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107TH CONGRESS
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[Report No. 107–28]

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.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2001

Mr. MURKOWSKI (for himself, Mr. AKAKA, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 5, 2001

Reported by Mr. MURKOWSKI, without amendment

A BILL

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,*

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

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

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

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

19 (2) to minimize, to the greatest extent possible,
20 potential adverse effects this orderly phase-out might
21 have on the economy of the Commonwealth of the
22 Northern Mariana Islands by:

23 (A) encouraging diversification and growth
24 of the economy of the Commonwealth of the
25 Northern Mariana Islands consistent with fun-

1 damental values underlying Federal immigra-
2 tion policy;

3 (B) recognizing local self-government, as
4 provided for in the Covenant to Establish a
5 Commonwealth of the Northern Mariana Is-
6 lands in Political Union with the United States
7 of America through consultation with the Gov-
8 ernor and other elected officials of the Govern-
9 ment of the Commonwealth of the Northern
10 Mariana Islands by Federal agencies and by
11 considering the views and recommendations of
12 such officials in the implementation and en-
13 forcement of Federal law by Federal agencies;

14 (C) assisting the Commonwealth of the
15 Northern Mariana Islands to achieve a progres-
16 sively higher standard of living for its citizens
17 through the provision of technical and other as-
18 sistance;

19 (D) providing opportunities for persons au-
20 thorized to work in the United States, including
21 lawfully admissible freely associated state cit-
22 izen labor; and

23 (E) ensuring the ability of the locally elect-
24 ed officials by the Commonwealth of the North-
25 ern Mariana Islands to make fundamental pol-

1 icy decisions regarding the direction and pace of
 2 the economic development and growth of the
 3 Commonwealth of the Northern Mariana Is-
 4 lands, consistent with the fundamental national
 5 values underlying Federal immigration policy.

6 **SEC. 2. IMMIGRATION REFORM FOR THE COMMONWEALTH**
 7 **OF THE NORTHERN MARIANA ISLANDS.**

8 (a) AMENDMENTS TO ACT APPROVING THE COV-
 9 ENANT TO ESTABLISH A COMMONWEALTH OF THE
 10 NORTHERN MARIANA ISLANDS IN POLITICAL UNION
 11 WITH THE UNITED STATES OF AMERICA.—Public Law
 12 94–241 (90 Stat. 263), as amended, is further amended
 13 by adding at the end thereof the following:

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

15 “(a) APPLICATION OF THE IMMIGRATION AND NA-
 16 TIONALITY ACT AND ESTABLISHMENT OF A TRANSITION
 17 PROGRAM.—Effective on the first day of the first full
 18 month commencing one year after the date of enactment
 19 of the Northern Mariana Islands Covenant Implementa-
 20 tion Act (hereafter the ‘transition program effective date’),
 21 the provisions of the Immigration and Nationality Act, as
 22 amended (8 U.S.C. 1101 et seq.) shall apply to the Com-
 23 monwealth of the Northern Mariana Islands: *Provided*,
 24 That there shall be a transition period ending December
 25 31, 2009 (except for subsection (d)(2)(D)), following the

1 transition program effective date, during which the Attor-
2 ney General of the United States (hereafter ‘Attorney
3 General’), in consultation with the United States Secre-
4 taries of State, Labor, and the Interior, shall establish,
5 administer, and enforce a transition program for immigra-
6 tion to the Commonwealth of the Northern Mariana Is-
7 lands provided in subsections (b), (c), (d), (e), (f), and
8 (i) of this section (hereafter the ‘transition program’). The
9 transition program shall be implemented pursuant to reg-
10 ulations to be promulgated as appropriate by each agency
11 having responsibilities under the transition program.

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

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

1 “(1) Aliens admitted under this subsection shall
2 be treated as nonimmigrants under section
3 101(a)(15) of the Immigration and Nationality Act
4 (8 U.S.C. 1101(a)(15)), including the ability to
5 apply, if otherwise eligible, for a change of non-
6 immigrant classification under section 248 of such
7 Act (8 U.S.C. 1258), or adjustment of status, if eli-
8 gible therefor, under this section and section 245 of
9 such Act (8 U.S.C. 1255).

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

1 and to prevent adverse effects on wages and working
2 conditions of, persons authorized to work in the
3 United States, including lawfully admissible freely
4 associated state citizen labor, taking into consider-
5 ation the objective of providing as smooth a transi-
6 tion as possible to the full application of Federal
7 law.

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

18 “(3) The Attorney General shall set the condi-
19 tions for admission of nonimmigrant temporary alien
20 workers under the transition program, and the
21 United States Secretary of State shall authorize the
22 issuance of nonimmigrant visas for aliens to engage
23 in employment only as authorized in this subsection:
24 *Provided*, That such visas shall not be valid for ad-
25 mission to the United States, as defined in section

1 101(a)(38) of the Immigration and Nationality Act
2 (8 U.S.C. 1101(a)(38)), except the Commonwealth
3 of the Northern Mariana Islands. An alien admitted
4 to the Commonwealth of the Northern Mariana Is-
5 lands on the basis of such a nonimmigrant visa shall
6 be permitted to engage in employment only as au-
7 thorized pursuant to the transition program. No
8 alien shall be granted nonimmigrant classification or
9 a visa under this subsection unless the permit re-
10 quirements established under paragraph (2) have
11 been met.

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

22 “(d) IMMIGRANTS.—With the exception of immediate
23 relatives (as defined in section 201(b)(2) of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1151(b)(2)) and per-
25 sons granted an immigrant visa as provided in paragraphs

1 (1) and (2) of this subsection, no alien shall be granted
2 initial admission as a lawful permanent resident of the
3 United States at a port-of-entry in the Commonwealth of
4 the Northern Mariana Islands, or a port-of-entry in Guam
5 for the purpose of immigrating to the Commonwealth of
6 the Northern Mariana Islands.

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

22 “(2) EMPLOYMENT-BASED IMMIGRANT VISAS.—
23 “(A) If the Attorney General, after con-
24 sultation with the United States Secretary of
25 Labor and the Governor and the leadership of

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

17 “(B) Persons granted employment-based
18 immigrant visas under the transition program
19 may be admitted initially at a port-of-entry in
20 the Commonwealth of the Northern Mariana Is-
21 lands, or at a port-of-entry in Guam for the
22 purpose of immigrating to the Commonwealth
23 of the Northern Mariana Islands, as lawful per-
24 manent residents of the United States. Persons
25 who would otherwise be eligible for lawful per-

1 manent residence under the transition program,
2 and who would otherwise be eligible for an ad-
3 justment of status, may have their status ad-
4 justed within the Commonwealth of the North-
5 ern Mariana Islands to that of an alien lawfully
6 admitted for permanent residence.

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

15 “(D) SPECIAL PROVISION TO ENSURE ADE-
16 QUATE EMPLOYMENT IN THE TOURISM INDUS-
17 TRY AFTER THE TRANSITION PERIOD ENDS.—

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

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

1 ister that the provisions of this paragraph
2 will be extended for a five-year period with
3 respect to the tourism industry only. The
4 Attorney General may authorize one fur-
5 ther extension of this paragraph with re-
6 spect to the tourism industry in the Com-
7 monwealth of the Northern Mariana Is-
8 lands if, after the Attorney General
9 consults with the United States Secretary
10 of Labor and the Governor of the Com-
11 monwealth of the Northern Mariana Is-
12 lands, and local tourism businesses, the At-
13 torney General determines, in the Attorney
14 General's sole discretion, that a further ex-
15 tension is required to ensure an adequate
16 number of workers for legitimate busi-
17 nesses in the tourism industry in the Com-
18 monwealth of the Northern Mariana Is-
19 lands.

20 “(ii) The Attorney General, after con-
21 sultation with the Governor of the Com-
22 monwealth of the Northern Mariana Is-
23 lands and the United States Secretary of
24 Labor and the United States Secretary of
25 Commerce, may extend the provisions of

1 this paragraph (d)(2) to legitimate busi-
2 nesses in industries outside the tourism in-
3 dustry for a single five year period if the
4 Attorney General, in the Attorney Gen-
5 eral's sole discretion, concludes that such
6 extension is necessary to ensure an ade-
7 quate number of workers in that industry
8 and that the industry is important to
9 growth or diversification of the local econ-
10 omy.

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

1 mit a report to the Committee on Energy
2 and Natural Resources of the Senate and
3 the Committee on Resources of the House
4 of Representatives setting forth the rea-
5 sons for the extension and whether he be-
6 lieves authority for additional extensions
7 should be enacted.

8 “(e) NONIMMIGRANT INVESTOR VISAS.—

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

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

23 “(B) has continuously maintained resi-
24 dence in the Commonwealth of the Northern

1 Mariana Islands under long-term investor sta-
2 tus;

3 “(C) is otherwise admissible; and

4 “(D) maintains the investment or invest-
5 ments that formed the basis for such long-term
6 investor status.

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

12 “(3) The Attorney General shall treat an alien
13 who meets the requirements of paragraph (1) as a
14 nonimmigrant under section 101(a)(15)(E)(ii) of the
15 Immigration and Nationality Act (8 U.S.C.
16 1101(a)(15)(E)(ii)) until the regulations imple-
17 menting this subsection are published.

18 “(f) PERSONS LAWFULLY ADMITTED UNDER THE
19 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
20 IMMIGRATION LAW.—

21 “(1) No alien who is lawfully present in the
22 Commonwealth of the Northern Mariana Islands
23 pursuant to the immigration laws of the Common-
24 wealth of the Northern Mariana Islands on the tran-
25 sition program effective date shall be removed from

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

20 “(2) Any alien who is lawfully present and au-
21 thorized to be employed in the Commonwealth of the
22 Northern Mariana Islands pursuant to the immigra-
23 tion laws of the Commonwealth of the Northern
24 Mariana Islands on the transition program effective
25 date shall be considered authorized by the Attorney

1 General to be employed in the Commonwealth of the
2 Northern Mariana Islands until the expiration of the
3 alien's employment authorization under the immi-
4 gration laws of the Commonwealth of the Northern
5 Mariana Islands, or the second anniversary of the
6 transition program effective date, whichever comes
7 first.

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

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

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

3 “(1) An alien may be granted an immigrant
4 visa, or have his or her status adjusted in the Com-
5 monwealth of the Northern Mariana Islands to that
6 of an alien lawfully admitted for permanent resi-
7 dence, without counting against the numerical limi-
8 tations set forth in sections 202 and 203(b) of the
9 Immigration and Nationality Act, as amended (8
10 U.S.C. 1152, 1153(b)), and subject to the limiting
11 terms and conditions of an alien’s permanent resi-
12 dence set forth in paragraphs (B) and (C) of sub-
13 section (d)(2), if:

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

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

24 “(C) the alien has been lawfully present in
25 the Commonwealth of the Northern Mariana Is-

1 lands and authorized to be employed in the
2 Commonwealth of the Northern Mariana Is-
3 lands for the four-year period immediately pre-
4 ceding the filing of the petition;

5 “(D) the alien has been employed continu-
6 ously in that business by the petitioning em-
7 ployer for the four-year period immediately pre-
8 ceding the filing of the petition;

9 “(E) the alien continues to be employed in
10 that business by the petitioning employer at the
11 time the immigrant visa is granted or the
12 alien’s status is adjusted to permanent resident;

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

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

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

1 “(3) The fact that an alien is the beneficiary of
2 an application for a preference status that was filed
3 with the Attorney General under section 204 of the
4 Immigration and Nationality Act, as amended (8
5 U.S.C. 1154) for the purpose of obtaining benefits
6 under this subsection, or has otherwise sought per-
7 manent residence pursuant to this subsection, shall
8 not render the alien ineligible to obtain or maintain
9 the status of a nonimmigrant under this Act or the
10 Immigration and Nationality Act, as amended, if the
11 alien is otherwise eligible for such nonimmigrant sta-
12 tus.

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

18 (b) CONFORMING AMENDMENTS.—(1) Section
19 101(a) of the Immigration and Nationality Act (8 U.S.C.
20 1101(a)) is amended:

21 (A) in paragraph (36), by deleting “and the
22 Virgin Islands of the United States.” and sub-
23 stituting “the Virgin Islands of the United States,
24 and the Commonwealth of the Northern Mariana Is-
25 lands.”; and

1 (B) in paragraph (38), by deleting “and the
2 Virgin Islands of the United States” and sub-
3 stituting “the Virgin Islands of the United States,
4 and the Commonwealth of the Northern Mariana Is-
5 lands.”.

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

8 (A) in paragraph (1)—

9 (i) by striking “stay on Guam”, and insert-
10 ing “stay on Guam or the Commonwealth of
11 the Northern Mariana Islands”,

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

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

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

23 (C) in paragraph (2)(A), by striking “into
24 Guam”, and inserting “into Guam or the Common-

1 wealth of the Northern Mariana Islands, respec-
2 tively,”; and

3 (D) in paragraph (3), by striking “Government
4 of Guam” and inserting “Government of Guam or
5 the Government of the Commonwealth of the North-
6 ern Mariana Islands”.

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

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

1 and Law Enforcement Initiative for the following activi-
2 ties:

3 (1) \$200,000 shall be available to reimburse the
4 United States Secretary of Commerce for providing
5 additional technical assistance and other support to
6 the Commonwealth of the Northern Mariana Islands
7 to identify opportunities for and encourage diver-
8 sification and growth of the Commonwealth econ-
9 omy. The United States Secretary of Commerce
10 shall consult with the Government of the Common-
11 wealth of the Northern Mariana Islands, local busi-
12 nesses, the United States Secretary of the Interior,
13 regional banks, and other experts in the local econ-
14 omy and shall assist in the development and imple-
15 mentation of a process to identify opportunities for
16 and encourage diversification and growth of the
17 Commonwealth economy. All expenditures, other
18 than for the costs of Federal personnel, shall require
19 a non-Federal matching contribution of 50 percent
20 and the United States Secretary of Commerce shall
21 provide a report on activities to the Committee on
22 Energy and Natural Resources and the Committee
23 on Appropriations of the Senate and the Committee
24 on Resources and the Committee on Appropriations
25 of the House of Representatives by March 1 of each

1 year. The United States Secretary of Commerce may
2 supplement the funds provided under this section
3 with other funds and resources available to him and
4 shall undertake such other activities, pursuant to ex-
5 isting authorities of the Department, as he decides
6 will encourage diversification and growth of the
7 Commonwealth economy. If the United States Sec-
8 retary of Commerce concludes that additional work-
9 ers may be needed to achieve diversification and
10 growth of the Commonwealth economy, the Sec-
11 retary shall promptly notify the Attorney General
12 and the United States Secretary of Labor and shall
13 also notify the Committee on Energy and Natural
14 Resources of the Senate and the Committee on Re-
15 sources of the House of Representatives of his con-
16 clusion with an explanation of how many workers
17 may be needed, over what period of time such work-
18 ers will be needed, and what efforts are being under-
19 taken to train and actively recruit and hire persons
20 authorized to work in the United States, including
21 lawfully admissible freely associated state citizen
22 labor to work in such businesses.

23 (2) \$300,000 shall be available to reimburse the
24 United States Secretary of Labor for providing addi-
25 tional technical and other support to the Common-

1 wealth of the Northern Mariana Islands to train and
2 actively recruit and hire persons authorized to work
3 in the United States, including lawfully admissible
4 freely associated state citizen labor, to fill employ-
5 ment vacancies in the Commonwealth of the North-
6 ern Mariana Islands. The United States Secretary of
7 Labor shall consult with the Governor of the Com-
8 monwealth of the Northern Mariana Islands, local
9 businesses, the College of the Northern Marianas,
10 the United States Secretary of the Interior and the
11 United States Secretary of Commerce and shall as-
12 sist in the development and implementation of such
13 a training program. All expenditures, other than for
14 the costs of Federal personnel, shall require a non-
15 Federal matching contribution of 50 percent and the
16 United States Secretary of Labor shall provide a re-
17 port on activities to the Committee on Energy and
18 Natural Resources and the Committee on Appropria-
19 tions of the Senate and the Committee on Resources
20 and the Committee on Appropriations of the House
21 of Representatives by March 1 of each year. The
22 United States Secretary of Labor may supplement
23 the funds provided under this section with other
24 funds and resources available to him and shall un-
25 dertake such other activities, pursuant to existing

1 authorities of the Department, as he decides will as-
2 sist in such a training program in the Common-
3 wealth of the Northern Mariana Islands.

4 (d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF
5 LABOR OPERATIONS.—The Attorney General and the
6 United States Secretary of Labor are authorized to estab-
7 lish and maintain Immigration and Naturalization Serv-
8 ice, Executive Office for Immigration Review, and United
9 States Department of Labor operations in the Common-
10 wealth of the Northern Mariana Islands for the purpose
11 of performing their responsibilities under the Immigration
12 and Nationality Act, as amended, and under the transition
13 program. To the extent practicable and consistent with the
14 satisfactory performance of their assigned responsibilities
15 under applicable law, the United States Departments of
16 Justice and Labor shall recruit and hire from among
17 qualified applicants resident in the Commonwealth of the
18 Northern Mariana Islands for staffing such operations.

19 (e) REPORT TO THE CONGRESS.—The President
20 shall report to the Senate Committee on Energy and Nat-
21 ural Resources, and the House Committee on Resources,
22 within six months after the fifth anniversary of the enact-
23 ment of this Act, evaluating the overall effect of the transi-
24 tion program and the Immigration and Nationality Act on
25 the Commonwealth of the Northern Mariana Islands, and

1 at other times as the President deems appropriate. The
2 report shall describe what efforts have been undertaken
3 to diversify and strengthen the local economy, including,
4 but not limited to, efforts to promote the Commonwealth
5 of the Northern Mariana Islands as a tourist destination.

6 (f) LIMITATION ON NUMBER OF ALIEN WORKERS
7 PRIOR TO APPLICATION OF THE IMMIGRATION AND NA-
8 TIONALITY ACT, AS AMENDED, AND ESTABLISHMENT OF
9 THE TRANSITION PROGRAM.—During the period between
10 enactment of this Act and the effective date of the transi-
11 tion program established under section 6 of Public Law
12 94–241, as amended by this Act, the Government of the
13 Commonwealth of the Northern Mariana Islands shall not
14 permit an increase in the total number of alien workers
15 who are present in the Commonwealth of the Northern
16 Mariana Islands on the enactment of this Act.

17 (g) APPROPRIATIONS.—There are authorized to be
18 appropriated such sums as may be necessary to carry out
19 the purposes of this section and of the Immigration and
20 Nationality Act with respect to the Commonwealth of the
21 Northern Mariana Islands.

Calendar No. 63

107TH CONGRESS
1ST SESSION

S. 507

[Report No. 107-28]

A BILL

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

JUNE 5, 2001

Reported without amendment