



Association of Pacific Island Legislatures

American Samoa
Commonwealth of the Northern Mariana Islands
FSM, State of Chuuk
FSM, State of Kosrae
FSM, State of Pohnpei
FSM, State of Yap
Island of Guam
Republic of Kiribati
Republic of the Marshall Islands
Republic of Nauru
Republic of Palau
State of Hawaii

A RESOLUTION

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.”

1 **WHEREAS**, it is the intent of the United States Congress, through United States
2 Public Law 110-229, Title VII, Subtitle A – Immigration, Security, and Labor (“P.L.
3 110-229” or the “Act”), to ensure that effective border control procedures are
4 implemented and observed, and that national security and homeland security issues are
5 properly addressed, by extending federal immigration laws to apply to the
6 Commonwealth of the Northern Mariana Islands (the “Commonwealth”), with special
7 provisions to allow for the orderly phasing-in of federal responsibilities in the
8 Commonwealth; and

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

15 **WHEREAS**, the Commonwealth’s economy is in the midst of an extended and
16 severe depression, and tourism, although in a decline, is the remaining pillar of the
17 Commonwealth’s economy; and

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

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

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

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

24 **WHEREAS**, during 2007, Russian tourists accounted for 1% of total visitor
25 arrivals in the Commonwealth and 5% of total visitor expenditures and Chinese tourists
26 accounted for 10% of total visitor arrivals and 13% of total visitor expenditures, which in
27 aggregate represent over one-tenth of total visitor arrivals and nearly one-fifth of visitor
28 expenditures in the Commonwealth; and

1 **WHEREAS**, those tourists have not represented a threat to the welfare, safety, or
2 security of the United States or its territories; and

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

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

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

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

24 **WHEREAS**, P.L. 110-229 provides that those regulations will be promulgated
25 without the benefit of a public comment period, pursuant to Section 553(a) of Title 5,
26 United States Code; now, therefore,

1 **BE IT RESOLVED** by the Association of Pacific Island Legislatures, 28th
2 General Assembly, FSM State of Pohnpei, June 9-11, 2009, that the Association of
3 Pacific Island Legislatures finds that the Commonwealth of the Northern Mariana Islands
4 has received a significant economic benefit from the number of visitors for pleasure from
5 Russia and China within the one-year period preceding the date of enactment of P.L. 110-
6 229; and

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

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

22 **BE IT FURTHER RESOLVED** that the President of the Association of Pacific
23 Island Legislatures shall attest and the Secretary of the Association of Pacific Island
24 Legislatures shall certify to the adoption hereof; and that certified copies of the same shall
25 be transmitted to the Honorable Barack Obama, President of the United States;

1 to the Honorable Janet Napolitano, Secretary of the Department of Homeland Security; to
2 the Honorable Hillary Clinton, Secretary of the Department of State; to the Honorable
3 Ken Salazar, Secretary of the Department of the Interior; to the Honorable Hilda Solis,
4 Secretary of the Department of Labor; to the Honorable Eric Holder, Attorney General of
5 the United States; to the Honorable Nikolao Pula, Director, Acting Deputy Assistant
6 Secretary, Office of Insular Affairs, Department of the Interior; to the Honorable
7 Madeleine Z. Bordallo, Guam's Delegate to Congress; to the Honorable Gregorio "Kilili"
8 Camacho Sablan, CNMI's Delegate to Congress; to the Honorable Eni Hunkin
9 Faleomavaega, American Samoa's Delegate to Congress; to the Hawaii Delegates to
10 Congress: the Honorable Daniel K. Inouye, the Honorable Daniel K. Akaka, the
11 Honorable Neil Ambercrombie and to the Honorable Mazie Hirono; to the Honorable
12 Benigno R. Fitial, Governor of the Commonwealth of the Northern Mariana Islands; to
13 the Presiding Legislative Officers and the Chief Executive Officers of all members of the
14 Association of Pacific Island Legislatures.

DULY AND REGULARLY ADOPTED ON THE 11TH DAY OF JUNE, 2009.

J. Kalani English

J. KALANI ENGLISH
APIL PRESIDENT

Judith T. Won Pat

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

