.S. meet its obligation under this agreement.

7. Section 3(d)(3) This section call for the collection and use of appropriate user fees from employers of aliens during the transition period. I believe that this section is contrary to Section 703(b) of the Covenant, and should therefore be deleted.

8. Section 3(e) Technical Assistance Program. There is no doubt that we need to invest in training for residents to prepare them for jobs currently held by non-residents. While this is included in the current language of the bill, I would like to see specific funds dedicated to areas that require formal training that leads to certification in the various trades and technical fields. We must invest in our education system to produce skilled labor. Without these funds and this training, I feel that this legislation will also lead to a failed policy in the CNMI.

9. I would like to see throughout this bill a greater role for the CNMI Government before, during, and after this transition period. I fear that decisions made here in Washington will not embrace the needs and true situation being faced in the CNMI.

10. As you know, unlike the other territories, we do not have a Delegate in the House, so all of us in the Commonwealth appreciate your courtesy and willingness over the years in affording the Resident Representative an opportunity to speak on behalf of the United States citizens residing almost half way around the world. Since this bill is named the Covenant Implementation Act, perhaps it could address other areas of the Covenant that are yet unfulfilled, such as Section 901, and add language to this bill that would provide for a non-voting Delegate in the U.S. House of Representatives.

Mr. Chairman, Senators, in addition I have attached a letter to Senators Bingaman and Domenici from a majority of the members of the CNMI Legislature in support of the seven items I delineated in my February 8<sup>th</sup> testimony. A supportive statement from an additional CNMI Senator, as well as Senate Joint Resolution 15-17 in support of a non-voting Delegate for the CNMI, and a letter from a fellow former Covenant negotiator are also attached. I believe that the people of the CNMI are ready for positive change and to work in partnership with the federal government to turn our Commonwealth around and rebuild a Chamorro and Carolinian homeland.

Si Yuus Masse, Ghilisow,  
Thank you

# ATTACHMENTS

## MEMORANDUM OF CONSULTATIONS

Delegations representing the governments of the United States of America and the People's Republic of China met in Washington, D.C. on May 21-22, 2007, and in Chengdu, China on April 25-27, 2007, to discuss their bilateral civil aviation relationship. Delegation lists appear as Appendix 1. Discussions proceeded in a warm and productive atmosphere characteristic of the close relationship between the two countries, and resulted, *inter alia*, in the following:

At the Washington meeting the delegations reached agreement *ad referendum* on a set of amendments to the 1980 U.S.-China Agreement Relating to Civil Air Transport, as amended ("the Agreement"). The text of these amendments is set out in a draft Protocol, which appears as Appendix 2. The delegations intend to submit the draft Protocol to their respective governments for approval, with the goal of its entry into force in the near future.

In order to facilitate provision of adequate air transport capacity at the time of the 2008 Beijing Olympics, the delegations intend to recommend that their aeronautical authorities exercise the authorities they have in the Agreement, as amended, to give favorable consideration to applications to operate extra sections of scheduled service and additional charter flights exceeding the limits specified in the Agreement during the period from July to September 2008 for the 2008 Olympic Games.

The two delegations confirmed their understanding that upon elimination of restrictions on the number of U.S. cargo designations as of March 2011, as provided in the draft Protocol, the United States may take designations previously assigned to cargo carriers for use on Route B and reassign them to combination carriers to use on Route A.

Both delegations confirmed their understanding that full liberalization of air transport markets, as referred to in Article 5 of the draft Protocol, includes the following elements: unlimited designations; unrestricted capacity and frequencies on all routes; unrestricted route and traffic rights; double-disapproval pricing; liberal charter arrangements; a liberal cargo regime; liberal conversion and remittance arrangements; open code sharing opportunities; provision for self-handling; pro-competitive provisions on commercial opportunities, change of gauge, user charges, fair competition and inter-modal rights; and modern provisions on safety and security.

The Chinese delegation expressed concerns about U.S. visa policy, stating that U.S. visa policy and processing practices hinder market demand and Chinese carriers' ability to compete in the market. The Chinese delegation expressed its desire that the U.S. Government make modifications in visa policy and procedures to promote travel to the United States by Chinese citizens. The Chinese delegation said such modifications would be conducive to expanding the bilateral air services agreement with a view to reaching full liberalization of air transport between China and the United States as the ultimate objective. The U.S. delegation provided information demonstrating recent progress in terms of increases in visa issuance rates, improvements in processing times,

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and the extent of travel by Chinese citizens to the United States. A letter from the responsible U.S. Government official to her Chinese counterpart providing additional details appears as Appendix 3. The Chinese delegation took note of the efforts made by the U.S. Government, and responded by urging the U.S. Government to ease further visa policy and procedures for Chinese citizens traveling to the United States. Both delegations noted the progress made by the governments toward conclusion of a separate bilateral Memorandum of Understanding (MOU) to expand Chinese outbound group leisure travel to the United States and expressed the view that such an MOU would have a positive impact on air travel between the two countries.

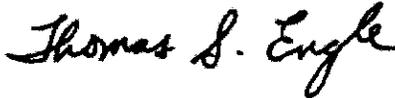
In keeping with the two sides' intention, stated in their Memorandum of Consultations of March 15, 2007, to work toward a final resolution of their differences over the scheduling operations discussed therein, the Chinese side stated its intention to allow U.S. cargo carriers, through the IATA 2010 Winter Season, to undertake operations comparable in extent to those previously approved that involve open jaw,<sup>1</sup> changes of plane/gauge and/or layovers of over twenty-four hours at beyond points or terminal points, be the terminal points beyond or in China, without requiring the use of a second frequency. The delegations noted that the elimination of restrictions on cargo frequencies as of March 2011, as provided in the draft Protocol, would render such past disagreements moot.

Nothing in this Memorandum or the draft Protocol is intended to restrict the rights of carriers that establish hubs pursuant to Article 11bis of the Agreement.

The delegations expressed their expectation that their aeronautical authorities would permit operations consistent with the terms of the draft Protocol on the basis of comity and reciprocity pending its entry into force.

Done at Washington this 22nd day of May 2007.

For the Delegation of  
The United States of America



Mr. Thomas S. Engle

For the Delegation of  
the People's Republic of China



Dr. Liu Fang

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<sup>1</sup> For the purposes of this memorandum, the term "open jaw" refers to an operation where the third-country termination point of an outbound flight from the U.S. is different from the third-country origination point of a corresponding inbound flight to the U.S. For example, the following is an "open jaw" pattern: the outbound flight's route is ANC-PVG-NRT, and the corresponding inbound flight's route is FRA-PVG-ANC.

U.S.-China Civil Aviation Negotiations  
Washington D.C.  
April 25-27, 2007

United States Delegation List

Mary Peters  
Secretary of Transportation  
U.S. Department of Transportation

Thomas Engle, Head of Delegation  
Director, Office of Aviation Negotiations  
U.S. Department of State

Andrew Steinberg  
Assistant Secretary for Aviation and International Affairs  
U.S. Department of Transportation

Ed Oppler  
Deputy Director, Office of International Aviation  
U.S. Department of Transportation

Keith Glatz  
Aviation Negotiator, Office of International Aviation  
U.S. Department of Transportation

Jeffrey Horwitz  
International Transportation/Commercial Officer, Office of Aviation  
Negotiations  
U.S. Department of State

Kathleen Milton  
Attorney Adviser, Office of the Legal Adviser  
U.S. Department of State

Eugene Alford  
Air Transport Specialist  
Department of Commerce

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**Chinese Delegation List**

**Mr. Yang Yuanyuan**  
**Minister**  
**CAAC**

**Dr. Liu Fang**  
**Deputy Director General**  
**Department of International Affairs and Cooperation**  
**CAAC**

**Ms. Tao Yehong**  
**Official**  
**Department of International Affairs and Cooperation**  
**CAAC**

**Mr. Sun Ying**  
**Official**  
**Department of International Affairs and Cooperation**  
**CAAC**

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**PROTOCOL TO AMEND THE AGREEMENT BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA  
RELATING TO CIVIL AIR TRANSPORT**

The Government of the United States of America and the Government of the People's Republic of China (hereinafter, the "Parties") desiring to:

Increase travel and tourism between their countries and promote cultural, business and governmental exchanges between them;

Promote their shared, ultimate objective of full liberalization of their bilateral air transport market; and

Facilitate cooperative agreements between their air carriers so as to enable the mutually beneficial development of their aviation industries;

Have agreed to further amend the Agreement between the Government of the United States of America and the Government of the People's Republic of China Relating to Civil Air Transport, signed September 17, 1980, as amended (hereinafter "the Agreement") as follows:

**Article 1**

**Designations**

Subparagraphs (d) and (e) of Paragraph (1) of Article 3 of the Agreement shall be deleted in their entirety and replaced by the following:

- (d) The People's Republic of China may designate an unlimited number of airlines to operate the agreed services on China Routes A and B. Airlines designated pursuant to this subparagraph may begin services as of August 1, 2007.
- (e) The United States may designate one additional airline to operate the agreed services on U.S. Route A or one additional airline to operate the agreed services on U.S. Route B. Airlines designated pursuant to this subparagraph may begin services as of August 1, 2007.
- (f) The United States may designate one additional airline to operate the agreed services on U.S. Route A and one additional airline to operate the

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agreed services on U.S. Route B. Airlines designated pursuant to this subparagraph may begin services as of March 25, 2009.

- (g) The United States may designate one additional airline to operate the agreed services on U.S. Route A or one additional airline to operate the agreed services on U.S. Route B. Airlines designated pursuant to this subparagraph may begin services as of March 25, 2010.
- (h) The United States may designate an unlimited number of airlines to operate the agreed services on U.S. Route B. Airlines designated pursuant to this subparagraph may begin services as of March 25, 2011.

## Article 2

### Frequencies

Paragraphs (2) and (3) of Annex V of the Agreement shall be deleted in their entirety and replaced by the following:

(2) In addition to the frequencies available under paragraph (1) above, the designated airlines of each Party shall be entitled to operate weekly frequencies for combination services on Routes LA or IIA of Annex I on flights to and from Beijing, Shanghai and Guangzhou (hereinafter "China Zone 1") or to and from Fujian, Guangdong (except Guangzhou), Hebei, Jiangsu, Shandong, Tianjin, and Zhejiang (hereinafter "China Zone 2") according to the following schedule:

- (a) Effective August 1, 2004: an additional 14 weekly frequencies
- (b) Effective March 25, 2005: an additional 7 weekly frequencies
- (c) Effective March 25, 2006: an additional 7 weekly frequencies
- (d) Effective March 25, 2007: an additional 7 weekly frequencies
- (e) Effective August 1, 2007: an additional 7 weekly frequencies
- (f) Effective March 25, 2008: an additional 7 weekly frequencies (restricted to nonstop Guangzhou service)
- (g) Effective March 25, 2009: an additional 28 weekly frequencies
- (h) Effective March 25, 2010: an additional 21 weekly frequencies
- (i) Effective March 25, 2011: an additional 14 weekly frequencies

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(g) Effective March 25, 2012: an additional 14 weekly frequencies

Airlines designated by the People's Republic of China may freely convert these frequencies between combination and all-cargo services, and between Route ILA and Route ILB of Annex I. U.S. airlines designated on Route LA may use these frequencies for combination services only.

(3) In addition to the frequencies available under paragraphs (1) and (2) above, the designated airlines of each Party shall be entitled to operate additional weekly frequencies for all-cargo services on any of the routes provided in Annex I on flights to and from points in China Zone 1 or China Zone 2 according to the following schedule:

- |                               |   |
|-------------------------------|---|
| (a) Effective August 1, 2004: | an additional 21 weekly frequencies                             |
| (b) Effective March 25, 2005: | an additional 18 weekly frequencies                             |
| (c) Effective March 25, 2006: | an additional 12 weekly frequencies                             |
| (d) Effective March 25, 2007: | an additional 15 weekly frequencies                             |
| (e) Effective March 25, 2008: | an additional 15 weekly frequencies                             |
| (f) Effective March 25, 2009: | an additional 15 weekly frequencies                             |
| (g) Effective March 25, 2010: | an additional 15 weekly frequencies                             |
| (h) Effective March 25, 2011: | unlimited frequencies for the airlines designated by each Party |

Airlines designated by the People's Republic of China may freely convert the frequencies listed in (a) through (g) between combination and all-cargo services, and between Route ILA and Route ILB of Annex I. U.S. airlines designated for Route LA may not use these frequencies for combination or passenger services.

### Article 3

#### Special Aviation Area

Annex V of the Agreement shall also be amended by deleting paragraph (6) in its entirety and replacing it with the following:

(6) All U.S. and Chinese airlines may be designated to operate services between the United States and points in China Zone 3 notwithstanding the limitation on the number of designations provided in Article 3 of this Agreement.

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Such services may be operated without frequency limitations. China Zone 3 consists of the points in the following areas: Anhui, Chongqing, Gansu, Guangxi, Guizhou, Hainan Island, Heilongjiang, Henan, Hubei, Hunan, Inner Mongolia, Jiangxi, Jilin, Liaoning, Ningxia, Qinghai, Shaanxi, Shanxi, Sichuan, Tibet, Xinjiang, and Yunnan. Notwithstanding any other provisions of the Agreement, each Party may choose 5 points in China Zone 3 that its airlines may serve without limitations on the number of designations and without frequency limitations on: 1) services carrying fifth-freedom traffic between such points and intermediate or beyond points in third countries on the specified routes, and 2) combination services carrying fifth-freedom traffic between such points and Japan. Each Party shall notify the other Party of the five points it has selected, with not less than 30 days' written notice. The points selected may, at the discretion of each Party, be changed with not less than 30 days' written notice to the other Party. However, service to a point in China Zone 3 via a point in China Zone 1 or Zone 2 shall be subject to the designation, frequency and Japan fifth-freedom traffic rights limitations set forth in Annex V of this Agreement.

#### Article 4

#### Code Sharing

Subparagraphs (1)(b) and (c) of paragraph 5 of Article 11 of the Agreement shall be deleted in their entirety and replaced by the following:

- (b) Airlines of each Party may code share with airlines of the same Party, on the specified routes, without an airline of the other Party, according to the following:
  - (i) Each Party shall be permitted one such code share arrangement as of January 1, 2006; and
  - (ii) Each Party shall be permitted one additional such code share arrangement as of January 1, 2008; and
  - (iii) Each Party shall be permitted one additional such code share arrangement as of March 25, 2009; and
  - (iv) One of the three arrangements under this subparagraph (b) may include two airlines and the other two may include up to three airlines.
- (c) If a code share arrangement permitted under subparagraph (b) above is expanded to include an airline of the other Party, such code share arrangement shall be governed by subparagraph (a) above and therefore shall no longer count against the limit of three such arrangements permitted in subparagraph (b).

**Article 5**

**Future Negotiations**

The Parties acknowledge that their mutual, ultimate objective is the full liberalization of their bilateral air transport market. The Parties agree to begin no later than March 25, 2010, to negotiate an agreement and timetable for the full liberalization of their bilateral air transport market and to work together to complete the new agreement as soon as possible.

**Article 6**

**Guam and the Northern Mariana Islands**

A new Annex VI shall be added to the Agreement and read as follows:

**ANNEX VI**

**Service to Guam and the Northern Mariana Islands**

1. Notwithstanding any other provision of this Agreement, the airlines of the People's Republic of China may provide unlimited scheduled air services between the People's Republic of China and Guam and the Northern Mariana Islands.
2. Notwithstanding any other provision of this Agreement, the airlines of the United States may provide unlimited scheduled air services between three points in the People's Republic of China and Guam and the Northern Mariana Islands. The points selected by the United States in the People's Republic of China shall not include either Beijing or Shanghai. The United States shall notify the People's Republic of China in writing of the points it has selected with at least 30 days' advance notice. The points selected may be changed at the discretion of the United States with not less than 30 days' written notice.
3. Air services provided pursuant to paragraphs (1) and (2) of this Annex shall not be subject to limitations as to the number of designations or frequencies.

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**Article 7**

**Entry into Force**

This Protocol shall enter into force upon completion of an exchange of notes through diplomatic channels confirming that each Party has completed its necessary internal procedures.

IN WITNESS WHEREOF, the undersigned being duly authorized by their respective governments, have signed the present Protocol.

DONE at \_\_\_\_\_, in two originals, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, in the Chinese and English languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE  
PEOPLE'S REPUBLIC OF CHINA:

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

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DEPARTMENT OF STATE  
ASSISTANT SECRETARY FOR CONSULAR AFFAIRS  
WASHINGTON

May 14, 2007

Dear Director General Wei:

Travel from China to the United States is expanding rapidly and visa issuance growth in China is among the fastest in the world. Overall nonimmigrant visa issuance in China was up 19 percent in Fiscal Year 2006, 27 percent in FY 2005, and 25 percent in FY 2004, and we expect such growth to continue. Both total issuances and issuance rates are rising. Regarding the latter, so far in FY 2007 almost four-fifths of all Chinese visa applicants have qualified for and received visas. The future is hard to predict, but if the experience of most of China's neighbors is a guide, we would expect the issuance rate to continue rising as prosperity in China spreads. Student visa issuance increased 33 percent in FY 2006 alone and 64 percent between FY 2004 and 2006. Increased flows of people between China and the United States are an important and welcome trend. We hope to bring the benefits of this trend to all segments of the traveling population including tourism and leisure travel.

We are fully committed to facilitating all legitimate travel of Chinese citizens to the United States and have increased our resources in China to handle visa processing. Since 2001 we have increased consular officer staff handling visas by 47 percent. We have established new office facilities in Shanghai and Guangzhou and will open new facilities in Beijing in 2008. We have streamlined visa procedures and reduced processing times; 97 percent of qualified applicants receive their visas in two to three days. The time required to conduct Security Advisory Opinions, when these are necessary, varies according to seasonal workload demands; we have also made considerable progress in reducing it. Our commitment to improving the visa process is evident in the measures we have taken to date.

We are never fully satisfied with our process, and are continually working to make it even easier for valid travelers. In the past year we have implemented two special processes specifically tailored to meet the growing needs of tour groups.

Mr. Wei Wei  
Director General,  
Consular Department,  
Ministry of Foreign Affairs,  
Beijing, China.

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Our Visa Information Call Center in Beijing allows tour groups to make appointments as a block and pay a lower processing fee. In addition, our TourTrak program, still in its pilot stages, allows embassy-approved tour groups to use reserved appointment slots. Over 170 tour groups and 1600 applicants have used these programs to date.

Regarding travel by senior government officials, such travelers do not need to be fingerprinted when traveling on official business. For those making private visits to the United States, we are considering global changes that may reduce the fingerprinting requirement for senior, central-government officials. In any case, technological advances will continue to make the visa process more effective and less burdensome. Concerning the visa interview requirement for public passport holders, while we cannot waive this requirement, public passport holders are accorded several privileges under our visa processing system. They receive, for example, priority interview appointments, resulting in significantly shorter wait times for interviews.

We also work hard to ensure that business travelers receive expedited processing. The Business Visa Program in China allows employees of companies registered with the program to apply at the Embassy any day of the week and bypass the standard waiting period for a visa interview. Over 1000 companies that are members of the American Chamber of Commerce in China, as well as major State Owned Enterprises, participate. In FY 2006, over 18,000 visas in Beijing, Shanghai, and Guangzhou were processed through this program. In addition, the State Department's Washington-based Business Facilitation Center is available to explain the visa process to U.S. companies that invite current and prospective Chinese business clients to the United States.

As in all of our embassies and consulates, all application procedures are done in accordance with applicable U.S. legislation and regulations. If an application is successful, we promptly issue a visa to the applicant and return it through established means. Visas will be issued with the maximum validity allowed under U.S. law, a validity that is determined by reciprocal treatment of U.S. citizens seeking Chinese visas.

I cannot emphasize enough that we welcome all legitimate travelers and currently place no limitations on the ability of individuals to seek tourist or business visas. We do believe there is disconnect between the Chinese public's understanding of U.S. visa practices and processing and the significant progress in the several areas I have described above. We look forward to continuing our work

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with you to accomplish our shared goal of increasing lawful travel and *exchanges* between the United States and China. We would be prepared to cooperate on public outreach efforts to ensure that the Chinese public is well informed about these matters.

Sincerely,

*Mauna Harty*

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**JOINT HOUSE AND SENATE**  
**FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**  
**P.O. Box 500586 Saipan, MP 96950**

March 1, 2007

The Honorable Jeff Bingaman  
The Honorable Pete V. Domenici  
Committee on Energy and Natural Resources  
United States Senate  
Washington, D.C. 20510

Dear Chairman Bingaman and Ranking Member Domenici:

We want to thank you for sending your staff Allen Stayman and Joshua Johnson to the CNMI to meet with various government, business, and community members on issues relating to our economy and immigration. We feel that their visit was exceptionally productive and offers us hope on which we can build a stronger economy and a better Commonwealth.

We support the position of our Resident Representative Pedro A. Tenorio, and wish to work with you and him to build a framework that will allow the CNMI to have the economic tools that we need to stabilize our economy and work towards our goal of self sufficiency. Representative Tenorio outlined 7 items in his testimony on February 8<sup>th</sup> before your committee for that framework. These were, for the most part, included in Mr. Stayman's and Mr. Johnson's *Elements that should be considered regarding future immigration and guest worker policies*, and used as talking points during many of their meetings here. We wish to add, with the support of Representative Tenorio, two more items:

8. The creation of an immigration board that would be comprised of members of both local and federal governments for the purpose of reviewing on a periodic basis the effectiveness of this policy and further would be allowed to make appropriate changes to immigration regulations without having to pass new laws or regulations.
9. We recommend that a provision to mandate an independent study to evaluate the impact of changing residency status of non-resident workers as it relates to the economic and political futures of the CNMI.

The Honorable Jeff Bingaman  
The Honorable Pete V. Domenici  
March 1, 2007  
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We feel that it is important to move forward in our economic and political development, and that this issue must be resolved once and for all in order to do so.

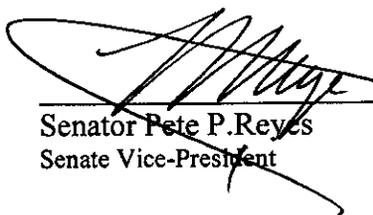
The Commonwealth has opposed "takeover" numerous times in the past, because we believed them to be unsustainable and impractical. We maintain that doing so now, without appropriate accommodation of our economic and social needs, when our economy is so weak will be counterproductive and is certainly not supported by the will of our people.

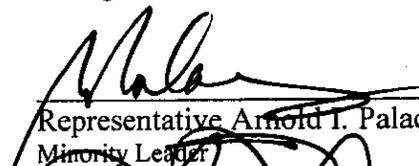
We are also aware that Congress and the Federal administration have always requested that the CNMI speak with one voice on issues. In the past this has not always been possible, and it may not be possible now. We do not feel that maintaining the "no modification" position of our Governor is productive, reasonable, or in the best interest of the people of the Northern Mariana Islands and the people of the United States. We will continue our goal to provide your committee with a unified CNMI position. In the event that we are unsuccessful, we hope that in the end, that including these criteria in the CNMI immigration legislation is more valuable than a unified position.

We look forward to a continued dialogue and the opportunity to comment on any legislation developed along these lines.

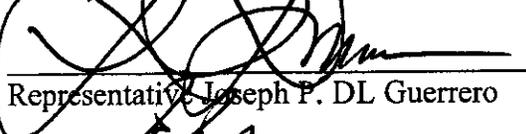
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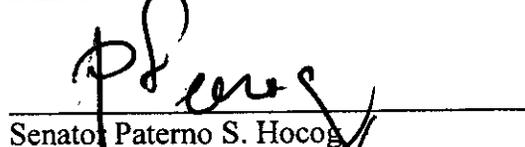
  
\_\_\_\_\_  
Representative Justo S. Quitugua  
House Vice-Speaker

  
\_\_\_\_\_  
Senator Pete P. Reyes  
Senate Vice-President

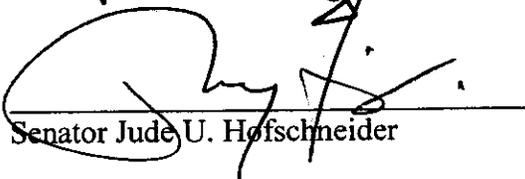
  
\_\_\_\_\_  
Representative Arnold T. Palacios  
Minority Leader

\_\_\_\_\_  
Senator Luis P. Crisostimo

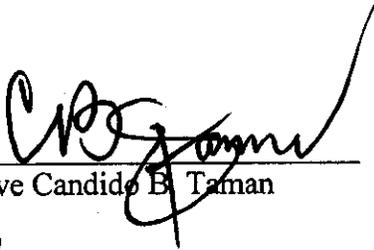
  
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Representative Joseph P. DL Guerrero

  
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Senator Paterno S. Hocog

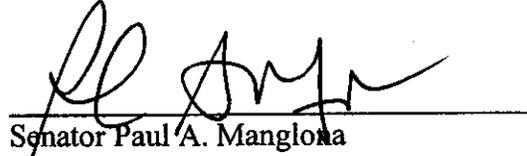
  
\_\_\_\_\_  
Representative Benjamin B. Seman

  
\_\_\_\_\_  
Senator Jude U. Hofschneider

The Honorable Jeff Bingaman  
The Honorable Pete V. Domenici  
March 1, 2007  
Page 3



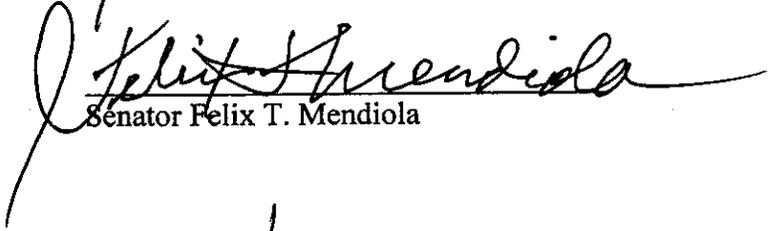
Representative Candido B. Taman



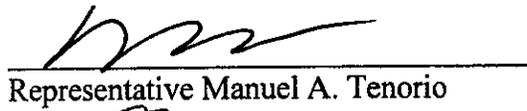
Senator Paul A. Mangiona



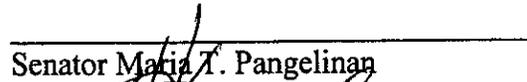
Representative Ramon A. Tebuteb



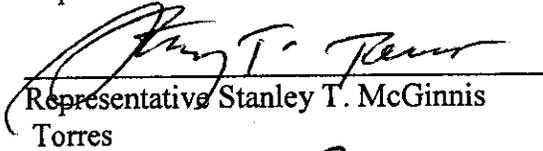
Senator Felix T. Mendiola



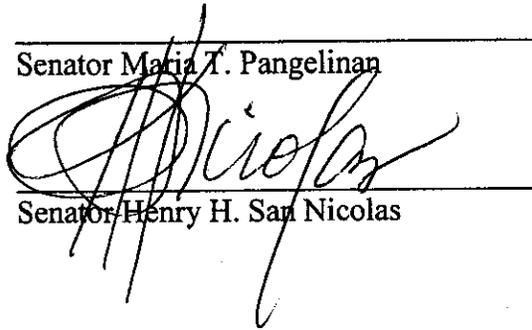
Representative Manuel A. Tenorio



Senator Maria T. Pangelinan



Representative Stanley T. McGinnis  
Torres



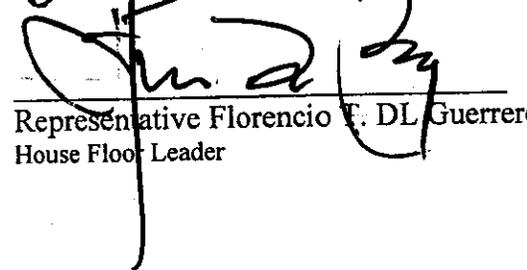
Senator Henry H. San Nicolas



Representative Ray M. Yumul



Representative Jacinta M. Kaipat



Representative Florencio F. DL Guerrero  
House Floor Leader



OFFICE OF  
**SENATOR LUIS P. CRIBOSTIMO (D)**  
15<sup>th</sup> CNMI Legislature  
P.O. Box 500126, Saipan, MP 96950  
Tel: (670) 664-8967/8 Fax: (670) 664-8919  
EMAIL: LUISJR@PTICOM.COM

June 21, 2007

Honorable Pedro A. Tenorio  
Resident Representative  
Office of the Resident Representative  
To the United States  
2121 R Street, NW  
Washington, DC 20008

Re: S. 1634, Northern Mariana Islands Covenant Implementation Act

Hafa adai, Representative Tenorio:

Let me start by expressing my appreciation for requesting that I share with you and the honorable members of the U.S. Senate Committee on Energy and Natural Resources my comments on the above-referenced proposed legislation that, if it were to become law, will affect profoundly the relationship of the United States and the Commonwealth of the Northern Mariana Islands that we have known since the establishment of our Commonwealth.

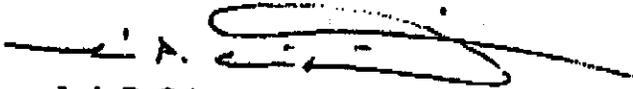
As you know, the leaders and people of our Commonwealth take the issue of our right to self-government very seriously. Through diligent exercise of this right our residents can and have experienced a good measure of economic prosperity. However, even with the closure of some garment factories on Saipan, declining investments and tourism, and constantly rising fuel costs our government continues to look for ways to shore up the local economy. One way is the wise use of one of our best tools – local control over immigration.

I do not dispute the Congress' authority under section 503 of our Covenant to impose unilaterally U. S. federal immigration in the Commonwealth. It is clear to me that the Congress may do so. Rather, my dispute is more fundamental, that our Commonwealth, although a so-called member of the American political family since 1976, has not been accorded representation in the Congress, so that in the instant matter of S. 1634, for example, the Commonwealth's representative will be able to fully address other members' concerns and ensure, likewise, that the Commonwealth's right to internal self-government is preserved.

If there ought to be a federal law to implement further the Act approving the *Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America*, that should be a law to grant the Commonwealth with the necessary representation in the Congress, just as other U.S. territories and possession are so represented. It is the American thing to do for many reasons. Mainly, 78.8 percent of Northern Marianas voters voted in a plebiscite to ratify the *Covenant* in 1975, the Congress approved the *Covenant* in 1976 (Public Law 94-241; 90 Stat. 263), and any person born on Northern Marianas soil is a U.S. citizen, some of whom have paid the ultimate sacrifice for our freedom in the War in Iraq and elsewhere.

For all of the foregoing, I humbly request that the Commonwealth be granted its own representative in the Congress of the United States. Attached herewith is a certified copy of Senate Joint Resolution 15-17, the most recent of such resolutions relating to the Commonwealth's representation in the Congress. Once again, thank you for the opportunity to share my comments on this very important matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Luis P. Crisostomo', with a horizontal line underneath it.

Luis P. Crisostomo  
Senator (Saipan and the Northern Islands)

cc: All Senate Members



*The Senate*  
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. Box 129  
Saipan, MP 96950

June 12, 2007

The Honorable Pedro A. Tenorio  
Resident Representative to the United States  
Office of the Resident Representatives  
Capitol Hill  
Saipan, MP 96950

Dear Resident Representative Tenorio:

I have the honor of transmitting herewith a certified copy of Senate Joint Resolution No. 15-17, entitled, "A Senate Joint Resolution urgently requesting the United States House of Representatives to confer a non-voting Delegate status to the CNMI." S.J.R. No. 15-17 was adopted by the Senate on April 25, 2007 and by the House of Representatives on May 15, 2007, Fifteenth Northern Marianas Commonwealth Legislature.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dolores S. Bermudes".

Dolores S. Bermudes  
Senate Clerk

Attachment

RECEIVED  
DATE/BY 06/20/07  
*[Signature]*



**THE SENATE**

**FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

**SENATE JOINT RESOLUTION NO. 15-17**

**Introduced by: Sen. Luis P. Crisostimo**

**A SENATE JOINT RESOLUTION**

**Urgently requesting the United States House of Representatives to confer a non-voting Delegate status to the CNMI.**

1       WHEREAS, the CNMI's potential economic development and growth are critically  
2 dependent upon a secure and sound relationship with the U.S. government; and

3       WHEREAS, justice, equity, and fairness for the people of the CNMI demand that they  
4 have representation in the U.S. Congress equal to that of other U.S. territories; and

5       WHEREAS, the CNMI is the only self-governing commonwealth of the United States  
6 that does not have a Non-Voting Delegate to the United States House of Representatives; and,

7       WHEREAS, the U.S. territories of Guam, American Samoa, the United States Virgin  
8 Islands, Puerto Rico, and the District of Columbia, have non-voting Delegate to the United States  
9 House of Representatives; and,

10       WHEREAS, the CNMI is equivalent to or greater in size and population to both the  
11 United States Virgin Islands and American Samoa; and,

12       WHEREAS, H.R. 5135, a bill to provide the CNMI with a non-voting Delegate  
13 unanimously passed on September 29, 2004 by the House Resources Committee that was  
14 Chaired by Congressman Richard Pombo and Ranking Member Nick Rahall, supporting the  
15 CNMI's quest for a non-voting Delegate in the U.S. House of Representatives; and

1 WHEREAS, Congressman Faleomaveaga of American Samoa, Congresswoman  
2 Madeleine Bordallo of Guam and Congresswoman Donna Christensen of Virgin Islands were in  
3 full support of the CNMI's quest for non-voting Delegate status; and

4 WHEREAS, numerous resolutions have been introduced and adopted by the Northern  
5 Marianas Commonwealth Legislature expressing the desire of the people and the elected leaders  
6 of the Commonwealth of the Northern Mariana Islands to be granted representation, in the  
7 United States House of Representatives; and,

8 WHEREAS, the CNMI non-voting Delegate status in the U.S. House of Representatives  
9 is very important to properly address the concerns of the people of the Commonwealth; and

10 WHEREAS, the small population of the CNMI was cited by the Marianas Political  
11 Status Commission, which negotiated the Covenant for the islands, as the reason the CNMI was  
12 unable to obtain a non-voting Delegate as recorded in the 1970 census at 15,000 residents versus  
13 the present estimate of 80,000; and

14 WHEREAS, in 1970 the population of Guam was 86,000 and the Virgin Islands was  
15 63,200 when these territories were granted their non-voting Delegate; and

16 WHEREAS, in 1977, two years after the approval of the Covenant, Congress granted a  
17 non-voting Delegate to American Samoa which had a resident population of only 27,000, most  
18 of whom were not U.S. citizens; and

19 WHEREAS, the U.S. citizenship population in the CNMI was approximately 35,000 out  
20 of a total population of 69,221, according to the 2000 census, clearly within the population  
21 threshold established by precedents in the other territories; and

22 WHEREAS, in a Constitutional Referendum held in 1985, the people of the CNMI  
23 clearly set forth their collective desire that the United States House of Representatives confer  
24 non-voting Delegate status upon the CNMI; and,

25 WHEREAS, the Commonwealth Commission on Federal Laws, whose members were  
26 appointed by the President of the United States, recommended to the United States Congress in  
27 1986 that non-voting Delegate status be conferred upon the CNMI; and,

SENATE JOINT RESOLUTION NO. 15-17

1 WHEREAS, United Nations General Assembly Resolution 1541 states that citizens must  
2 have representation in their national governments; and,

3 WHEREAS, the people and the elected leaders of the CNMI cherish the values of  
4 democracy and are committed to making the CNMI a model of self-government for overseas  
5 territories in the Pacific region; and,

6 WHEREAS, the United States House of Representatives has yet to act on the CNMI's  
7 request for non-voting Delegate status; now therefore,

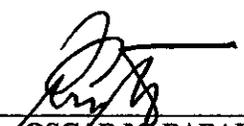
8 BE IT RESOLVED, by the Senate of the Fifteenth Northern Marianas Commonwealth  
9 Legislature, the House of Representatives concurring, that the United States House of  
10 Representatives is hereby respectfully requested to grant non-voting Delegate status for the  
11 Commonwealth of the Northern Mariana Islands; and,

12 BE IT FURTHER RESOLVED, that the President of the Senate and the Speaker of the  
13 House of the Fifteenth Northern Marianas Commonwealth Legislature shall certify and the  
14 Senate Legislative Secretary and the House Clerk shall attest to the adoption of this joint  
15 resolution and thereafter transmit certified copies to: the Honorable Nancy Pelosi, Speaker of the  
16 United States House of Representatives; the Honorable Nick J. Rahall II, Chairman of the United  
17 States House Committee on Natural Resources; the Honorable Benigno R. Fitial, Governor of  
18 the Commonwealth of the Northern Mariana Islands; and the Honorable Pedro A. Tenorio,  
19 Commonwealth of the Northern Mariana Islands' Resident Representative to the United States.

ADOPTED BY THE SENATE ON APRIL 25, 2007 AND BY THE HOUSE OF  
REPRESENTATIVES ON MAY 15, 2007

CERTIFIED BY:

  
\_\_\_\_\_  
JOSEPH M. MENDIOLA  
PRESIDENT OF THE SENATE

  
\_\_\_\_\_  
OSCAR M. BABAUTA  
SPEAKER - HOUSE OF REPRESENTATIVES

  
\_\_\_\_\_  
MARIA FRISCA T. PANGELINAN  
SENATE LEGISLATIVE SECRETARY

  
\_\_\_\_\_  
EVELYN C. FLEMING  
HOUSE CLERK

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Tuesday, June 19, 2007

Notes from the Hill

**By MARIA FRICA PANGELINAN**  
*Special to the Saipan Tribune*

Discussion about whether or not we should "allow" the federalization of immigration has been lively, even heated. I want to clarify at least part of the discussion. History wasn't my favorite subject in school, but our Commonwealth is so young it is generally easy to access the original sources of our legal system.

Section by Section Analysis of the Covenant to Establish a Commonwealth of the Northern Mariana Islands  
Marianas Political Status Commission - February 1975

"Section 503. Section 503 deals with certain important laws of the United States, not presently applicable to the Northern Marianas. It provides that these laws will not apply to the Northern Marianas prior to termination of the Trusteeship and will not ever apply after termination unless and until the Congress of the United States specifically acts to make them applicable. Section 503(a) deals with the immigration and naturalization laws of the United States. These laws will not apply until, after termination, Congress acts to make them applicable either as they are applicable in other areas under the American flag, or in some special way which takes into account the particular conditions in existence at that time in the Northern Marianas."

The U.S. Congress has a right to federalize our immigration law. Your parents and grandparents negotiated the Covenant fully and freely. They did a good job. We have gained far more than we could ever lose by becoming part of the American family. I've heard some say that maybe we should reconsider that status. Although I respect a person's right to hold and voice that view, I flatly disagree. There were other Pacific islands under U.S. control at the end of World War II. Some of them chose different paths. We continue to benefit greatly from our Covenant with the United States. Other island states have not fared so well, choosing to be independent to one degree or another. Look around.

In my view, it is time to invest our energetic interest in this matter in finding the ways that federalizing immigration will work, not conjecturing about how it will not.

We have been and continue to be invited to provide input that will be considered when shaping the proposed legislation and hopefully, the law, if enacted.

I had some concerns about the proposed legislation and am pleased to find some of these issues addressed in some form or another, in the bill:

-The continuation of existing guest worker contracts.

-New CNMI guest worker permits with exemptions from standard limitations.

-A mechanism to "grandfather" long-term workers who have been legally working in the Commonwealth for several years.

-Assurance of "customer" access to the CNMI by permitting "CNMI-only" visas or visa-waivers for potential customers (tourists or students).

Some of the wording of the draft bill concerns a long-term implementation designed to not disrupt the ability of the Commonwealth to work on turning its economic slump around.

Another issue that is of concern to all the inhabitants of our islands is border security. The world is a very different place since 9/11. I for one am gratified to see the vast resources of the United States brought to bear on securing our borders. It is not just our ports that concern me. I believe good border security in the

Northern Islands is also important. As the military gears up to move from Okinawa to Guam, this will continue to gain importance for the Commonwealth.

The bill, however, continues to be deafeningly silent on the establishment of a non-voting Delegate for the Commonwealth in the U.S. House of Representatives. There was a period of time when the message Congress was receiving was that the Commonwealth didn't want or need one. During those same years Congress was willing to address the issue. Today, all the negative publicity about Abramoff, immigration, and the minimum wage has caused members of Congress to avoid the issue. Having a non-voting Delegate now would be very helpful. We have some work to do to make this happen.

I recently offered to supply copies of the proposed legislation to any interested parties. The response has been good, and I'm proud to see how many people are taking an active interest in the process. The proposed legislation is complex, especially in that it amends or refers to existing U.S. law. I still have questions, and will continue to research them, but overall, I think it moves us toward a paradigm that is overdue.

I've noticed a frequent choice of words in day-to-day conversations. We tend to refer to nonresidents as "workers", and residents as "employees". I think that the difference between these two words is subtle, but profound.

We all need to think carefully when choosing words to describe the social phenomena that we have created. Words are powerful. We invited nonresidents to our islands. Many have been here a long time; some have started families. Some of our nieces, nephews, and grandchildren were born of these unions. Many long-term nonresidents are a valued and integral part of our community. The worth of a person does not lie in what country they were born in, or who their parents are, or what type of employment they hold.

Some view the proposed federal immigration legislation as a threat to our culture. I do not feel this way. The proposed legislation presents us with issues about the changing face of our society that many have not considered before. One cannot "legislate" the survival of a culture. A culture will survive because it is honored and nurtures its people. Our culture is constantly changing, in some ways I'm glad, greatly preferring a car to an ox-cart.

Change also brings with it a degree of uncertainty, a state of being that few take any pleasure in. Often, the benefits of change are not realized or understood until long after the fact. No one can be certain about the outcome of the proposed legislation. It may be amended after being presented to the Congress and it may not even become law.

What I know is that to date, our immigration policies, although much improved over the years, have not been satisfactory for numerous reasons. Congress plans to take a very difficult and expensive problem off our table. I continue to support their efforts, as I feel the long term effects will be more positive than detrimental for all people in our Commonwealth.

*Maria Frica T. Pangelinan is a senator in the 15th Northern Marianas Legislature.*

Back to top  

9398SW Maplewood Dr., Apt. I-99  
Tigard, OR 97223

May 25, 2007

The Honorable Pedro A. Tenorio  
Resident Representative to the United States  
2121 R Street, N.W.  
Washington, DC 20008

FACSIMILE TRANSMITTAL  
(202)673-5873

Ref.: Northern Mariana Islands Covenant Implementation Act

Dear Mr. Tenorio:

Thank you for faxing the referenced document last week.

As I understand, the proposed legislation, at the request of the Senate Committee on Energy and Natural Resources, was drafted by the Department of Interior. I also understand the draft will undergo several reviews before the committee makes the final consideration and disposition of bill.

The CNMI government is invited to submit legitimate concerns on the draft proposal. You have indicated to submit written comments, in addition to making follow-up on the bill's legislative movements. I'm hopeful the Governor and the Legislature, as well as the business community, will also take this matter seriously and provide reasonable inputs on the proposed legislation. Like you, I feel the interests of the Commonwealth would best be served by working this critical issue with Congress. Our public and business leaders should objectively review the draft bill ... and to propose needed improvements, which would enhance the economy and well-being of the CNMI people. This matter is so crucial; and deserves serious consideration of our government. We hope our leaders are mindful that once enacted, congressional reconsideration or amendment of the Act would be extremely difficult.

I've made my review ... and generally in agreement, except to certain provisions, which I feel, could hinder, rather than facilitate, recruitment and retention of CNMI/US residents for gainful employment. Specifically, I am concerned of a provision which allows aliens (with employment visa) to qualify as "lawful permanent residents of the United States". If this status meant to grant nonresident workers the right to work (and reside) in the Commonwealth, serious and practical consequences could develop ... problems which we hope federal intervention would eliminate. I listed in the "Observation" four (4) areas of potential concern. I suggest that you review and, if appropriate, recommend a solution that protects and promotes employment of CNMI workers.

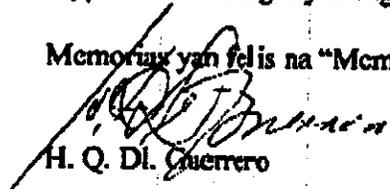
The Honorable Pedro A. Tenorio  
Resident Representative to the United States  
May 25, 2007

The Act acknowledges our present position; i.e., the CNMI (for the foreseeable future) is unable to fill all positions in the private sector by residents workers. I'm hopeful, however, this deficiency would be reduced considerably, within a 10-year period, as of our young citizens complete their studies abroad and the return of those residents who, because of economic necessity, have moved to other U.S. jurisdictions.

Further, the application of fair "living wage" and reasonable job benefits, together with genuine commitment and efforts by our government to find, train and place CNMI residents in private employment, will greatly enhance this effort; and will reduce substantially the need of nonresident workers. In your upcoming trip to Saipan, I would like to discuss details of this idea. I plan to be there by mid-June; look forward to an interesting discussion.

Appreciate sharing my thoughts on the referenced matter.

Memoria yan felis na "Memorial Day".

  
H. Q. Di. Guerrero

Note: "Observations" follows this letter. (3 pages)

P.S. Gof da' nkufo na gracias pot i bonitu na mensahi pot i "Covenant Analysis" translation ni hagu yan si lid in-na' i si Liz Rechchei.

**OBSERVATION: NMI COVENANT IMPLEMENTATION ACT** (DOI PROPOSAL-2007)

**Section 1. Short Title of Act:** "Northern Mariana Islands Covenant Implementation Act".

**Section 2. Statement of Congressional Intent.** The Act is intended to extend to the NMI the "Immigration and Nationality Act", in order to ensure that effective border control procedures are implemented and observed, and that national security and homeland security issues are properly addressed.

The special provisions under the Act are:

1. Orderly "Phase-Out" of the CNMI nonresident contract worker program.
2. Orderly "Phase-In" of Federal responsibilities over immigration in the CNMI.

The "Phase-out" program, under the federally-controlled immigration system, were to be implemented in a manner that minimizes adverse economic and fiscal effects resulting from the phasing-out of the CNMI nonresident contract worker program; and to maximize the Commonwealth's potential future economic and business growth by:

- (a) Encouraging diversification and growth of the CNMI economy;
- (b) Recognizing local self-government as provided for in the Commonwealth Covenant, through consultation with the CNMI governor;
- (c) Assist the CNMI to achieve a progressively higher standard of living of its citizens, through (federal) technical and other assistance;
- (d) Provide opportunities for individuals to work in the U.S.; and,
- (e) Provide a mechanism for continued use of alien workers, to the extent these workers continue to be necessary to supplement the CNMI's resident workforce, and protect these workers from potential abuse and exploitation.

→ **Note: Transition Program.** The Secretary of U.S. Homeland Security, in consultation with the secretaries of State, Labor and Interior, shall establish, administer and enforce a "transition program, which will regulate immigration to the CNMI Commonwealth. The transition program takes effect one (1) year after enactment of the "NMI Covenant Implementation Act", and to end December 31, 2017.

**Sec. 3. Immigration Reform for the Commonwealth.** This section amends the Covenant, by adding a new SECTION 6, which extends application of U.S. Immigration & Naturalization Act to the Northern Mariana Islands.

**Section 6) (NEW). Immigration and Transition**

(a)(1). **IN GENERAL.** Application of immigration and transition program in the CNMI begin one (1) year after enactment of the Act, and ends on 12/31/2017.

(a)(2). **TRANSITION PERIOD.** Under this sub-section, the U.S. secretary of Homeland Security, in consultation with the secretaries of State, Labor and Interior, will establish, administer and enforce the transition program (i.e., to regulate immigration in the CNMI).  
**Note: CNMI governor is not included in the consultation process.**

→ **Comment:** Since the "transition program" is about and will affect the CNMI, it's appropriate that the CNMI chief executive be also consulted in its formation and implementation.

May 25 07 05:28p

John Deleon Guerrero

503-968-5944

p. 4

→ **Comment:** Act makes several references to: "... without counting against the numerical limitations set forth in section 214(g) of 8 U.S.C. 1184(g)". (p. 3, line 35 - 36, of Act). Act does not define the practical meaning of "numerical limitation", as it refers to Nonimmigrant Workers. For the less uninformed CNMI residents, defining the term is helpful.

→ **Comment.** Support your suggestion to add "investors" in Sec. 6(a)(4): (p. 3) - among the people who may be authorized to enter the CNMI.

→ **Comment.** Sec. 6(3)(B); (p. 4). "ADJUSTMENT OF STATUS". Under this paragraph, aliens, who entered the CNMI (for employment) under an "employment visa" would qualify as "lawful permanent residents". This ambiguous status implies that non-residents would be lawfully allowed to enter, stay and work in the CNMI.

This provision is distinctly opposite the position taken by the Covenant negotiators, and of the current policy of the CNMI government; i.e., nonresidents were to enter the Commonwealth as temporary nonresident workers ... to supplement local labor shortage. Nonresidents' stay in the CNMI is temporary, and they are to return to the country of recruitment when their services were no longer needed.

The new status of nonresidents, as created by the Act, could conceivably cause serious adverse effect to the CNMI government and its citizens, as follows:

- a) Indigenous residents would lose the statute-protected privilege for employment priority. Residents could experience considerable difficulties in finding and retaining employment in the CNMI's limited job market.
- b) Although "lawful permanent residents" (proposed by the Act) could eventually travel to and work in other U.S. territory and the mainland, they, because of the high costs of travel and relocation, are likely to remain and work, for an indefinite period, in the Northern Marianas before moving to other U.S. destination. The indeterminate stay in the CNMI could also create excessive burden on public services (education, public health, etc.) and facilities (utilities, road system, etc.).
- c) The current practice of remitting locally-earned incomes to destinations outside the CNMI is expected to continue. It is estimated that 60% - 75% of the nonresidents' wages are regularly sent to families living abroad. The export of cash deprives the CNMI of monies critical to its economy.
- d) Unless and until wages are increased considerably, employee taxes (of non-residents) are not expected to be substantial. Additionally, nonresidents' contribution to taxes generated from business gross revenues are not likely to be significant.

→ **Recommendation.** Throughout the period the aliens were working in the CNMI, their status would be considered as provisional guest workers, and are subject to repatriation from the Commonwealth when their services were no longer required.

Sec. 6(e)(2); p. 5. **EMPLOYMENT AUTHORIZATION.** This subsection provides that aliens, who are lawfully present and authorized to be employed in the CNMI pursuant to the (CNMI) immigration laws, shall (on the transition program effective date) be considered authorized by the secretary of Homeland Security, for continued employment until (whichever first occurs) ...

- i. expiration of alien's employment authorization under the CNMI immigration laws; or,
- ii. 2 years after the effective date of the transition program.

Sec. 6(5)(A); p. 11. Last sentence of paragraph provides that the Homeland Security Secretary - (NOT the CNMI Governor or Secretary of Labor) has the sole and final authority to determine the legitimacy of foreign-invested businesses in the CNMI, and to permit supplemental alien workers.

→ Suggestion: CNMI governor should have an important role in deciding what commercial activities of foreign-owned businesses are beneficial or adversarial to the CNMI economic development; and thus, to recommend alien workers to SUPPLEMENT local labor force .

→ Note: Reference to "Homeland Security Secretary" in the paragraph may be intended to be: "Secretary of Labor"?

Para. 5(C)(v); pg. 12. (U.S. Secretary of Labor) may make "... any good faith efforts to locate, educate, train or otherwise prepare United States citizen residents, non-United States citizen permanent residents, and unemployed alien workers already within the Commonwealth, to assume those jobs". (Note: This provision is erroneously listed in the Act as paragraph "iv")

→ Comments: This provision seems to treat, for employment purposes and benefits, nonresident aliens as equal to CNMI residents. As noted earlier, this could create stiff job competition to residents. It also raises concern over the role or effectiveness of the CNMI Labor/Employment Office with regard to job-placement of CNMI residents seeking employment. The U.S. Dept. of Labor seems to assume the total functions relating to local labor/employment requirements. I feel this matter relates largely to the CNMI economy ... a rightful subject of local self-government.

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