The last time I checked, there wasn't a constitutional right to drive. Does anybody know about that? I don't think they knew what a car was when the Constitution was written. There is no comparison between the two issues. I never heard anything from the Founding Fathers about the right to wagons or horses during that time. I never heard Patrick Henry say: Give me mobility or give me death. He said: Give me liberty or give me death. That is because driving a car is a privilege, not a right. It is a privilege. Gun owners would love to have guns treated as cars, with no background checks, no waiting periods, no age limit; it might be a good thing.

Tyranny isn't always obvious. It isn't always about killing and communism and all that. Tyranny can be much more subtle, piecemeal, gradual—like violating our oath of office and voting against our constitutional rights. It happens all the time in this place. History will judge us for it; it will judge us on the basis of how many times we stood here after having taken the oath of office and then having ignored that oath.

The second amendment guarantees that the right to keep and bear arms shall not be infringed. If you are for gun control—and you have a right to be—then you are against the Constitution of the United States. Change the amendment if you think you can do it. But don't keep passing gun control legislation time after time after time. That is what we are doing in these proposals and laws. We are doing it quietly, without violence, and with an air of respectability, which is what troubles me—as if it is right to do it here because it is on the floor of the Senate.

We are violating the constitutional rights of millions of law-abiding American citizens across the country, and any way you slice it that is still tyranny. That is why I am proud to stand here, as I have done many times—and I will do it every day, if I have to, until the last day I am in the Senate—in defense of the second amendment. I am pleased and proud to support the second amendment.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, the other Senator from New Hampshire will be here shortly. I thank my friends for talking about the issue. I think it is one that is clearly important to many of us. It is constitutional. It is right. It is something we all support. It is something, however, we don't want to constantly have before us as each new issue comes up. This can be brought up as an amendment or as a way of stalling going on to other things. I appreciate very much the opportunity to do this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1052, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1052) 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.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE AND PURPOSE.

(a) This Act may be cited as the ''Northern Mariana Islands Covenant Implementation Act''.

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

(1) to ensure effective immigration control by extending the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), in full to the Commonwealth of the Northern Mariana Islands, with special provisions to allow for the orderly phasing-out of the nonresident contract worker program of the Commonwealth of the Northern Mariana Islands, and the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth of the Northern Mariana Islands;

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

(A) encouraging diversification and growth of the economy of the Commonwealth of the Northern Mariana Islands consistent with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America through consultation with the Governor and other elected officials of the Government of the Commonwealth of the Northern Mariana Islands by Federal agencies and by considering the views and recommendations of such officials in the implementation and enforcement of Federal law by Federal agencies;

(C) assisting the Commonwealth of the Northern Mariana Islands to achieve a progressively higher standard of living for its citizens through the provision of technical and other assistance;

(D) providing opportunities for persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor; and

(E) ensuring the ability of the locally elected officials by the Commonwealth of the Northern Mariana Islands to make fundamental policy decisions regarding the direction and pace of the economic development and growth of the Commonwealth of the Northern Mariana Islands, consistent with the fundamental national values underlying Federal immigration policy.

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

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

''SEC. 6. IMMIGRATION AND TRANSITION.

''(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—Effective on the first day of the first full month commencing one year after the date of enactment of the Northern Mariana Islands Covenant Implementation Act (hereafter the ''transition program effective date''), the provisions of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.) shall apply to the Commonwealth of the Northern Mariana Islands: Provided, That there shall be a transition period ending December 31, 2009 (except for subsection (d)(2)(I)), following the transition program effective date, during which the Attorney General of the United States (hereafter ''Attorney General''), in consultation with the United States Secretaries of State, Labor, and the Interior, shall establish, administer, and enforce a transition program for immigration to the Commonwealth of the Northern Mariana Islands provided in subsections (b), (c), (d), (e), (f), (g), and (j) of this section (hereafter the ''transition program''). The transition program shall be implemented pursuant to regulations to be promulgated as appropriate by each agency having responsibilities under the transition program.

''(b) EXEMPTION FROM NUMERICAL LIMITATIONS FOR H–2B TEMPORARY WORKERS.—An alien, if otherwise qualified, may seek admission to the Commonwealth of the Northern Mariana Islands as a temporary worker under section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)) without regard to the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)).

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

''(1) Aliens admitted under this subsection shall be treated as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258), or adjustment of status, if eligible therefor, under this section and section 245 of such Act (8 U.S.C. 1255).

''(2)(A) The United States Secretary of Labor shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each temporary alien worker who would not otherwise be eligible for admission under the Immigration and Nationality Act. This system shall provide for a reduction in the allocation of permits for such workers on an annual basis, to zero, over a period not to extend beyond December 31, 2009, and shall take into account the number of petitions granted under subsection (j). In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the United States Secretary of Labor to promote the maximum use of, and to prevent adverse effects on wages and working conditions

of, persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, taking into consideration the objective of providing as smooth a transition as possible to the full application of federal law.

''(B) The United States Secretary of Labor is authorized to establish and collect appropriate user fees for the purposes of this section. Amounts collected pursuant to this section shall be deposited in a special fund of the Treasury. Such amounts shall be available, to the extent and in the amounts as provided in advance in appropriations acts, for the purposes of administering this section. Such amounts are authorized to be appropriated to remain available until expended.

''(3) The Attorney General shall set the conditions for admission of nonimmigrant temporary alien workers under the transition program, and the United States Secretary of State shall authorize the issuance of nonimmigrant visas for aliens to engage in employment only as authorized in this subsection: Provided, That such visas shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except the Commonwealth of the Northern Mariana Islands. An alien admitted to the Commonwealth of the Northern Mariana Islands on the basis of such a nonimmigrant visa shall be permitted to engage in employment only as authorized pursuant to the transition program. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under paragraph (2) have been met.

''(4) An alien admitted as a nonimmigrant pursuant to this subsection shall be permitted to transfer between employers in the Commonwealth of the Northern Mariana Islands during the period of such alien's authorized stay therein, without advance permission of the employee's current or prior employer, to the extent that such transfer is authorized by the Attorney General in accordance with criteria established by the Attorney General and the United States Secretary of Labor.

''(d) IMMIGRANTS.—With the exception of immediate relatives (as defined in section 201(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)) and persons granted an immigrant visa as provided in paragraphs (1) and (2) of this subsection, no alien shall be granted initial admission as a lawful permanent resident of the United States at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands.

''(1) FAMILY-SPONSORED IMMIGRANT VISAS.—For any fiscal year during which the transition program will be in effect, the Attorney General, after consultation with the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, and in consultation with appropriate federal agencies, may establish a specific number of additional initial admissions as a family-sponsored immigrant at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, pursuant to sections 202 and 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152 and 1153(a)).

''(2) EMPLOYMENT-BASED IMMIGRANT VISAS.—

''(A) If the Attorney General, after consultation with the United States Secretary of Labor and the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, finds that exceptional circumstances exist with respect to the inability of employers in the Commonwealth of the Northern Mariana Islands to obtain sufficient work-authorized labor, the Attorney General may establish a specific number of employment-based immigrant visas to be made available during the following fiscal year under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)). The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this subsection.

''(B) Upon notification by the Attorney General that a number has been established pursuant to subparagraph (A), the United States Secretary of State may allocate up to that number of visas without regard to the numerical limitations set forth in sections 202 and 203(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1152 and 1153(b)(3)(B)). Visa numbers allocated under this paragraph shall be allocated first from the number of visas available under section 203(b)(3) of such Act (8 U.S.C. 1153(b)(3)), or, if such visa numbers are not available, from the number of visas available under section 203(b)(5) of such Act (8 U.S.C. 1153(b)(5)).

''(C) Persons granted employment-based immigrant visas under the transition program may be admitted initially at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as lawful permanent residents of the United States. Persons who would otherwise be eligible for lawful permanent residence under the transition program, and who would otherwise be eligible for an adjustment of status, may have their status adjusted within the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence.

''(D) Any immigrant visa issued pursuant to this paragraph shall be valid only for application for initial admission to the Commonwealth of the Northern Mariana Islands. The admission of any alien pursuant to such an immigrant visa shall be an admission for lawful permanent residence and employment only in the Commonwealth of the Northern Mariana Islands during the first five years after such admission. Such admission shall not authorize residence or employment in any other part of the United States during such five-year period. An alien admitted for permanent residence pursuant to this paragraph shall be issued appropriate documentation identifying the person as having been admitted pursuant to the terms and conditions of this transition program, and shall be required to comply with a system for the registration and reporting of aliens admitted for permanent residence under the transition program, to be established by the Attorney General, by regulation, consistent with the Attorney General's authority under chapter 7 of title II of the Immigration and Nationality Act (8 U.S.C. 1301–1306).

''(E) Nothing in this paragraph shall preclude an alien who has obtained lawful permanent resident status pursuant to this paragraph from applying, if otherwise eligible, under this section and under the Immigration and Nationality Act for an immigrant visa or admission as a lawful permanent resident under the Immigration and Nationality Act.

''(F) Any alien admitted under this subsection, who violates the provisions of this paragraph, or who is found removable or inadmissible under section 237(a) (8 U.S.C. 1227(a)), or paragraphs (1), (2), (3), (4)(A), (4)(B), (6), (7), (8), (9), or (10) of section 212(a) (8 U.S.C. 1182(a)), shall be removed from the United States pursuant to sections 235, 238, 239, 240, or 241 of the Immigration and Nationality Act, as appropriate (8 U.S.C. 1225, 1228, 1229, 1230, and 1231).

''(G) The Attorney General may establish by regulation a procedure by which an alien who has obtained lawful permanent resident status pursuant to this paragraph may apply for a waiver of the limiting terms and conditions of such status. The Attorney General may grant the application for waiver, in the discretion of the Attorney General, if—

''(i) the alien is not in removal proceedings;

''(ii) the alien has been a person of good moral character for the preceding five years;

''(iii) the alien has not violated the terms and conditions of the alien's permanent resident status; and

''(iv) the alien would suffer exceptional and extremely unusual hardship were such limiting terms and conditions not waived.

''(H) The limiting terms and conditions of an alien's permanent residence set forth in this paragraph shall expire at the end of five years after the alien's admission to the Commonwealth of the Northern Mariana Islands as a permanent resident. Following the expiration of such limiting terms and conditions, the permanent resident alien may engage in any lawful activity, including employment, anywhere in the United States. Such an alien, if otherwise eligible for naturalization, may count the five-year period in the Commonwealth of the Northern Mariana Islands towards time in the United States for purposes of meeting the residence requirements of title III of the Immigration and Nationality Act.

''(I) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT IN THE TOURISM INDUSTRY AFTER THE TRANSITION PERIOD ENDS.—

''(i) During 2008, and in 2014 if a five year extension was granted, the Attorney General and the United States Secretary of Labor shall consult with the Governor of the Commonwealth of the Northern Mariana Islands and tourism businesses in the Commonwealth of the Northern Mariana Islands to ascertain the current and future labor needs of the tourism industry in the Commonwealth of the Northern Mariana Islands, and to determine whether a five-year extension of the provisions of this paragraph (d)(2) would be necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry. For the purpose of this section, a business shall not be considered legitimate if it engages directly or indirectly in prostitution or any activity that is illegal under Federal or local law. The determination of whether a business is legitimate and whether it is sufficiently related to the tourism industry shall be made by the Attorney General in his sole discretion and shall not be reviewable. If the Attorney General after consultation with the United States Secretary of Labor determines, in the Attorney General's sole and unreviewable discretion, that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry, the Attorney General shall provide notice by publication in the Federal Register that the provisions of this paragraph will be extended for a five-year period with respect to the tourism industry only. The Attorney General may authorize one further extension of this paragraph with respect to the tourism industry in the Commonwealth of the Northern Mariana Islands if, after the Attorney General consults with the United States Secretary of Labor and the Governor of the Commonwealth of the Northern Mariana Islands, and local tourism businesses, the Attorney General determines, in the Attorney General's sole discretion, that a further extension is required to ensure an adequate number of workers for legitimate businesses in the tourism industry in the Commonwealth of the Northern Mariana Islands. The determination as to whether a further extension is required shall not be reviewable.

''(ii) The Attorney General, after consultation with the Governor of the Commonwealth of the Northern Mariana Islands and the United States Secretary of Labor and the United States Secretary of Commerce, may extend the provisions of this paragraph (d)(2) to legitimate businesses in industries outside the tourism industry for a single five year period if the Attorney General, in the Attorney General's sole discretion, concludes that such extension is necessary to ensure an adequate number of workers in that industry and that the industry is important to growth or diversification of the local economy.

The decision by the Attorney General shall not be reviewable.

''(iii) In making his determination for the tourism industry or for industries outside the tourism industry, the Attorney General shall take into consideration the extent to which a training and recruitment program has been implemented to hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in such industry. The determination by the Attorney General shall not be reviewable. No additional extension beyond the initial five year period may be granted for any industry outside the tourism industry or for the tourism industry beyond a second extension. If an extension is granted, the Attorney General shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives setting forth the reasons for the extension and whether he believes authority for additional extensions should be enacted.

''(e) NONIMMIGRANT INVESTOR VISAS.—

''(1) Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), the Attorney General may, upon the application of the alien, classify an alien as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

''(A) has been admitted to the Commonwealth of the Northern Mariana Islands in long-term investor status under the immigration laws of the Commonwealth of the Northern Mariana Islands before the transition program effective date;

''(B) has continuously maintained residence in the Commonwealth of the Northern Mariana Islands under long-term investor status;

''(C) is otherwise admissible; and

''(D) maintains the investment or investments that formed the basis for such long-term investor status.

''(2) Within 180 days after the transition program effective date, the Attorney General and the United States Secretary of State shall jointly publish regulations in the Federal Register to implement this subsection.

''(3) The Attorney General shall treat an alien who meets the requirements of paragraph (1) as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii) until the regulations implementing this subsection are published.

''(f) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IMMIGRATION LAW.—

''(1) No alien who is lawfully present in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be removed from the United States on the ground that such alien's presence in the Commonwealth of the Northern Mariana Islands is in violation of subparagraph 212(a)(6)(A) of the Immigration and Nationality Act, as amended, until completion of the period of the alien's admission under the immigration laws of the Commonwealth of the Northern Mariana Islands, or the second anniversary of the transition program effective date, whichever comes first. Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of such an alien at any time, if the alien entered the Commonwealth of the Northern Mariana Islands after the date of enactment of the Northern Mariana Islands Covenant Implementation Act, and the Attorney General has determined that the Government of the Commonwealth of the Northern Mariana Islands violated subsection (f) of such Act.

''(2) Any alien who is lawfully present and authorized to be employed in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be considered authorized by the Attorney General to be employed in the Commonwealth of the Northern Mariana Islands until the expiration of the alien's employment authorization under the immigration laws of the Commonwealth of the Northern Mariana Islands, or the second anniversary of the transition program effective date, whichever comes first.

''(g) TRAVEL RESTRICTIONS FOR CERTAIN APPLICANTS FOR ASYLUM.—Any alien admitted to the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands or pursuant to subsections (c) or (d) of this section who files an application seeking asylum or withholding of removal in the United States shall be required to remain in the Commonwealth of the Northern Mariana Islands during the period of time the application is being adjudicated or during any appeals filed subsequent to such adjudication. An applicant for asylum or withholding of removal who, during the time his application is being adjudicated or during any appeals filed subsequent to such adjudication, leaves the Commonwealth of the Northern Mariana Islands of his own will without prior authorization by the Attorney General thereby abandons the application, unless the Attorney General, in the exercise of the Attorney General's sole discretion determines that the unauthorized departure was for emergency reasons and prior authorization was not practicable.

''(h) EFFECT ON OTHER LAWS.—The provisions of this section and the Immigration and Nationality Act, as amended by the Northern Mariana Islands Covenant Implementation Act, shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth of the Northern Mariana Islands relating to the admission of aliens and the removal of aliens from the Commonwealth of the Northern Mariana Islands.

''(i) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED.—No time that an alien is present in violation of the immigration laws of the Commonwealth of the Northern Mariana Islands shall by reason of such violation be counted for purposes of the ground of inadmissibility in section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

''(j) ONE-TIME GRANDFATHER PROVISION FOR CERTAIN LONG-TERM EMPLOYEES.—

''(1) An alien may be granted an immigrant visa, or have his or her status adjusted in the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence, without regard to the numerical limitations set forth in sections 202 and 203(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1152, 1153(b)), and subject to the limiting terms and conditions of an alien's permanent residence set forth in paragraphs (C) through (H) of subsection (d)(2), if:

''(A) the alien is employed directly by an employer in a business that the Attorney General has determined is legitimate;

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

''(C) the alien has been lawfully present in the Commonwealth of the Northern Mariana Islands and authorized to be employed in the Commonwealth of the Northern Mariana Islands for the five-year period immediately preceding the filing of the petition;

''(D) the alien has been employed continuously in that business by the petitioning employer for the 5-year period immediately preceding the filing of the petition;

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

''(F) the petitioner's business has a reasonable expectation of generating sufficient revenue to continue to employ the alien in that business for the succeeding five years; and

''(G) the alien is otherwise eligible for admission to the United States under the provisions of the Immigration and Nationality Act, as amended (8 U.S.C. 1101, et seq.).

''(2) Visa numbers allocated under this subsection shall be allocated first from the number of visas available under paragraph 203(b)(3) of the Immigration and Nationality Act, as amended (8 U.S.C. 1153(b)(3)), or, if such visa numbers are not available, from the number of visas available under paragraph 203(b)(5) of such Act (8 U.S.C. 1153(b)(5)).

''(3) The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this subsection.

''(4) The fact that an alien is the beneficiary of an application for a preference status that was filed with the Attorney General under section 204 of the Immigration and Nationality Act, as amended (8 U.S.C. 1154) for the purpose of obtaining benefits under this subsection, or has otherwise sought permanent residence pursuant to this subsection, shall not render the alien ineligible to obtain or maintain the status of a nonimmigrant under this Act or the Immigration and Nationality Act, as amended, if the alien is otherwise eligible for such nonimmigrant status.''.

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

(A) in paragraph (36), by deleting ''and the Virgin Islands of the United States.'' and substituting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.'', and;

(B) in paragraph (38), by deleting ''and the Virgin Islands of the United States'' and substituting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.''.

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

(A) in paragraph (1)—

(i) by striking ''stay on Guam'', and inserting ''stay on Guam or the Commonwealth of the Northern Mariana Islands'',

(ii) by inserting ''a total of'' after ''exceed'', and

(iii) by striking the words ''after consultation with the Governor of Guam,'' and inserting ''after respective consultation with the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands,'';

(B) in paragraph (1)(A), by striking ''on Guam'', and inserting ''on Guam or the Commonwealth of the Northern Mariana Islands, respectively,'';

(C) in paragraph (2)(A), by striking ''into Guam'', and inserting ''into Guam or the Commonwealth of the Northern Mariana Islands, respectively,''; and

(D) in paragraph (3), by striking ''Government of Guam'' and inserting ''Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands''.

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

(c) TECHNICAL ASSISTANCE PROGRAM.—The United States Secretaries of Interior and Labor, in consultation with the Governor of the Commonwealth of the Northern Mariana Islands, shall develop a program of technical assistance, including recruitment and training, to aid employers in the Commonwealth of the Northern Mariana Islands in securing employees from

among United States authorized labor, including lawfully admissible freely associated state citizen labor. In addition, for the first five fiscal years following the fiscal year when this section is enacted, $500,000 shall be made available from funds appropriated to the Secretary of the Interior pursuant to Public Law 104–134 for the Federal-CNMI Immigration, Labor and Law Enforcement Initiative for the following activities:

(1) $200,000 shall be available to reimburse the United States Secretary of Commerce for providing additional technical assistance and other support to the Commonwealth of the Northern Mariana Islands to identify opportunities for and encourage diversification and growth of the Commonwealth economy. The United States Secretary of Commerce shall consult with the Government of the Commonwealth of the Northern Mariana Islands, local businesses, the United States Secretary of the Interior, regional banks, and other experts in the local economy and shall assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the Commonwealth economy. All expenditures, other than for the costs of Federal personnel, shall require a non-Federal matching contribution of 50 percent and the United States Secretary of Commerce shall provide a report on activities to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives by March 1 of each year. The United States Secretary of Commerce may supplement the funds provided under this section with other funds and resources available to him and shall undertake such other activities, pursuant to existing authorities of the Department, as he decides will encourage diversification and growth of the Commonwealth economy. If the United States Secretary of Commerce concludes that additional workers may be needed to achieve diversification and growth of the Commonwealth economy, the Secretary shall promptly notify the Attorney General and the United States Secretary of Labor and shall also notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of his conclusion with an explanation of how many workers may be needed, over what period of time such workers will be needed, and what efforts are being undertaken to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in such businesses.

(2) $300,000 shall be available to reimburse the United States Secretary of Labor for providing additional technical and other support to the Commonwealth of the Northern Mariana Islands to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, to fill employment vacancies in the Commonwealth of the Northern Mariana Islands. The United States Secretary of Labor shall consult with the Governor of the Commonwealth of the Northern Mariana Islands, local businesses, the College of the Northern Marianas, the United States Secretary of the Interior and the United States Secretary of Commerce and shall assist in the development and implementation of such a training program. All expenditures, other than for the costs of Federal personnel, shall require a non-Federal matching contribution of 50 percent and the United States Secretary of Labor shall provide a report on activities to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives by March 1 of each year. The United States Secretary of Labor may supplement the funds provided under this section with other funds and resources available to him and shall undertake such other activities, pursuant to existing authorities of the Department, as he decides will assist in such a training program in the Commonwealth of the Northern Mariana Islands.

(d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF LABOR OPERATIONS.—The Attorney General and the United States Secretary of Labor are authorized to establish and maintain Immigration and Naturalization Service, Executive Office for Immigration Review, and United States Department of Labor operations in the Commonwealth of the Northern Mariana Islands for the purpose of performing their responsibilities under the Immigration and Nationality Act, as amended, and under the transition program. To the extent practicable and consistent with the satisfactory performance of their assigned responsibilities under applicable law, the United States Departments of Justice and Labor shall recruit and hire from among qualified applicants resident in the Commonwealth of the Northern Mariana Islands for staffing such operations.

(e) REPORT TO THE CONGRESS.—The President shall report to the Senate Committee on Energy and Natural Resources, and the House Committee on Resources, within six months after the fifth anniversary of the enactment of this Act, evaluating the overall effect of the transition program and the Immigration and Nationality Act on the Commonwealth of the Northern Mariana Islands, and at other times as the President deems appropriate. The report shall describe what efforts have been undertaken to diversify and strengthen the local economy, including, but not limited to, efforts to promote the Commonwealth of the Northern Mariana Islands as a tourist destination.

(f) LIMITATION ON NUMBER OF ALIEN WORKERS PRIOR TO APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED, AND ESTABLISHMENT OF THE TRANSITION PROGRAM.—During the period between enactment of this Act and the effective date of the transition program established under section 6 of Public Law 94–241, as amended by this Act, the Government of the Commonwealth of the Northern Mariana Islands shall not permit an increase in the total number of alien workers who are present in the Commonwealth of the Northern Mariana Islands on the date of enactment of this Act.

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Senate proceed to S. 1052 for opening statements only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, the legislation before the Senate will extend the provisions of the Immigration and Nationality Act to the Commonwealth of the Northern Mariana Islands for 1 year after the date of enactment of the legislation.

To minimize adverse effects on the local economy, a number of transition provisions have been incorporated in the legislation, including funding for technical assistance to diversify and strengthen the local economy of those islands. The transition period will end December 31, 2009, but the special provisions for employment—employment-based visas—may be extended for legitimate businesses in the tourism industry for not to exceed two 5-year periods and for a single 5-year period for other legitimate business.

I think it is reasonable to question how this situation arose. The Marianas was one district of the old United States Nation's Trust Territory of the Pacific islands, and the United States was the administrating authority. The residents of the Marianas wanted them to become a U.S. territory and obtain local government and U.S. citizenship similar to the neighboring island of Guam. Guam is the southern most of the Mariana Islands and was acquired from Spain back in 1898. The United States and local officials in the Marianas negotiated a covenant to establish a Commonwealth of the Northern Mariana Islands in political union with the United States. That included all the islands, with the exception of Guam; specifically, Saipan, Tinian, and Rota.

That covenant was approved overwhelmingly in a local United Nations-observed plebiscite and then by this Congress in 1976. The early negotiations assumed the trusteeship would terminate for the Marianas. The agreement was approved and assumed the full extension of Federal immigration laws at the same time the United States sovereignty was extended to the area. When negotiations on other portions of the trust territory stalled and the United States decided not to seek piecemeal termination of the trusteeship, the Marianas justifiably wanted as much of the covenant implemented under the trusteeship as possible. The agreement was to implement these provisions of the covenant that were consistent with the continued status of the area under the trusteeship and defer those provisions that were tied to U.S. sovereignty. One of these provisions was Federal immigration law. That is what we are dealing with today.

It was abundantly clear the United States could extend those laws as soon as the trusteeship was terminated. The report accompanying the joint resolution of approval noted only that we hoped we could include an ''adequate protective provision'' to deal with the concern in the Marianas that their islands could be overrun with immigration.

Had we acted in 1986 to extend Federal immigration laws, we wouldn't be here today. The Marianas economy would not be so captive to the use of temporary contract workers and many of the abuses of workers would not have occurred. On the other hand, the level of prosperity on the islands might not be the same.

What has happened in the Marianas? When the covenant was negotiated, all parties assumed economic development would occur around tourism and anticipated Department of Defense basing in Tinian and Saipan. That followed the pattern in Guam. Tourism did develop; the military activities did not.

Others, however, noticed the unique combination of authorities and moved in to try and take advantage. Because the Marianas had control of immigration, it could set its own minimum

wage and had the ability to import goods into the U.S. Customs territory without duty and labeled that it had been made in the United States, foreign garment operations—especially those from China—sought to locate in the Marianas.

The difficulty of a small island population trying to effectively administer a comprehensive immigration system also led to other abuses in those taking advantage of the situation. Exploiters induced people in Bangladesh to pay enormous amounts of money to go to the Marianas where there were jobs. Other aliens arrived; some of them were not paid. Many alien workers were abused. The Committee on Energy and Natural Resources heard testimony from a young lady who had been brought to Saipan as a minor, forced to perform in a club, and was used for prostitution. The Federal Government has brought a prosecution in that instance on several counts, including trafficking in human beings. This was occurring under the U.S. flag, and supposedly with the protections all U.S. citizens enjoy under our Constitution.

I have a series of charts I will discuss in detail but in deference to my good friend, Senator BINGAMAN from New Mexico, the ranking member of the committee, I defer to him, and then perhaps he can defer back to me. I yield to my good friend and ranking member from New Mexico, Senator BINGAMAN.

Mr. BINGAMAN. Mr. President, I appreciate the chairman, Senator MURKOWSKI, yielding.

First, I compliment him and, of course, Senator AKAKA, who is the moving force behind this legislation on the Democratic side. I think this legislation, S. 1052, is a very important and overdue piece of legislation.

I know both Senator AKAKA and Senator MURKOWSKI have worked tirelessly and persistently to bring these issues to our attention. I compliment them on that. I will give a short statement, and then Senator AKAKA will be managing the bill on the Democratic side. I am sure he has much more information to provide on the legislation.

Both Senator MURKOWSKI and Senator AKAKA traveled to the Commonwealth of the Northern Mariana Islands and witnessed the problems there firsthand. I am very glad to join them as a cosponsor on this important piece of legislation. Our committee held several hearings over the years and established a record concerning the very serious problems that exist in the CNMI. Moreover, three successive administrations from both parties, beginning with the Reagan administration, have expressed concerns about the situation in the CNMI. Many problems have been identified, and they have been discussed over many years.

However, clearly the central problem relates to this immigration issue. S. 1052 only addresses immigration. This bill represents a modest step toward implementing the reforms that are long overdue. The current immigration system, administered by the local government, is inconsistent with longstanding U.S. immigration policy in several respects. Let me just detail some of that.

U.S. policy, first of all, does not allow the importation of temporary workers for permanent jobs. Second, it allows people coming into the United States for permanent jobs to have the opportunity to become participating members of society, including the right to vote and to be eligible for citizenship. Local CNMI immigration law not only allows large-scale use of temporary alien workers for permanent jobs, it also prohibits temporary alien workers from settling permanently in the CNMI and becoming U.S. citizens.

The most disturbing result of the CNMI's current immigration system is the documented, consistent and even increasing human rights abuses which these alien workers suffer. Moreover, despite promises of the American dream, alien laborers coming to CNMI often sign contracts waiving rights and freedoms guaranteed to U.S. workers. These include the right to change employers, the right to participate in religious and political activities, and in some cases even the right to marriage.

This bill before us is not a controversial bill. It should not be a controversial bill. It was reported from the Energy and Natural Resources Committee by a voice vote with no dissenting opinions expressed. Last Congress, the committee reported a similar bill. In order to address concerns by the local CNMI government that the bill will adversely affect their economy, the bill also contains many special provisions. Among these special provisions is one that requires the Secretary of Commerce and the Secretary of Labor to provide financial and technical assistance to help them diversify their economy and train local workers.

I hope the Senate will act quickly and pass this bill. I again compliment Senator AKAKA and Senator MURKOWSKI for their leadership on this important matter.

I yield the floor. I know at some point Senator AKAKA wishes to speak to the matter as well.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my good friend and colleague, the ranking member of the Senate Energy and Natural Resources Committee, the Senator from New Mexico, for his comments and for his support.

This legislation was reported unanimously by the Committee on Energy and Natural Resources. S. 1052, as reported by the Committee on Energy and Natural Resources, will extend the provisions of the Immigration and Nationality Act to the Commonwealth of the Northern Mariana Islands one year after the date of enactment of the legislation. To minimize adverse effects on the local economy, a number of transition provisions have been incorporated in the legislation. The transition period will end on December 31, 2009, but the special provisions for employment based visas may be extended for legitimate businesses in the tourism industry for not to exceed two five-year periods and for a single five-year period for other legitimate businesses.

This legislation is the result of several years work by the Committee, including a visit that I made to the Northern Marianas in February 1996. I was accompanied by Senator AKAKA, who has cosponsored this legislation and was also a cosponsor of legislation that I introduced in the last Congress. This is bipartisan legislation that is long overdue. The administration would prefer a far more draconian approach with a minimum of transition and little economic or training assistance to the Northern Marianas. The Marianas, on the other hand, would prefer that we did nothing. I don't think that either approach is responsible.

There are legitimate concerns by some in the Northern Marianas over what the effect of this legislation may be. We have tried to address those concerns, as I will describe later. For example, one of the ways that the Northern Marianas has tried to deal with the concern over alien workers remaining for indefinite periods without any political rights is to limit the time that any worker can remain in the Marianas. One effect of that approach, however, is to frustrate the ability of employers to recruit, train, and hire personnel. From experience, I can testify that the last thing any employer wants to do is commit resources to training individuals only to have them leave for other employment. It is far worse when the government says that your most valuable employees must not only leave your employ, but must also leave the country. Lynn Knight, the new president of the Saipan Chamber of Commerce, noted that she had one employee who had been with her firm for several years and would have to leave. Another skilled professional could remain since he was a U.S. citizen. Similar situations are likely in other businesses, and I would expect especially in the tourism industry. To deal with that problem, the committee has included a special provision (the new section 6(j) to the Covenant Act) that provides a one-time grandfather provision for long-term employees in legitimate businesses. The provision would allow employers to sponsor current employees who had been employed for five years. If the alien is otherwise eligible for admission to the United States, that employee may be granted an immigrant visa or have his status adjusted to a person lawfully admitted for permanent residence without regard to any numerical limitations in the Immigration Act.

I mention this one provision to illustrate that the committee has tried its best to deal with any legitimate concerns with the legislation and, as in

the case of Ms. Knight, problems with the current local laws. Unfortunately, obtaining specific comments and recommendations has not been the easiest task before the committee. While the Governor has been forthright, the tactics taken by others has been more to obstruct the legislation than to provide useful comments and suggestions. The Governor has lowered the tone of the debate on this issue, although his example has not been followed by others.

I would refer my colleagues to the report of the committee on this legislation for a detailed history on how we arrived at this situation where the United States does not control the terms of entry to its shores, what that exemption turned into, and how we have dealt with legitimate concerns about the long overdue extension of federal legislation.

In brief, however, in 1976, Congress approved a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States (PL 94–241). The Covenant formed the basis for the termination of the United Nations Trusteeship with respect to the Northern Mariana Islands. Termination occurred in 1986 for the Commonwealth of the Northern Mariana Islands and for the Republic of the Marshall Islands and the Federated States of Micronesia. Prior to termination, those provisions of the Covenant that were consistent with continued status of the area as part of the Trust Territory were made applicable by the U.S. as Administering Authority. Other provisions (such as the extension of U.S. sovereignty) were not made applicable. Among those laws was the Immigration Act. Had the United States sought piece-meal termination of the trusteeship, as some advocated at the time, or if agreement with the other districts had not proved so elusive, the immigration laws of the United States would have been extended to the Northern Marianas as they applied to Guam. We would not be here today.

The Covenant permitted a unique system in the Commonwealth of the Northern Mariana Islands under which the local government controlled immigration and minimum wage levels and also had the benefit of duty and quota free entry of manufactured goods under the provisions of General Note 3(a) of the Harmonized Tariff Schedules. My colleagues should be aware that these provisions are not subject to mutual consent and can be modified or repealed by the Congress. The section-by-section analysis of the committee report on the Covenant provides in part:

SECTION 503.—This section deals with certain laws of the United States which are not now applicable to the Northern Mariana Islands and provides that they will remain inapplicable except in the manner and to the extent that they are made applicable by specific legislation enacted after the termination of the Trusteeship. These laws are:

The Immigration and Naturalization Laws (subsection (a)). The reason this provision is included is to cope with the problems which unrestricted immigration may impose upon small island communities. Congress is aware of those problems. . . . It may well be that these problems will have been solved by the time of the termination of the Trusteeship Agreement and that the Immigration and Nationality Act containing adequate protective provisions can then be introduced to the Northern Mariana Islands. . . .

Until termination of the trusteeship, the United States possessed and exercised plenary power, including control over entry into the area. The committee anticipated that by the termination of the Trusteeship, the federal government would have found some way of preventing a large influx of persons into the Marianas, recognizing the constitutional limitations on restrictions on travel, and that we would extend federal immigration laws when we extended United States sovereignty over the area. We neglected to do so.

Upon termination of the trusteeship, the Commonwealth of the Northern Mariana Islands became a territory of the United States and its residents became United States citizens. What transpired thereafter, however, was precisely what we sought to prevent. Because we had not enacted legislation extending federal immigration laws, however, persons were free to enter the Northern Marianas under local law. Although the population of the Commonwealth of the Northern Mariana Islands was only 15,000 people in 1976 when the Covenant was approved, the population (July, 1999) is now estimated at 79,429. The rapid increase in population coincides with the assumption of immigration control by the Commonwealth of the Northern Mariana Islands. According to the most recent statistical survey by the Commonwealth of the Northern Mariana Islands, in 1980, 78 percent of the Commonwealth of the Northern Mariana Islands population were U.S. citizens. That figure had declined to less than 47 percent by 1990 and by 1991, the percentage on Saipan, where most of the population resides, the figure was 42 percent.

The majority of the population resides on Saipan, which is the economic and government center of the Commonwealth of the Northern Mariana Islands. The most recent statistics (March 1999) from the Commonwealth of the Northern Mariana Islands estimate the population of Saipan at 71,790. U.S. citizens are estimated at 30,154 of whom 24,710 are Commonwealth of the Northern Mariana Islands born. There are 41,636 aliens of whom about 4,000 are from the freely associated states. By contrast, in 1980, non-U.S. citizen residents for the entire Northern Marianas totaled only 3,753 of whom 1,593 were citizens of the freely associated states and only 2,160 came from outside Micronesia. There is also a significant population of illegal aliens with estimates ranging from 3,000 to as high as 7,000 illegal aliens.

Whatever the number, with the exception of those from Micronesia, none of these almost 40,000 persons entered under United States law and none has any of the rights of persons who legally enter the United States to work or reside.

Repeated allegations of violations of applicable federal laws relating to worker health and safety, concerns with respect to immigration problems, including the admission of undesirable aliens, and reports of worker abuse, especially in the domestic and garment worker sectors, led to the inclusion of a $7 million set aside in appropriations in 1994 to support federal agency presence in the Commonwealth of the Northern Mariana Islands and increased enforcement of federal laws.

During the 104th Congress, the Senate passed S. 638, legislation reported by the Committee on Energy and Natural Resources and supported by the administration. Concern over the effectiveness of the Commonwealth of the Northern Mariana Islands immigration laws and reports of the entry of organized criminal elements from Japan and China led the committee to include a provision to require the Commonwealth ''to cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States.'' (Sec. 4 of S. 638) No action was taken by the House.

In February, 1996, I visited the Commonwealth of the Northern Mariana Islands with Senator AKAKA and met with local and federal officials. In addition, we inspected a garment factory and met with Bangladeshi security guards who had not been paid and who were living in substandard conditions. As a result of the meetings and continued expressions of concern over conditions, the committee held an oversight hearing on June 26, 1996. We were assured that conditions would improve.

The U.S. Commission on Immigration Reform conducted a site visit to the Northern Marianas in July 1997 and issued a report which in general supported extension of immigration laws. The report found problems in the Commonwealth of the Northern Mariana Islands ''ranging from bureaucratic inefficiencies to labor abuses to an unsustainable economic, social and political system that is antithetical to most American values'' but ''a willingness on the part of some Commonwealth of the Northern Mariana Islands officials and business leaders to address the various problems''.

The report found that:

The Department of Labor and Immigration ''does not have the capacity, nor is it likely to develop one, to prescreen applicants for entry prior to their arrival on Commonwealth of the Northern Mariana Islands territory.'' This leads to the situation of the Bangladeshi workers who arrive and find there is no work as well as to the entry of those with criminal or other disqualifying records. Federal law enforcement officials are mentioned as

not providing information to the Commonwealth of the Northern Mariana Islands due to concerns over security and corruption.

The levels of immigration led to dependence on government employment or benefits for U.S. residents (since cheap foreign labor was available even for specialized trades such as accountants, doctors, and managers) and younger residents having to leave to find work. The report also noted that those on welfare could still hire domestics.

The economy is unsustainable because there will be no advantage for the garment industry when the multifibre agreement comes into force in 2005. My colleagues should note that the perception that the garment industry presence in the Commonwealth of the Northern Mariana Islands is temporary is also shared by others. In September 1997, the Bank of Hawaii concluded that the presence of the garment industry was a result of ''a unique and temporary comparative economic advantage'' and that the Commonwealth of the Northern Mariana Islands should begin to plan for a ''transition to an exclusively tourism-driven economy''. The Bank of Hawaii repeated that conclusion in its October, 1999 report.

Foreign workers are exploited with retaliation against protestors, failure of the Commonwealth of the Northern Mariana Islands government to prosecute, unreliable bonding companies, exorbitant recruitment fees, suppression of basic freedoms, and flagrant abuses of household workers, agricultural workers, and bar girls.

The Commonwealth of the Northern Mariana Islands has entered into agreements with the Philippines and China over State objections dealing with trade and immigration.

The Commonwealth of the Northern Mariana Islands has no asylum policy or procedure placing the U.S. in violation of international obligations.

The temporary guest worker for permanent jobs creates major policy problems as well as creating a two class system where the majority of workers are denied political and social rights. In the U.S. proper, such workers would be admitted for residence and could become citizens. Worse, the children of these workers are U.S. citizens. The children of foreign mothers now account for 16 percent of U.S. citizens.

The presence of a large alien population in the Commonwealth of the Northern Mariana Islands is not simply a matter of local concern. Although temporary workers admitted into the Commonwealth of the Northern Mariana Islands may not enter the United States and their presence in the Commonwealth of the Northern Mariana Islands does not constitute residence for the purpose of obtaining U.S. citizenship, that is not true for their children. Persons born in the Commonwealth of the Northern Mariana Islands obtain U.S. citizenship by birth and eventually will be able to bring their immediate families into the United States. There is an increasing number of births to non-citizen mothers. In 1985, of 675 births, 260 were to non-citizen mothers. While the number of U.S. citizen mothers remained relatively constant, the number of non-citizen mothers increased to 581 by 1990, 701 in 1991, 859 in 1992, and continued around 900–1000 with the exception of 1,409 in 1996. For that year, total births were 1,890 with the percentage of U.S. citizen mothers at 25 percent. While some of the presumed non-citizen mothers are likely to be married to Commonwealth of the Northern Mariana Islands residents, others are not, and all entered outside of federal immigration laws. The result is that there is an increasing number of persons obtaining U.S. citizenship outside the boundaries of U.S. immigration and naturalization laws. There are also incidental effects on various federal programs, such as education, that the children and their immediate relatives will be eligible for.

To the extent that the current Commonwealth of the Northern Mariana Islands immigration system results in structural unemployment among resident U.S. citizens, there are also effects on federal programs providing assistance to the poor. In addition, in recent years, the Commonwealth of the Northern Mariana Islands has doubled its public sector employment to absorb local workers. Public sector wages now represent the largest component of the local budget. Unless the Commonwealth of the Northern Mariana Islands takes action to develop or open private sector employment for U.S. residents, it will have a difficult time reducing its workforce. The recent downturn in the Asian economy has hit the Commonwealth of the Northern Mariana Islands hard and the Commonwealth of the Northern Mariana Islands is facing a significant deficit without the ability to trim its workforce. If layoffs are inevitable, it is likely that local and federal assistance costs will escalate.

Concerns have also arisen over the use of the Northern Marianas for importation and transhipment of drugs. The June 17 Marianas Variety reported the Finance Department's Division of Customs to have confiscated over $2.5 million of crystal methamphetamine in 1998 with an increasing number of drug arrests. A related concern raised by the administration has been the ability of the Commonwealth of the Northern Mariana Islands to exclude individuals, especially members of organized crime from Japan and China. The Commonwealth of the Northern Mariana Islands does not have a data base to screen immigrants, and accomplishes most of its screening on arrival. The federal government, however, for those countries that require visas, does its screening in the foreign country. Federal law enforcement agencies have cited security concerns as a major impediment to sharing information with the Commonwealth of the Northern Mariana Islands government.

Mr. President, this is a situation that should never have been allowed to occur. This is not a matter of local self-government. The control of borders and the conditions for entry, work, residence, and citizenship in the United States are federal matters. No one should ever have expected the Northern Marianas to replicate the resources and capability of the federal government, and in fact we did not. As our committee noted in its report on the Covenant, by the time the Trusteeship ended, we anticipated that federal immigration laws would be extended. We didn't do that and permitted this situation to occur. With the exception of American Samoa, the federal government conducts those activities throughout the United States. We have allowed the creation of a country within a country where the majority of the workforce are denied political and civil rights.

Neither do I accept the argument that economic development is inconsistent with the application of federal immigration laws. With the exception of American Samoa, all other areas of the United States are under federal immigration law. I can assure my colleagues that the constraints on economic development in Alaska are not found in federal immigration law. Neither has federal immigration law been an impediment to the development of economies in the Virgin Islands, Puerto Rico, or Guam. If those areas are not fully to the levels of Stateside economies, they are nonetheless all self-supporting without the need for annual appropriations for government support. The Northern Marianas has a tourism industry and the opportunity for it to expand. There are other opportunities that should be explored, and this legislation contains provisions to assist the Commonwealth government in exploring those options.

Comments have been made that this legislation will destroy the garment industry. That is simply not true unless the industry is adverse to having workers who either are or could become United States citizens. In addition, even the Governor in his testimony said that the garment industry in Saipan was temporary and that they needed to begin to transit to a new economy. The Bank of Hawaii has twice cautioned that the peculiar circumstances that provide an economic advantage in the Marianas will disappear shortly. As the Governor stated, we need to begin the transition now. This legislation will have only a minor effect on the garment industry. The legislation does not go into effect for a year. All contract workers on island can remain for two years or the length of their contract, whichever is less. There is a program to provide permits for temporary alien workers that will gradually be reduced and eliminated by December 31, 2009. All of this extends

well past the time that every legitimate analysis of the Marianas economy indicates that the garment industry will have relocated or severely contracted.

Mr. President, I will list some of the changes that we made in this legislation to address concerns over the effect of the imposition of federal immigration laws. I have already mentioned the special grandfather provision included as a result of Lynn Knight's concern over the status of current employees. These concerns were raised by the Chamber of Commerce or the representatives of the Commonwealth government—the Governor, the President of the Senate, the Speaker of the House, and the Resident Representative.

The legislation limited post-transition relief to only the hotel industry. That has been expanded to include not only legitimate businesses throughout the tourism industry, but all other legitimate businesses in the Commonwealth;

A new statement of policy to guide implementation has been inserted that makes clear that the transition from a non-resident contract worker program is to be orderly and that potential adverse effects are to be minimized;

An explicit recognition of local self-government has been added together with more detailed requirements for consultation with local officials and consideration of their views as well as a straightforward statement that fundamental policy decisions regarding the direction and pace of economic development and growth will be made by local officials and not dictated by the federal government;

Although the legislation limits the ability of the Attorney General to provide additional extension of the temporary worker program to two five-year periods for legitimate businesses in the tourism industry and for a single five-year period for other legitimate businesses, it also requires the Attorney General to notify the Congress of the reasons for the extension and whether we should consider providing additional authority for further extensions;

A detailed technical assistance program is included to assist in the transition and to broaden and strengthen the local economy. In addition to existing authorities and programs, the Secretary of Commerce is provided $200,000 in matching grants to assist in the development and implementation of a process to diversify and strengthen the local economy. The Secretary is to consult not only with local officials, but also with local businesses and regional banks and other experts. The Secretary of Labor is provided an additional $300,000 in matching grants to provide technical and other support for the training, recruitment, and hiring of persons authorized to work in the United States to fill jobs in the Commonwealth. In addition to local officials and businesses, the Secretary is to work with the College of the Northern Marianas and the Secretary of Commerce.

A specific requirement has been included for the federal government to promote the Northern Marianas as a tourist destination.

Numerous technical and other changes have been made in response to the comments that we received, mainly to ensure full and complete consultation with local officials as this legislation is implemented.

I want the record to reflect that I believe that this Governor has attempted to deal with the allegations of worker abuse that have occurred in the Northern Marianas. I think the garment industry has also acted to improve conditions and practices, at least to minimum federal requirement. After all, that is an industry that shipped over $1 billion worth of garments into the United States customs territory last year. By virtue of the exemption from tariffs, they avoided over $200 million in tariffs. Cleaning up conditions is a minor price to pay for that subsidy. Not all problems, however, are capable of resolution. The system where workers are on temporary contract and subject to deportation creates a climate where abuse can occur. Since the workers have no right to remain in the Marianas, their ability to complain is limited. If they have significant recruitment or other fees to repay, they are effectively indentured.

The ability of the Northern Marianas government to respond is also limited. In response to the exploitation of workers from Bangladesh who paid large recruitment fees for non-existent jobs, the Marianas could only ban the importation of workers from that area for those jobs. The exploiters simply moved to Nepal. When the Governor tried to limit workers from China to deal with repatriation problems, however, those industries relying on easy access to those workers quickly brought enough pressure to reverse the decision. Efforts to limit the number of alien workers become more and more difficult as the Marianas government becomes increasingly dependent on those businesses importing those workers for the revenues to provide jobs in the public sector.

Asking the Northern Marianas government to assume and adequately implement and enforce an immigration program within the framework of federal policy is simply setting them up. A central element of federal policy is that permanent jobs are to be filled by permanent workers—persons who may live and reside in the United States, and in the case of aliens, who have the ability to eventually become citizens and full members of the political, social, and economic community. The Marianas does not have that ability. If they allow foreign workers to remain indefinitely, local businesses—such as Lynn Knight's—will prosper. However the workers will not obtain civil and political rights. They may not become United States citizens and they can not enter any other part of the United States. They are trapped. If the Marianas responds, as it did, to limit the length of stay for those workers, then businesses suffer because they can not retain trained workers and the workers themselves suffer.

This is a situation that should never have been allowed to occur. We allowed it to happen, partially through a misplaced idea that we were enhancing local self-government. We now need to act to formally bring the Northern Marianas under the federal system as a part of the United States. We need to let them devote their resources to local concerns rather than having then attempt to replicate federal responsibilities. We need to make the transition as smooth as possible and we need to act to strengthen and diversify the local economy. This legislation as reported unanimously from the Committee on Energy and Natural Resources will do that. It should be enacted promptly.

Mr. President, the effort we are about to proceed with today is a result of a recognition that, indeed, there simply has to be a change in the immigration situation with regard to Saipan and the other islands of the Mariana Islands as a consequence of an effort that began many years ago to encourage development. But clearly the situation ran away with itself over a period of time when the immigration system just got beyond the management capability of the islands.

I have had an opportunity to work with Senator AKAKA on this legislation. I know how sensitive he is because a good deal of his constituency extends a little further out than the Hawaiian Islands into the CNMI. My constituency in Alaska does not quite extend that far. Nevertheless, as chairman of the committee, I have the responsibility to try to bring about corrective action. Through the efforts of Senator AKAKA and his staff and with the help of Senator BINGAMAN and the professional staff of the committee, I think we have been able to achieve that in this legislation.

With the concurrence of Senator AKAKA, I will proceed with the charts. Senator AKAKA is very prominent in some of the charts we are going to be presenting. In some cases I assume he has not seen these pictures yet. I am not suggesting either one of us is particularly photogenic, but we have living proof we were there on the ground and saw the situation as it really does exist.

The first chart I am going to show is a little bit of what has happened over a period of time in the CNMI. It is a chart of population by citizenship.

On the chart, the lower area is the growth in the number of U.S. citizens. That is in blue. You will see back in 1980 it was somewhere in the area of 14,000 or thereabouts. In the upper area is the growth in the number of aliens. Those aliens are primarily Chinese

women coming in and working in the garment business. They come in under a contract for 2 or 3 years. Their living conditions leave a little bit to be desired, but I will go into that a little later.

I do want my colleagues to understand, though, that as we look at the difference in the number of U.S. citizens over a period of time from 1980 to 1999, the growth of that group is relatively modest. But if we look, from 1980 to 1999, at the growth in the number of non-U.S. citizens, we see phenomenal growth. That is a result of these workers coming in and working in sweatshops in a way we would certainly not allow anywhere in the United States.

The population of the Mariana Islands, as I indicated, was about 15,000 in 1976 when the covenant was approved. As of July 1999, that figure has now risen to close to 80,000, as the chart shows.

In 1978, 78 percent of the population were U.S. citizens. By 1990, that figure went down to 47 percent. By 1999, in Saipan where most of the population resides, that figure was down to 42 percent.

With the exception of about 4,000 residents from the freely associated states in Micronesia, there were over 41,000 aliens who entered this portion of the United States outside of our conventional Federal immigration laws because the immigration laws were controlled by the island.

In February of 1996, Senator AKAKA and I, accompanied by a very outstanding group of our professional staff who are with me today, went to visit the islands. Let me give you a little report on what we found. We were not looking for a situation that suggested the immigration was out of control. But in our visit there, and in followup on reports, we did find worker abuse and other problems associated with immigration and labor.

We had an extensive and productive series of meetings during our brief visit. We had an opportunity to meet with the Governor. We were briefed by his various departments on how they were attempting to deal with this situation. We met with law enforcement officials and representatives from the Department of Labor and other agencies. We met with Federal District Court Judge Munson, a very capable Federal judge, and the U.S. attorneys for the area. We met with the leadership of the legislature. We met with various groups, including the Chamber of Commerce and others.

We also visited around the island. We visited garment factories. We met with the workers who heard we were on the island and wanted to convey their concern. Without notice, we met with some of the Bangladeshi security guards. Let me show you what we saw.

Here we are, actually visiting one of the garment factories.

A picture cannot capture the atmosphere, but my colleagues can get some idea of the work. This is a pile of red, what we call gaucho sports shirts. There is quite a pile of them. On the next table, there is another pile. It goes right on down the line.

These women, virtually without exception, are young women who have come over from China on a contract working at these sewing machines and putting these garments together. These are the general types of working conditions and the building.

Behind this working area is their living quarters. The living quarters are pretty rough. We went into some of them. There are four to six women in one room. The beds look like little more than an enlarged children's crib. On the other hand, one has to wonder what kind of conditions they would ordinarily be living in in China. One has to bear that in mind.

This gentleman in red—a different color T-shirt than the pile of shirts—is Senator AKAKA. I am wearing a blue T-shirt. We were going through this factory.

Notice that many of the women do not look up from their machines or even look at strangers, which surprised us. I assume they were told to work, keep their heads down, and mind their own business. Nevertheless, this gives some idea of what is inside one of the garment factories.

There is a barbed wire fence around the barracks where the women live. It is certainly fair to say we would not want to live in those conditions. It was hot. There was air circulating.

I have another picture. Obviously, I had a big dinner that day, so I will not reflect at any great length on that. These are the shirts that are going into various markets in the United States. The extraordinary thing I found is that right at the factory where the garments are put together, not only are the price tags put on but the encoded tag one finds on the garment at sale is put on. When we looked at these labels, we saw the May Company, we saw Hecht's, and a number of noted commercial department stores in the United States.

We found they had a red dot on the other sale items on the garments made in Saipan. Not only are they tagged with the price and the store to which they are going, but this label says ''Made in America,'' and these are made in America because, clearly, Saipan is a territory of the United States. They go in duty free.

Also, these are young women, and this has certain consequences for both the Mariana Islands and the U.S. Federal Government which I am going to mention shortly.

What has attracted this industry, of course, is the availability of workers who come from China on a 3-year contract, and they work very hard. It is a piecemeal-type work. As a consequence, when their turn is to leave, why, there are others who are waiting to come in under contract as well.

We tried to find out terms and conditions under which they were hired, but that is pretty difficult to do. There are those in China who recruit, if you will, and what they get paid to buy a Chinese woman who wants to come over and work is anybody's guess. There seems to be an unlimited supply as these women go back and, in many cases, of course, they have saved a good deal of the money they have made; others perhaps are not so lucky. In any event, we saw other exceptions that were not quite as pleasant.

This is a picture of Senator AKAKA and me in front of what really was a hovel. This is behind one of the major hotels, the Hyatt hotel. There were a series of shacks. This is a gentleman from Bangladesh. He was hired to be a security guard. We found an area where there was no water, no sewer, no electricity. They were heating inside on a kerosene stove. The concern he had is he had not been paid. He had been given checks by his employer, and those checks had been returned for nonsufficient funds. He had three checks.

He said: What am I to do? I work, I am paid, but the checks are no good. I go to the Federal Government representatives on the island, and they are so burdened down with requests such as this that they can't do anything for me; I don't have enough money to go back to my country. What am I to do?

These are people who, obviously, thought they were given an opportunity for a better lifestyle. Clearly, once they arrived there, they found themselves helpless.

This is the exception, not the rule. But there are enough of the exceptions to suggest there is little means for these people to seek relief, to go to their employer, and get paid: Run the check through again next week and maybe there will be money to cover. That is a pretty tough set of circumstances under the American flag.

I refer to another chart on the makeup of the CNMI population by citizenship. If one looks closely at the chart and the growth of populations in the Mariana Islands, one will note the growth rate for U.S. citizens began to rise in roughly 1990. The blue bar is U.S. citizens, and the red bar is the growth of non-U.S. citizens.

There is a ready explanation. If my colleagues will recall, many of the alien contract workers are young women. I have another chart, and this is a chart on infant births. Again, if one looks at the blue from 1985 to 1998, one sees the births by mothers' nationality. The blue represents U.S. citizens and the red is non-U.S. citizens. In 1985, of 675 live births, 260 were to noncitizen mothers. While the number of citizen mothers remains fairly consistent, the number of noncitizen mothers rose to 581 in 1990, 701 in 1991, 859 in 1992, and then continues around 900 to 1,000 thereafter. The exception was 1996 when there were 1,409 recorded live births to noncitizen mothers. Fully 75 percent of all births were to noncitizen mothers.

One might ask: Why are you spending so much time on this statistic? For those who thought these alien contract workers were only temporary and only presented a challenge for the Northern Mariana Islands, reconsider for a moment because every one of these children is a U.S. citizen because that child was born in the United States. As a consequence, at some point in time, undoubtedly, they will come to the United States—either stay in the Mariana Islands or go back to China with the mother and then reenter the United States at a later time because that child is a U.S. citizen.

That is a significant obligation that the United States picks up when it allows this type of immigration—young women coming into these sweatshops, working for a couple of years, and many of them becoming pregnant and those children becoming U.S. citizens. Some of the women are likely married to U.S. citizens.

We do not know the circumstances of all, except for one fact, and that fact is that each of them entered on to U.S. soil outside of our immigration system. They did not come through our immigration system, but they became U.S. citizens anyway.

I have another chart, and this is a chart of employment by private and public sectors. I think it is important that we recognize what we are looking at.

What has this economic boom that has occurred on the islands and access to alien workers at low wages really meant? One thing it has meant is a steady growth in employment.

I think this chart is illuminating. As you can see, in the public sector, virtually all the jobs have gone to U.S. citizens. This is the public sector in blue. What is the public sector? The public sector is government. That is where the U.S. citizens have found their jobs.

Many of the aliens are in the medical and health field. But most of the private-sector jobs go to the aliens. The aliens, of course, are shown on the chart in red as non-U.S. citizens. That is where the growth has been in the private sector.

You probably would not be surprised to know there is a significant difference in wages.

The July 1999 data I have from the Marianas Department of Commerce provides mean-wage data for various sectors of the local economy.

For nondurable goods manufacturing, mean wages were about $2.51 per hour in 1980, $2.94 in 1990, and $2.33 in 1995.

For the same period, in restaurants, mean wages were $2.17 in 1980, $3.84 in 1990, and $3.80 in 1995.

For the public sector, however, mean wages were $4.03 in 1980, $9.20 in 1990, and $11.81 in 1995.

You can see the variance, where the higher wages are in the public sector. What has happened is that the public sector has been forced to expand to provide jobs for local residents and increase the level of wages.

The Governor, when we were over there, noted, and in his testimony later expressed, he was trying to trim the level of government but that it was difficult.

Salaries and related expenses consume over half the budget of the Marianas. They have a carryover deficit of about $70 million, I might add. Even with the growth of the private sector to absorb local residents seeking employment, it is simply not enough.

Let's look at Saipan's unemployment rate by citizenship. This chart shows the unemployment rate by citizenship from 1980. Again, the blue represents U.S. citizens. The red represents non-U.S. citizens. As you can see, in 1980, after approval of the covenant but before the trusteeship ended and the Marianas fully took over immigration, the unemployment rate for U.S. citizens was 3 percent.

By 1990, as immigration began to accelerate and businesses found you could hire foreign labor on short-term contracts, the rate climbed to 5.5 percent. By 1995, even with the significant expansion of the public sector, the rate soared to 13.3 percent.

As you may recall, the use of alien workers was also rising. Now we have 12.6 percent unemployment.

I do not know how the Governor plans to trim the public-sector workforce with that level of unemployment for U.S. citizens, but we wish him well. I know he is very serious about trying to deal with unemployment and the size of the government. This is one of the results, however, of the current immigration system.

What Senator AKAKA and I are proposing is legislation that is bipartisan. It has the support of the administration. As Senator BINGAMAN noted, it was reported out of the committee unanimously. We attempted to address every legitimate concern that the Governor, the Resident Representative, the Speaker of the House, and the President of the Senate from the Marianas raised.

We also met with the business community and other leaders. Throughout, the general approach was to simply oppose the legislation. As a consequence, what we have done is try to make changes to deal with concerns that were raised by those I have mentioned.

Let me briefly go through some of the changes that are in the committee amendment.

First is the grandfathering for existing long-term workers.

One criticism of the current situation in the Marianas is that workers can remain for extended periods—in effect, workers in permanent jobs—and therefore they have no political or civil rights.

Unlike the United States, the Marianas cannot provide for workers to eventually become citizens and enter the community. To respond to that complaint, the Marianas have enacted laws to require all aliens to leave the Commonwealth after a certain timeframe.

One effect of that approach, however, is to frustrate the ability of the employers to recruit, train, and hire personnel. From my experience, I can personally testify that the last thing any employer wants to do is commit resources to training individuals only to have them leave for other employment. It is far worse when the Government says your most valuable employees not only must leave your employ but must also leave the country as well.

The president of the Saipan Chamber of Commerce, Lynn Knight, noted that she had one employee who had been with her firm for several years and would have to leave while another skilled professional could remain since he was a U.S. citizen. Similar situations are likely in other businesses, and I would expect especially in the tourism industry.

To deal with that problem, the committee has included a special provision—this is the new section 6(j) to the Covenant Act—that provides a one-time grandfather provision for long-term employees in legitimate businesses. The provision would allow employers to sponsor current employees who have been employed for 5 years or more.

If the alien is otherwise eligible for admission to the United States, that employee may be granted an immigrant visa or have his status adjusted to a person lawfully admitted for permanent residence without regard to any numerical limitations in the Immigration Act.

This provision would ensure that for those businesses that have long-term employees and want to retain them, this legislation would mean nothing more than their employees would obtain green cards and be authorized to work in the United States. I thank the chamber and Ms. Knight for highlighting this situation because I think this provision will go a long way to ease the transition for legitimate businesses.

Briefly, I will list some of the other changes Senator AKAKA and I made through the hearing process to try to address and accommodate the local concerns of the people there. One is that the legislation limited posttransition relief to only the hotel industry. That has been expanded to include not only legitimate businesses throughout the tourism industry but all other legitimate businesses in the Commonwealth as well.

Further, a new statement of policy to guide implementation has been inserted that makes clear that the transition from a nonresident contract worker program is to be orderly and that potential adverse effects are to be minimized.

An explicit recognition of local self-government has been added together with more detailed requirements for consultation with local officials and consideration of their views.

We have included a straightforward statement, at the request of the Governor, that fundamental policy decisions regarding the direction and pace of economic development and growth will be made by local officials and not dictated by the Federal Government.

Although the legislation limits the ability of the Attorney General to provide additional extension of the temporary worker program to two 5-year periods for legitimate businesses in the tourism industry and for a single 5-year period for other legitimate businesses, it also requires the Attorney General to notify the Congress of the reasons for the extension and whether we should consider providing additional authority for further extensions.

A detailed technical assistance program is included to assist in the transaction and to broaden and strengthen the local economy.

In addition to existing authorities and programs, the Secretary of Commerce is provided $200,000 in matching grants to assist in the development and implementation of a process to diversify and strengthen the local economy. The Secretary is to consult not only with local officials but also with local businesses, regional banks, and other experts. Now the Secretary of Labor is involved. He is to provide an additional $300,000 in matching grants to provide technical and other support for the training, recruitment, and hiring of persons authorized to work in the United States to fill jobs in the Commonwealth. In addition to local officials and businesses, the Secretary is to work with the College of the Northern Marianas and the Secretary of Commerce.

A specific requirement has been included for the Federal Government to promote the Northern Marianas as a tourist destination. The resident representative, Juan Babauta, was very forceful in advocating the need for assistance to diversify and strengthen the local economy and provide training for the workers even absent the legislation. Although he and other officials oppose the legislation, I thank him and the others for their concerns. I think they are well founded, and we have sought to try and deal with them.

I am not going to go into all the reasons why this legislation is needed. I think they were fully laid out in the committee hearings and in our committee report. I do not ever want to see a situation where I have to convene a closed hearing and hear from a young lady who is forced to endure what this particular young lady, coming over from China, was forced to endure. The price of local control over Federal functions should not be measured in lost childhood and innocence.

I am not fully happy with how determined Federal law enforcement personnel are, but I am encouraged by the inclusion of funding in their budgets for the first time because they have been working under extraordinary circumstances of inadequate funds.

The General Counsel for the INS testified in strong support of this legislation. I appreciate the technical assistance of their personnel and the provisions and material they have provided us.

It is probably appropriate to conclude with a few comments on the position of some in the opposition, including control over borders and the conditions to enter the United States, work and reside, and become a citizen. Some suggest these are matters of Federal, not local, law. Well, this is not a matter of local self-government. In fact, by requiring the Marianas to develop and implement an immigration system, we diverted important resources they could have dedicated to important matters of local concern, and seriously harmed local self-government.

Neither do I nor others believe the Marianas cannot have a healthy and diversified economy under Federal immigration laws. They certainly can. The islands of the Marianas have the physical and human resources for tourism, as well as the geographic location for other activities and businesses. We have provided in this bill the training and other assistance we think the Marianas will need.

Yes, there will be some changes, but in the long run, they will be for the better for all the residents of the Marianas, and we will not have under the U.S. flag the sweatshop conditions that exist there today. The only losers will be those who made their fortunes by exploiting the situation and exploiting the workers from China who live in conditions that are absolutely unsuitable and unacceptable under the American flag. It is not a healthy economy when employment is 13 percent for local residents, and the only job opportunities seem to be in the area of local government. The current system is denying opportunities to the youth of the Marianas and will force them to leave home for Guam or other areas to obtain work.

In conclusion, I particularly and personally thank Senator AKAKA, who has been such a strong advocate of reform and has patiently worked with us to make this a better bill. I urge my colleagues to adopt the committee amendment and the legislation. Again, I recognize my good friend Senator AKAKA, who is prepared to make an opening statement at this time.

I yield the floor to Senator AKAKA.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I extend my appreciation to our chairman, Senator MURKOWSKI, for all he has done. He has given an extraordinary and accurate and descriptive report of our visit to CNMI. I will follow with some remarks.

At this time, I yield to my friend from Wisconsin, Senator FEINGOLD, for his remarks, to be recognized after he has concluded.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise today because I share the concern of many of my colleagues about the situation in the Commonwealth of the Northern Mariana Islands. I especially thank my colleagues from Alaska and Hawaii for their leadership, and I am very glad this legislation is before us. Allegations of human trafficking, grossly sub-standard working conditions, deceitful recruitment practices, even indentured servitude, must be taken seriously—particularly when these practices are alleged to occur on American soil.

I also rise to highlight some very relevant issues about which I am deeply concerned. As we consider the case of the CNMI, we must recognize that there are other examples of this kind of international exploitation, and that such practices often find their roots in organized crime syndicates that span boundaries, and patterns of corruption that cross borders.

In fact, according to a report issued by the nongovernmental organization, the Global Survival Network, on the situation in the CNMI,

> . . . organized crime groups from the People's Republic of China, South Asia, and Japan reap large profits from human trafficking. Chinese provincial government agencies reportedly collude with Chinese traffickers by pocketing a percentage of passport fees paid by Chinese immigrants. Chinese criminal groups have moved part of their operations to the CNMI, where they operate significant gambling and money-lending operations. Japanese organized crime groups also operate in Saipan, where they control a large part of the sex tourism sector.

Let this be a wake-up call for all of us—international crime is an increasingly disturbing problem, and it is not something that happens only in other parts of the world. This is an issue that I intend to work on in the months ahead.

According to NGO estimates, between 1 million and 2 million women are trafficked each year for the purposes of forced prostitution, many of them from Russia and other parts of Eastern Europe and Central Asia. In 1998, the FBI indicated that, of the Russian crime cases they had investigated abroad, 55 percent involved fraud, 22 percent money laundering, and the rest murder, extortion, and the smuggling of people, arms, and drugs. These kinds of activities are global phenomenon, and the United States is not immune to these forces.

Members of this body are all too familiar with the role of Colombian and Nigerian criminal organizations in the drug trade that casts a shadow over virtually every American community today—including my own hometown.

We have all been alarmed by last year's revelations about the laundering of Russian money through U.S. banks. Recent reports indicate that Poland is overwhelmed in its efforts to combat money laundering schemes—many of which have an international component.

In fact, some 170 Polish gangs have ties with criminal groups abroad. Too often, money-laundering schemes entail the buying-off of corrupt officials, creating a cycle of complicity that undermines the rule of law, stability, and the very legitimacy of government itself.

Few would dispute the fact that corruption played a role in the Asian financial crisis of 1997 and 1998, or that it hampers political, social, and economic development throughout a region that I care deeply about—sub-Saharan Africa, a region where international crime and corruption often go hand-in-hand. The GAO has reported that Americans lose up to $2 billion per year to African-based white collar crime syndicates. In Angola and Sierra Leone, corruption fuels the trade in illicit diamonds, which in turn finances brutally violent conflicts. There can be no doubt that international crime and corruption are critical security issues and economic issues—but there can also be no doubt that they are human rights issues, and social development issues as well.

These patterns will increasingly have an impact on the lives of Americans in this new century, and the manner in which we respond will determine, in part, the degree to which all people of all nations can achieve a better life in the years ahead.

Mr. President, I intend to look more closely at these trends in international crime and corruption in the months ahead.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Hawaii is recognized.

Mr. AKAKA. Madam President, I thank my friend from the State of Wisconsin for his statement. I also thank him for saying what he felt about the CNMI.

I express my gratitude to the majority leader for scheduling this bill today and also the Democratic leader for supporting it. I look forward to working out this bill with my friend, the chairman, Senator MURKOWSKI.

As we begin today's debate, I want to express my sincere thanks to the leadership of the Committee on Energy and Natural Resources for their commitment to CNMI immigration reform. The Senator from Alaska, Chairman MURKOWSKI, and the Senator from New Mexico, Senator BINGAMAN, understand that a great injustice is taking place far from the Nation's Capitol. That is why they have brought this legislation to the Senate floor. Their efforts prove that they live by the words of one of our Senate titans, Daniel Webster, who proclaimed justice the ''great interest of man on earth.''

Perhaps some Senators, and many viewers who are watching these proceedings in the gallery or on television, are wondering, ''Why is the United States Senate—that great deliberative body in the world's strongest democracy—taking time from its busy schedule to debate legislation that affects a distant island community with a population of only 70,000 people?'' You might ask, ''Why don't we work on other important legislation, such as nuclear waste policy, judicial nominations, or health care for our armed forces?''

The answer to these questions is that conditions in the Commonwealth of the Northern Mariana are an affront to democratic values. The answer is that the CNMI immigration system has sparked international protests from our Pacific allies.

Immigration in the Commonwealth violates fundamental standards of morality and human decency. That's why we must pass the reform measure pending in the Senate.

Chairman MURKOWSKI is a longstanding champion of CNMI immigration reform.

He is the only Senator in recent memory to visit the Commonwealth, where he witnessed the profound problems caused by their local immigration law.

I doubt that many of my colleagues know very much about the CNMI, a U.S. Island territory located 1,500 miles south of Tokyo.

Those Senators who are familiar with the territory have probably read the growing number of articles on the immigration and labor abuse in the Commonwealth. Yet only Chairman MURKOWSKI has visited the islands to get a first-hand understanding of their problems. I joined him on his tour of the CNMI in February of 1996.

The statement that was made by the chairman on what we saw there, as I said, is accurate and very descriptive. It was a shame to see that a part of the United States is living under those conditions.

The legislation before us won't correct all of the Commonwealth's problems, but it will address the most significant concern, immigration abuse. Chairman MURKOWSKI is a man of the Pacific who understands the need to have an immigration policy that reflects America values.

The states we represent, Alaska and Hawaii, are closest to our Pacific neighbors, and we recognize the need to respond to problems that generate strong protests from other Pacific nations. I am honored to join him as a cosponsor of S. 1052, legislation to reform immigration abuses in the CNMI.

When the CNMI became a U.S. commonwealth in 1976, Congress granted it local control over immigration at the request of island leaders. This means that the Immigration and Nationality Act does not apply in the CNMI. We now know this decision was a great mistake.

Using its immigration authority, the Commonwealth has created a plantation economy that relies upon wholesale importation of low-paid, short-term indentured workers. Indentured servitude, a practice outlawed in the United States over 100 years ago, had resurfaced in the CNMI.

Foreign workers pay up to $7,000 to employers or middlemen for the right to a job in the CNMI. When they finally reach the Commonwealth, they are assigned to tedious, low paying work for long hours with little or no time off. At night they are locked in prison-like barracks.

If they complain, they are subject to immediate deportation at the whim of their employer.

Some arrive in the islands only to find that they were victims of an employment scam. There are no jobs waiting for them, and no way to work off their bondage debt.

Concern about the CNMI's longstanding immigration problems has historically been bipartisan. In fact, officials in the Reagan administration first sounded the alarm about the runaway immigration policies that the Commonwealth adopted.

The administration of every President in the past 16 years—the Reagan, Bush, and Clinton administrations—has consistently criticized the Commonwealth's immigration policy.

Bipartisan studies have also condemned CNMI Immigration.

The Commission on Immigration Reform called the CNMI system of immigration and indentured labor ''antithetical to American values.'' According to the Commission, no democratic society has an immigration policy like the CNMI.

The closest equivalent is Kuwait, where foreign workers constitute a majority of the workforce and suffer harsh and discriminatory treatment by the citizen population.

For this reason, the CNMI has also become an international embarrassment for the United States.

We have received complaints from the Philippines, Nepal, Sri Lanka, and Bangladesh about immigration abuse and the treatment of workers. They failure of the Commonwealth to reform its immigration system has seriously tarnished our image in the region.

Concerns about the CNMI are not new. Perhaps we should be criticized for not acting sooner. Yet, despite a 14-year effort by the Reagan, Bush, and Clinton administrations to persuade the CNMI to correct immigration problems, the problems persist.

After 14 years of waiting for the Commonwealth to implement reform, it is time for Congress to act. Statistics on Commonwealth immigration provide compelling evidence of the need for reform.

Twenty years ago, the CNMI had a population of 15,000 citizens and 2,000 alien workers.

Today, the citizen population stands at 28,000, but the alien worker population has mushroomed to 42,000. That's a 2,000 percent increase.

The Immigration and Naturalization Service reports that the CNMI has no reliable records of aliens entering the Commonwealth, how long they remain, and when, if ever, they depart. One CNMI official testified that they have

''no effective control'' over immigration in their islands.

The CNMI shares the American flag, but it does not share our immigration system. When the Commonwealth became a territory of the United States, we allowed them to write their own immigration laws.

After twenty years of experience, the CNMI immigration experiment has failed.

Conditions in the CNMI prompt the question whether the U.S. should operate a unified immigration system, or whether a U.S. territory should be allowed to establish laws in conflict with national immigration policy.

Common sense tells us that a unified system is the only answer. If Puerto Rico, or Hawaii, or Arizona, or Oklahoma could write their own immigration laws—and give work visas to foreigners—our national immigration system would be in chaos.

America is one country. We need a uniform immigration system, not one system for the 50 states and another system for one of our territories.

I don't represent the CNMI, but the Commonwealth is Hawaii's backyard. I speak as a friend and neighbor when I say that this policy cannot continue. The CNMI system of indentured immigrant labor is morally wrong, and violates basic democratic principles.

We hope that our colleagues will hear our voices and will join us in passing S. 1052.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NAVY SUPER HORNET PROGRAM

Mr. FEINGOLD. Mr. President, I have been a long-time critic of the Navy's F/A–18 E/F Super Hornet program. For years, I have come to the floor to highlight this program's shortcomings, and I have offered bills to kill the program and amendments to try to achieve greater scrutiny over the program. Sometimes my colleagues have agreed with me, and more often than not, they have not on this particular issue. I understand that, in all probability, the Super Hornet program will get its final green light this spring, and it will go into full-rate production.

However, I will continue to fight for responsible defense spending and continue to try to enlighten my colleagues about this inferior, unnecessary, and expensive program.

With that in mind, I have asked Secretary Cohen to delay his production decision until he reviews a GAO audit of the Super Hornet program's Operational Evaluation.

I will read an opinion-editorial by Lieutenant Colonel Jay Stout, a highly-regarded, active duty Marine fighter pilot of the F/A–18C, and combat veteran. The Virginian-Pilot published his opinions this past December.

Rear Admiral J.B. Nathman, the Navy's director of air warfare, wrote the requisite, tired response, with a little personal invective thrown in.

A subsequent piece by James Stevenson, a well-known aviation writer, rebuts each of Admiral Nathman's arguments. I will read Stevenson's letter, as well.

I will read the article by Mr. Stout, and I ask unanimous consent that two other articles, plus a December 13, 1999, article from Business Week be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FEINGOLD. The first article is Mr. Stout's piece from the Virginian-Pilot entitled, ''The Navy's Super Fighter Is A Super Failure.''

The article reads as follows:

I am a fighter pilot. I love fighter aircraft. But even though my service—I am a Marine—doesn't have a dog in the fight, it is difficult to watch the grotesquerie that is the procurement of the Navy's new strike-fighter, the F/A–18 E/F Super Hornet.

Billed as the Navy's strike-fighter of the future, the F/A–18 E/F is instead an expensive failure—a travesty of subterfuge and poor leadership. Intended to overcome any potential adversaries during the next 20 years, the aircraft is instead outperformed by a number of already operational aircraft—including the fighter it is scheduled to replace, the original F/A–18 Hornet.

The Super Hornet concept was spawned in 1992, in part, as a replacement for the 30 year-old A–6 Intruder medium bomber. Though it had provided yeoman service since the early 1960s, the A–6 was aging and on its way to retirement by the end of the Gulf War in 1991. The Navy earlier tried to develop a replacement during the 1980s—the A–12—but bungled the project so badly that the whole mess was scrapped in 1991. The A–12 fiasco cost the taxpayers $5 billion and cost the Navy what little reputation it had as a service that could wisely spend taxpayer dollars.

Nevertheless, the requirement for an A–6 replacement remains. Without an aircraft with a longer range and greater payload than the current F/A–18, the Navy lost much of its offensive punch. Consequently it turned to the original F/A–18—a combat-proven performer, but a short-ranged light bomber when compared to the A–6. Still stinging from the A–12 debacle, the Navy tried to ''put one over'' on Congress by passing off a completely redesigned aircraft—the Super Hornet—as simply a modification of the original Hornet.

The obfuscation worked. Many in Congress were fooled into believing that the new aircraft was just what the Navy told them it was—a modified Hornet. In fact, the new airplane is much larger—built that way to carry more fuel and bombs—is much different aerodynamically, has new engines and engine intakes and a completely reworked internal structure. In short, the Super Hornet and the original Hornet are two completely different aircraft despite their similar appearance.

Though the deception worked, the new aircraft—the Super Hornet—does not. Because it was never prototyped—at the Navy's insistence—its faults were not evident until production aircraft rolled out of the factory. Among the problems the aircraft experienced was the publicized phenomenon of ''wing drop''—a spurious, uncommanded roll, which occurred in the heart of the aircraft's performance envelope. After a great deal of negative press, the Super Hornet team devised a ''band-aid'' fix that mitigated the problem at the expense of performance tradeoffs in other regimes of flight. Regardless, the redesigned wing is a mish-mash of aerodynamic compromises which does nothing well. And the Super Hornet's wing drop problem is minor compared to other shortfalls. First, the aircraft is slow—slower than most fighters fielded since the early 1960s. In that one of the most oft-uttered maxims of the fighter pilot fraternity is that ''Speed is Life,'' this deficiency is alarming.

But the Super Hornet's wheezing performance against the speed clock isn't its only flaw. If speed is indeed life, then maneuverability is the reason that life is worth living for the fighter pilot. In a dog fight, superior maneuverability allows a pilot to bring his weapons to bear against the enemy. With its heavy, aerodynamically compromised airframe, and inadequate engines, the Super Hornet won't win many dogfights. Indeed, it can be outmaneuvered by nearly every frontline fighter fielded today.

''But the Super Hornet isn't just a fighter,'' its proponents will counter. ''It is a bomber as well.'' True, the new aircraft carries more bombs than the current F/A–18—but not dramatically more, or dramatically further. The engineering can be studied, but the laws of physics don't change for anyone—certainly not the Navy. From the beginning, the aircraft was incapable of doing what the Navy wanted. And they knew it.

The Navy doesn't appear to be worried about the performance shortfalls of the Super Hornet. The aircraft is supposed to be so full of technological wizardry that the enemy will be overwhelmed by its superior weapons. That is the same argument that was used prior to the Vietnam War. This logic fell flat when our large, expensive fighters—the most sophisticated in the world—started falling to peasants flying simple aircraft designed during the Korean conflict.

Further drawing into question the Navy's position that flight performance is secondary to the technological sophistication of the aircraft, are the Air Forces' specifications for its new—albeit expensive—fighter, the F–22. The Air Force has ensured that the F–22 has top-notch flight performance, as well as a weapons suite second to none. It truly has no rivals in the foreseeable future.

The Super Hornet's shortcomings have been borne out anecdotally. There are numerous stories, but one episode sums it up nicely. Said one crew member who flew a standard Hornet alongside new Super Hornets: ''We outran them, we out-flew them, and we ran them out of gas. I was embarrassed for those pilots.'' These shortcomings are tacitly acknowledged around the fleet where the aircraft is referred to as the ''Super-Slow Hornet.''

What about the rank-and-file Navy fliers? What are they told when they question the Super Hornet's shortcomings? The standard reply is, ''Climb aboard, sit down, and shut up. This is our fighter, and you're going to make it work.'' Can there be any wondering at the widespread disgust with the Navy's