

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

before the

Subcommittee on Insular Affairs
Committee on Natural Resources
U.S. House of Representatives

On House Bill 3079
August 15, 2007
Guma Hustisia
Saipan, MP 96950

Hafa Adai, Chairwoman Christensen, Members of Congress. It is my privilege and honor to welcome you and your delegation to our islands. I would like to express my deepest appreciation to this subcommittee for holding this first ever and indeed historic U.S. Congressional hearing in our Commonwealth. We are thankful for your willingness to allow an unprecedented number of people to testify before you today. I hope that our people who are not able to testify would understand the time constraints that the Subcommittee is working under. Your presence in our Commonwealth demonstrates the U.S. Congress' genuine interest and concern for the people of the CNMI and the serious problems we face. Si Yuus Maase again for your visit.

Please allow me to introduce a number of prominent CNMI citizens including former governors, Covenant negotiators, mayors. We have with us today our first Governor Carlos Camacho, our three time Chief Executive Governor Pedro P. Tenorio, Governor Froilan Tenorio, and Governor Juan Babauta. We are honored with the presence of several former Covenant negotiators Vicente N. Santos, Herman Q. Guerrero, Benjamin T. Manglona, Mr. Joaquin I Pangelinan, Bernard V. Hofschneider, Manuel A. Sablan and Oscar C. Rasa.

Thank you for the opportunity to share with you my position on this most important piece of legislation, which, if enacted, will have profound affects on the Commonwealth of the Northern Mariana Islands. I am confident that a majority of our people agree with my position on the two issues being heard today i.e., a flexible framework for federalizing our immigration and representation in Congress.

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 including my and the majority of our Legislature's recommendations in the drafting of this bill. While I have a few comments aimed at improving this bill. Overall I believe that this bill is in the best interest of our people, entirely consistent with our Covenant, and is responsive to the concerns I outlined before this committee's April 19th oversight hearing.

I am testifying before you today to demonstrate my commitment as an elected representative of my people to work with Congress and particularly with your committee to ensure that the legislation being discussed today offers new benefits, and promises as well as a federal commitment to ensure that these proposed changes will be successful and provide protection for the people of the CNMI, now and in the future.

In 1975 an overwhelming 78.8 % of the people of these islands, exercising their right to political self-determination, voted in support of the Covenant to join the United States and to become citizens of this great nation. The Covenant provided us unique authority and responsibility, not shared by our sister territories or the fifty states. I am speaking of local control of immigration and minimum wage. We have administered these federal policies for the last thirty years. I can proudly say that for a time we used this authority wisely and to the benefit of the people of the CNMI. This union brought both wealth and security to our people, and for a while we lived in a world filled with opportunity for each one of us to achieve the American Dream. Unfortunately, the good times were not sustainable and relatively short-lived because we grossly mismanaged our temporary authority to administer immigration locally. Our wealth, which for the most part was dictated by how efficient and effective our administration of immigration was, vaporized right in front of our eyes and today the once shiny and prosperous future holds little hope.

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 shortsightedness and complacency in our control of immigration has led us to this end. I hear reports daily about overstaying workers, tourists seeking employment illegally, and even phony employment scams. I do not believe that our overall track record in administering immigration speaks to an effective system of monitoring a non-resident workforce or providing protections for our resident workforce. It is my position that in summation, we have failed miserably and it is time to rectify these recurring mistakes by making a drastic course correction.

Section 503 of the Covenant allows the U.S. Congress to assume authority over immigration and minimum wage in the manner and to the extent made applicable to them. Madame Chairwoman we need a major course correction to protect the indigenous population from losing the promise of achieving the American dream entrenched in our Covenant. The implementation of Section 503 of the Covenant is expected to bring long term benefits and stability by:

- Providing stability and confidence to current and future investors. We have changed laws, inconsistently enforced laws, and repealed laws that would have benefited the people.

- Securing current and future tourist markets. The Covenant provides that the federal government will have authority over foreign affairs and treaty obligations. This includes bilateral talks on air service which hold the promise of securing access to new tourism markets.
- Providing a closely monitored transition program that will ensure we have uninterrupted access to a needed skilled workforce. We cannot train and prepare our local population within a short time to take over most jobs currently occupied by non-residents nor can we practically prevent the outward migration of our own people to other locations over night. But we must have a goal and a plan to provide job opportunities and sound reasons for our people to remain in or return to our islands, especially our students attending college in the states or Guam. I have every hope this legislation will help us achieve that goal.

I would like to inform the Committee, that the immediate future obviously offers little hope in improving the livelihood of our people. Because of misunderstanding, and sometimes deliberate misinformation by others, a substantial number of people in the CNMI fear the outcome of House Bill 3079. They fear political and social alienation as well as the loss of their homeland and overcrowding by outsiders. However, I feel in reality we face this situation already. If things do not change we are at the greatest risk of perpetuating massive overcrowding, 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 many of them enlist because there are simply no realistic employment options that offer them a decent living wage.

Madam Chairwoman, I see this bill as a positive initiative to gradually restore the benefits of the Covenant to the Chamorro and Carolinians for whom it was negotiated. I believe that H.R. 3079 is a good beginning; however I have a few suggestions. These are to further strengthen the bill so that the economic intent and promise of improved living standards provided in the Covenant are realized and sustainable.

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 delay, if needed, to the beginning of the transition period. There are many things that need to be done during this time including the writing of federal regulations and amending local CNMI laws to conform to this Act. Hastily written rules would be difficult to enforce and could lead to unintended consequences. Likewise, unless carefully studied, the necessary changes to CNMI laws that currently cover immigration and the use of foreign labor could leave gaps in local statutes and affect our right to self government.
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—One-Time Nonimmigrant 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) —Waiver of Requirements for Nonimmigrant Visitors. This section 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, the two potentially promising new markets that the Marianas Visitors Authority has worked so hard to develop, to visit the CNMI. 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 calls 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 that the fees should be covered over to the CNMI Government.

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. I believe that programs similar to Guam Community College which provides trades, technical and occupational training needs to be established. Without these funds and this training, made available by the federal government, I feel that this legislation will not work and instead lead to a failed federal 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 in Washington without the active involvement of our local government, will not embrace the needs and true situation being faced in the CNMI.

Madam Chairwoman, Thank you for including the Northern Marianas Islands Delegate Act as part of this bill. I know you share my sentiment that this piece of legislation should have been enacted years ago, and I appreciate your and the subcommittee's continued support for this bill. It would have been my preference that the CNMI have a Delegate sitting with you in the Committee when the issues of immigration and minimum wage were brought up. Unfortunately, that did not happen.

A Delegate for the CNMI is a matter of fairness, democracy, and the basic tenets of our nation. The people of the CNMI are in support of a Delegate, and have waited long enough for it to become a reality. I have over the years provided this committee with countless resolutions, letters of support, and testaments of the peoples desire to participate in the national legislative body.

Madame Chairwoman, the CNMI needs a "course correction." Our chosen path to self sufficiency and prosperity has led us to an unsustainable economy. 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 so that once again we have the hope of achieving our dreams.

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Thank you

