

**EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

SESSION, 2013

H. Res. 18-34

A HOUSE RESOLUTION

To respectfully request the House of Representatives of the 113th Congress of the United States to hold indefinitely any action on Section 2109 (Long-Term Legal Residents of the Commonwealth of the Northern Mariana Islands) of S.744 and similar legislation which will allow thousands of alien workers, their families, and persons of other ethnic origin or race who are in the Commonwealth of the Northern Mariana Islands to become U.S. permanent residents and subsequently become U. S. citizen. Section 2109 violate the spirit and sanctity of the Covenant which established a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

1 WHEREAS, the Chamorro and Carolinian people of the Northern Mariana
2 Islands, in the exercise of their inalienable right of self-determination, negotiated
3 the Covenant Agreement which established the Commonwealth of the Northern
4 Mariana Islands in a Political Union with the United States of America. And, in a
5 plebiscite called by the United States on June 17, 1975, they approved the
6 Covenant Agreement by 78.8 per centum. And, with the approval of the
7 Covenant (U.S. Public Law 94-241; 90 Stat. 263) by the 94th United States
8 Congress in a Joint Resolution (H. J. RES. 549) on March 24, 1976 and approved
9 by the President of the United States on October 24, 1977, the Chamorro and
10 Carolinian people of the Northern Mariana Islands finally realized their aspiration
11 to be freed from foreign dominations, and to be recognized as a people of the

1 Northern Mariana Islands, with the “the right of local self-government and to
2 govern themselves in accordance with a Constitution of their own adoption” as
3 agreed upon and guaranteed pursuant to Article 1, Section 103 of the Covenant;
4 and

5 WHEREAS, this desire of the Chamorros and Carolinians of the Northern
6 Mariana Islands is not unique, and serves as a basic tenet that guides indigenous
7 peoples around the world who wish to be protected and secure in their homeland,
8 and to exercise their right to self-government. These include the Filipinos, led by
9 national hero and icon Jose Rizal; the Native Americans of North America; the
10 indigenous Fijians, outnumbered at one point by ethnic Indians; the Aborigines of
11 Australia; the Maori of New Zealand; and the Native Hawaiians; and

12 WHEREAS, the debate on immigration reform issues now before the 113th
13 United States Congress, and in particular, the passage of Section 2109 (Long-
14 Term Legal Residents in the Commonwealth of the Northern Mariana Islands) of
15 S.744 by the Senate, that is now before the House of Representatives, if approved
16 and becomes a law, will make thousands of alien workers, their families and
17 people of other ethnic origin or race in the Commonwealth eligible to become U.
18 S. permanent residents five years from its enactment, and five years thereafter,
19 they will be eligible to become U. S. Citizen; and

20 WHEREAS, the CNMI’s 2010 census data shows that there were 53,883
21 people in the Commonwealth of the Northern Mariana Islands. Of that figure,
22 2,461 were Carolinians and 12,902 were Chamorros, representing a combined

1 total of 15,363 persons of Northern Marianas descent. The 2010 census reported
2 other ethnic groups as follows: 19,017 Filipino; 2,253 Korean; 3,659 Chinese;
3 1,979 other Asian persons; 1,343 persons of other ethnic origin; 6,832 persons of
4 two or more ethnic origins or race; and 3,437 persons of native Hawaiian or
5 Pacific Islanders. These groups of people represent a total of 38,520 or 71 percent
6 of the total population of the Commonwealth of the Northern Mariana Islands,
7 compared to only 15,363 or 29 percent of Chamorro and Carolinian people of
8 Northern Marianas descent. Undoubtedly, the alien workers, their families and
9 people of other ethnic origin or race have already outnumbered the population of
10 the Chamorro and Carolinian people of Northern Marianas descent.

11 WHEREAS, the U. S. Senate, in introducing S.744 with the added Section
12 2109 (Long-term Legal Residents of the Commonwealth of the Northern Mariana
13 Islands), failed to recognize and respect the spirit and sanctity of the Covenant
14 Agreement; the fundamental provisions delineated in Article I, Section 105 of the
15 Covenant, namely, Articles I, II, and III and Sections 501 and 805; and in
16 particular, Article I, Section 103, which guarantees the indigenous Chamorros and
17 Carolinians of the Northern Mariana Islands their right of local self-government
18 and to govern themselves with respect to internal affairs in accordance with a
19 Constitution of their own adoption; and

20 WHEREAS, S.744, Sections 2109 B(i), (ii), (iii), (v)(I), (V), and (C) will
21 allow the alien workers, their families and people of other ethnic origin or race to
22 become permanent residents and eventually become U. S. citizens upon it

1 becoming law. According to the 2010 census these foreign people represent a
2 combined total of 38,520 or 71 percent of the Commonwealth's population. Such
3 data clearly depicts a great disparity in the population profile of the
4 Commonwealth, where the people of Northern Mariana descent represent only
5 15,363 or 29 percent of the total population of 53,883. As a consequence, the
6 Chamorros and Carolinians of the Northern Marianas Islands will ultimately
7 become powerless and minority voice in their homeland. Their social, economic,
8 and political rights and all that they have aspired, bargained and worked hard to
9 achieve, pursuant to the Covenant Agreement; including their rights under the
10 Northern Mariana Islands Constitution, which they wrote, adopted, and approved
11 by the President of the United State of America on October 24, 1977, will
12 undeniably be taken away from them; and

13 WHEREAS, Article V, Section 506 of the Covenant, which the Chamorro
14 and Carolinian people of the Northern Mariana Islands agreed to, and approved,
15 hold the same provisions as those found in Section 2109 of S. 744. Sub-section
16 (II) of Section 2109 permits such alien who was, on May 8, 2008, and continues to
17 be as of the date of the enactment of this paragraph, a permanent resident (as
18 defined in section 4303 of this title 3 of the Northern Mariana Islands
19 Commonwealth Code, in effect on May 8, 2008); and (III), is the spouse or child
20 (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C.
21 1101(b)(1))), of an alien described in sub-clauses (I) or (II); and (IV), was, on May
22 8, 2008, an immediate relative (as defined in section 4303 of title 3 of the

1 Northern Mariana Islands Commonwealth Code, in effect on May 8, 2008, of a
2 United States citizen, notwithstanding the age of the United States citizen, and
3 continues to be such an immediate relative on the date of the application described
4 in subparagraph (A); and (V), is the spouse or child (as defined in section
5 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))), of the
6 alien guest worker described in sub-clause (V) and is presently resident under
7 CW-2 status. The intent of these provisions are already permitted under Section
8 506 of Article 5 of the Covenant Agreement, notwithstanding Sections 2109B(i),
9 (ii), (iii), (v)(I), (V), and (C) (Long-term Legal Residents of the Commonwealth of
10 the Northern Mariana Islands) of S.744; and

11 WHEREAS, Section 2109 ((Long-Term Legal Residents of the
12 Commonwealth of the Northern Mariana Islands) of S. 744 is amending Article
13 V, Section 506 of the Covenant by including Section 2109 B(i), (ii), (iii), (v)(I),
14 (V), and (C) to allow alien workers, their families, and people of other ethnic
15 origin or race, who were counted and described in the CNMI's 2010 Census, to
16 become permanent residents and eventually become U. S. citizens. Clearly, this
17 Act violates the fundamental provisions delineated in Article I, Sections 105 and
18 other provisions of the Covenant; and

19 WHEREAS, the House of Representatives of the 18th Northern Marianas
20 Commonwealth Legislature recognizes the importance of granting improved
21 status to the few stateless persons who were born in the Northern Mariana Islands
22 between January 1, 1974 and January 9, 1978 (Section 2109 B(v)(I)); however,

1 the granting of permanent resident status to foreign persons delineated in Section
2 2109 B(i), (ii), (iii), (V), and (C) of S.744, should and must go through the
3 established process, pursuant to the Immigration and Nationality Act. Therefore,
4 the Northern Marianas Commonwealth Legislature disagrees with and is strongly
5 opposed to the inclusion of the Commonwealth of the Northern Mariana Islands in
6 S.744, under Section 2109 (Long-Term Legal Residents of the Commonwealth of
7 the Northern Mariana Islands); and

8 WHEREAS, Article V, Section 503(a) of the Covenant authorizes the
9 United States Congress to make applicable to the Northern Mariana Islands the
10 immigration and naturalization law of the United States after the termination of
11 the Trusteeship Agreement. This was accomplished when the U. S. Congress
12 enacted the Consolidated Natural Resource Act of 2008 (Public Law 110-229).
13 However, such authority given to the United States Congress under the said
14 Article V, Section 503(a) does not necessarily mean that the U. S. Congress can
15 unilaterally and arbitrarily enact immigration laws and/or other bills or legislations
16 for the Commonwealth of the Northern Mariana Islands that contradicts and
17 infringed the fundamental provisions delineated in Article 1, Section 105 and
18 other provisions of the Covenant; particularly, Article 1, Section 103, which
19 guarantees the indigenous people of the Northern Mariana Islands the right of
20 local self-government and to govern themselves with respect to internal affairs in
21 accordance with a Constitution of their own adoption.

1 WHEREAS, Article 1, Section 105 of the Covenant states: “The United
2 States may enact legislation in accordance with its constitutional processes which
3 will be applicable to the Northern Mariana Islands, but if such legislation cannot
4 also be made applicable to the several States the Northern Mariana Islands must
5 be specifically named therein for it to become effective in the Northern Mariana
6 Islands. In order to respect the right of self-government guaranteed by this
7 Covenant the United States agrees to limit the exercise of that authority so that the
8 fundamental provisions of this Covenant, namely Articles I, II and III and Sections
9 501 and 805, may be modified only with the consent of the Government of the
10 United States and the Government of the Northern Mariana Islands”; and

11 WHEREAS, Section 2109 (Long-term Legal Residents of the
12 Commonwealth of the Northern Mariana Islands) of S.744 contradicts U.S. Public
13 Law 110-229 (Consolidated Natural Resources Act of 2008) which mandates the
14 alien worker population of the Commonwealth of the Northern Mariana Islands to
15 be zeroed out when the transition period ends on Dec. 31, 2014. U.S. Public Law
16 110-229 (Consolidated Natural Resources Act of 2008) seeks to help create jobs
17 for the many unemployed indigenous Chamorro and Carolinian people and U. S
18 citizens who are residents in the Northern Mariana Islands, who have been
19 actively searching for work in the job market. Section 2109 of S.744, on the other
20 hand, will deprive the Chamorro and Carolinian people of Northern Marianas
21 descent and U.S. citizens who are residents of the Commonwealth of employment

1 opportunities, as alien workers and people of other ethnic origin or race will
2 continue to occupy and fill the positions in the job market.

3 WHEREAS, alien workers who are recruited for employment purposes,
4 should not, irrespective of the length of their employment in the Commonwealth,
5 be automatically entitled to full social, economic, and political rights, because
6 such benefits and privileges of United States citizens were never promised,
7 bargained, entered, and/or agreed upon in their employment contracts, which were
8 approved by them and the Government of the Commonwealth of the Northern
9 Mariana Islands; nor were discussions made or suggested for alien workers, their
10 families, and persons of other ethnic origin or race to become permanent resident
11 during the negotiation of Covenant Agreement between the indigenous people of
12 the Northern Mariana Islands and the United States of America, notwithstanding
13 Section 506 of Article V of the Covenant; and

14 WHEREAS, the enactment of Section 2109 (Long-term Legal Residents
15 of the Commonwealth of the Northern Mariana Islands) of S.744, and/or any
16 similar Act by Congress, will dramatically change the social, economic, and
17 political landscape in the Commonwealth to the advantage of the thousands of
18 alien workers, their families and people of other ethnic origin or race upon them
19 becoming U. S. Citizens. This will have a devastating effect on the social,
20 political and economic livelihood of the Chamorro and Carolinian people of the
21 Northern Mariana Islands. It will give birth to a new form of foreign domination
22 on the indigenous people once again, but this time, sadly, it evolves from within

1 the Commonwealth by way of Section 2109 (Long-term Legal Residents of the
2 Commonwealth of the Northern Mariana Islands).

3 WHEREAS, the enactment of Section 2109 of S.744, and/or any similar
4 legislations by Congress will place the Carolinian and Chamorro people of the
5 Northern Mariana Islands back in time, trapped under a new form of foreign
6 domination once again, and a direct violation of the Covenant Agreement, and the
7 mandates of the Trusteeship Agreement which was agreed upon by the United
8 States and the United Nation Security Council, including the Charter of the United
9 Nation which obligates the United States “to promote the development of the
10 people of the trust territory toward self-government or independence as may be
11 appropriate to the particular circumstances of the trust territory and its peoples and
12 the freely expressed wishes of the peoples concerned”. The enactment of Section
13 2109 and/or other similar act or legislations by Congress is a direct contradiction
14 to the freely expressed wishes of the Chamorro and Carolinian people of the
15 Northern Marianas Islands when they exercised their inalienable right of self-
16 determination and negotiated the Covenant Agreement with the United States of
17 America - to be free from foreign domination, and to be recognized as a people of
18 the Northern Mariana Islands, with “the right of local self-government and to
19 govern themselves in accordance with a Constitution of their own adoption; and

20 WHEREAS, Section 2109 of S.744, and/or any similar Act currently
21 before both houses of the U. S. Congress for consideration, or are being propose
22 create alarming concerns to the Chamorro and Carolinian people of the Northern

1 Mariana Islands, thus affecting the relationship between them and the United
2 States; therefore, the 18th Northern Marianas Commonwealth Legislature urged
3 the U. S. Congress that any and all propose legislations that infringed upon the
4 social, economic and political rights of the indigenous Chamorro and Carolinian
5 people who are of Northern Marianas descent, who called for, negotiated, and
6 voted favorably in support of the Covenant, must be addressed pursuant to Article
7 1, Section 105 and Section 902 of the Covenant; and

8 WHEREAS, Section 902 of Article IX states in part: “The Government of
9 the United States and the Government of the Northern Mariana Islands will
10 consult regularly on all matters affecting the relationship between them”..... “to
11 consider in good faith such issues affecting the relationship between the Northern
12 Mariana Islands and the United States as may be designated by either Government
13 and to make recommendation with respect thereto”;

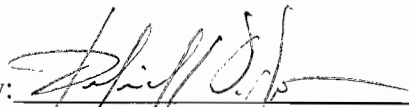
14 **NOW, THEREFORE, BE IT RESOLVED,** that the House of
15 Representatives of the 18th Northern Marianas Commonwealth Legislature
16 respectfully request and urge the House of Representatives of the 113th United
17 States Congress to hold any action on Section 2109 (Long-Term Legal Residents
18 of the Commonwealth of the Northern Mariana Islands) of S.744, and any similar
19 legislation that are currently before both houses of the U. S. Congress undergoing
20 review for consideration until such legislative intent for the Commonwealth of the
21 Northern Mariana Islands is discussed pursuant to Article 1, Section 105 and
22 Article IX, Section 902 of the Covenant to Establish the Commonwealth of the

1 Northern Marianas in Political Union with the United States of America; and to
2 recognize, respect and take into serious consideration the mandates of the
3 Trusteeship Agreement which was agreed upon by the United States; and the
4 United Nation Security Council, including the United States obligation under the
5 Charter of the United Nation as stipulated in the House Joint Resolution No. 549 -
6 to approve the “Covenant To Establish a Commonwealth of the Northern Mariana
7 Islands in Political Union with the United States of America” and

8 **BE IT FURTHER RESOLVED**, that the Speaker of the House shall
9 certify, and the Clerk of the House shall attest to the adoption of this resolution.
10 The Clerk of the House shall transmit a certified copy of this Resolution to the
11 Honorable Joseph R. Biden, Jr., President of the Senate, 113th United States
12 Congress; the Honorable John Boehner, Speaker of the House, 113th United States
13 Congress; the Honorable Gregorio Sablan “Kilili,” CNMI Delegate to the United
14 States Congress; the U. S. Department of Interior Secretary Sally Jewell; the
15 Secretary of U.S. Department of Homeland Security; the Honorable Eloy S. Inos,
16 Governor, Commonwealth of the Northern Mariana Islands; the Honorable Ralph
17 DLG Torres, President of the Senate; 18th Northern Marianas Commonwealth
18 Legislature; the Honorable Donald P. Flores, Mayor of Saipan; the Honorable
19 Ramon M. Dela Cruz, Mayor of Tinian and Aguigan; the Honorable Melchor A.
20 Mendiola, Mayor of Rota; and the Honorable Tobias C. Alden, Mayor of the
21 Northern Islands.

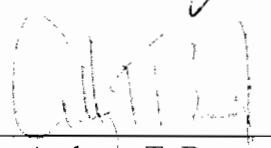
Prefiled: _____

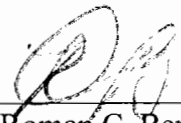
Date: 9/11/13


Introduced By: 

Rep. Felicidad T. Ogumoro


Rep. Antonio R. Agulto


Rep. Anthony T. Benavente


Rep. Roman C. Benavente


Rep. George N. Camacho


Rep. Trenton B. Conner

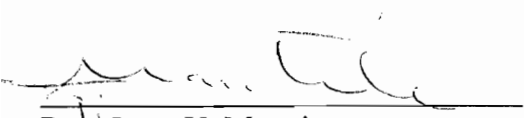
Rep. Francisco S. Dela Cruz

Rep. Joseph P. Deleon Guerrero



Rep. Lorenzo I. Deleon Guerrero

Rep. Rafael S. Demapan



Rep. Christopher D. Leon Guerrero


Rep. Janet U. Maratita

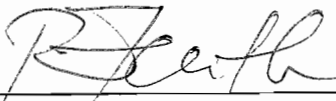
Rep. Antonio P. Sablan


Rep. John Paul P. Sablan

Rep. Teresita A. Santos


Rep. Richard B. Seman


Rep. Mariano Taitano

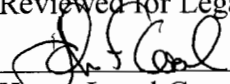


Rep. Ramon A. Tebuteb

Rep. Edmund S. Villagomez

Rep. Ralph N. Yumul

Reviewed for Legal Sufficiency by:



House Legal Counsel

