Resolution No. 28-GA-02, CD1

"To request that President Barack Obama, the Secretary of Homeland Security, the Secretary of State, the Secretary of the Interior, the Secretary of Labor, and the United States Attorney General ensure that the regulations implementing the Consolidated Natural Resources Act of 2008 include China and Russia in the Guam and Northern Mariana Islands Visa Waiver Program."

WHEREAS, it is the intent of the United States Congress, through United States Public Law 110-229, Title VII, Subtitle A – Immigration, Security, and Labor ("P.L. 110-229" or the "Act"), to ensure that effective border control procedures are implemented and observed, and that national security and homeland security issues are properly addressed, by extending federal immigration laws to apply to the Commonwealth of the Northern Mariana Islands (the "Commonwealth"), with special provisions to allow for the orderly phasing-in of federal responsibilities in the Commonwealth; and

WHEREAS, it is also the express intent of Congress, by the Act, to maximize the Commonwealth’s potential for future economic and business growth and ensure that the Commonwealth be given as much flexibility as possible in maintaining existing businesses and other revenue sources and developing new economic opportunities, in light of the Commonwealth’s unique economic circumstances, history, and geographical location; and

WHEREAS, the Commonwealth’s economy is in the midst of an extended and severe depression, and tourism, although in a decline, is the remaining pillar of the Commonwealth’s economy; and
WHEREAS, the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by P.L. 110-229 to provide for a Guam and Northern Mariana Islands Visa Waiver Program and to further provide that the list of countries whose nationals may obtain the waiver shall include any country from which the Commonwealth has received a significant economic benefit from the number of visitors for pleasure within the one-year period preceding the date of enactment of the Act unless the Secretary of Homeland Security determines that such country’s inclusion on such list would represent a threat to the welfare, safety, or security of the United States or its territories; and

WHEREAS, the Act further requires that such waiver be conditioned upon the existence of an adequate arrival and departure control system in Guam and the Commonwealth and allows for the potential of bonding requirements for nationals of some or all of those countries who may present an increased risk of over-stayers or other potential problems; and

WHEREAS, the Commonwealth has, over the past ten years, developed a highly effective arrival and departure control system that has provided for the carefully monitored arrival and departure of a significant number of Russian and Chinese tourists to and from the Commonwealth, as well as effective bonding requirements in the case of Chinese tourists; and

WHEREAS, during that period of time, approximately 400,000 Russian and Chinese tourists have entered the Commonwealth and there have been approximately one dozen incidents of Chinese tourist overstaying and zero incidents of Russian tourist overstaying during that ten-year period, all of which were successfully resolved in a timely manner; and

WHEREAS, during 2007, Russian tourists accounted for 1% of total visitor arrivals in the Commonwealth and 5% of total visitor expenditures and Chinese tourists accounted for 10% of total visitor arrivals and 13% of total visitor expenditures, which in aggregate represent over one-tenth of total visitor arrivals and nearly one-fifth of visitor expenditures in the Commonwealth; and
WHEREAS, those tourists have not represented a threat to the welfare, safety, or
security of the United States or its territories; and

WHEREAS, the total number of tourist arrivals from all countries to the
Commonwealth has decreased from a peak of 736,117 in 1996 to 389,345 in 2007, a 47%
decrease; and

WHEREAS, it is estimated that the economic impact of 2008 on-island visitor
expenditures for Russian and Chinese tourists will total approximately $200 million, even
as the Commonwealth government's revenues have decreased by over 30% during the
past three years to a current level of less than $160 million annually; and

WHEREAS, a task force composed of representatives of the offices of the
Governors of the Commonwealth and Guam, the Marianas Visitors Authority, the Hotel
Association of the Northern Mariana Islands, immigration officials from the
Commonwealth and Guam, the Guam Visitors Bureau, the Guam Hotel & Restaurant
Association, the Guam Chamber of Commerce, the A.B. Won Pat International Airport,
the Guam Legislature, and other members of the Commonwealth and Guam communities
has carefully studied the Act and considered the potential implications for the economies
of the Commonwealth and Guam, both of which are critically dependent on tourism, with
the intention of providing information and context to the federal departments charged
with implementing the Act; and

WHEREAS, the Secretary of Homeland Security, in consultation with the
Secretary of the Interior and the Secretary of State, is mandated to promulgate regulations
pertaining to the Guam and Northern Mariana Islands Visa Waiver Program on or before
November 4, 2008; and

WHEREAS, P.L. 110-229 provides that those regulations will be promulgated
without the benefit of a public comment period, pursuant to Section 553(a) of Title 5,
United States Code; now, therefore,
BE IT RESOLVED by the Association of Pacific Island Legislatures, 28th General Assembly, FSM State of Pohnpei, June 9-11, 2009, that the Association of Pacific Island Legislatures finds that the Commonwealth of the Northern Mariana Islands has received a significant economic benefit from the number of visitors for pleasure from Russia and China within the one-year period preceding the date of enactment of P.L. 110-229; and

BE IT FURTHER RESOLVED by the Association of Pacific Island Legislatures, 28th General Assembly, that the Association of Pacific Island Legislatures hereby urges all member governments to request that the Honorable Barack Obama, President of the United States of America, the U.S. Secretary of Homeland Security, the U.S. Secretary of State, the U.S. Secretary of the Interior, the U.S. Secretary of Labor, and the United States Attorney General ensure that the regulations implementing the Consolidated Natural Resources Act of 2008 include China and Russia in the Guam and Northern Mariana Islands Visa Waiver Program; and

BE IT FURTHER RESOLVED by the Association of Pacific Island Legislatures, 28th General Assembly, that the APIL hereby requests the Honorable President Barack Obama, the Secretary of Homeland Security, the Secretary of the Interior, the Secretary of Labor, the Secretary of State, and the United States Attorney General to ensure that regulations promulgated with respect to the Guam and Northern Mariana Islands Visa Waiver Program include China and Russia on the list of countries whose nationals may obtain the waiver as provided for by the Act; and

BE IT FURTHER RESOLVED that the President of the Association of Pacific Island Legislatures shall attest and the Secretary of the Association of Pacific Island Legislatures shall certify to the adoption hereof; and that certified copies of the same shall be transmitted to the Honorable Barack Obama, President of the United States;
to the Honorable Janet Napolitano, Secretary of the Department of Homeland Security; to the Honorable Hillary Clinton, Secretary of the Department of State; to the Honorable Ken Salazar, Secretary of the Department of the Interior; to the Honorable Hilda Solis, Secretary of the Department of Labor; to the Honorable Eric Holder, Attorney General of the United States; to the Honorable Nikolao Pula, Director, Acting Deputy Assistant Secretary, Office of Insular Affairs, Department of the Interior; to the Honorable Madeleine Z. Bordallo, Guam's Delegate to Congress; to the Honorable Gregorio "Kilili" Camacho Sablan, CNMI's Delegate to Congress; to the Honorable Eni Hunkin Faleomavaega, American Samoa's Delegate to Congress; to the Hawaii Delegates to Congress: the Honorable Daniel K. Inouye, the Honorable Daniel K. Akaka, the Honorable Neil Abercrombie and to the Honorable Mazie Hirono; to the Honorable Benigno R. Fitial, Governor of the Commonwealth of the Northern Mariana Islands; to the Presiding Legislative Officers and the Chief Executive Officers of all members of the Association of Pacific Island Legislatures.


J. KALANI ENGLISH
APIL PRESIDENT

JUDITH T. WON PAT, ED.D.
APIL SECRETARY