

106TH CONGRESS
1ST SESSION

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.

IN THE SENATE OF THE UNITED STATES

MAY 13, 1999

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Mariana Is-
5 lands Covenant Implementation Act”.

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

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

9 **“SEC. 6. TRANSITION PROGRAM.**

10 “(a) ATTORNEY GENERAL FINDINGS.—

11 “(1) MINIMUM STANDARDS.—Within ninety
12 days after the date of enactment of the Northern
13 Mariana Islands Covenant Implementation Act, the
14 Attorney General shall determine, and publish by
15 notice in the Federal Register, minimum standards
16 that the Attorney General deems necessary to ensure
17 an effective system of immigration control for the
18 Commonwealth of the Northern Mariana Islands.
19 The determination of such minimum standards shall
20 rest within the sole discretion of the Attorney Gen-
21 eral, shall not be subject to the rulemaking require-
22 ments of the Administrative Procedure Act (5
23 U.S.C. 533–557), and may be reviewed solely pursu-
24 ant to paragraph (3) of this subsection.

25 “(2) FINDINGS.—One year after the date of en-
26 actment of the Northern Mariana Islands Covenant

1 Implementation Act, or, if applicable, ninety days
2 after the issuance of a final judicial determination
3 pursuant to paragraph (3), whichever is later, the
4 Attorney General, after consultation with the Gov-
5 ernment of the Commonwealth of the Northern Mar-
6 iana Islands, shall make the following findings:

7 “(A) whether the Government of the Com-
8 monwealth of the Northern Mariana Islands
9 possesses the institutional capability to admin-
10 ister an effective system of immigration control,
11 consistent with the minimum standards estab-
12 lished under paragraph (1), and

13 “(B) if the Attorney General determines
14 that the Government of the Commonwealth of
15 the Northern Marianas possesses such institu-
16 tional capability, whether the Government of
17 the Commonwealth of the Northern Mariana Is-
18 lands has demonstrated a genuine commitment
19 to enforce an effective system of immigration
20 control consistent with the minimum standards
21 established under paragraph (1). The findings
22 by the Attorney General regarding the institu-
23 tional capability of the Government of the Com-
24 monwealth of the Northern Mariana Islands,
25 and if applicable, the genuine commitment of

1 the Government of the Commonwealth of the
2 Northern Mariana Islands to enforce an effec-
3 tive system of immigration control shall be pub-
4 lished in the Federal Register in a timely man-
5 ner.

6 “(3) ACCELERATED JUDICIAL REVIEW OF MIN-
7 IMUM STANDARDS.—Except for review in the Su-
8 preme Court of the United States, the United States
9 Court of Appeals for the District of Columbia Cir-
10 cuit shall have original and exclusive jurisdiction
11 over any complaint of the Government of the Com-
12 monwealth of the Northern Mariana Islands seeking
13 review of the minimum standards established under
14 paragraph (1). No other person or entity shall have
15 the right to seek review of these minimum stand-
16 ards. For purposes of this paragraph, a petition for
17 review will be deemed to have been timely filed only
18 if it is made within ninety days after publication of
19 the standards in the Federal Register. It shall be the
20 duty of the reviewing court to advance on the docket
21 and to expedite to the greatest possible extent the
22 disposition of any matter brought under this para-
23 graph. In the event that there is issued a final judi-
24 cial determination invalidating the minimum stand-
25 ards, the Attorney General shall have published in

1 the Federal Register new minimum standards within
2 ninety days of such final judicial determination.
3 Such new minimum standards shall be reviewable
4 solely pursuant to this paragraph.

5 “(4) ACCELERATED JUDICIAL REVIEW OF THE
6 FINDINGS OF THE ATTORNEY GENERAL.—The find-
7 ings of the Attorney General described in subpara-
8 graphs (A) and (B) of paragraph (2) shall be
9 deemed to be final upon publication in the Federal
10 Register, unless the Government of the Common-
11 wealth of the Northern Mariana Islands seeks review
12 of these findings by filing a timely petition for re-
13 view, pursuant to this paragraph, with the United
14 States Court of Appeals for the District of Columbia
15 Circuit. No other person or entity shall have the
16 right to seek review of the findings of the Attorney
17 General. For purposes of this paragraph, a petition
18 for review will be deemed to have been timely filed
19 only if it is made within ninety days of publication
20 of the findings of the Attorney General in the Fed-
21 eral Register. Except for review in the Supreme
22 Court of the United States, the United States Court
23 of Appeals for the District of Columbia Circuit shall
24 have original and exclusive jurisdiction over any re-
25 view of the findings of the Attorney General. It shall

1 be the duty of the reviewing court to advance on
2 the docket and to expedite to the greatest possible
3 extent the disposition of any matter brought under
4 this paragraph. In the event that there is issued a
5 final judicial determination upholding the findings of
6 the Attorney General, then the provisions of sub-
7 sections (b) through (j) shall take effect 180 days
8 after the date of such a final judicial determination.
9 In the event that there is a final judicial determina-
10 tion invalidating the findings of the Attorney Gen-
11 eral, subject to subparagraph (6), then the provi-
12 sions of subsections (b) through (j) shall not take
13 effect. Nothing in this paragraph shall limit the au-
14 thority of the Attorney General to make new find-
15 ings pursuant to paragraph (2)(B) at any time after
16 such a final judicial determination.

17 “(5) EFFECTIVE DATE.—Subject to paragraphs
18 (4) and (6), if the Attorney General finds either that
19 the Commonwealth of the Northern Mariana Islands
20 does not have the institutional capability to meet the
21 minimum standards described in paragraph (2)(A)
22 or has not demonstrated a genuine commitment to
23 enforce an effective system of immigration control
24 consistent with the minimum standards in para-
25 graph (2)(B), then subsections (b) through (j) shall

1 take effect 180 days after the finding is published.
2 If the Attorney General determines that the Govern-
3 ment of the Commonwealth of the Northern Mar-
4 iana Islands has such institutional capability and
5 genuine commitment, subject to paragraph (6), then
6 the provisions of subsections (b) through (j) shall
7 not take effect.

8 “(6) SUBSEQUENT FINDINGS.—If the Attorney
9 General finds that the Government of the Common-
10 wealth of the Northern Mariana Islands meets the
11 requirements of subparagraphs (A) and (B) of para-
12 graph (2), the Attorney General, every three years
13 thereafter, shall make findings with respect to
14 whether the Government of the Commonwealth of
15 the Northern Mariana Islands continues to meet the
16 requirements of such subparagraphs. The subse-
17 quent findings of the Attorney General shall be re-
18 viewable solely pursuant to paragraph (4).

19 “(b) APPLICATION OF THE IMMIGRATION AND NA-
20 TIONALITY ACT AND ESTABLISHMENT OF A TRANSITION
21 PROGRAM.—Except as provided in subsection (c), the pro-
22 visions of the Immigration and Nationality Act (8 U.S.C.
23 1101) shall apply to the Commonwealth of the Northern
24 Mariana Islands: *Provided*, That there shall be a transi-
25 tion period not to exceed ten years following the effective

1 date of the provisions of subsections (b) through (j) of this
2 section (except for subsection (e)(2)(I), if needed), during
3 which the Attorney General, in consultation with the Sec-
4 retaries of State, Labor, and the Interior, shall establish,
5 administer, and enforce a transition program for immigra-
6 tion to the Commonwealth of the Northern Mariana Is-
7 lands (the “transition program”). The transition program
8 established pursuant to this section shall provide for the
9 issuance of nonimmigrant temporary alien worker visas
10 pursuant to subsection (d), and, under the circumstances
11 set forth in subsection (e), for family-sponsored and em-
12 ployment-based immigrant visas. The transition program
13 shall be implemented pursuant to regulations to be pro-
14 mulgated as appropriate by each agency having respon-
15 sibilities under the transition program.

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

24 “(d) TEMPORARY ALIEN WORKERS.—The transition
25 program shall conform to the following requirements with

1 respect to temporary alien workers who would otherwise
2 not be eligible for nonimmigrant classification under the
3 Immigration and Nationality Act:

4 “(1) Aliens admitted under this subsection shall
5 have the same privileges as nonimmigrants under
6 section 101(a)(15) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1258), including the ability to
8 apply, if otherwise eligible, for a change of non-
9 immigrant status under section 248 of such Act (8
10 U.S.C. 1258), or adjustment of status, if eligible
11 therefor, under this section and section 245(e) of
12 such Act (8 U.S.C. 1255(e)).

13 “(2)(A) The Secretary of Labor shall establish,
14 administer, and enforce a system for allocating and
15 determining the number, terms, and conditions of
16 permits to be issued to prospective employers for
17 each temporary alien worker who would not other-
18 wise be eligible for admission under the Immigration
19 and Nationality Act. This system shall provide for a
20 reduction in the allocation of permits for such work-
21 ers on an annual basis, to zero, over a period not to
22 exceed ten years. In no event shall a permit be valid
23 beyond the expiration of the transition period. This
24 system may be based on any reasonable method and
25 criteria determined by the Secretary of Labor to

1 promote the maximum use of, and to prevent ad-
2 verse effects on wages and working conditions of,
3 persons authorized to work in the United States
4 under section 274A of the Immigration and Nation-
5 ality Act (8 U.S.C. 1324a), and lawfully admissible
6 freely associated state citizen labor.

7 “(B) The Secretary of Labor is authorized to
8 establish and collect appropriate user fees for the
9 purpose of this section. Amounts collected pursuant
10 to this section shall be deposited in a special fund
11 of the Treasury. Such amounts shall be available, to
12 the extent and in the amounts as provided in ad-
13 vance in appropriations acts, for the purposes of ad-
14 ministering this section. Such amounts are author-
15 ized to be appropriated to remain available until ex-
16 pended.

17 “(3) The Attorney General shall set the condi-
18 tions for admission of nonimmigrant temporary alien
19 workers under the transition program, and the Sec-
20 retary of State shall authorize the issuance of non-
21 immigrant visas for aliens to engage in employment
22 only as authorized in this subsection: *Provided*, That
23 such visas shall not be valid for admission to the
24 United States, as defined in section 101(a)(38) of
25 the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(38)), except the Commonwealth of the
2 Northern Mariana Islands. An alien admitted to the
3 Commonwealth of the Northern Mariana Islands on
4 the basis of such a nonimmigrant visa shall be per-
5 mitted to engage in employment only as authorized
6 pursuant to the transition program. No alien shall
7 be granted nonimmigrant classification or a visa
8 under this subsection unless the permit requirements
9 established under paragraph (2) have been met.

10 “(4) An alien admitted as a nonimmigrant pur-
11 suant to this subsection shall be permitted to trans-
12 fer between employers in the Commonwealth of the
13 Northern Mariana Islands during the period of such
14 alien’s authorized stay therein to the extent that
15 such transfer is authorized by the Attorney General
16 in accordance with criteria established by the Attor-
17 ney General and the Secretary of Labor.

18 “(e) IMMIGRANTS.—With the exception of immediate
19 relatives (as defined in section 201(b)(2) of the Immigra-
20 tion and Nationality Act (8 U.S.C. 1151(b)(2)) and, ex-
21 cept as provided in paragraphs (1) and (2), no alien shall
22 be granted initial admission as a lawful permanent resi-
23 dent of the United States at a port-of-entry in the Com-
24 monwealth of the Northern Mariana Islands, or at a port-

1 of-entry in Guam for the purpose of immigrating to the
2 Commonwealth of the Northern Mariana Islands.

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

4 The Attorney General, based on a joint rec-
5 ommendation of the Governor and Legislature of the
6 Commonwealth of the Northern Mariana Islands,
7 and in consultation with appropriate federal agen-
8 cies, may establish a specific number of additional
9 initial admissions as a family-sponsored immigrant
10 at a port-of-entry in the Commonwealth of the
11 Northern Mariana Islands, or at a port-of-entry in
12 Guam for the purpose of immigrating to the Com-
13 monwealth of the Northern Mariana Islands, pursu-
14 ant to sections 202 and 203(a) of the Immigration
15 and Nationality Act (8 U.S.C. 1152 and 1153(a))
16 during the following fiscal year.

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

18 “(A) If the Secretary of Labor, upon re-
19 ceipt of a joint recommendation of the Governor
20 and Legislature of the Commonwealth of the
21 Northern Mariana Islands, finds that excep-
22 tional circumstances exist with respect to the
23 inability of employers in the Commonwealth of
24 the Northern Mariana Islands to obtain suffi-
25 cient work-authorized labor, the Attorney Gen-

1 eral may establish a specific number of employ-
2 ment-based immigrant visas to be made avail-
3 able during the following fiscal year under sec-
4 tion 203(b) of the Immigration and Nationality
5 Act (8 U.S.C. 1153(b)).

6 “(B) Upon notification by the Attorney
7 General that a number has been established
8 pursuant to subparagraph (A), the Secretary of
9 State may allocate up to that number of visas
10 without regard to the numerical limitations set
11 forth in sections 202 and 203(b)(3)(B) of the
12 Immigration and Nationality Act (8 U.S.C.
13 1152 and 1153(b)(3)(B)). Visa numbers allo-
14 cated under this subparagraph shall be allo-
15 cated first from the number of visas available
16 under section 203(b)(3) of such Act (8 U.S.C.
17 1153(b)(3)), or, if such visa numbers are not
18 available, from the number of visas available
19 under section 203(b)(5) of such Act (8 U.S.C.
20 1153(b)(5)).

21 “(C) Persons granted employment-based
22 immigrant visas under the transition program
23 may be admitted initially at a port-of-entry in
24 the Commonwealth of the Northern Mariana Is-
25 lands, or at a port-of-entry in Guam for the

1 purpose of immigrating to the Commonwealth
2 of the Northern Mariana Islands, as lawful per-
3 manent residents of the United States.

4 “(D) Any immigrant visa issued pursuant
5 to this paragraph shall be valid only for applica-
6 tion for initial admission to the Commonwealth
7 of the Northern Mariana Islands. The admis-
8 sion of any alien pursuant to such an immi-
9 grant visa shall be an admission for lawful per-
10 manent residence and employment only in the
11 Commonwealth of the Northern Mariana Is-
12 lands during the first five years after such ad-
13 mission. Such admission shall not authorize
14 permanent residence or employment in any
15 other part of the United States during such
16 five-year period. An alien admitted for perma-
17 nent residence pursuant to this paragraph shall
18 be issued appropriate documentation identifying
19 the person as having been admitted pursuant
20 to the terms and conditions of this transition
21 program, and shall be required to comply with
22 a system for the registration and reporting of
23 aliens admitted for permanent residence under
24 the transition program, to be established by the
25 Attorney General, by regulation, consistent with

1 the Attorney General’s authority under Chapter
2 7 of Title II of the Immigration and Nationality
3 Act (8 U.S.C. 1301–1306).

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

12 “(F) Any alien admitted under this sub-
13 section, who violates the provisions of this para-
14 graph, or who is found removable or inadmis-
15 sible under section 237(a) (8 U.S.C. 1227 (a)),
16 or paragraphs (1), (2), (3), (4)(A), (4)(B), (6),
17 (7), (8), or (9) of section 212(a) (8 U.S.C.
18 1182(a)), shall be removed from the United
19 States pursuant to sections 239, 240, and 241
20 of the Immigration and Nationality Act (8
21 U.S.C. 1229, 1230, and 1231).

22 “(G) The Attorney General may establish
23 by regulation a procedure by which an alien
24 who has obtained lawful permanent resident
25 status pursuant to this paragraph may apply

1 for a waiver of the limitations on the terms and
2 conditions of such status. The Attorney General
3 may grant the application for waiver, in the dis-
4 cretion of the Attorney General, if—

5 “(i) the alien is not in removal pro-
6 ceedings,

7 “(ii) the alien has been a person of
8 good moral character for the preceding five
9 years,

10 “(iii) the alien has not violated the
11 terms and conditions of the alien’s perma-
12 nent resident status, and

13 “(iv) the alien would suffer excep-
14 tional and extremely unusual hardship
15 were such terms and conditions not
16 waived.

17 “(H) The limitations on the terms and
18 conditions of an alien’s permanent residence set
19 forth in this paragraph shall expire at the end
20 of five years after the alien’s admission to the
21 Commonwealth of the Northern Mariana Is-
22 lands as a permanent resident and the alien is
23 thereafter fully subject to the provisions of the
24 Immigration and Nationality Act. Following the
25 expiration of such limitations, the permanent

1 resident alien may engage in any lawful activ-
2 ity, including employment, anywhere in the
3 United States. Such an alien, if otherwise eligi-
4 ble for naturalization, may count the five-year
5 period in the Commonwealth of the Northern
6 Mariana Islands towards time in the United
7 States for purposes of meeting the residence re-
8 quirements of Title III of the Immigration and
9 Nationality Act.

10 “(I) SPECIAL PROVISION TO ENSURE ADE-
11 QUATE EMPLOYMENT IN THE HOTEL INDUSTRY
12 AFTER THE TRANSITION PERIOD ENDS.—Dur-
13 ing the fiscal year preceding the ninth anniver-
14 sary of the effective date of this subsection, and
15 in the fourth year of any extension thereafter,
16 the Attorney General and the Secretary of
17 Labor shall consult with the Governor of the
18 Commonwealth of the Northern Mariana Is-
19 lands to ascertain the current and future labor
20 needs of the hotel industry in the Common-
21 wealth of the Northern Mariana Islands, and to
22 determine whether a five-year extension of the
23 provisions of this paragraph would be necessary
24 to ensure an adequate number of workers in the
25 hotel industry. If the Attorney General and Sec-

1 retary of Labor determine that such an exten-
2 sion is necessary to ensure an adequate number
3 of workers in the hotel industry, the Attorney
4 General shall provide notice by publication in
5 the Federal Register that the provisions of this
6 paragraph will be extended for a five-year pe-
7 riod with respect to the hotel industry only. The
8 Attorney General may authorize further exten-
9 sions of this paragraph with respect to the hotel
10 industry in the Commonwealth of the Northern
11 Mariana Islands if, after the Attorney General
12 and the Secretary of Labor have consulted with
13 the Governor of the Commonwealth of the
14 Northern Mariana Islands, the Attorney Gen-
15 eral determines that a further extension is re-
16 quired to ensure an adequate number of work-
17 ers in the hotel industry in the Commonwealth
18 of the Northern Mariana Islands.

19 “(f) NONIMMIGRANT INVESTOR VISAS.—

20 “(1) Notwithstanding the treaty requirements
21 in section 101(a)(15)(e) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1101(a)(15)(E)), the Attor-
23 ney General may, upon the application of the alien
24 classify an alien as a nonimmigrant under section

1 101(a)(15)(E)(ii) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

3 “(A) has been admitted to the Common-
4 wealth of the Northern Mariana Islands in
5 long-term investor status under the immigration
6 laws of the Commonwealth of the Northern
7 Mariana Islands on or before the effective date
8 of this subsection;

9 “(B) has continuously maintained resi-
10 dence in the Commonwealth of the Northern
11 Mariana Islands under long-term investor sta-
12 tus;

13 “(C) is otherwise admissible; and

14 “(D) maintains the investment or invest-
15 ments that formed the basis for such long-term
16 investor status.

17 “(2) Within 180 days after the effective date of
18 this subsection, the Attorney General and the Sec-
19 retary of State shall jointly publish regulations in
20 the Federal Register to implement this subsection.

21 “(3) The Attorney General shall treat an alien
22 that meets the requirements of paragraph (1) as a
23 nonimmigrant under section 101(a)(15)(E)(ii) of the
24 Immigration and Nationality Act (8 U.S.C.

1 1101(a)(15)(E)(ii) until the regulations imple-
2 menting this subsection are published.

3 “(g) PERSONS LAWFULLY ADMITTED UNDER THE
4 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
5 IMMIGRATION LAW.—Notwithstanding subsection (d) of
6 this section, persons who would have been lawfully present
7 in the Commonwealth of the Northern Mariana Islands
8 pursuant to the immigration laws of the Commonwealth
9 of the Northern Mariana Islands on the effective date of
10 this subsection, shall be permitted to remain in the Com-
11 monwealth of the Northern Mariana Islands for the com-
12 pletion of the period of admission under such laws, or for
13 two years, whichever is less.

14 “(h) TRAVEL RESTRICTIONS FOR CERTAIN APPLI-
15 CANTS FOR ASYLUM.—Any alien admitted to the Com-
16 monwealth of the Northern Mariana Islands pursuant to
17 the immigration laws of the Commonwealth of the North-
18 ern Mariana Islands or pursuant to subsections (d) or (e)
19 of this section who files an application seeking asylum in
20 the United States shall be required, pursuant to regula-
21 tions established by the Attorney General, to remain in
22 the Commonwealth of the Northern Mariana Islands, dur-
23 ing the period of time the application is being adjudicated
24 or during any appeals filed subsequent to such adjudica-
25 tion. An applicant for asylum who, during the time his

1 application is being adjudicated or during any appeals
2 filed subsequent to such adjudication, leaves the Common-
3 wealth of the Northern Mariana Islands of his own will
4 without prior authorization by the Attorney General there-
5 by abandons the application.

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

14 “(j) ACCRUAL OF TIME FOR PURPOSES OF SECTION
15 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY
16 ACT, AS AMENDED.—No time that an alien was present
17 in violation of the laws of the Commonwealth of the North-
18 ern Mariana Islands shall be counted for purposes of the
19 ground of inadmissibility in section 212(a)(9)(B) of the
20 Immigration and Nationalities Act (8 U.S.C.
21 1182(a)(9)(B)) prior to the date of enactment of this sub-
22 section.”

23 (b) CONFORMING AMENDMENTS.—(1) Section
24 101(a) of the Immigration and Nationality Act (8 U.S.C.
25 101(a)) is amended:

1 (A) in paragraph (36), by deleting “and the
2 Virgin Islands of the United States.” and sub-
3 stituting “the Virgin Islands of the United States,
4 and the Commonwealth of the Northern Mariana Is-
5 lands.”, and;

6 (B) in paragraph (38), by deleting “and the
7 Virgin Islands of the United States” and sub-
8 stituting “the Virgin Islands of the United States,
9 and the Commonwealth of the Northern Mariana Is-
10 lands.”.

11 (2) Section 212(1) of the Immigration and Nation-
12 ality Act (8 U.S.C. 1182(1)) is amended—

13 (A) in paragraph (1)—

14 (i) by striking “stay on Guam”, and insert-
15 ing “stay on Guam and the Commonwealth of
16 the Northern Mariana Islands”,

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

19 (iii) by striking the words “after consulta-
20 tion with the Governor of Guam,” and inserting
21 “after respective consultation with the Governor
22 of Guam or the Governor of the Commonwealth
23 of the Northern Mariana Islands,”;

24 (B) in paragraph (1)(A), by striking “on
25 Guam”, and inserting “on Guam or the Common-

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

3 (C) in paragraph (2)(A), by striking “into
4 Guam”, and inserting “into Guam or the Common-
5 wealth of the Northern Mariana Islands, respec-
6 tively,”;

7 (D) in paragraph (3), by striking “Government
8 of Guam” and inserting “Government of Guam or
9 the Government of the Commonwealth of the North-
10 ern Mariana Islands”.

11 (3) The amendments to the Immigration and Natu-
12 ralization Act made by this subsection shall take effect
13 when sections 6(b) through 6(j) of Public Law 94–241
14 take effect.

15 (c) TECHNICAL ASSISTANCE PROGRAM.—The Secre-
16 taries of Interior and Labor, in consultation with the Com-
17 monwealth of the Northern Mariana Islands, shall develop
18 a program of technical assistance, including recruitment
19 and training, to aid employers in securing employees from
20 among United States labor or lawfully admissible freely
21 associated state citizen labor.

22 (d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF
23 LABOR OPERATIONS.—The Attorney General and the De-
24 partment of Labor are authorized to establish and main-
25 tain Immigration and Naturalization Service, Executive

1 Office of Immigration Review, and Department of Labor
2 operations in the Commonwealth of the Northern Mariana
3 Islands for the purpose of performing their responsibilities
4 under the Immigration and Nationality act, as amended,
5 and under the transition program. To the extent prac-
6 ticable and consistent with the satisfactory performance
7 of their assigned responsibilities under applicable law, the
8 Departments of Justice and Labor shall recruit and hire
9 from among qualified applicants resident in the Common-
10 wealth of the Northern Mariana Islands for staffing such
11 operations.

12 (e) REPORT TO THE CONGRESS.—The President
13 shall report to the Senate Committee on Energy and Nat-
14 ural Resources, and the House Committee on Resources,
15 within six months after the fifth anniversary of the enact-
16 ment of this Act, evaluating the overall effect of the transi-
17 tion program and the Immigration and Nationality Act on
18 the Commonwealth of the Northern Mariana Islands, and
19 at other times as the President deems appropriate.

20 (f) LIMITATION ON NUMBER OF TEMPORARY WORK-
21 ERS PRIOR TO FINDINGS OF THE ATTORNEY GENERAL
22 OR APPLICATION OF THE IMMIGRATION AND NATION-
23 ALITY ACT, AS AMENDED, AND ESTABLISHMENT OF THE
24 TRANSITION PROGRAM.—During the period between en-
25 actment of this Act and either the date that the Attorney

1 General finds that the Government of the Commonwealth
2 of the Northern Mariana Islands possesses the institu-
3 tional capability and genuine commitment to enforce an
4 effective system of immigration control under section
5 6(a)(2) of Public Law 94–241 (as amended by this Act),
6 or, if the Attorney General finds that the Government of
7 the Commonwealth of the Northern Marianas fails to meet
8 such conditions, the effective date of the transition pro-
9 gram established under section 6 of such Act, the Govern-
10 ment of the Commonwealth of the Northern Mariana Is-
11 lands shall not permit an increase in the total number of
12 temporary alien workers who are legally present in the
13 Commonwealth of the Northern Mariana Islands on the
14 date of enactment of this section.

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

20 (h) EFFECTIVE DATE.—Subsections (c) through (g)
21 of this section shall take effect when sections 6(b) through
22 6(j) of Public Law 94–241 take effect.

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