

# Committee on Resources

## Full Committee

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### Witness Statement

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Statement of  
Resident Representative Juan N. Babauta  
Commonwealth of the Northern Mariana Islands  
before the  
House Resources Committee  
regarding  
Enforcement of Federal Law in the CNMI  
September 16, 1999

Mr. Chairman and Members of the Committee:

Today's hearing is the fourth this Committee has held since 1992 to look at how the federal and the local governments are dealing with the issues of immigration and foreign workers in the Northern Marianas. Mr. Chairman, you, Mr. Miller, and other Members have during this time expended the personal effort to fly halfway round the world to observe the reality in the Marianas and to talk with all parties. As a Committee your scrutiny has been an incentive for change. And as individuals your demonstration of personal concern and the informed counsel you have been able to offer as a result of your visits must also be credited with provoking positive changes.

Even more important, though, has been the role of the people of the Northern Marianas, who have insisted that their elected officials change the course of immigration and labor policy. As Speaker Benavente testified last year regarding the sentiment of the people who elected him: "They want stringent control of immigration. They want labor enforcement. They want to maintain the character of their traditional community life."

You have heard this morning of the actions the Northern Marianas has taken—and is taking—in response to this public sentiment. These actions are designed to ensure that immigration to our islands is managed effectively, and that foreign workers, once arrived, are treated in a manner consistent with the fundamental human values our local community respects. These actions also promote the goal of Covenant Section 701: to raise the standard of living of the people of the Northern Marianas to that of the rest of the United States in a manner which protects our culture, our community, and the environment in which we live.

Have we achieved perfection? Of course not. But we have faced up to the need for change and taken appropriate action.

Is there more to do? Yes, there is; as in any community, social improvement is an on-going process. But I believe—and I say this as one who has been a persistent critic of the Northern Marianas open-door immigration policy and of the way workers have been treated—I believe all-in-all the situation is better

And change has occurred in a way, Mr. Chairman, I think you would agree is usually preferable: local officials, who best understand local conditions and who are answerable to local voters, have crafted local policies to deal with the problems.

What has the federal Executive branch done to make things better?

- OSHA inspections appear to be improving workplace conditions. I was glad to see recently that the penalties for the violations OSHA uncovers in the Marianas are below the national average, which indicates to me the violations are on average less severe than elsewhere in our country.
- The new ombudsman's office Congress mandated is in operation and helping foreign workers reach the system of federal and local laws designed for workers' protection.
- The federally funded computerized tracking system is up and running at least sufficiently that data from that system is now being reported in our annual statistical abstracts.

We still have, however, concern about the commitment and efficiency of federal law enforcers in the Marianas. As the US Commission on Immigration Reform observed in its 1997 final report: "...the federal government has not generally been willing to devote a high level of resources even to carry out functions where the federal responsibility is clear." Indeed, the principal reason that Labor and Justice and Treasury have agents and offices today in the Marianas is because those federal departments have been able to siphon off funds that Congress had otherwise designated for capital improvements in all the US territories. The agencies are reluctant to spend their regular operational funds to do their duty in the Marianas.

To me it is clear that when it comes to a "territory" without representation in Congress or a role in election of the President there is, of course, no incentive to commit federal resources.

It should be clear to you why, given this reality, we in the Marianas remain essentially skeptical about calls to increase federal law enforcement responsibilities by extending the Immigration and Nationalities Act. We just don't trust that if the federal government had that additional power over us our interests would be listened to or our welfare put before other concerns that the Executive branch—or Congress—might in the future have.

We see a pattern of unfulfilled promises from our federal partners. Today, for instance, we wait patiently for reimbursement of some \$700,000 we expended this year to assist the US Immigration and Naturalization Service in the interdiction and confinement of over 500 Chinese who attempted to illegally enter Guam. The Governor responded immediately when the Attorney General asked for a commitment of CNMI manpower and money to deal with this crisis. Yet there seems to be no such sense of urgency on the part of the federal government when it comes to its pledge of repayment.

And year after year goes by without the compact impact assistance Congress promised the Northern

Marianas in US Public Law 99-239 to offset the costs of immigration from the island republics with which the US has a relationship of free association costs we estimate in 1998 to have been \$15.1 million. Guam receives some \$5 million annually for compact impact; and in this year's budget the President proposed doubling that amount. So, clearly the federal government acknowledges the legitimacy of the claim for compact impact wherever there are immigrants from the freely associated states. Yet the Northern Marianas and the State of Hawaii receive nothing.

Of course, the Marianas has benefited from our partnership with the US. We appreciate the many federal grants. Yet we receive less federal assistance per capita than any other part of our nation. The most prominent of the federal grants \$11 million annually for capital improvements is subject to a 50-50 match that no other territory has to make for similar monies. If we are slow to make the match, continuation of the funding is attacked on the floor during appropriations debates, as it was this year and last. Still we take pride in the self-sufficiency that 50-50 match implies and in the systematic approach to spending those funds embodied in the plan Governor Tenorio prepared last year and which he and the Legislature are abiding by.

We are proud, also, to be US citizens. Perhaps, because we had to work to achieve that citizenship, because we consciously chose citizenship by referendum, and because we endured 300 years of colonialism to achieve this freedom, we appreciate in a way those who simply have the good fortune to be born an American cannot what it means to live in a democracy. And we will demonstrate our appreciation on November 6th, when, if the past is any predictor, over 90% of the eligible voters in the Marianas will cast their ballots in legislative elections.

Imagine how it feels to people who take participation that seriously to be denied any role in our national government.

I commend this Committee for taking action in the past to provide the US citizens of the Northern Marianas with a Delegate in this House of Representatives. But Mr. Gallegly's delegate bill was blocked this Committee's recommendation was thwarted in the 104th Congress. In the name of simple justice I ask that you not let the 106th Congress end without righting this wrong.

And do not stop there, Mr. Chairman. This Committee and this Congress must confront the totality of the relationship between the "territories" and the rest of this United States.

Our nation today is enjoying a period of unprecedented economic growth. Yet look at conditions in the insular areas. By many measures GDP or personal income per capita we lag far behind the rest of the nation. Large percentages of our populations are below federal poverty guidelines. To one degree or another most of our governments have accumulated debt; some remain dependent on the federal government for operational funds. It would not be an overstatement to say that we are America's insular Appalachia. There is no vision required to see where we need to go: we want to be as prosperous as the rest of our nation. But vision is needed and Congress must be our partner in this to find a pathway to that goal.

Politically, too, Congress needs to take action on what is a fundamental affront to our American ideals: Here in the third century of our democracy there remain 4 million US citizens who are denied the right to vote for the laws that govern them or the right to vote for the President who administers those laws simply because those citizens live in American Samoa and Guam and Puerto Rico, the Virgin Islands and the Marianas. Why even US citizens living in foreign countries can vote for members of Congress and the President. Only those of us in America's "territorial" enclaves are denied this fundamental right of citizenship

One criticism of the NMI immigration policy is that it allows there to be a permanent resident population that is politically disenfranchised and that this is counter to American values. I agree. And I would add that this is also a perfect description of US territorial policy: four million Americans permanently dispossessed.

So, I close by asking this Committee to rise to the challenge posed by a 19th century territorial policy that is in danger of persisting into the 21st century. Take on the challenge and together let's make the insular areas truly a part of America.

Mr. Chairman, thank you for this opportunity to address the Committee.

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