

110TH CONGRESS
1ST SESSION

S. 1634

To implement further the Act 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

JUNE 15, 2007

Mr. AKAKA (for himself, Ms. MURKOWSKI, Ms. CANTWELL, and Mr. INOUE) 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 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”.

6 **SEC. 2. STATEMENT OF CONGRESSIONAL INTENT.**

7 (a) IMMIGRATION AND GROWTH.—In recognition of
8 the need to ensure uniform adherence to long-standing

1 fundamental immigration policies of the United States, it
2 is the intention of Congress in enacting this Act—

3 (1) to ensure that effective border control pro-
4 cedures are implemented and observed, and that na-
5 tional security and homeland security issues are
6 properly addressed, by extending the Immigration
7 and Nationality Act, (8 U.S.C. 1101 et seq.), to
8 apply to the Commonwealth of the Northern Mar-
9 iana Islands (referred to in this Act as the “Com-
10 monwealth”), with special provisions to allow for—

11 (A) the orderly phasing-out of the non-
12 resident contract worker program of the Com-
13 monwealth; and

14 (B) the orderly phasing-in of Federal re-
15 sponsibilities over immigration in the Common-
16 wealth; and

17 (2) to minimize, to the greatest extent prac-
18 ticable, potential adverse economic and fiscal effects
19 of phasing out the Commonwealth’s nonresident con-
20 tract worker program and to maximize the Common-
21 wealth’s potential for future economic and business
22 growth by—

23 (A) encouraging diversification and growth
24 of the economy of the Commonwealth in accord-

1 ance with fundamental values underlying Fed-
2 eral immigration policy;

3 (B) recognizing local self-government, as
4 provided for in the Covenant To Establish a
5 Commonwealth of the Northern Mariana Is-
6 lands in Political Union with the United States
7 of America through consultation with the Gov-
8 ernor of the Commonwealth;

9 (C) assisting the Commonwealth in achiev-
10 ing a progressively higher standard of living for
11 citizens of the Commonwealth through the pro-
12 vision of technical and other assistance;

13 (D) providing opportunities for individuals
14 authorized to work in the United States, includ-
15 ing citizens of the freely associated states; and

16 (E) providing a mechanism for the contin-
17 ued use of alien workers, to the extent those
18 workers continue to be necessary to supplement
19 the Commonwealth's resident workforce, and to
20 protect those workers from the potential for
21 abuse and exploitation.

22 (b) AVOIDING ADVERSE EFFECTS.—In recognition of
23 the Commonwealth's unique economic circumstances, his-
24 tory, and geographical location, it is the intent of the Con-
25 gress that the Commonwealth be given as much flexibility

1 as possible in maintaining existing businesses and other
 2 revenue sources, and developing new economic opportuni-
 3 ties, consistent with the mandates of this Act. This Act,
 4 and the amendments made by this Act, should be inter-
 5 preted wherever possible to expand tourism and economic
 6 development in the Commonwealth, including aiding pro-
 7 spective tourists in gaining access to the Commonwealth's
 8 memorials, beaches, parks, dive sites, and other points of
 9 interest.

10 **SEC. 3. IMMIGRATION REFORM FOR THE COMMONWEALTH.**

11 (a) AMENDMENTS TO THE JOINT RESOLUTION TO
 12 APPROVE THE COVENANT TO ESTABLISH A COMMON-
 13 WEALTH OF THE NORTHERN MARIANA ISLANDS IN PO-
 14 LITICAL UNION WITH THE UNITED STATES OF AMER-
 15 ICA.—The Joint Resolution to Approve the “Covenant to
 16 Establish a Commonwealth of the Northern Mariana Is-
 17 lands in Political Union With the United States of Amer-
 18 ica”, and for other purposes, approved March 24, 1976
 19 (Public Law 94–241; 90 Stat. 263), is amended by adding
 20 at the end the following new section:

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

22 “(a) APPLICATION OF THE IMMIGRATION AND NA-
 23 TIONALITY ACT AND ESTABLISHMENT OF A TRANSITION
 24 PROGRAM.—

1 “(1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), effective on the first day of the first full
3 month commencing 1 year after the date of enact-
4 ment of the Northern Mariana Islands Covenant Im-
5 plementation Act (hereafter referred to as the ‘tran-
6 sition program effective date’), the provisions of the
7 ‘immigration laws’ (as defined in section 101(a)(17)
8 of the Immigration and Nationality Act (8 U.S.C.
9 1101(a)(17))) shall apply to the Commonwealth of
10 the Northern Mariana Islands (referred to in this
11 section as the ‘Commonwealth’), except as otherwise
12 provided in this section.

13 “(2) TRANSITION PERIOD.—Notwithstanding
14 paragraph (1) or any provision of the Immigration
15 and Nationality Act (8 U.S.C. 1101 et seq.), there
16 shall be a transition period beginning on the transi-
17 tion program effective date and ending December
18 31, 2017, except as provided in subsection (d), dur-
19 ing which the Secretary of Homeland Security, in
20 consultation with the Secretary of State, the Attor-
21 ney General, the Secretary of Labor, and the Sec-
22 retary of the Interior, shall establish, administer,
23 and enforce a transition program to regulate immi-
24 gration to the Commonwealth, as provided in this

1 section (hereafter referred to as the ‘transition pro-
2 gram’).

3 “(3) REQUIREMENT FOR REGULATIONS.—The
4 transition program shall be implemented pursuant to
5 regulations to be promulgated, as appropriate, by
6 the head of each agency or department of the United
7 States having responsibilities under the transition
8 program.

9 “(4) INTERAGENCY AGREEMENTS.—The Sec-
10 retary of Homeland Security, the Secretary of State,
11 the Secretary of Labor, and the Secretary of the In-
12 terior shall negotiate and implement agreements
13 among their agencies to identify and assign their re-
14 spective duties so as to ensure timely and proper im-
15 plementation of the provisions of this section. The
16 agreements should address, at a minimum, proce-
17 dures to ensure that Commonwealth employers have
18 access to adequate labor, and that tourists, students,
19 retirees, and other visitors have access to the Com-
20 monwealth without unnecessary delay or impedi-
21 ment. The agreements may also allocate funding be-
22 tween the respective agencies tasked with various re-
23 sponsibilities under this section.

24 “(5) ASYLUM.—

1 “(A) REQUIREMENTS.—The Government
2 of the Commonwealth shall comply with the
3 Convention Relating to the Status of Refugees,
4 done at Geneva July 28, 1951, the Protocol Re-
5 lating to the Status of Refugees done at Geneva
6 July 28, 1951, and the United Nations Conven-
7 tion Against Torture and Other Cruel, Inhuman
8 or Degrading Treatment or Punishment done at
9 New York December 10, 1984. If, acting joint-
10 ly, the Secretary of Homeland Security and the
11 Secretary of State find that the government of
12 the Commonwealth is not in compliance with
13 the such international agreements, section 208
14 of the Immigration and Nationality Act (8
15 U.S.C. 1158) regarding asylum shall apply to
16 persons present in the Commonwealth.

17 “(B) REGULATIONS AND REPORT.—The
18 Secretary of Homeland Security is authorized
19 to promulgate regulations for the monitoring
20 and supervision of the Commonwealth’s refugee
21 protection program, including the establishment
22 of standards for compliance and noncompliance,
23 and shall report annually to Congress as a part
24 of the report submitted under section 3(g) of
25 the Northern Mariana Islands Covenant Imple-

1 mentation Act on the performance of the Com-
2 monwealth in meeting these obligations.

3 “(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT
4 WORKERS.—An alien, if otherwise qualified, may seek ad-
5 mission to the Commonwealth on or after the transition
6 program effective date as a nonimmigrant worker under
7 section 101(a)(15)(H) of the Immigration and Nationality
8 Act (8 U.S.C. 1101(a)(15)(H)) without counting against
9 the numerical limitations set forth in section 214(g) of
10 such Act (8 U.S.C. 1184(g)).

11 “(c) IMMIGRANTS.—

12 “(1) IN GENERAL.—With the exception of im-
13 mediate relatives (as defined in section 201(b)(2) of
14 the Immigration and Nationality Act (8 U.S.C.
15 1151(b)(2)) and aliens granted an immigrant visa as
16 provided in paragraphs (2) and (3) of this sub-
17 section, no alien shall be granted initial admission as
18 a lawful permanent resident of the United States at
19 a port of entry in the Commonwealth, or a port of
20 entry in Guam for the purpose of immigrating to the
21 Commonwealth.

22 “(2) FAMILY-SPONSORED IMMIGRANT VISAS.—
23 For any fiscal year during which the transition pro-
24 gram will be in effect, the Secretary of Homeland
25 Security, after consultation with the Governor of the

1 Commonwealth, and in consultation with the heads
2 of the appropriate agencies and departments of the
3 United States, may establish a specific number of
4 additional initial admissions as family-sponsored im-
5 migrants at a port of entry in the Commonwealth,
6 or at a port of entry in Guam for the purpose of im-
7 migrating to the Commonwealth, pursuant to sec-
8 tions 202 and 203(a) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1152 and 1153(a)).

10 “(3) EMPLOYMENT-BASED VISAS.—If the Sec-
11 retary of Labor, after consultation with the Gov-
12 ernor of the Commonwealth and the Secretary of
13 Homeland Security, finds that exceptional cir-
14 cumstances exist with respect to the inability of em-
15 ployers in the Commonwealth to obtain sufficient
16 work-authorized labor, in addition to the Common-
17 wealth-only transitional workers authorized under
18 subsection (d) of this section, the Secretary of
19 Homeland Security may establish a specific number
20 of employment-based visas that will not count
21 against the numerical limitations under section
22 203(b) of the Immigration and Nationality Act (8
23 U.S.C. 1153(b)). The labor certification require-
24 ments of section 212(a)(5) of that Act (8 U.S.C.
25 1182(a)(5)) shall not apply to an alien seeking im-

1 migration benefits under this subsection. An alien
2 granted an employment-based visa under this para-
3 graph may be admitted initially at a port of entry
4 in the Commonwealth, or at a port of entry in Guam
5 for the purpose of immigrating to the Common-
6 wealth, as a lawful permanent resident of the United
7 States.

8 “(d) NONIMMIGRANT INVESTOR VISAS.—

9 “(1) IN GENERAL.—Notwithstanding the treaty
10 requirements in section 101(a)(15)(E) of the Immi-
11 gration and Nationality Act (8 U.S.C.
12 1101(a)(15)(E)), during the transition period, the
13 Secretary of Homeland Security may, upon the ap-
14 plication of an alien, classify an alien as a non-
15 immigrant under section 101(a)(15)(E)(ii) of the
16 Immigration and Nationality Act (8 U.S.C.
17 1101(a)(15)(E)(ii)) if the alien—

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

22 “(B) has continuously maintained resi-
23 dence in the Commonwealth under long-term
24 investor status;

25 “(C) is otherwise admissible; and

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

4 “(2) REQUIREMENT FOR REGULATIONS.—Not
5 later than 180 days after the transition program ef-
6 fective date, the Secretary of Homeland Security
7 shall publish regulations in the Federal Register to
8 implement this subsection.

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

16 “(e) PERSONS LAWFULLY ADMITTED UNDER THE
17 COMMONWEALTH IMMIGRATION LAW.—

18 “(1) PROHIBITION ON REMOVAL.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), no alien who is lawfully present in
21 the Commonwealth pursuant to the immigration
22 laws of the Commonwealth on the transition
23 program effective date shall be removed from
24 the United States on the grounds that such
25 alien’s presence in the Commonwealth is in vio-

1 lation of subparagraph 212(a)(6)(A) of the Im-
2 migration and Nationality Act (8 U.S.C.
3 1182(a)(6)(A)), until the earlier of the date—

4 “(i) of the completion of the period of
5 the alien’s admission under the immigra-
6 tion laws of the Commonwealth; or

7 “(ii) that is 2 years after the transi-
8 tion program effective date.

9 “(B) LIMITATIONS.—Nothing in this sub-
10 section shall be construed to prevent or limit
11 the removal under subparagraph 212(a)(6)(A)
12 of the Immigration and Nationality Act (8
13 U.S.C. 1182(a)(6)(A)) of such an alien at any
14 time, if the alien entered the Commonwealth
15 after the date of enactment of the Northern
16 Mariana Islands Covenant Implementation Act,
17 and the Secretary of Homeland Security has
18 determined that the alien entered the Common-
19 wealth in violation of this section.

20 “(2) EMPLOYMENT AUTHORIZATION.—An alien
21 who is lawfully present and authorized to be em-
22 ployed in the Commonwealth pursuant to the immi-
23 gration laws of the Commonwealth on the transition
24 program effective date shall be considered authorized
25 by the Secretary of Homeland Security to be em-

1 employed in the Commonwealth until the earlier of the
2 date—

3 “(A) of expiration of the alien’s employ-
4 ment authorization under the immigration laws
5 of the Commonwealth; or

6 “(B) that is 2 years after the transition
7 program effective date.

8 “(f) EFFECT ON OTHER LAWS.—The provisions of
9 this section and of the immigration laws, as defined in
10 section 101(a)(17) of the Immigration and Nationality Act
11 (8 U.S.C. 1101(a)(17)), shall, on the transition program
12 effective date, supersede and replace all laws, provisions,
13 or programs of the Commonwealth relating to the admis-
14 sion of aliens and the removal of aliens from the Common-
15 wealth.

16 “(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION
17 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY
18 ACT.—No time that an alien is present in the Common-
19 wealth in violation of the immigration laws of the Com-
20 monwealth shall be counted for purposes of inadmissibility
21 under section 212(a)(9)(B) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1182(a)(9)(B)).

23 “(h) ONE-TIME NONIMMIGRANT PROVISION FOR
24 CERTAIN LONG-TERM EMPLOYEES.—

1 “(1) IN GENERAL.—The Secretary of Homeland
2 Security shall grant lawful nonimmigrant status in
3 the United States to all eligible aliens and their
4 spouses and children, as described in this subsection.
5 The Secretary of Homeland Security is authorized to
6 promulgate regulations to give effect to this sub-
7 section.

8 “(2) CERTIFICATION.—Not later than the tran-
9 sition program effective date, the Secretary of the
10 Interior, in consultation with the Secretary of Home-
11 land Security, the Secretary of Labor, and the Gov-
12 ernor of the Commonwealth, shall certify as eligible
13 those workers who have applied and who satisfy the
14 criteria to receive nonimmigrant status under this
15 subsection. Each such alien shall—

16 “(A) have continually resided, except for
17 brief absences, in the Commonwealth for at
18 least the five years prior to enactment of this
19 Northern Mariana Islands Covenant Implemen-
20 tation Act;

21 “(B) have legal immigration status within
22 the Commonwealth on the date of enactment of
23 the Northern Mariana Islands Covenant Imple-
24 mentation Act, continuing with no lapse in law-

1 ful status until the alien’s application is ap-
2 proved; and

3 “(C) shall submit a complete application
4 establishing the alien’s eligibility, pursuant to
5 regulations promulgated by the Secretary of
6 Homeland Security, not later than one year
7 after the date of enactment of the Northern
8 Mariana Islands Covenant Implementation Act.

9 “(3) ISSUANCE.—

10 “(A) IN GENERAL.—The Secretary of
11 State shall establish and issue an appropriate
12 visa to each applicant granted lawful non-
13 immigrant status under paragraph (1) of this
14 subsection after the date of the enactment of
15 the Northern Mariana Islands Covenant Imple-
16 mentation Act.

17 “(B) RENEWAL.—Lawful nonimmigrant
18 status granted under this section shall be re-
19 newable every 5 years.

20 “(C) REPORT TO CONGRESS.—During the
21 fourth year after the date of the enactment of
22 the Northern Mariana Islands Covenant Imple-
23 mentation Act, the Secretary of Homeland Se-
24 curity shall report to Congress in the Presi-
25 dent’s annual report submitted to Congress and

1 during the fifth year after such date of enact-
2 ment the Secretary of Homeland Security shall
3 report to Congress under subsection (g) of the
4 Northern Mariana Islands Covenant Implemen-
5 tation Act, on the status of those persons hold-
6 ing the visas authorized under this subsection
7 residing in Guam, the Commonwealth, and the
8 United States, and shall provide recommenda-
9 tions concerning the future status of such non-
10 immigrants.

11 “(4) STATUS.—

12 “(A) IN GENERAL.—Notwithstanding any
13 other provision of law and subject to subpara-
14 graph (B), each applicant selected under para-
15 graph (2) may enter into, lawfully engage in oc-
16 cupations, and establish residence as a non-
17 immigrant in the United States and its terri-
18 tories and possessions without regard to para-
19 graphs (5) and (7)(B)(i)(II) of section 212(a)
20 of the Immigration and Nationality Act (8
21 U.S.C. 1182(a)).

22 “(B) ELIGIBILITY FOR STATUS.—An appli-
23 cant is ineligible for status under subparagraph
24 (A) or renewal of such status unless and until
25 the applicant—

1 “(i) passes a background check estab-
2 lishing that the worker is not ineligible on
3 criminal and related grounds under para-
4 graph (2) of section 212(a) of the Immi-
5 gration and Nationality Act (8 U.S.C.
6 1182(a)) or security and related grounds
7 set out in paragraph (3) of such section
8 212(a);

9 “(ii) submits to a medical examination
10 establishing that the applicant is not ineli-
11 gible under the health-related criteria set
12 out in paragraph (1) of such section
13 212(a); and

14 “(iii) is otherwise admissible to the
15 United States under such section 212(a),
16 except as provided in subparagraph (A).

17 “(i) STATUTORY CONSTRUCTION.—Nothing in this
18 section may be construed to count the issuance of any visa
19 to an alien, or the grant of any admission of an alien,
20 under this section toward any numerical limitation con-
21 tained in the Immigration and Nationality Act (8 U.S.C.
22 1101 et seq.).”.

23 (b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT
24 VISITORS.—

1 (1) WAIVER OF REQUIREMENTS FOR NON-
2 IMMIGRANT VISITORS.—Section 212(l) of the Immi-
3 gration and Nationality Act (8 U.S.C. 1182(l)) is
4 amended—

5 (A) in paragraph (1), in the matter pre-
6 ceding subparagraph (A)—

7 (i) by striking “stay on Guam”, and
8 inserting “stay on Guam or the Common-
9 wealth of the Northern Mariana Islands”;

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

12 (iii) by striking “after consultation
13 with the Governor of Guam,” and inserting
14 “after consultation with the Governor of
15 Guam or the Governor of the Common-
16 wealth of the Northern Mariana Islands,”;

17 (B) in paragraph (1)(A), by striking “on
18 Guam,”, and inserting “on Guam or the Com-
19 monwealth of the Northern Mariana Islands,”;

20 (C) in paragraph (2)(A), by striking “into
21 Guam,”, and inserting “into Guam or the Com-
22 monwealth of the Northern Mariana Islands,”;

23 (D) in paragraph (3), by inserting “or the
24 Government of the Commonwealth of the

1 Northern Mariana Islands” after “Government
2 of Guam”; and

3 (E) by adding at the end the following new
4 paragraphs:

5 “(4) In the case of an alien applying for admis-
6 sion as a nonimmigrant visitor for business or pleas-
7 ure into the Commonwealth of the Northern Mar-
8 iana Islands the following shall apply:

9 “(A) The Secretary of Homeland Security
10 may require that the alien, or a representative
11 of such alien, post a bond that will be returned
12 to such alien or representative upon the alien’s
13 departure in accordance with this subsection.

14 “(B) The Secretary of Homeland Security
15 shall monitor the admission of nonimmigrant
16 visitors to the Commonwealth under this sub-
17 section. If the Secretary determines that such
18 admissions have resulted in an unacceptable
19 number of visitors from a country remaining
20 unlawfully in the Commonwealth or that visi-
21 tors from a country pose a risk to law enforce-
22 ment or security of the Commonwealth or of the
23 United States or an unacceptable number of
24 visitors from a country seek refugee protection
25 under the Commonwealth’s refugee protection

1 program, the Secretary shall suspend admission
2 under this subsection for nationals of such
3 country.

4 “(C) All necessary regulations to imple-
5 ment this subsection shall be promulgated by
6 the Secretary of Homeland Security, in con-
7 sultation with the Secretary of the Interior and
8 the Secretary of State, not later than 180 days
9 after the date of the enactment of the Northern
10 Mariana Islands Covenant Implementation Act.
11 The promulgation of such regulations shall be
12 considered a foreign affairs function for pur-
13 poses of section 553(a) of title 5, United States
14 Code.

15 “(D) At a minimum, such regulations
16 should include—

17 “(i) provisions for a Northern Mar-
18 iana Islands-Only Visa Waiver of 30 days
19 duration;

20 “(ii) a listing of all countries author-
21 ized to participate in the Northern Mar-
22 iana Islands-Only Visa Waiver Program,
23 including each country from which the
24 Commonwealth has received tourists dur-
25 ing the 5 years prior to the date of enact-

1 ment of the Northern Mariana Islands
2 Covenant Implementation Act, unless the
3 Secretary of Homeland Security deter-
4 mines that such country’s inclusion on
5 such list would represent a threat to the
6 welfare, safety, or security of the United
7 States, its territories, or commonwealths;
8 and

9 “(iii) any bonding requirements for
10 visitors from some or all of the authorized
11 countries who may present an increased
12 risk of overstays or other potential prob-
13 lems.

14 “(E) Not later than 5 years after the date
15 of enactment of the Northern Mariana Islands
16 Covenant Implementation Act, the Secretary of
17 Homeland Security, the Secretary of State, and
18 the Secretary of the Interior, acting jointly, and
19 in consultation with the Governor of the Com-
20 monwealth of the Northern Mariana Islands,
21 shall establish, by regulation, a schedule for ap-
22 plying some or all the following requirements to
23 the Northern Mariana Islands-Only Visa Waiv-
24 er Program:

25 “(i) Electronic travel authorizations.

1 “(ii) Procedures for reporting lost and
2 stolen passports.

3 “(iii) Repatriation.

4 “(iv) Rates of refusal for non-
5 immigrant visitor visas, overstays, exit sys-
6 tems, and information exchange.

7 “(v) Any other requirements that such
8 Secretaries determine are relevant.

9 “(F) The Governor of the Commonwealth
10 may request that the Secretary of Homeland
11 Security add to the list of participating coun-
12 tries in this Northern Mariana Islands-Only
13 Visa Waiver Program. The Secretary may grant
14 such a request after consultation with the Sec-
15 retary of State and the Secretary of the Interior
16 and may promulgate regulations with respect to
17 inclusion of those countries and any special re-
18 quirements the Secretary of Homeland Secu-
19 rity, that the Secretary, in the Secretary’s sole
20 discretion, may require prior to allowing non-
21 immigrant visitors from those countries to enter
22 the Commonwealth.

23 “(G) The Governor of the Commonwealth
24 of the Northern Mariana Islands may request
25 that the Secretary of Homeland Security create

1 additional Northern Mariana Islands-only non-
2 immigrant visas to the extent that existing non-
3 immigrant visa categories in the Immigration
4 and Nationality Act (8 U.S.C. 1101 et seq.) do
5 not provide for the type of visitor, the duration
6 of allowable visit, or other circumstance. The
7 Secretary of Homeland Security shall review
8 such request, and, after consultation with the
9 Secretary of State and the Secretary of the In-
10 terior, may promulgate regulations with respect
11 to the creation of those additional special
12 Northern Mariana Islands-only visa categories.
13 Such additional special Northern Mariana Is-
14 lands-only visa categories may include, special
15 visas for foreign students and foreign retirees.”.

16 (2) EFFECTIVE DATE.—The amendments to the
17 Immigration and Nationality Act made by this sub-
18 section shall take effect on the first day of the first
19 full month commencing 1 year after the date of en-
20 actment of this Act.

21 (c) INSPECTION OF PERSONS ARRIVING FROM THE
22 COMMONWEALTH; NORTHERN MARIANA ISLANDS-ONLY
23 VISAS NOT VALID FOR ENTRY INTO OTHER PARTS OF
24 THE UNITED STATES.—

1 (1) REMOVAL.—Section 212(d)(7) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1182(d)(7)) is
3 amended to read—

4 “(7) The provisions of subsection (a) (other
5 than paragraph (7) with respect to an alien who has
6 not been admitted only to the Commonwealth of the
7 Northern Mariana Islands) shall be applicable to any
8 alien who leaves Guam, Puerto Rico, the Common-
9 wealth of the Northern Mariana Islands, or the Vir-
10 gin Islands of the United States, and who seeks to
11 enter the continental United States or any other
12 place under the jurisdiction of the United States.
13 Any alien described in this paragraph who is denied
14 admission to the United States shall be immediately
15 removed in the manner provided by section 241(c) of
16 this Act. Nothing in the immigration laws shall be
17 construed to authorize or require any alien who has
18 been admitted to the Commonwealth of the North-
19 ern Mariana Islands pursuant to a Northern Mar-
20 iana Islands-only visa or in any other status limited
21 to the Commonwealth of the Northern Mariana Is-
22 lands to be admitted to or permitted to enter any
23 other part of the United States unless such admis-
24 sion or entry is otherwise authorized by the immi-
25 gration laws.”.

1 (2) ENTRY INTO OTHER UNITED STATES JURIS-
2 DICTIONS.—Persons admitted to the Commonwealth
3 under a Northern Mariana Islands-only visa shall
4 not be eligible for entry into the United States or
5 any of its territories, possessions, or commonwealths
6 without first obtaining an appropriate visa or visa
7 waiver for entry to that jurisdiction.

8 (d) SPECIAL PROVISION TO ENSURE ADEQUATE EM-
9 PLOYMENT; NORTHERN MARIANA ISLANDS-ONLY TRAN-
10 SITIONAL WORKERS.—An alien who is seeking to enter
11 the Commonwealth as a nonimmigrant worker may be ad-
12 mitted to perform work during the transition period (as
13 that term is used in subsection (a) of section 6 of the Joint
14 Resolution to Approve the “Covenant to Establish a Com-
15 monwealth of the Northern Mariana Islands in Political
16 Union With the United States of America”, and for other
17 purposes, approved March 24, 1976, as added by sub-
18 section (a) of this section, subject to the following require-
19 ments:

20 (1) Such an alien shall be treated as a non-
21 immigrant described in section 101(a)(15) of the
22 Immigration and Nationality Act (8 U.S.C.
23 1101(a)(15)), including the ability to apply, if other-
24 wise eligible, for a change of nonimmigrant classi-
25 fication under section 248 of such Act (8 U.S.C.

1 1258), or adjustment of status, if eligible therefor,
2 under this section and section 245 of such Act (8
3 U.S.C. 1255).

4 (2) The Secretary of Homeland Security shall
5 establish, administer, and enforce a system for allo-
6 cating and determining the number, terms, and con-
7 ditions of permits to be issued to prospective em-
8 ployers for each nonimmigrant worker who would
9 not otherwise be eligible for admission under the Im-
10 migration and Nationality Act (8 U.S.C. 1101 et
11 seq.). This system shall provide for a reduction in
12 the allocation of permits for such workers on an an-
13 nual basis, to zero, during a period not to extend be-
14 yond December 31, 2017, unless extended pursuant
15 to this subsection, and shall take into account the
16 number of petitions granted under subsection (h) of
17 section 6 of the Joint Resolution to Approve the
18 “Covenant of the Northern Mariana Islands in Polit-
19 ical Union With the United States of America”, and
20 for other purposes, approved March 24, 1976 (Pub-
21 lic Law 94–241), as added by subsection (a) of this
22 section. In no event shall a permit be valid beyond
23 the expiration of the transition period. This system
24 may be based on any reasonable method and criteria
25 determined by the Secretary of Homeland Security

1 to promote the maximum use of, and to prevent ad-
2 verse effects on wages and working conditions of,
3 United States citizen workers, including lawfully ad-
4 missible freely associated state citizen labor, and
5 those granted resident status under such subsection
6 (h).

7 (3) Notwithstanding section 703(b) of the Cov-
8 enant of the Northern Mariana Islands in Political
9 Union With the United States of America, the Sec-
10 retary of Homeland Security is authorized to estab-
11 lish and collect appropriate user fees from the em-
12 ployer of such an alien. Amounts collected pursuant
13 to this section shall be deposited in a special fund
14 of the Treasury. Such amounts shall be available,
15 and may be apportioned without further appropria-
16 tion for the purposes of administering this Act, and
17 shall remain available until expended.

18 (4) The Secretary of Homeland Security shall
19 set the conditions for admission of such an alien
20 under the transition program, and the Secretary of
21 State shall authorize the issuance of nonimmigrant
22 visas for such an alien to engage in employment only
23 as authorized in this subsection. Such a visa shall
24 not be valid for admission to the United States, as
25 defined in section 101(a)(38) of the Immigration

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

10 (5)(A) Such an alien shall be permitted to
11 transfer between employers in the Commonwealth
12 during the period of such alien's authorized stay
13 therein, without advance permission of the employ-
14 ee's current or prior employer, within the alien's oc-
15 cupational category to the same or another occupa-
16 tional category the Secretary of Homeland Security
17 has found, pursuant to subparagraph (B) below, re-
18 quires alien workers to supplement the resident
19 workforce.

20 (B) No later than 180 days prior to the expira-
21 tion of the transition period, or any extension there-
22 of, the Secretary of Labor, in consultation with the
23 Secretary of Homeland Security, the Secretary of
24 the Interior, and the Governor of the Common-
25 wealth, shall ascertain the current and anticipated

1 labor needs of the Commonwealth and determine
2 whether extensions, in 5-year increments, of the pro-
3 visions of this paragraph are necessary to ensure an
4 adequate number of workers will be available for le-
5 gitimate businesses in the Commonwealth. For the
6 purpose of this subparagraph, a business shall not
7 be considered legitimate if it engages directly or in-
8 directly in prostitution or any activity that is illegal
9 under Federal or local law. The determinations of
10 whether a business is legitimate and to what extent,
11 if any, it may require alien workers to supplement
12 the resident workforce, shall be made by the Sec-
13 retary of Homeland Security, in the Secretary's sole
14 discretion, and shall not be reviewable.

15 (C) If the Secretary of Labor determines that
16 such an extension is necessary to ensure an ade-
17 quate number of workers for legitimate businesses in
18 the Commonwealth, the Secretary of Labor may,
19 through notice published in the Federal Register,
20 provide for 1 or more extension periods of up to 5
21 years for each such extension period.

22 (D) In making the determination of whether
23 alien workers are necessary to ensure an adequate
24 number of workers for legitimate businesses in the
25 Commonwealth, and if so, the number of such work-

1 ers that are necessary, the Secretary of Labor may
2 consider, among other relevant factors—

3 (i) government, industry, or independent
4 workforce studies reporting on the need, or lack
5 thereof, for alien workers in the Common-
6 wealth's businesses;

7 (ii) the unemployment rate of United
8 States citizen workers residing in the Common-
9 wealth;

10 (iii) the unemployment rate of non-United
11 States citizen permanent residents in the Com-
12 monwealth;

13 (iv) the number of unemployed alien work-
14 ers in the Commonwealth;

15 (v) any good faith efforts to locate, edu-
16 cate, train, or otherwise prepare United States
17 citizen residents, non-United States citizen per-
18 manent residents, and unemployed alien work-
19 ers already within the Commonwealth, to as-
20 sume those jobs;

21 (vi) any available evidence tending to show
22 that United States citizen residents, non-United
23 States citizen permanent residents, and unem-
24 ployed alien workers already in the Common-

1 wealth are not willing to accept jobs of the type
2 offered;

3 (vii) the extent to which admittance of
4 alien workers will affect the compensation, ben-
5 efits, and living standards of existing workers
6 within those industries and other industries au-
7 thorized to employ alien workers; and

8 (viii) the prior use, if any, of alien workers
9 to fill those industry jobs, and whether the in-
10 dustry is overly and unnecessarily reliant on
11 alien workers.

12 (6) The Secretary of Homeland Security may
13 authorize the admission of a spouse or minor child
14 accompanying or following to join a worker admitted
15 pursuant to this subsection.

16 (e) TECHNICAL ASSISTANCE PROGRAM.—

17 (1) IN GENERAL.—The Secretary of the Inte-
18 rior, in consultation with the Governor of the Com-
19 monwealth, the Secretary of Labor, and the Sec-
20 retary of Commerce, and as provided in the Inter-
21 agency Agreements required to be negotiated under
22 subsection (a)(4) of section 6 of the Joint Resolution
23 to Approve the “Covenant of the Northern Mariana
24 Islands in Political Union With the United States of
25 America”, and for other purposes, approved March

1 24, 1976 (Public Law 94–241), as added by sub-
2 section (a) of this section, shall provide—

3 (A) technical assistance and other support
4 to the Commonwealth to identify opportunities
5 for, and encourage diversification and growth
6 of, the economy of the Commonwealth; and

7 (B) technical assistance, including assist-
8 ance in recruiting, training, and hiring of work-
9 ers, to assist employers in the Commonwealth
10 in securing employees first from among United
11 States citizens and nationals resident in the
12 Commonwealth and if an adequate number of
13 such workers are not available, from among
14 legal permanent residents including lawfully ad-
15 missible citizens of the freely associated states.

16 (2) CONSULTATION.—In providing such tech-
17 nical assistance under paragraph (1), the Secretaries
18 shall—

19 (A) consult with the Government of the
20 Commonwealth, local businesses, regional
21 banks, educational institutions, and other ex-
22 perts in the economy of the Commonwealth;
23 and

24 (B) assist in the development and imple-
25 mentation of a process to identify opportunities

1 for and encourage diversification and growth of
2 the economy of the Commonwealth and to iden-
3 tify and encourage opportunities to meet the
4 labor needs of the Commonwealth.

5 (3) COST-SHARING.—For the provision of tech-
6 nical assistance or support under this paragraph
7 (other than that required to pay the salaries and ex-
8 penses of Federal personnel), the Secretary of the
9 Interior shall require a non-Federal matching con-
10 tribution of 10 percent.

11 (f) OPERATIONS.—

12 (1) ESTABLISHMENT.—The Attorney General,
13 Secretary of Homeland Security, and the Secretary
14 of Labor may establish and maintain United States
15 Citizenship and Immigration Services, Executive Of-
16 fice for Immigration Review, and Department of
17 Labor operations in the Commonwealth for the pur-
18 pose of carrying out duties under—

19 (A) the Immigration and Nationality Act
20 (8 U.S.C. 1101 et seq.); and

21 (B) the transition program established
22 under section 6 of the Joint Resolution to Ap-
23 prove the “Covenant of the Northern Mariana
24 Islands in Political Union With the United
25 States of America”, and for other purposes, ap-

1 proved March 24, 1976 (Public Law 94–241),
2 as added by subsection (a) of this section.

3 (2) PERSONNEL.—To the maximum extent
4 practicable and consistent with the satisfactory per-
5 formance of assigned duties under applicable law,
6 the Attorney General, Secretary of Homeland Secu-
7 rity, and the Secretary of Labor shall recruit and
8 hire personnel from among qualified United States
9 citizen and national applicants residing in the Com-
10 monwealth to serve as staff in carrying out oper-
11 ations described in paragraph (1).

12 (g) REPORTS TO CONGRESS.—

13 (1) IN GENERAL.—By March 1, of the first
14 year which is at least 2 full years after the date of
15 enactment of this Act, and annually thereafter, the
16 President shall submit to the Committee on Energy
17 and Natural Resources and the Committee on the
18 Judiciary of the Senate and the Committee on Nat-
19 ural Resources and the Committee on the Judiciary
20 of the House of Representatives a report that evalu-
21 ates the overall effect of the transition program es-
22 tablished under section 6 of the Joint Resolution to
23 Approve the “Covenant of the Northern Mariana Is-
24 lands in Political Union With the United States of
25 America”, and for other purposes, approved March

1 24, 1976 (Public Law 94–241) as added by sub-
2 section (a) of this section, and the Immigration and
3 Nationality Act (8 U.S.C. 1101 et seq.) on the Com-
4 monwealth.

5 (2) CONTENTS.—In addition to other topics
6 otherwise required to be included under this Act or
7 the amendments made by this Act, each report sub-
8 mitted under paragraph (1) shall include a descrip-
9 tion of the efforts that have been undertaken during
10 the period covered by the report to diversify and
11 strengthen the local economy of the Commonwealth,
12 including efforts to promote the Commonwealth as a
13 tourist destination.

14 (3) GAO REPORTS.—The Government Account-
15 ability Office shall submit a report to the Congress
16 not later than 1 year, 3 years, and 5 years after the
17 date of enactment of this Act, to include, at a min-
18 imum, the following items:

19 (A) An assessment of the implementation
20 of this Act and the amendments made by this
21 Act, including an assessment of the perform-
22 ance of Federal agencies and the government of
23 the Commonwealth in meeting Congressional
24 intent.

1 (B) An assessment of the short-term and
2 long-term impacts of implementation of this Act
3 and the amendments made by this Act on the
4 economy of the Commonwealth, including its
5 ability to obtain workers to supplement its resi-
6 dent workforce and to maintain access to its
7 tourists and customers, and any affect on com-
8 pliance with United States treaty obligations
9 mandating non-refoulement for refugees.

10 (C) An assessment of the economic benefit
11 of the investors “grandfathered” under sub-
12 section (e) of section 6 of the Joint Resolution
13 to Approve the “Covenant of the Northern Mar-
14 iana Islands in Political Union With the United
15 States of America”, and for other purposes, ap-
16 proved March 24, 1976 (Public Law 94–241),
17 as added by subsection (a) of this section, and
18 the Commonwealth’s ability to attract new in-
19 vestors after the date of the enactment of this
20 Act.

21 (D) An assessment of the number of illegal
22 aliens in the Commonwealth, including any
23 Federal and Commonwealth efforts to locate
24 and repatriate them.

1 (E) An assessment of the effectiveness of
2 Commonwealth gambling regulations.

3 (F) Recommendations for furthering Con-
4 gressional intent under this Act.

5 (G) Comments on annual reports sub-
6 mitted to the Congress by the Commonwealth
7 under subparagraph (4) of this paragraph.

8 (4) REPORTS BY THE LOCAL GOVERNMENT.—

9 The Governor of the Commonwealth may submit an
10 annual report to the President on the implementa-
11 tion of this Act, and the amendments made by this
12 Act, with recommendations for future changes. The
13 President shall forward the Governor's report to the
14 Congress with any Administration comment after an
15 appropriate period of time for internal review.

16 (h) LIMITATION ON NUMBER OF ALIEN WORKERS
17 PRIOR TO APPLICATION OF THE IMMIGRATION AND NA-
18 TIONALITY ACT AND ESTABLISHMENT OF TRANSITION
19 PROGRAM.—During the period beginning on the date of
20 enactment of this Act and ending on the effective date
21 of the transition program established under section 6 of
22 the Joint Resolution to Approve the “Covenant of the
23 Northern Mariana Islands in Political Union With the
24 United States of America”, and for other purposes, ap-
25 proved March 24, 1976 (Public Law 94–241), as added

1 by subsection (a) of this section, the government of the
2 Commonwealth shall not permit an increase in the total
3 number of alien workers who are present in the Common-
4 wealth as of the date of enactment of this Act.

5 (i) AMENDMENT TO CLARIFY IMMIGRATION AND NA-
6 TIONALITY ACT WITH RESPECT TO TIME SPENT IN THE
7 UNITED STATES FOR LAWFUL PERMANENT RESI-
8 DENTS.—With regard to persons who have previously been
9 granted United States lawful permanent resident status,
10 and who reside in the Commonwealth, and whose resi-
11 dence may not have fallen within the provisions of section
12 506(e) of the Covenant to Establish a Commonwealth of
13 the Northern Mariana Islands in Political Union with the
14 United States of America, periods of residence in the Com-
15 monwealth, prior to the date of the enactment of this Act,
16 shall be considered to have been resident within the United
17 States.

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