

**MINA BENTE NUEBI NA LIHESLATURAN GUÁHAN
2007 (FIRST) REGULAR SESSION**

Resolution No. 80 (LS)

As amended on the Floor

Introduced by:

Judith Paulette Guthertz

J. T. Won Pat

Rory J. Respicio

David L.G. Shimizu

Tina Rose Muña Barnes

Frank F. Blas Jr.

v. c. pangelinan

Ray Tenorio

Edward J.B. Calvo

J. A. Lujan

James V. Espaldon

Mark Forbes

Frank T. Ishizaki

A. B. Palacios, Sr.

A. R. Unpingco

RELATIVE TO EXPRESSING OPPOSITION TO, AND CAUTION AND CONCERN REGARDING THE PASSAGE OF H.R. 3079, ‘*THE NORTHERN MARIANA ISLANDS IMMIGRATION, SECURITY, AND LABOR ACT*’, AS INTRODUCED; AND S.B. 1634, ‘*THE NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT*’, TO THE UNITED STATES CONGRESS; SUGGESTING THAT GUAM’S DELEGATE TO CONGRESS REQUEST THE U.S. GOVERNMENT ACCOUNTABILITY OFFICE CONDUCT A REPORT ON THE EXPECTED IMPACT THAT PASSAGE OF H.R. 3079 AND S.B. 1634, WILL CAUSE IN GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; AND REQUESTING THAT THE UNITED STATES MISSION TO THE UNITED NATIONS ADVISE THE UNITED NATIONS COMMITTEE ON DECOLONIZATION OF

**THE EXPRESSIONS OF THE PEOPLE OF GUAM
CONTAINED HEREIN.**

1 **BE IT RESOLVED BY *I LIHESLATURAN GUÅHAN*:**

2 **WHEREAS**, the island of Guam, a United States possession since
3 1898, and a United States unincorporated territory since 1950 with no voting
4 representation in the United States Congress, remains on the United Nations
5 List of Non-Self-Governing Territories and is the southernmost island in the
6 *Mariana Island Chain*; and

7 **WHEREAS**, the island of Guam is the closest geographically located
8 United States territory in relation to the Commonwealth of the Northern
9 Mariana Islands, a former United Nations Trust Territory administered by
10 the United States since the end of World War II and since 1976, a
11 commonwealth in political union with and under the sovereignty of the
12 United States of America; and

13 **WHEREAS**, H.R. 3079, '*The Northern Mariana Islands*
14 *Immigration, Security, and Labor Act*', as introduced in the United States
15 House of Representatives, and S.B. 1634, '*The Northern Mariana Islands*
16 *Covenant Implementation Act*', as introduced in the United States Senate,
17 include provisions that are expected to adversely impact the quality of life
18 for all of the people of Guam, including, the indigenous *Chamorro* people,
19 the lawfully domiciled permanent resident aliens admitted to Guam under
20 the provisions of the '*Immigration and Nationality Act*', and United States
21 citizens residing in Guam; and

22 **WHEREAS**, upon passage of H.R. 3079 and S.B. 1634, persons
23 lawfully admitted to the Commonwealth of the Northern Mariana Islands by
24 the Commonwealth, pursuant to the Commonwealth Immigration Law,
25 including the spouses and children of such persons, will be granted United

1 States Nonimmigrant Status if such persons have (a) continually resided,
2 except for brief absences, in the Commonwealth for at least the 5 years prior
3 to the date of enactment of said legislation; (b) have legal immigration status
4 within the Commonwealth on the date of enactment of the same legislation;
5 and (c) who submit a complete application establishing such alien's
6 eligibility, pursuant to regulations promulgated by the Secretary of
7 Homeland Security, not later than 1 year after the date of enactment of the
8 said act; and

9 **WHEREAS**, the granting of nonimmigrant status to such persons will
10 provide previously unavailable and unprecedented legal authorization for
11 such persons admitted by the CNMI into its immigration area, an expedited
12 entry into the United States and its territories and possessions, including
13 Guam; and

14 **WHEREAS**, officials of the Commonwealth of the Northern Mariana
15 Islands have expressed concern and opposition over the passage of H.R.
16 3079 and S.B. 1634 and the negative impact to the economic viability of the
17 Commonwealth, most recently in a field hearing conducted by the
18 Committee on Natural Resources, Subcommittee on Insular Affairs of the
19 United States House of Representatives; and

20 **WHEREAS**, the Honorable Benigno R. Fitial, Governor of the
21 Commonwealth of the Northern Mariana Islands, has advised the United
22 States Congress of the *“need for a careful and professional study of the*
23 *Commonwealth before enactment of legislation such as H.R. 3079... (1) to*
24 *provide current and reliable information about the Commonwealth as it*
25 *exists today – its economy, workforce, changing population, and labor and*
26 *immigration programs; and (2) to assess the economic, political, and social*
27 *consequences of preempting the CNMI immigration and labor laws and*

1 *substituting a federally managed guest work program in the*
2 *Commonwealth”*; and

3 **WHEREAS**, the current eligibility requirements for the admission of
4 immigrants and nonimmigrants to Guam are pursuant to the ‘*Immigration*
5 *and Nationality Act*’, and the Compacts of Free Association between the
6 United States and the Federated States of Micronesia, the Republic of the
7 Marshall Islands, and the Republic of Palau, respectively; and

8 **WHEREAS**, persons admitted to the Commonwealth of the Northern
9 Mariana Islands by the Commonwealth, and pursuant to Commonwealth
10 Immigration Law, have not been subject to, or made to comply with, the
11 requirements and processes mandated by the ‘*Immigration and Nationality*
12 *Act*’ of any other persons seeking immigrant and nonimmigrant entry to the
13 United States including Guam; and

14 **WHEREAS**, the regular application of the ‘*Immigration and*
15 *Nationality Act*’ on Guam, combined with the nonimmigrant status of the
16 citizens of the Freely Associated States, has caused a substantive and
17 dramatic shift in the demography of Guam including precipitating an overall
18 increase in the Government of Guam’s cost for providing basic public
19 safety, health, education, and human services for its combined population of
20 residents, immigrants, and nonimmigrants, and resulting in the Chamorro
21 people of Guam becoming an assimilated minority in their homeland under
22 laws not of their own making ; and

23 **WHEREAS**, Guam is an attractive port of entry for regular admission
24 to the United States given its proximity and accessibility to the major ports
25 of debarkation in Asia, and is the recipient of the largest wave of
26 Micronesian nonimmigrant migration because it is the economic center of
27 and gateway to Micronesia; and

1 **WHEREAS**, the Department of Defense has increased the number of
2 active duty U.S. Armed Services personnel assigned to duty stations in
3 Guam by the Department of the Navy and the Department of the Air Force;
4 and

5 **WHEREAS**, the Department of Defense has also announced plans to
6 relocate 8,000 active duty troops from the U.S. Marine Corps bases in
7 Okinawa, Japan, in addition to approximately 10,000 spouses and associated
8 dependants, and approximately 8,000 to 10,000 temporary employees
9 necessary for construction of infrastructure and facilities, not including the
10 number of regular civilian employees required for base operations; and

11 **WHEREAS**, the economic and social impact that this U.S. Military
12 Buildup will have in relations to the people of Guam, including the
13 indigenous Chamorro people, has not yet been determined, studied, and
14 disclosed by either the Department of Defense or the Government of Guam,
15 as an ‘Environmental Impact Study’ is underway for the purpose of
16 determining the parameters for the relocation of Marines to Guam and the
17 facilities and infrastructure required; and

18 **WHEREAS**, the Department of Defense has not provided the
19 Government of Guam with specific planning information and infrastructure
20 requirements necessary for the local preparation of the U.S. Military
21 Buildup, including details on the proposed application, exemptions, or
22 modifications to the provisions of the ‘*Immigration and Naturalization Act*’
23 for the purposes of facilitating the movement of Marines to Guam; and

24 **WHEREAS**, the increase in U.S. Armed Services, combined with the
25 need for temporary labor to support such increase, and the granting of
26 nonimmigrant status to temporary workers of the Commonwealth for general
27 admission to the United States including Guam, will further significantly

1 impact the demography of the island of Guam, in addition to the capacity of
2 Guam’s social and natural environment; now, therefore, be it

3 **RESOLVED**, that *I Mina’ Bente Nuebi Na Liheslaturan Guåhan*, the
4 Twenty-Ninth Guam Legislature, on behalf of the people of Guam, does
5 hereby express its opposition to, and caution and concern as it relates to
6 Guam regarding the passage of H.R. 3079 and S.B. 1634, as introduced in
7 the United States House of Representatives and the United States Senate,
8 respectively; and be it further

9 **RESOLVED**, that *I Mina’ Bente Nuebi Na Liheslaturan Guåhan*, the
10 Twenty-Ninth Guam Legislature, on behalf of the people of Guam, does
11 hereby petition Guam’s Delegate to Congress Madeleine Z. Bordallo, to
12 actively oppose the passage of H.R. 3079 and S.B. 1634 or any other similar
13 or like measure introduced in the Congress or proposed by the United States
14 Government; and be it further

15 **RESOLVED**, that *I Mina’ Bente Nuebi Na Liheslaturan Guåhan*, the
16 Twenty-Ninth Guam Legislature, on behalf of the people of Guam, does
17 hereby petition Guam’s Delegate to Congress Madeleine Z. Bordallo, to
18 actively oppose the passage of any federal legislation that would enable the
19 admission of non-immigrants and immigrants to Guam for indefinite periods
20 of time, the admission of which are not currently authorized by ‘the
21 Immigration and Nationality Act’; and

22 **RESOLVED**, that *I Mina’ Bente Nuebi Na Liheslaturan Guåhan*, the
23 Twenty-Ninth Guam Legislature, on behalf of the people of Guam, does
24 hereby petition Guam’s Delegate to request the United States Government
25 Accountability Office, to cause the careful study and report on the expected
26 impact passage of H.R. 3079 and S.B. 1634, or any other similar or like

1 measure or proposal will have on both Guam and the Commonwealth of the
2 Northern Mariana Islands; and be it further

3 **RESOLVED**, that *I Mina' Bente Nuebi Na Liheslaturan Guåhan*, the
4 Twenty-Ninth Guam Legislature, on behalf of the people of Guam, does
5 hereby request that the Government of the United States address all issues of
6 concern relative to the application of federal immigration and labor laws on
7 the Northern Mariana Islands by initiating discussions with the Government
8 of the Northern Mariana Islands pursuant to Section 902 of the Northern
9 Mariana Islands Covenant with the United States; and

10 **RESOLVED**, that *I Mina' Bente Nuebi Na Liheslaturan Guåhan*, the
11 Twenty-Ninth Guam Legislature, on behalf of the people of Guam, does
12 hereby express its desire that the United States Permanent Mission to the
13 United Nations provide the United Nations Committee on Decolonization
14 with a report on the position and expressions of *I Liheslaturan Guåhan*, the
15 Guam Legislature, on behalf of the people of Guam, contained herein,
16 relative to H.R. 3079 and S.B. 1634 or any other similar or like measure
17 introduced in the Congress or proposed by the United States Government;
18 and be it further

19 **RESOLVED**, that the Speaker certify, and the Legislative Secretary
20 attest to the adoption hereof, and that copies of the same be transmitted to
21 Speaker Nancy Pelosi, Minority Leader John Boehner, Resources
22 Committee Chairman Nick J. Rahall II, Resources Committee Ranking
23 Member Don Young, Insular Affairs Subcommittee Chairwoman Donna M.
24 Christensen, Insular Affairs Subcommittee Ranking Member Luis G.
25 Fortuño, Congresswoman Madeleine Z. Bordallo, and all other Members of
26 the U.S. House of Representatives; President Pro Tempore Robert C. Byrd,
27 Majority Leader Harry Reid, Minority Leader Mitch McConnell, Assistant

1 Majority Leader Richard Durbin, Assistant Minority Leader Trent Lott,
2 Senate Energy Committee Chairman Jeff Bingaman, Senate Energy
3 Committee Ranking Member Pet V. Domenici, Senator Daniel Akaka,
4 Senator Daniel Inouye, Senator Maria Cantwell, Senator Lisa Murkowski,
5 and all other Members of the United States Senate; the Honorable George
6 W. Bush, President of the United States; the Honorable Richard Cheney,
7 Vice President of the United States; Secretary of Interior Dirk Kempthorne;
8 Secretary of Defense Robert Gates; Secretary of Navy, Donald C. Winter;
9 Secretary of Homeland Security Michael Chertoff; Secretary of Labor Elaine
10 Chou; Secretary of State Condoleeza Rice; U.S. Comptroller General David
11 M. Waler of the U.S. Government Accountability Office; Ambassador
12 Zalmay Khalizad, United States Permanent Representative to the United
13 Nations; the Honorable Margaret Hughes Ferrari, Permanent Representative
14 of Saint Vincent and the Grenadines to the United Nations and Chairperson
15 of the United Nations Committee of 24; the Honorable Benigno M. Fitial,
16 Governor of the Commonwealth of the Northern Mariana Islands; the
17 Honorable Pete Tenorio, Resident Representative of the Commonwealth of
18 the Northern Mariana Islands; and to the Honorable Felix P. Camacho,
19 Governor of Guam.

**DULY AND REGULARLY ADOPTED BY I MINA'BENTE NUEBI
NA LIHESLATURAN GUÅHAN ON THE 10TH DAY OF OCTOBER
2007.**



EDWARD J.B. CALVO
Acting Speaker



RAY TENORIO
Senator and
Secretary of the Legislature