

106TH CONGRESS  
2D SESSION

# S. 1052

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2000

Referred to the Committee on Resources

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## AN ACT

To implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND PURPOSE.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5 “Northern Mariana Islands Covenant Implementation  
6 Act”.

1 (b) STATEMENT OF PURPOSE.—In recognition of the  
2 need to ensure uniform adherence to long-standing funda-  
3 mental immigration policies of the United States, it is the  
4 intention of Congress in enacting this legislation—

5 (1) to ensure effective immigration control by  
6 extending the Immigration and Nationality Act, as  
7 amended (8 U.S.C. 1101 et seq.), in full to the Com-  
8 monwealth of the Northern Mariana Islands, with  
9 special provisions to allow for the orderly phasing-  
10 out of the nonresident contract worker program of  
11 the Commonwealth of the Northern Mariana Is-  
12 lands, and the orderly phasing-in of Federal respon-  
13 sibilities over immigration in the Commonwealth of  
14 the Northern Mariana Islands;

15 (2) to minimize, to the greatest extent possible,  
16 potential adverse effects this orderly phase-out might  
17 have on the economy of the Commonwealth of the  
18 Northern Mariana Islands by:

19 (A) encouraging diversification and growth  
20 of the economy of the Commonwealth of the  
21 Northern Mariana Islands consistent with fun-  
22 damental values underlying Federal immigra-  
23 tion policy;

24 (B) recognizing local self-government, as  
25 provided for in the Covenant to Establish a

1 Commonwealth of the Northern Mariana Is-  
2 lands in Political Union with the United States  
3 of America through consultation with the Gov-  
4 ernor and other elected officials of the Govern-  
5 ment of the Commonwealth of the Northern  
6 Mariana Islands by Federal agencies and by  
7 considering the views and recommendations of  
8 such officials in the implementation and en-  
9 forcement of Federal law by Federal agencies;

10 (C) assisting the Commonwealth of the  
11 Northern Mariana Islands to achieve a progres-  
12 sively higher standard of living for its citizens  
13 through the provision of technical and other as-  
14 sistance;

15 (D) providing opportunities for persons au-  
16 thorized to work in the United States, including  
17 lawfully admissible freely associated state cit-  
18 izen labor; and

19 (E) ensuring the ability of the locally elect-  
20 ed officials by the Commonwealth of the North-  
21 ern Mariana Islands to make fundamental pol-  
22 icy decisions regarding the direction and pace of  
23 the economic development and growth of the  
24 Commonwealth of the Northern Mariana Is-

1 lands, consistent with the fundamental national  
2 values underlying Federal immigration policy.

3 **SEC. 2. IMMIGRATION REFORM FOR THE COMMONWEALTH**  
4 **OF THE NORTHERN MARIANA ISLANDS.**

5 (a) AMENDMENTS TO ACT APPROVING THE COV-  
6 ENANT TO ESTABLISH A COMMONWEALTH OF THE  
7 NORTHERN MARIANA ISLANDS IN POLITICAL UNION  
8 WITH THE UNITED STATES OF AMERICA.—Public Law  
9 94–241 (90 Stat. 263), as amended, is further amended  
10 by adding at the end thereof the following:

11 **“SEC. 6. IMMIGRATION AND TRANSITION.**

12 “(a) APPLICATION OF THE IMMIGRATION AND NA-  
13 TIONALITY ACT AND ESTABLISHMENT OF A TRANSITION  
14 PROGRAM.—Effective on the first day of the first full  
15 month commencing one year after the date of enactment  
16 of the Northern Mariana Islands Covenant Implementa-  
17 tion Act (hereafter the “transition program effective  
18 date”), the provisions of the Immigration and Nationality  
19 Act, as amended (8 U.S.C. 1101 et seq.) shall apply to  
20 the Commonwealth of the Northern Mariana Islands: *Pro-*  
21 *vided*, That there shall be a transition period ending De-  
22 cember 31, 2009 (except for subsection (d)(2)(D)), fol-  
23 lowing the transition program effective date, during which  
24 the Attorney General of the United States (hereafter “At-  
25 torney General”), in consultation with the United States

1 Secretaries of State, Labor, and the Interior, shall estab-  
2 lish, administer, and enforce a transition program for im-  
3 migration to the Commonwealth of the Northern Mariana  
4 Islands provided in subsections (b), (c), (d), (e), (f), and  
5 (i) of this section (hereafter the “transition program”).  
6 The transition program shall be implemented pursuant to  
7 regulations to be promulgated as appropriate by each  
8 agency having responsibilities under the transition pro-  
9 gram.

10 “(b) EXEMPTION FROM NUMERICAL LIMITATIONS  
11 FOR H-2B TEMPORARY WORKERS.—An alien, if other-  
12 wise qualified, may seek admission to the Commonwealth  
13 of the Northern Mariana Islands as a temporary worker  
14 under section 101(a)(15)(H)(ii)(B) of the Immigration  
15 and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B))  
16 without counting against the numerical limitations set  
17 forth in section 214(g) of such Act (8 U.S.C. 1184(g)).

18 “(c) TEMPORARY ALIEN WORKERS.—The transition  
19 program shall conform to the following requirements with  
20 respect to temporary alien workers who would otherwise  
21 not be eligible for nonimmigrant classification under the  
22 Immigration and Nationality Act:

23 “(1) Aliens admitted under this subsection shall  
24 be treated as nonimmigrants under section  
25 101(a)(15) of the Immigration and Nationality Act

1 (8 U.S.C. 1101(a)(15)), including the ability to  
2 apply, if otherwise eligible, for a change of non-  
3 immigrant classification under section 248 of such  
4 Act (8 U.S.C. 1258), or adjustment of status, if eli-  
5 gible therefor, under this section and section 245 of  
6 such Act (8 U.S.C. 1255).

7 “(2)(A) The United States Secretary of Labor  
8 shall establish, administer, and enforce a system for  
9 allocating and determining the number, terms, and  
10 conditions of permits to be issued to prospective em-  
11 ployers for each temporary alien worker who would  
12 not otherwise be eligible for admission under the Im-  
13 migration and Nationality Act. This system shall  
14 provide for a reduction in the allocation of permits  
15 for such workers on an annual basis, to zero, over  
16 a period not to extend beyond December 31, 2009,  
17 and shall take into account the number of petitions  
18 granted under subsection (i). In no event shall a per-  
19 mit be valid beyond the expiration of the transition  
20 period. This system may be based on any reasonable  
21 method and criteria determined by the United States  
22 Secretary of Labor to promote the maximum use of,  
23 and to prevent adverse effects on wages and working  
24 conditions of, persons authorized to work in the  
25 United States, including lawfully admissible freely

1 associated state citizen labor, taking into consider-  
2 ation the objective of providing as smooth a transi-  
3 tion as possible to the full application of federal law.

4 “(B) The United States Secretary of Labor is  
5 authorized to establish and collect appropriate user  
6 fees for the purposes of this section. Amounts col-  
7 lected pursuant to this section shall be deposited in  
8 a special fund of the Treasury. Such amounts shall  
9 be available, to the extent and in the amounts as  
10 provided in advance in appropriations acts, for the  
11 purposes of administering this section. Such  
12 amounts are authorized to be appropriated to re-  
13 main available until expended.

14 “(3) The Attorney General shall set the condi-  
15 tions for admission of nonimmigrant temporary alien  
16 workers under the transition program, and the  
17 United States Secretary of State shall authorize the  
18 issuance of nonimmigrant visas for aliens to engage  
19 in employment only as authorized in this subsection:  
20 *Provided*, That such visas shall not be valid for ad-  
21 mission to the United States, as defined in section  
22 101(a)(38) of the Immigration and Nationality Act  
23 (8 U.S.C. 1101(a)(38)), except the Commonwealth  
24 of the Northern Mariana Islands. An alien admitted  
25 to the Commonwealth of the Northern Mariana Is-

1 lands on the basis of such a nonimmigrant visa shall  
2 be permitted to engage in employment only as au-  
3 thorized pursuant to the transition program. No  
4 alien shall be granted nonimmigrant classification or  
5 a visa under this subsection unless the permit re-  
6 quirements established under paragraph (2) have  
7 been met.

8 “(4) An alien admitted as a nonimmigrant pur-  
9 suant to this subsection shall be permitted to trans-  
10 fer between employers in the Commonwealth of the  
11 Northern Mariana Islands during the period of such  
12 alien’s authorized stay therein, without advance per-  
13 mission of the employee’s current or prior employer,  
14 to the extent that such transfer is authorized by the  
15 Attorney General in accordance with criteria estab-  
16 lished by the Attorney General and the United  
17 States Secretary of Labor.

18 “(d) IMMIGRANTS.—With the exception of immediate  
19 relatives (as defined in section 201(b)(2) of the Immigra-  
20 tion and Nationality Act (8 U.S.C. 1151(b)(2)) and per-  
21 sons granted an immigrant visa as provided in paragraphs  
22 (1) and (2) of this subsection, no alien shall be granted  
23 initial admission as a lawful permanent resident of the  
24 United States at a port-of-entry in the Commonwealth of  
25 the Northern Mariana Islands, or a port-of-entry in Guam



1 for the purpose of immigrating to the Commonwealth of  
2 the Northern Mariana Islands.

3 “(1) FAMILY-SPONSORED IMMIGRANT VISAS.—

4 For any fiscal year during which the transition pro-  
5 gram will be in effect, the Attorney General, after  
6 consultation with the Governor and the leadership of  
7 the Legislature of the Commonwealth of the North-  
8 ern Mariana Islands, and in consultation with appro-  
9 priate federal agencies, may establish a specific  
10 number of additional initial admissions as a family-  
11 sponsored immigrant at a port-of-entry in the Com-  
12 monwealth of the Northern Mariana Islands, or at  
13 a port-of-entry in Guam for the purpose of immi-  
14 grating to the Commonwealth of the Northern Mar-  
15 iana Islands, pursuant to sections 202 and 203(a) of  
16 the Immigration and Nationality Act (8 U.S.C. 1152  
17 and 1153(a)).

18 “(2) EMPLOYMENT-BASED IMMIGRANT VISAS.—

19 “(A) If the Attorney General, after con-  
20 sultation with the United States Secretary of  
21 Labor and the Governor and the leadership of  
22 the Legislature of the Commonwealth of the  
23 Northern Mariana Islands, finds that excep-  
24 tional circumstances exist with respect to the  
25 inability of employers in the Commonwealth of

1 the Northern Mariana Islands to obtain suffi-  
2 cient work-authorized labor, the Attorney Gen-  
3 eral may establish a specific number of employ-  
4 ment-based immigrant visas that will not count  
5 against the numerical limitations under section  
6 203(b) of the Immigration and Nationality Act  
7 (8 U.S.C. 1153(b)). The labor certification re-  
8 quirements of section 212(a)(5) of the Immi-  
9 gration and Nationality Act, as amended (8  
10 U.S.C. 1182(a)(5)) shall not apply to an alien  
11 seeking immigration benefits under this sub-  
12 section.

13 “(B) Persons granted employment-based  
14 immigrant visas under the transition program  
15 may be admitted initially at a port-of-entry in  
16 the Commonwealth of the Northern Mariana Is-  
17 lands, or at a port-of-entry in Guam for the  
18 purpose of immigrating to the Commonwealth  
19 of the Northern Mariana Islands, as lawful per-  
20 manent residents of the United States. Persons  
21 who would otherwise be eligible for lawful per-  
22 manent residence under the transition program,  
23 and who would otherwise be eligible for an ad-  
24 justment of status, may have their status ad-  
25 justed within the Commonwealth of the North-

1           ern Mariana Islands to that of an alien lawfully  
2           admitted for permanent residence.

3           “(C) Nothing in this paragraph shall pre-  
4           clude an alien who has obtained lawful perma-  
5           nent resident status pursuant to this paragraph  
6           from applying, if otherwise eligible, under this  
7           section and under the Immigration and Nation-  
8           ality Act for an immigrant visa or admission as  
9           a lawful permanent resident under the Immi-  
10          gration and Nationality Act.

11          “(D) SPECIAL PROVISION TO ENSURE ADE-  
12          QUATE EMPLOYMENT IN THE TOURISM INDUS-  
13          TRY AFTER THE TRANSITION PERIOD ENDS.—

14                 “(i) During 2008, and in 2014 if a  
15                 five year extension was granted, the Attor-  
16                 ney General and the United States Sec-  
17                 retary of Labor shall consult with the Gov-  
18                 ernor of the Commonwealth of the North-  
19                 ern Mariana Islands and tourism busi-  
20                 nesses in the Commonwealth of the North-  
21                 ern Mariana Islands to ascertain the cur-  
22                 rent and future labor needs of the tourism  
23                 industry in the Commonwealth of the  
24                 Northern Mariana Islands, and to deter-  
25                 mine whether a five-year extension of the

1 provisions of this paragraph (d)(2) would  
2 be necessary to ensure an adequate num-  
3 ber of workers for legitimate businesses in  
4 the tourism industry. For the purpose of  
5 this section, a business shall not be consid-  
6 ered legitimate if it engages directly or in-  
7 directly in prostitution or any activity that  
8 is illegal under Federal or local law. The  
9 determination of whether a business is le-  
10 gitimate and whether it is sufficiently re-  
11 lated to the tourism industry shall be made  
12 by the Attorney General in his sole discre-  
13 tion and shall not be reviewable. If the At-  
14 torney General after consultation with the  
15 United States Secretary of Labor deter-  
16 mines, in the Attorney General's sole dis-  
17 cretion, that such an extension is necessary  
18 to ensure an adequate number of workers  
19 for legitimate businesses in the tourism in-  
20 dustry, the Attorney General shall provide  
21 notice by publication in the Federal Reg-  
22 ister that the provisions of this paragraph  
23 will be extended for a five-year period with  
24 respect to the tourism industry only. The  
25 Attorney General may authorize one fur-

1           ther extension of this paragraph with re-  
2           spect to the tourism industry in the Com-  
3           monwealth of the Northern Mariana Is-  
4           lands if, after the Attorney General  
5           consults with the United States Secretary  
6           of Labor and the Governor of the Com-  
7           monwealth of the Northern Mariana Is-  
8           lands, and local tourism businesses, the At-  
9           torney General determines, in the Attorney  
10          General’s sole discretion, that a further ex-  
11          tension is required to ensure an adequate  
12          number of workers for legitimate busi-  
13          nesses in the tourism industry in the Com-  
14          monwealth of the Northern Mariana Is-  
15          lands.

16                 “(ii) The Attorney General, after con-  
17                 sultation with the Governor of the Com-  
18                 monwealth of the Northern Mariana Is-  
19                 lands and the United States Secretary of  
20                 Labor and the United States Secretary of  
21                 Commerce, may extend the provisions of  
22                 this paragraph (d)(2) to legitimate busi-  
23                 nesses in industries outside the tourism in-  
24                 dustry for a single five year period if the  
25                 Attorney General, in the Attorney Gen-

1 eral's sole discretion, concludes that such  
2 extension is necessary to ensure an ade-  
3 quate number of workers in that industry  
4 and that the industry is important to  
5 growth or diversification of the local econ-  
6 omy.

7 “(iii) In making his determination for  
8 the tourism industry or for industries out-  
9 side the tourism industry, the Attorney  
10 General shall take into consideration the  
11 extent to which a training and recruitment  
12 program has been implemented to hire per-  
13 sons authorized to work in the United  
14 States, including lawfully admissible freely  
15 associated state citizen labor to work in  
16 such industry. No additional extension be-  
17 yond the initial five year period may be  
18 granted for any industry outside the tour-  
19 ism industry or for the tourism industry  
20 beyond a second extension. If an extension  
21 is granted, the Attorney General shall sub-  
22 mit a report to the Committee on Energy  
23 and Natural Resources of the Senate and  
24 the Committee on Resources of the House  
25 of Representatives setting forth the rea-

1           sons for the extension and whether he be-  
2           lieves authority for additional extensions  
3           should be enacted.

4           “(e) NONIMMIGRANT INVESTOR VISAS.—

5           “(1) Notwithstanding the treaty requirements  
6           in section 101(a)(15)(E) of the Immigration and  
7           Nationality Act (8 U.S.C. 1101(a)(15)(E)), the At-  
8           torney General may, upon the application of the  
9           alien, classify an alien as a nonimmigrant under sec-  
10          tion 101(a)(15)(E)(ii) of the Immigration and Na-  
11          tionality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the  
12          alien—

13           “(A) has been admitted to the Common-  
14          wealth of the Northern Mariana Islands in  
15          long-term investor status under the immigration  
16          laws of the Commonwealth of the Northern  
17          Mariana Islands before the transition program  
18          effective date;

19           “(B) has continuously maintained resi-  
20          dence in the Commonwealth of the Northern  
21          Mariana Islands under long-term investor sta-  
22          tus;

23           “(C) is otherwise admissible; and

1           “(D) maintains the investment or invest-  
2           ments that formed the basis for such long-term  
3           investor status.

4           “(2) Within 180 days after the transition pro-  
5           gram effective date, the Attorney General and the  
6           United States Secretary of State shall jointly publish  
7           regulations in the Federal Register to implement  
8           this subsection.

9           “(3) The Attorney General shall treat an alien  
10          who meets the requirements of paragraph (1) as a  
11          nonimmigrant under section 101(a)(15)(E)(ii) of the  
12          Immigration and Nationality Act (8 U.S.C.  
13          1101(a)(15)(E)(ii) until the regulations imple-  
14          menting this subsection are published.

15          “(f) PERSONS LAWFULLY ADMITTED UNDER THE  
16          COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
17          IMMIGRATION LAW.—

18          “(1) No alien who is lawfully present in the  
19          Commonwealth of the Northern Mariana Islands  
20          pursuant to the immigration laws of the Common-  
21          wealth of the Northern Mariana Islands on the tran-  
22          sition program effective date shall be removed from  
23          the United States on the ground that such alien’s  
24          presence in the Commonwealth of the Northern  
25          Mariana Islands is in violation of subparagraph



1       212(a)(6)(A) of the Immigration and Nationality  
2       Act, as amended, until completion of the period of  
3       the alien’s admission under the immigration laws of  
4       the Commonwealth of the Northern Mariana Is-  
5       lands, or the second anniversary of the transition  
6       program effective date, whichever comes first. Noth-  
7       ing in this subsection shall be construed to prevent  
8       or limit the removal under subparagraph  
9       212(a)(6)(A) of such an alien at any time, if the  
10      alien entered the Commonwealth of the Northern  
11      Mariana Islands after the date of enactment of the  
12      Northern Mariana Islands Covenant Implementation  
13      Act, and the Attorney General has determined that  
14      the Government of the Commonwealth of the North-  
15      ern Mariana Islands violated subsection (f) of such  
16      Act.

17           “(2) Any alien who is lawfully present and au-  
18      thorized to be employed in the Commonwealth of the  
19      Northern Mariana Islands pursuant to the immigra-  
20      tion laws of the Commonwealth of the Northern  
21      Mariana Islands on the transition program effective  
22      date shall be considered authorized by the Attorney  
23      General to be employed in the Commonwealth of the  
24      Northern Mariana Islands until the expiration of the  
25      alien’s employment authorization under the immi-

1       gration laws of the Commonwealth of the Northern  
2       Mariana Islands, or the second anniversary of the  
3       transition program effective date, whichever comes  
4       first.

5       “(g) EFFECT ON OTHER LAWS.—The provisions of  
6 this section and the Immigration and Nationality Act, as  
7 amended by the Northern Mariana Islands Covenant Im-  
8 plementation Act, shall, on the transition program effec-  
9 tive date, supersede and replace all laws, provisions, or  
10 programs of the Commonwealth of the Northern Mariana  
11 Islands relating to the admission of aliens and the removal  
12 of aliens from the Commonwealth of the Northern Mar-  
13 iana Islands.

14       “(h) ACCRUAL OF TIME FOR PURPOSES OF SECTION  
15 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY  
16 ACT, AS AMENDED.—No time that an alien is present in  
17 violation of the immigration laws of the Commonwealth  
18 of the Northern Mariana Islands shall by reason of such  
19 violation be counted for purposes of the ground of inad-  
20 missibility in section 212(a)(9)(B) of the Immigration and  
21 Nationality Act (8 U.S.C. 1182(a)(9)(B)).

22       “(i) ONE-TIME GRANDFATHER PROVISION FOR CER-  
23 TAIN LONG-TERM EMPLOYEES.—

24               “(1) An alien may be granted an immigrant  
25       visa, or have his or her status adjusted in the Com-

1       monwealth of the Northern Mariana Islands to that  
2       of an alien lawfully admitted for permanent resi-  
3       dence, without counting against the numerical limi-  
4       tations set forth in sections 202 and 203(b) of the  
5       Immigration and Nationality Act, as amended (8  
6       U.S.C. 1152, 1153(b)), and subject to the limiting  
7       terms and conditions of an alien’s permanent resi-  
8       dence set forth in paragraphs (B) and (C) of sub-  
9       section (d)(2), if:

10               “(A) the alien is employed directly by an  
11               employer in a business that the Attorney Gen-  
12               eral has determined is legitimate;

13               “(B) the employer has filed a petition for  
14               classification of the alien as an employment-  
15               based immigrant with the Attorney General  
16               pursuant to section 204 of the Immigration and  
17               Nationality Act, as amended, not later than 180  
18               days following the transition program effective  
19               date;

20               “(C) the alien has been lawfully present in  
21               the Commonwealth of the Northern Mariana Is-  
22               lands and authorized to be employed in the  
23               Commonwealth of the Northern Mariana Is-  
24               lands for the four-year period immediately pre-  
25               ceding the filing of the petition;

1           “(D) the alien has been employed continu-  
2           ously in that business by the petitioning em-  
3           ployer for the four-year period immediately pre-  
4           ceding the filing of the petition;

5           “(E) the alien continues to be employed in  
6           that business by the petitioning employer at the  
7           time the immigrant visa is granted or the  
8           alien’s status is adjusted to permanent resident;

9           “(F) the petitioner’s business has a rea-  
10          sonable expectation of generating sufficient rev-  
11          enue to continue to employ the alien in that  
12          business for the succeeding four years; and

13          “(G) the alien is otherwise eligible for ad-  
14          mission to the United States under the provi-  
15          sions of the Immigration and Nationality Act,  
16          as amended (8 U.S.C. 1101, et seq.).

17          “(2) The labor certification requirements of sec-  
18          tion 212(a)(5) of the Immigration and Nationality  
19          Act, as amended (8 U.S.C. 1182(a)(5)) shall not  
20          apply to an alien seeking immigration benefits under  
21          this subsection.

22          “(3) The fact that an alien is the beneficiary of  
23          an application for a preference status that was filed  
24          with the Attorney General under section 204 of the  
25          Immigration and Nationality Act, as amended (8

1 U.S.C. 1154) for the purpose of obtaining benefits  
2 under this subsection, or has otherwise sought per-  
3 manent residence pursuant to this subsection, shall  
4 not render the alien ineligible to obtain or maintain  
5 the status of a nonimmigrant under this Act or the  
6 Immigration and Nationality Act, as amended, if the  
7 alien is otherwise eligible for such nonimmigrant sta-  
8 tus.”.

9 “(j) STATUTORY CONSTRUCTION.—Nothing in this  
10 section may be construed to count the issuance of any visa  
11 to an alien, or the grant of any admission of an alien,  
12 under this section toward any numerical limitation con-  
13 tained in the Immigration and Nationality Act.”.

14 (b) CONFORMING AMENDMENTS.—(1) Section  
15 101(a) of the Immigration and Nationality Act (8 U.S.C.  
16 1101(a)) is amended:

17 (A) in paragraph (36), by deleting “and the  
18 Virgin Islands of the United States.” and sub-  
19 stituting “the Virgin Islands of the United States,  
20 and the Commonwealth of the Northern Mariana Is-  
21 lands.”, and;

22 (B) in paragraph (38), by deleting “and the  
23 Virgin Islands of the United States” and sub-  
24 stituting “the Virgin Islands of the United States,

1 and the Commonwealth of the Northern Mariana Is-  
2 lands.”.

3 (2) Section 212(l) of the Immigration and Nationality  
4 Act (8 U.S.C. 1182(l)) is amended—

5 (A) in paragraph (1)—

6 (i) by striking “stay on Guam”, and insert-  
7 ing “stay on Guam or the Commonwealth of  
8 the Northern Mariana Islands”,

9 (ii) by inserting “a total of” after “ex-  
10 ceed”, and

11 (iii) by striking the words “after consulta-  
12 tion with the Governor of Guam,” and inserting  
13 “after respective consultation with the Governor  
14 of Guam or the Governor of the Commonwealth  
15 of the Northern Mariana Islands,”;

16 (B) in paragraph (1)(A), by striking “on  
17 Guam”, and inserting “on Guam or the Common-  
18 wealth of the Northern Mariana Islands, respec-  
19 tively,”;

20 (C) in paragraph (2)(A), by striking “into  
21 Guam”, and inserting “into Guam or the Common-  
22 wealth of the Northern Mariana Islands, respec-  
23 tively,”; and

24 (D) in paragraph (3), by striking “Government  
25 of Guam” and inserting “Government of Guam or

1 the Government of the Commonwealth of the North-  
2 ern Mariana Islands”.

3 (3) The amendments to the Immigration and Nation-  
4 ality Act made by this subsection shall take effect on the  
5 first day of the first full month commencing one year after  
6 the date of enactment of the Northern Mariana Islands  
7 Covenant Implementation Act.

8 (c) TECHNICAL ASSISTANCE PROGRAM.—The United  
9 States Secretaries of Interior and Labor, in consultation  
10 with the Governor of the Commonwealth of the Northern  
11 Mariana Islands, shall develop a program of technical as-  
12 sistance, including recruitment and training, to aid em-  
13 ployers in the Commonwealth of the Northern Mariana Is-  
14 lands in securing employees from among United States  
15 authorized labor, including lawfully admissible freely asso-  
16 ciated state citizen labor. In addition, for the first five fis-  
17 cal years following the fiscal year when this section is en-  
18 acted, \$500,000 shall be made available from funds appro-  
19 priated to the Secretary of the Interior pursuant to Public  
20 Law 104–134 for the Federal-CNMI Immigration, Labor  
21 and Law Enforcement Initiative for the following activi-  
22 ties:

23 (1) \$200,000 shall be available to reimburse the  
24 United States Secretary of Commerce for providing  
25 additional technical assistance and other support to

1 the Commonwealth of the Northern Mariana Islands  
2 to identify opportunities for and encourage diver-  
3 sification and growth of the Commonwealth econ-  
4 omy. The United States Secretary of Commerce  
5 shall consult with the Government of the Common-  
6 wealth of the Northern Mariana Islands, local busi-  
7 nesses, the United States Secretary of the Interior,  
8 regional banks, and other experts in the local econ-  
9 omy and shall assist in the development and imple-  
10 mentation of a process to identify opportunities for  
11 and encourage diversification and growth of the  
12 Commonwealth economy. All expenditures, other  
13 than for the costs of Federal personnel, shall require  
14 a non-Federal matching contribution of 50 percent  
15 and the United States Secretary of Commerce shall  
16 provide a report on activities to the Committee on  
17 Energy and Natural Resources and the Committee  
18 on Appropriations of the Senate and the Committee  
19 on Resources and the Committee on Appropriations  
20 of the House of Representatives by March 1 of each  
21 year. The United States Secretary of Commerce may  
22 supplement the funds provided under this section  
23 with other funds and resources available to him and  
24 shall undertake such other activities, pursuant to ex-  
25 isting authorities of the Department, as he decides



1 will encourage diversification and growth of the  
2 Commonwealth economy. If the United States Sec-  
3 retary of Commerce concludes that additional work-  
4 ers may be needed to achieve diversification and  
5 growth of the Commonwealth economy, the Sec-  
6 retary shall promptly notify the Attorney General  
7 and the United States Secretary of Labor and shall  
8 also notify the Committee on Energy and Natural  
9 Resources of the Senate and the Committee on Re-  
10 sources of the House of Representatives of his con-  
11 clusion with an explanation of how many workers  
12 may be needed, over what period of time such work-  
13 ers will be needed, and what efforts are being under-  
14 taken to train and actively recruit and hire persons  
15 authorized to work in the United States, including  
16 lawfully admissible freely associated state citizen  
17 labor to work in such businesses.

18 (2) \$300,000 shall be available to reimburse the  
19 United States Secretary of Labor for providing addi-  
20 tional technical and other support to the Common-  
21 wealth of the Northern Mariana Islands to train and  
22 actively recruit and hire persons authorized to work  
23 in the United States, including lawfully admissible  
24 freely associated state citizen labor, to fill employ-  
25 ment vacancies in the Commonwealth of the North-

1 ern Mariana Islands. The United States Secretary of  
2 Labor shall consult with the Governor of the Com-  
3 monwealth of the Northern Mariana Islands, local  
4 businesses, the College of the Northern Marianas,  
5 the United States Secretary of the Interior and the  
6 United States Secretary of Commerce and shall as-  
7 sist in the development and implementation of such  
8 a training program. All expenditures, other than for  
9 the costs of Federal personnel, shall require a non-  
10 Federal matching contribution of 50 percent and the  
11 United States Secretary of Labor shall provide a re-  
12 port on activities to the Committee on Energy and  
13 Natural Resources and the Committee on Appropria-  
14 tions of the Senate and the Committee on Resources  
15 and the Committee on Appropriations of the House  
16 of Representatives by March 1 of each year. The  
17 United States Secretary of Labor may supplement  
18 the funds provided under this section with other  
19 funds and resources available to him and shall un-  
20 dertake such other activities, pursuant to existing  
21 authorities of the Department, as he decides will as-  
22 sist in such a training program in the Common-  
23 wealth of the Northern Mariana Islands.

24 (d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF  
25 LABOR OPERATIONS.—The Attorney General and the

1 United States Secretary of Labor are authorized to estab-  
2 lish and maintain Immigration and Naturalization Serv-  
3 ice, Executive Office for Immigration Review, and United  
4 States Department of Labor operations in the Common-  
5 wealth of the Northern Mariana Islands for the purpose  
6 of performing their responsibilities under the Immigration  
7 and Nationality Act, as amended, and under the transition  
8 program. To the extent practicable and consistent with the  
9 satisfactory performance of their assigned responsibilities  
10 under applicable law, the United States Departments of  
11 Justice and Labor shall recruit and hire from among  
12 qualified applicants resident in the Commonwealth of the  
13 Northern Mariana Islands for staffing such operations.

14 (e) REPORT TO THE CONGRESS.—The President  
15 shall report to the Senate Committee on Energy and Nat-  
16 ural Resources, and the House Committee on Resources,  
17 within six months after the fifth anniversary of the enact-  
18 ment of this Act, evaluating the overall effect of the transi-  
19 tion program and the Immigration and Nationality Act on  
20 the Commonwealth of the Northern Mariana Islands, and  
21 at other times as the President deems appropriate. The  
22 report shall describe what efforts have been undertaken  
23 to diversify and strengthen the local economy, including,  
24 but not limited to, efforts to promote the Commonwealth  
25 of the Northern Mariana Islands as a tourist destination.

1           (f) LIMITATION ON NUMBER OF ALIEN WORKERS  
2 PRIOR TO APPLICATION OF THE IMMIGRATION AND NA-  
3 TIONALITY ACT, AS AMENDED, AND ESTABLISHMENT OF  
4 THE TRANSITION PROGRAM.—During the period between  
5 enactment of this Act and the effective date of the transi-  
6 tion program established under section 6 of Public Law  
7 94–241, as amended by this Act, the Government of the  
8 Commonwealth of the Northern Mariana Islands shall not  
9 permit an increase in the total number of alien workers  
10 who are present in the Commonwealth of the Northern  
11 Mariana Islands on the date of enactment of this Act.

12           (g) APPROPRIATIONS.—There are authorized to be  
13 appropriated such sums as may be necessary to carry out  
14 the purposes of this section and of the Immigration and  
15 Nationality Act with respect to the Commonwealth of the  
16 Northern Mariana Islands.

Passed the Senate February 7, 2000.

Attest:

GARY SISCO,  
*Secretary.*