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**H. R. 3079**

[Report No. 110-324]

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IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2007

Received; read twice and referred to the Committee on Energy and Natural  
Resources

APRIL 10, 2008

Reported by Mr. BINGAMAN, without amendment

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**AN ACT**

To amend the joint resolution that approved the covenant  
establishing the Commonwealth of the Northern Mariana  
Islands, and for other purposes.

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

1 **TITLE I—NORTHERN MARIANA**  
2 **ISLANDS IMMIGRATION, SE-**  
3 **CURITY, AND LABOR ACT**

4 **SECTION 101. SHORT TITLE.**

5 This title may be cited as the “Northern Mariana Is-  
6 lands Immigration, Security, and Labor Act”.

7 **SEC. 102. STATEMENT OF CONGRESSIONAL INTENT.**

8 (a) IMMIGRATION AND GROWTH.—In recognition of  
9 the need to ensure uniform adherence to long-standing  
10 fundamental immigration policies of the United States, it  
11 is the intention of the Congress in enacting this title—

12 (1) to ensure that effective border control pro-  
13 cedures are implemented and observed, and that na-  
14 tional security and homeland security issues are  
15 properly addressed, by extending the immigration  
16 laws (as defined in section 101(a)(17) of the Immi-  
17 gration and Nationality Act (8 U.S.C. 1101  
18 (a)(17)), to apply to the Commonwealth of the  
19 Northern Mariana Islands (referred to in this title  
20 as the “Commonwealth”), with special provisions to  
21 allow for—

22 (A) the orderly phasing-out of the non-  
23 resident contract worker program of the Com-  
24 monwealth; and

1 (B) the orderly phasing-in of Federal re-  
2 sponsibilities over immigration in the Common-  
3 wealth; and

4 (2) to minimize, to the greatest extent prac-  
5 ticable, potential adverse economic and fiscal effects  
6 of phasing-out the Commonwealth's nonresident con-  
7 tract worker program and to maximize the Common-  
8 wealth's potential for future economic and business  
9 growth by—

10 (A) encouraging diversification and growth  
11 of the economy of the Commonwealth in accord-  
12 ance with fundamental values underlying Fed-  
13 eral immigration policy;

14 (B) recognizing local self-government, as  
15 provided for in the Covenant To Establish a  
16 Commonwealth of the Northern Mariana Is-  
17 lands in Political Union With the United States  
18 of America through consultation with the Gov-  
19 ernor of the Commonwealth;

20 (C) assisting the Commonwealth in achiev-  
21 ing a progressively higher standard of living for  
22 citizens of the Commonwealth through the pro-  
23 vision of technical and other assistance;

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

4 (E) providing a mechanism for the contin-  
5 ued use of alien workers, to the extent those  
6 workers continue to be necessary to supplement  
7 the Commonwealth's resident workforce, and to  
8 protect those workers from the potential for  
9 abuse and exploitation.

10 (b) AVOIDING ADVERSE EFFECTS.—In recognition of  
11 the Commonwealth's unique economic circumstances, his-  
12 tory, and geographical location, it is the intent of the Con-  
13 gress that the Commonwealth be given as much flexibility  
14 as possible in maintaining existing businesses and other  
15 revenue sources, and developing new economic opportuni-  
16 ties, consistent with the mandates of this title. This title,  
17 and the amendments made by this title, should be imple-  
18 mented wherever possible to expand tourism and economic  
19 development in the Commonwealth, including aiding pro-  
20 spective tourists in gaining access to the Commonwealth's  
21 memorials, beaches, parks, dive sites, and other points of  
22 interest.

1 **SEC. 103. IMMIGRATION REFORM FOR THE COMMON-**  
2 **WEALTH.**

3 (a) AMENDMENT TO JOINT RESOLUTION APPROVING  
4 COVENANT ESTABLISHING COMMONWEALTH OF THE  
5 NORTHERN MARIANA ISLANDS.—The Joint Resolution  
6 entitled “A Joint Resolution to approve the ‘Covenant To  
7 Establish a Commonwealth of the Northern Mariana Is-  
8 lands in Political Union with the United States of Amer-  
9 ica’, and for other purposes”, approved March 24, 1976  
10 (Public Law 94–241; 90 Stat. 263), is amended by adding  
11 at the end the following new section:

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

13 “(a) APPLICATION OF THE IMMIGRATION AND NA-  
14 TIONALITY ACT AND ESTABLISHMENT OF A TRANSITION  
15 PROGRAM.—

16 “(1) IN GENERAL.—Subject to paragraphs (2)  
17 and (3), effective on the first day of the first full  
18 month commencing 1 year after the date of the en-  
19 actment of the Northern Mariana Islands Immigra-  
20 tion, Security, and Labor Act (hereafter referred to  
21 as the ‘transition program effective date’), the provi-  
22 sions of the ‘immigration laws’ (as defined in section  
23 101(a)(17) of the Immigration and Nationality Act  
24 (8 U.S.C. 1101(a)(17))) shall apply to the Common-  
25 wealth of the Northern Mariana Islands (referred to

1 in this section as the ‘Commonwealth’), except as  
2 otherwise provided in this section.

3 “(2) TRANSITION PERIOD.—There shall be a  
4 transition period beginning on the transition pro-  
5 gram effective date and ending on December 31,  
6 2013, except as provided in subsections (b) and (d),  
7 during which the Secretary of Homeland Security, in  
8 consultation with the Secretary of State, the Attor-  
9 ney General, the Secretary of Labor, and the Sec-  
10 retary of the Interior, shall establish, administer,  
11 and enforce a transition program to regulate immi-  
12 gration to the Commonwealth, as provided in this  
13 section (hereafter referred to as the ‘transition pro-  
14 gram’).

15 “(3) DELAY OF COMMENCEMENT OF TRANSI-  
16 TION PERIOD.—

17 “(A) IN GENERAL.—The Secretary of  
18 Homeland Security, in the Secretary’s sole dis-  
19 cretion, in consultation with the Secretary of  
20 the Interior, the Secretary of Labor, the Sec-  
21 retary of State, the Attorney General, and the  
22 Governor of the Commonwealth, may determine  
23 that the transition program effective date be  
24 delayed for a period not to exceed more than  
25 180 days after such date.

1           “(B) CONGRESSIONAL NOTIFICATION.—  
2           The Secretary of Homeland Security shall no-  
3           tify the Congress of a determination under sub-  
4           paragraph (A) not later than 30 days prior to  
5           the transition program effective date.

6           “(C) CONGRESSIONAL REVIEW.—A delay  
7           of the transition program effective date shall  
8           not take effect until 30 days after the date on  
9           which the notification under subparagraph (B)  
10          is made.

11          “(4) REQUIREMENT FOR REGULATIONS.—The  
12          transition program shall be implemented pursuant to  
13          regulations to be promulgated, as appropriate, by  
14          the head of each agency or department of the United  
15          States having responsibilities under the transition  
16          program.

17          “(5) INTERAGENCY AGREEMENTS.—The Sec-  
18          retary of Homeland Security, the Secretary of State,  
19          the Secretary of Labor, and the Secretary of the In-  
20          terior shall negotiate and implement agreements  
21          among their agencies to identify and assign their re-  
22          spective duties so as to ensure timely and proper im-  
23          plementation of the provisions of this section. The  
24          agreements should address, at a minimum, proce-  
25          dures to ensure that Commonwealth employers have

1 access to adequate labor, and that tourists, students,  
2 retirees, and other visitors have access to the Com-  
3 monwealth without unnecessary delay or impedi-  
4 ment. The agreements may also allocate funding be-  
5 tween the respective agencies tasked with various re-  
6 sponsibilities under this section.

7 “(6) CERTAIN EDUCATION FUNDING.—In addi-  
8 tion to fees charged pursuant to section 286(m) of  
9 the Immigration and Nationality Act (8 U.S.C.  
10 1356(m)) to recover the full costs of providing adju-  
11 dication services, the Secretary of Homeland Secu-  
12 rity shall charge an annual supplemental fee of \$150  
13 per nonimmigrant worker to each prospective em-  
14 ployer who is issued a permit under subsection (d)  
15 of this section during the transition period. Such  
16 supplemental fee shall be paid into the Treasury of  
17 the Commonwealth government for the purpose of  
18 funding ongoing vocational educational curricula and  
19 program development by Commonwealth educational  
20 entities.

21 “(7) ASYLUM.—Section 208 of the Immigration  
22 and Nationality Act (8 U.S.C. 1158) shall not apply  
23 during the transition period to persons physically  
24 present in the Commonwealth or arriving in the  
25 Commonwealth (whether or not at a designated port

1 of arrival), including persons brought to the Com-  
2 monwealth after having been interdicted in inter-  
3 national or United States waters.

4 “(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT  
5 WORKERS.—An alien, if otherwise qualified, may seek ad-  
6 mission to Guam or to the Commonwealth during the  
7 transition program as a nonimmigrant worker under sec-  
8 tion 101(a)(15)(H) of the Immigration and Nationality  
9 Act (8 U.S.C. 1101(a)(15)(H)) without counting against  
10 the numerical limitations set forth in section 214(g) of  
11 such Act (8 U.S.C. 1184(g)). This subsection does not  
12 apply to any employment to be performed outside of Guam  
13 or the Commonwealth. Not later than 3 years following  
14 the transition program effective date, the Secretary of  
15 Homeland Security shall issue a report to the Committee  
16 on Energy and Natural Resources and the Committee on  
17 the Judiciary of the Senate and the Committee on Natural  
18 Resources and the Committee on the Judiciary of the  
19 House of Representatives projecting the number of asylum  
20 claims the Secretary anticipates following the termination  
21 of the transition period, the efforts the Secretary has  
22 made to ensure appropriate interdiction efforts, provide  
23 for appropriate treatment of asylum seekers, and prepare  
24 to accept and adjudicate asylum claims in the Common-  
25 wealth.

1 “(c) NONIMMIGRANT INVESTOR VISAS.—

2 “(1) IN GENERAL.—Notwithstanding the treaty  
3 requirements in section 101(a)(15)(E) of the Immi-  
4 gration and Nationality Act (8 U.S.C.  
5 1101(a)(15)(E)), during the transition period, the  
6 Secretary of Homeland Security may, upon the ap-  
7 plication of an alien, classify an alien as a CNMI-  
8 only nonimmigrant under section 101(a)(15)(E)(ii)  
9 of the Immigration and Nationality Act (8 U.S.C.  
10 1101(a)(15)(E)(ii)) if the alien—

11 “(A) has been admitted to the Common-  
12 wealth in long-term investor status under the  
13 immigration laws of the Commonwealth before  
14 the transition program effective date;

15 “(B) has continuously maintained resi-  
16 dence in the Commonwealth under long-term  
17 investor status;

18 “(C) is otherwise admissible; and

19 “(D) maintains the investment or invest-  
20 ments that formed the basis for such long-term  
21 investor status.

22 “(2) REQUIREMENT FOR REGULATIONS.—Not  
23 later than 60 days before the transition program ef-  
24 fective date, the Secretary of Homeland Security

1 shall publish regulations in the Federal Register to  
2 implement this subsection.

3 “(d) SPECIAL PROVISION TO ENSURE ADEQUATE  
4 EMPLOYMENT; COMMONWEALTH ONLY TRANSITIONAL  
5 WORKERS.—An alien who is seeking to enter the Com-  
6 monwealth as a nonimmigrant worker may be admitted  
7 to perform work during the transition period subject to  
8 the following requirements:

9 “(1) Such an alien shall be treated as a non-  
10 immigrant described in section 101(a)(15) of the  
11 Immigration and Nationality Act (8 U.S.C.  
12 1101(a)(15)), including the ability to apply, if other-  
13 wise eligible, for a change of nonimmigrant classi-  
14 fication under section 248 of such Act (8 U.S.C.  
15 1258) or adjustment of status under this section  
16 and section 245 of such Act (8 U.S.C. 1255).

17 “(2) The Secretary of Homeland Security shall  
18 establish, administer, and enforce a system for allo-  
19 cating and determining the number, terms, and con-  
20 ditions of permits to be issued to prospective em-  
21 ployers for each such nonimmigrant worker de-  
22 scribed in this subsection who would not otherwise  
23 be eligible for admission under the Immigration and  
24 Nationality Act (8 U.S.C. 1101 et seq.). In adopting  
25 and enforcing this system, the Secretary shall also

1 consider, in good faith and not later than 30 days  
2 after receipt by the Secretary, any comments and  
3 advice submitted by the Governor of the Common-  
4 wealth. This system shall provide for a reduction in  
5 the allocation of permits for such workers on an an-  
6 nual basis, to zero, during a period not to extend be-  
7 yond December 31, 2013, unless extended pursuant  
8 to paragraph 5 of this subsection, and shall take  
9 into account the number of petitions granted under  
10 subsection (i). In no event shall a permit be valid be-  
11 yond the expiration of the transition period. This  
12 system may be based on any reasonable method and  
13 criteria determined by the Secretary of Homeland  
14 Security to promote the maximum use of, and to  
15 prevent adverse effects on wages and working condi-  
16 tions of, workers authorized to be employed in the  
17 United States, including lawfully admissible freely  
18 associated state citizen labor. No alien shall be  
19 granted nonimmigrant classification or a visa under  
20 this subsection unless the permit requirements es-  
21 tablished under this paragraph have been met.

22 “(3) The Secretary of Homeland Security shall  
23 set the conditions for admission of such an alien  
24 under the transition program, and the Secretary of  
25 State shall authorize the issuance of nonimmigrant

1 visas for such an alien. Such a visa shall not be valid  
2 for admission to the United States, as defined in  
3 section 101(a)(38) of the Immigration and Nation-  
4 ality Act (8 U.S.C. 1101(a)(38)), except admission  
5 to the Commonwealth. An alien admitted to the  
6 Commonwealth on the basis of such a visa shall be  
7 permitted to engage in employment only as author-  
8 ized pursuant to the transition program.

9 “(4) Such an alien shall be permitted to trans-  
10 fer between employers in the Commonwealth during  
11 the period of such alien’s authorized stay therein,  
12 without permission of the employee’s current or  
13 prior employer, within the alien’s occupational cat-  
14 egory or another occupational category the Secretary  
15 of Homeland Security has found requires alien work-  
16 ers to supplement the resident workforce.

17 “(5)(A) Not later than 180 days prior to the  
18 expiration of the transition period, or any extension  
19 thereof, the Secretary of Labor, in consultation with  
20 the Secretary of Homeland Security, the Secretary  
21 of the Interior, and the Governor of the Common-  
22 wealth, shall ascertain the current and anticipated  
23 labor needs of the Commonwealth and determine  
24 whether an extension of up to 5 years of the provi-  
25 sions of this subsection is necessary to ensure an

1       adequate number of workers will be available for le-  
2       gitimate businesses in the Commonwealth. For the  
3       purpose of this subparagraph, a business shall not  
4       be considered legitimate if it engages directly or in-  
5       directly in prostitution, trafficking in minors, or any  
6       other activity that is illegal under Federal or local  
7       law. The determinations of whether a business is le-  
8       gitimate and to what extent, if any, it may require  
9       alien workers to supplement the resident workforce,  
10      shall be made by the Secretary of Homeland Secu-  
11      rity, in the Secretary’s sole discretion.

12           “(B) If the Secretary of Labor determines that  
13      such an extension is necessary to ensure an ade-  
14      quate number of workers for legitimate businesses in  
15      the Commonwealth, the Secretary of Labor may,  
16      through notice published in the Federal Register,  
17      provide for an additional extension period of up to  
18      5 years.

19           “(C) In making the determination of whether  
20      alien workers are necessary to ensure an adequate  
21      number of workers for legitimate businesses in the  
22      Commonwealth, and if so, the number of such work-  
23      ers that are necessary, the Secretary of Labor may  
24      consider, among other relevant factors—

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

5           “(ii) the unemployment rate of United  
6 States citizen workers residing in the Common-  
7 wealth;

8           “(iii) the unemployment rate of aliens in  
9 the Commonwealth who have been lawfully ad-  
10 mitted for permanent residence;

11           “(iv) the number of unemployed alien  
12 workers in the Commonwealth;

13           “(v) any good faith efforts to locate, edu-  
14 cate, train, or otherwise prepare United States  
15 citizen residents, lawful permanent residents,  
16 and unemployed alien workers already within  
17 the Commonwealth, to assume those jobs;

18           “(vi) any available evidence tending to  
19 show that United States citizen residents, law-  
20 ful permanent residents, and unemployed alien  
21 workers already in the Commonwealth are not  
22 willing to accept jobs of the type offered;

23           “(vii) the extent to which admittance of  
24 alien workers will affect the compensation, ben-  
25 efits, and living standards of existing workers

1 within those industries and other industries au-  
2 thorized to employ alien workers; and

3 “(viii) the prior use, if any, of alien work-  
4 ers to fill those industry jobs, and whether the  
5 industry requires alien workers to fill those  
6 jobs.

7 “(6) The Secretary of Homeland Security may  
8 authorize the admission of a spouse or minor child  
9 accompanying or following to join a worker admitted  
10 pursuant to this subsection.

11 “(e) PERSONS LAWFULLY ADMITTED UNDER THE  
12 COMMONWEALTH IMMIGRATION LAW.—

13 “(1) PROHIBITION ON REMOVAL.—

14 “(A) IN GENERAL.—Subject to subpara-  
15 graph (B), no alien who is lawfully present in  
16 the Commonwealth pursuant to the immigration  
17 laws of the Commonwealth on the transition  
18 program effective date shall be removed from  
19 the United States on the grounds that such  
20 alien’s presence in the Commonwealth is in vio-  
21 lation of section 212(a)(6)(A) of the Immigra-  
22 tion and Nationality Act (8 U.S.C.  
23 1182(a)(6)(A)), until the earlier of the date—

1           “(i) of the completion of the period of  
2           the alien’s admission under the immigra-  
3           tion laws of the Commonwealth; or

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

6           “(B) LIMITATIONS.—Nothing in this sub-  
7           section shall be construed to prevent or limit  
8           the removal under subparagraph 212(a)(6)(A)  
9           of the Immigration and Nationality Act (8  
10          U.S.C. 1182(a)(6)(A)) of such an alien at any  
11          time, if the alien entered the Commonwealth  
12          after the date of the enactment of the Northern  
13          Mariana Islands Immigration, Security, and  
14          Labor Act, and the Secretary of Homeland Se-  
15          curity has determined that the Government of  
16          the Commonwealth has violated section 103(i)  
17          of the Northern Mariana Islands Immigration,  
18          Security, and Labor Act.

19          “(2) EMPLOYMENT AUTHORIZATION.—An alien  
20          who is lawfully present and authorized to be em-  
21          ployed in the Commonwealth pursuant to the immi-  
22          gration laws of the Commonwealth on the transition  
23          program effective date shall be considered authorized  
24          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               “(3) REGISTRATION.—The Secretary of Home-  
9       land Security may require any alien present in the  
10      Commonwealth on or after the transition period ef-  
11      fective date to register with the Secretary in such a  
12      manner, and according to such schedule, as he may  
13      in his discretion require. Paragraphs (1) and (2) of  
14      this subsection shall not apply to any alien who fails  
15      to comply with such registration requirement. Not-  
16      withstanding any other law, the Government of the  
17      Commonwealth shall provide to the Secretary all  
18      Commonwealth immigration records or other infor-  
19      mation that the Secretary deems necessary to assist  
20      the implementation of this paragraph or other provi-  
21      sions of the Northern Mariana Islands Immigration,  
22      Security, and Labor Act. Nothing in this paragraph  
23      shall modify or limit section 262 of the Immigration  
24      and Nationality Act (8 U.S.C. 1302) or other provi-

1 sion of the Immigration and Nationality Act relating  
2 to the registration of aliens.

3 “(4) REMOVABLE ALIENS.—Except as specifi-  
4 cally provided in paragraph (1)(A) of this sub-  
5 section, nothing in this subsection shall prohibit or  
6 limit the removal of any alien who is removable  
7 under the Immigration and Nationality Act.

8 “(5) PRIOR ORDERS OF REMOVAL.—The Sec-  
9 retary of Homeland Security may execute any ad-  
10 ministratively final order of exclusion, deportation or  
11 removal issued under authority of the immigration  
12 laws of the United States before, on, or after the  
13 transition period effective date, or under authority of  
14 the immigration laws of the Commonwealth before  
15 the transition period effective date, upon any subject  
16 of such order found in the Commonwealth on or  
17 after the transition period effective date, regardless  
18 whether the alien has previously been removed from  
19 the United States or the Commonwealth pursuant to  
20 such order.

21 “(f) EFFECT ON OTHER LAWS.—The provisions of  
22 this section and of the immigration laws, as defined in  
23 section 101(a)(17) of the Immigration and Nationality Act  
24 (8 U.S.C. 1101(a)(17)), shall, on the transition program  
25 effective date, supersede and replace all laws, provisions,

1 or programs of the Commonwealth relating to the admis-  
2 sion of aliens and the removal of aliens from the Common-  
3 wealth.

4 “(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION  
5 212(A)(9)(B) OF THE IMMIGRATION AND NATIONALITY  
6 ACT.—No time that an alien is present in the Common-  
7 wealth in violation of the immigration laws of the Com-  
8 monwealth shall be counted for purposes of inadmissibility  
9 under section 212(a)(9)(B) of the Immigration and Na-  
10 tionality Act (8 U.S.C. 1182(a)(9)(B)).

11 “(h) REPORT ON NONRESIDENT GUESTWORKER  
12 POPULATION.—The Secretary of the Interior, in consulta-  
13 tion with the Secretary of Homeland Security, and the  
14 Governor of the Commonwealth, shall report to the Con-  
15 gress not later than 2 years after the date of the enact-  
16 ment of the Northern Mariana Islands Immigration, Secu-  
17 rity, and Labor Act. The report shall include—

18 “(1) the number of aliens residing in the Com-  
19 monwealth;

20 “(2) a description of the legal status (under  
21 Federal law) of such aliens;

22 “(3) the number of years each alien has been  
23 residing in the Commonwealth;

24 “(4) the current and future requirements of the  
25 Commonwealth economy for an alien workforce; and

1           “(5) such recommendations to the Congress, as  
2           the Secretary may deem appropriate, related to  
3           whether or not the Congress should consider permit-  
4           ting lawfully admitted guest workers lawfully resid-  
5           ing in the Commonwealth on such enactment date to  
6           apply for long-term status under the immigration  
7           and nationality laws of the United States.”.

8           (b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT  
9 VISITORS.—The Immigration and Nationality Act (8  
10 U.S.C. 1101 et seq.) is amended—

11           (1) in section 214(a)(1) (8 U.S.C.  
12           1184(a)(1))—

13           (A) by striking “Guam” each place such  
14           term appears and inserting “Guam or the Com-  
15           monwealth of the Northern Mariana Islands”;  
16           and

17           (B) by striking “fifteen” and inserting  
18           “45”;

19           (2) in section 212(a)(7)(B) (8 U.S.C.  
20           1182(a)(7)(B)), by amending clause (iii) to read as  
21           follows:

22           “(iii) GUAM AND NORTHERN MARIANA  
23           ISLANDS VISA WAIVER.—For provision au-  
24           thorizing waiver of clause (i) in the case of  
25           visitors to Guam or the Commonwealth of

1                   the Northern Mariana Islands, see sub-  
2                   section (l).”; and

3                   (3) by amending section 212(l) (8 U.S.C.  
4                   1182(l)) to read as follows:

5                   “(1) GUAM AND NORTHERN MARIANA ISLANDS VISA  
6 WAIVER PROGRAM.—

7                   “(1) IN GENERAL.—The requirement of sub-  
8                   section (a)(7)(B)(i) may be waived by the Secretary  
9                   of Homeland Security, in the case of an alien apply-  
10                  ing for admission as a nonimmigrant visitor for busi-  
11                  ness or pleasure and solely for entry into and stay  
12                  in Guam or the Commonwealth of the Northern  
13                  Mariana Islands for a period not to exceed 45 days,  
14                  if the Secretary of Homeland Security, after con-  
15                  sultation with the Secretary of the Interior, the Sec-  
16                  retary of State, the Governor of Guam and the Gov-  
17                  ernor of the Commonwealth of the Northern Mar-  
18                  iana Islands, determines that—

19                  “(A) an adequate arrival and departure  
20                  control system has been developed in Guam and  
21                  the Commonwealth of the Northern Mariana Is-  
22                  lands; and

23                  “(B) such a waiver does not represent a  
24                  threat to the welfare, safety, or security of the

1 United States or its territories and common-  
2 wealths.

3 “(2) ALIEN WAIVER OF RIGHTS.—An alien may  
4 not be provided a waiver under this subsection un-  
5 less the alien has waived any right—

6 “(A) to review or appeal under this Act an  
7 immigration officer’s determination as to the  
8 admissibility of the alien at the port of entry  
9 into Guam or the Commonwealth of the North-  
10 ern Mariana Islands; or

11 “(B) to contest, other than on the basis of  
12 an application for withholding of removal under  
13 section 241(b)(3) of this Act or under the Con-  
14 vention Against Torture, or an application for  
15 asylum if permitted under section 208, any ac-  
16 tion for removal of the alien.

17 “(3) REGULATIONS.—All necessary regulations  
18 to implement this subsection shall be promulgated  
19 by the Secretary of Homeland Security, in consulta-  
20 tion with the Secretary of the Interior and the Sec-  
21 retary of State, on or before the 180th day after the  
22 date of the enactment of the Northern Mariana Is-  
23 lands Immigration, Security, and Labor Act. The  
24 promulgation of such regulations shall be considered  
25 a foreign affairs function for purposes of section

1 553(a) of title 5, United States Code. At a min-  
2 imum, such regulations should include, but not nec-  
3 essarily be limited to—

4 “(A) a listing of all countries whose na-  
5 tionals may obtain the waiver also provided by  
6 this subsection, except that such regulations  
7 shall provide for a listing of any country from  
8 which the Commonwealth has received a signifi-  
9 cant economic benefit from the number of visi-  
10 tors for pleasure within the one-year period pre-  
11 ceeding the date of the enactment of the North-  
12 ern Mariana Islands Immigration, Security, and  
13 Labor Act, unless the Secretary of Homeland  
14 Security determines that such country’s inclu-  
15 sion on such list would represent a threat to the  
16 welfare, safety, or security of the United States  
17 or its territories; and

18 “(B) any bonding requirements for nation-  
19 als of some or all of those countries who may  
20 present an increased risk of overstays or other  
21 potential problems, if different from such re-  
22 quirements otherwise provided by law for non-  
23 immigrant visitors.

24 “(4) FACTORS.—In determining whether to  
25 grant or continue providing the waiver under this

1 subsection to nationals of any country, the Secretary  
2 of Homeland Security, in consultation with the Sec-  
3 retary of the Interior and the Secretary of State,  
4 shall consider all factors that the Secretary deems  
5 relevant, including electronic travel authorizations,  
6 procedures for reporting lost and stolen passports,  
7 repatriation of aliens, rates of refusal for non-  
8 immigrant visitor visas, overstays, exit systems, and  
9 information exchange.

10 “(5) SUSPENSION.—The Secretary of Home-  
11 land Security shall monitor the admission of non-  
12 immigrant visitors to Guam and the Commonwealth  
13 of the Northern Mariana Islands under this sub-  
14 section. If the Secretary determines that such admis-  
15 sions have resulted in an unacceptable number of  
16 visitors from a country remaining unlawfully in  
17 Guam or the Commonwealth of the Northern Mar-  
18 iana Islands, unlawfully obtaining entry to other  
19 parts of the United States, or seeking withholding of  
20 removal or asylum, or that visitors from a country  
21 pose a risk to law enforcement or security interests  
22 of Guam or the Commonwealth of the Northern  
23 Mariana Islands or of the United States (including  
24 the interest in the enforcement of the immigration  
25 laws of the United States), the Secretary shall sus-

1       pend the admission of nationals of such country  
2       under this subsection. The Secretary of Homeland  
3       Security may in the Secretary’s discretion suspend  
4       the Guam and Northern Mariana Islands visa waiver  
5       program at any time, on a country-by-country basis,  
6       for other good cause.

7               “(6) ADDITION OF COUNTRIES.—The Governor  
8       of Guam and the Governor of the Commonwealth of  
9       the Northern Mariana Islands may request the Sec-  
10       retary of the Interior and the Secretary of Home-  
11       land Security to add a particular country to the list  
12       of countries whose nationals may obtain the waiver  
13       provided by this subsection, and the Secretary of  
14       Homeland Security may grant such request after  
15       consultation with the Secretary of the Interior and  
16       the Secretary of State, and may promulgate regula-  
17       tions with respect to the inclusion of that country  
18       and any special requirements the Secretary of  
19       Homeland Security, in the Secretary’s sole discre-  
20       tion, may impose prior to allowing nationals of that  
21       country to obtain the waiver provided by this sub-  
22       section.”.

23               (c) SPECIAL NONIMMIGRANT CATEGORIES FOR GUAM  
24       AND THE COMMONWEALTH OF THE NORTHERN MARIANA  
25       ISLANDS.—The Governor of Guam and the Governor of

1 the Commonwealth of the Northern Mariana Islands (re-  
2 ferred to in this subsection as “CNMI”) may request that  
3 the Secretary of Homeland Security study the feasibility  
4 of creating additional Guam or CNMI-only nonimmigrant  
5 visas to the extent that existing nonimmigrant visa cat-  
6 egories under the Immigration and Nationality Act do not  
7 provide for the type of visitor, the duration of allowable  
8 visit, or other circumstance. The Secretary of Homeland  
9 Security may review such a request, and, after consulta-  
10 tion with the Secretary of State and the Secretary of the  
11 Interior, shall issue a report to the Committee on Energy  
12 and Natural Resources and the Committee on the Judici-  
13 ary of the Senate and the Committee on Natural Re-  
14 sources and the Committee on the Judiciary of the House  
15 of Representatives with respect to the feasibility of cre-  
16 ating those additional Guam or CNMI-only visa cat-  
17 egories. Consideration of such additional Guam or CNMI-  
18 only visa categories may include, but are not limited to,  
19 special nonimmigrant statuses for investors, students, and  
20 retirees, but shall not include nonimmigrant status for the  
21 purpose of employment in Guam or the CNMI.

22 (d) INSPECTION OF PERSONS ARRIVING FROM THE  
23 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS;  
24 GUAM AND NORTHERN MARIANA ISLANDS-ONLY VISAS  
25 NOT VALID FOR ENTRY INTO OTHER PARTS OF THE

1 UNITED STATES.—Section 212(d)(7) of the Immigration  
2 and Nationality Act (8 U.S.C. 1182(d)(7)) is amended by  
3 inserting “the Commonwealth of the Northern Mariana  
4 Islands,” after “Guam,”.

5 (e) TECHNICAL ASSISTANCE PROGRAM.—

6 (1) IN GENERAL.—The Secretary of the Inte-  
7 rior, in consultation with the Governor of the Com-  
8 monwealth, the Secretary of Labor, and the Sec-  
9 retary of Commerce, and as provided in the Inter-  
10 agency Agreements required to be negotiated under  
11 section 6(a)(4) of the Joint Resolution entitled “A  
12 Joint Resolution to approve the ‘Covenant To Estab-  
13 lish a Commonwealth of the Northern Mariana Is-  
14 lands in Political Union with the United States of  
15 America’, and for other purposes”, approved March  
16 24, 1976 (Public Law 94–241), as added by sub-  
17 section (a), shall provide—

18 (A) technical assistance and other support  
19 to the Commonwealth to identify opportunities  
20 for, and encourage diversification and growth  
21 of, the economy of the Commonwealth;

22 (B) technical assistance, including assist-  
23 ance in recruiting, training, and hiring of work-  
24 ers, to assist employers in the Commonwealth  
25 in securing employees first from among United

1 States citizens and nationals resident in the  
2 Commonwealth and if an adequate number of  
3 such workers are not available, from among  
4 legal permanent residents, including lawfully  
5 admissible citizens of the freely associated  
6 states; and

7 (C) technical assistance, including assist-  
8 ance to identify types of jobs needed, identify  
9 skills needed to fulfill such jobs, and assistance  
10 to Commonwealth educational entities to de-  
11 velop curricula for such job skills to include  
12 training teachers and students for such skills.

13 (2) CONSULTATION.—In providing such tech-  
14 nical assistance under paragraph (1), the Secretaries  
15 shall—

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

21 (B) assist in the development and imple-  
22 mentation of a process to identify opportunities  
23 for and encourage diversification and growth of  
24 the economy of the Commonwealth and to iden-

1           tify and encourage opportunities to meet the  
2           labor needs of the Commonwealth.

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

9           (f) OPERATIONS.—

10           (1) ESTABLISHMENT.—At any time on and  
11           after the date of the enactment of this Act, the At-  
12           torney General, Secretary of Homeland Security,  
13           and the Secretary of Labor may establish and main-  
14           tain offices and other operations in the Common-  
15           wealth for the purpose of carrying out duties  
16           under—

17                   (A) the Immigration and Nationality Act  
18                   (8 U.S.C. 1101 et seq.); and

19                   (B) the transition program established  
20                   under section 6 of the Joint Resolution entitled  
21                   “A Joint Resolution to approve the ‘Covenant  
22                   to Establish a Commonwealth of the Northern  
23                   Mariana Islands in Political Union with the  
24                   United States of America’, and for other pur-  
25                   poses”, approved March 24, 1976 (Public Law

1           94–241), as added by subsection (a) of this sec-  
2           tion.

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           citizens 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) CONFORMING AMENDMENTS TO PUBLIC LAW 94–  
13          241.—

14           (1) AMENDMENTS.—Public Law 94–241 is  
15          amended as follows:

16           (A) In section 503 of the covenant set  
17          forth in section 1, by striking subsection (a)  
18          and redesignating subsections (b) and (c) as  
19          subsections (a) and (b), respectively.

20           (B) By striking section 506 of the cov-  
21          enant set forth in section 1.

22           (C) In section 703(b) of the covenant set  
23          forth in section 1, by striking “quarantine,  
24          passport, immigration and naturalization” and  
25          inserting “quarantine and passport”.

1           (2) EFFECTIVE DATE.—The amendments made  
2           by paragraph (1) shall take effect on the transition  
3           program effective date described in section 6 of Pub-  
4           lic Law 94–241 (as added by subsection (a)).

5           (h) REPORTS TO CONGRESS.—

6           (1) IN GENERAL.—Not later than March 1 of  
7           the first year that is at least 2 full years after the  
8           date of the enactment of this title, and annually  
9           thereafter, the President shall submit to the Com-  
10          mittee on Energy and Natural Resources and the  
11          Committee on the Judiciary of the Senate and the  
12          Committee on Natural Resources and the Committee  
13          on the Judiciary of the House of Representatives a  
14          report that evaluates the overall effect of the transi-  
15          tion program established under section 6 of the  
16          Joint Resolution entitled “A Joint Resolution to ap-  
17          prove the ‘Covenant To Establish a Commonwealth  
18          of the Northern Mariana Islands in Political Union  
19          with the United States of America’, and for other  
20          purposes”, approved March 24, 1976 (Public Law  
21          94–241), as added by subsection (a) of this section,  
22          and the Immigration and Nationality Act (8 U.S.C.  
23          1101 et seq.) on the Commonwealth.

24          (2) CONTENTS.—In addition to other topics  
25          otherwise required to be included under this title or

1 the amendments made by this title, each report sub-  
2 mitted under paragraph (1) shall include a descrip-  
3 tion of the efforts that have been undertaken during  
4 the period covered by the report to diversify and  
5 strengthen the local economy of the Commonwealth,  
6 including efforts to promote the Commonwealth as a  
7 tourist destination. The report by the President shall  
8 include an estimate for the numbers of non-  
9 immigrant workers described under section  
10 101(a)(15)(H) of the Immigration and Nationality  
11 Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid  
12 adverse economic effects in Guam and the Common-  
13 wealth.

14 (3) GAO REPORT.—The Government Account-  
15 ability Office shall submit a report to the Congress  
16 not later than 2 years after the date of the enact-  
17 ment of this title, to include, at a minimum, the fol-  
18 lowing items:

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

1           (B) An assessment of the short-term and  
2 long-term impacts of implementation of this  
3 title and the amendments made by this title on  
4 the economy of the Commonwealth, including  
5 its ability to obtain workers to supplement its  
6 resident workforce and to maintain access to its  
7 tourists and customers, and any effect 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 (c) of section 6 of the Joint Resolution  
13 entitled “A Joint Resolution to approve the  
14 ‘Covenant To Establish a Commonwealth of the  
15 Northern Mariana Islands in Political Union  
16 with the United States of America’, and for  
17 other purposes”, approved March 24, 1976  
18 (Public Law 94–241), as added by subsection  
19 (a) of this section, and the Commonwealth’s  
20 ability to attract new investors after the date of  
21 the enactment of this title.

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

## 1 (4) REPORTS BY THE LOCAL GOVERNMENT.—

2 The Governor of the Commonwealth may submit an  
3 annual report to the President on the implementa-  
4 tion of this title, and the amendments made by this  
5 title, with recommendations for future changes. The  
6 President shall forward the Governor's report to the  
7 Congress with any Administration comment after an  
8 appropriate period of time for internal review, pro-  
9 vided that nothing in this paragraph shall be con-  
10 strued to require the President to provide any legis-  
11 lative recommendation to the Congress.

## 12 (5) REPORT ON FEDERAL PERSONNEL AND RE-

13 SOURCE REQUIREMENTS.—Not later than 180 days  
14 after the date of the enactment of this Act, the Sec-  
15 retary of Homeland Security, after consulting with  
16 the Secretary of the Interior and other departments  
17 and agencies as may be deemed necessary, shall sub-  
18 mit a report to the Committee on Natural Re-  
19 sources, the Committee on Homeland Security, and  
20 the Committee on the Judiciary of the House of  
21 Representatives, and to the Committee on Energy  
22 and Natural Resources, the Committee on Homeland  
23 Security and Governmental Affairs, and the Com-  
24 mittee on the Judiciary of the Senate, on the cur-  
25 rent and planned levels of Transportation Security

1 Administration, United States Customs and Border  
2 Protection, United States Immigration and Customs  
3 Enforcement, United States Citizenship and Immi-  
4 gration Services, and United States Coast Guard  
5 personnel and resources necessary for fulfilling mis-  
6 sion requirements on Guam and the Commonwealth  
7 in a manner comparable to the level provided at  
8 other similar ports of entry in the United States. In  
9 fulfilling this reporting requirement, the Secretary  
10 shall consider and anticipate the increased require-  
11 ments due to the proposed realignment of military  
12 forces on Guam and in the Commonwealth and  
13 growth in the tourism sector.

14 (i) REQUIRED ACTIONS PRIOR TO TRANSITION PRO-  
15 GRAM EFFECTIVE DATE.—During the period beginning  
16 on the date of the enactment of this Act and ending on  
17 the transition program effective date described in section  
18 6 of Public Law 94–241 (as added by subsection (a)), the  
19 Government of the Commonwealth shall—

20 (1) not permit an increase in the total number  
21 of alien workers who are present in the Common-  
22 wealth as of the date of the enactment of this Act;  
23 and

24 (2) administer its nonrefoulement protection  
25 program—

1 (A) according to the terms and procedures  
2 set forth in the Memorandum of Agreement en-  
3 tered into between the Commonwealth of the  
4 Northern Mariana Islands and the United  
5 States Department of Interior, Office of Insular  
6 Affairs, executed on September 12, 2003 (which  
7 terms and procedures, including but not limited  
8 to funding by the Secretary of the Interior and  
9 performance by the Secretary of Homeland Se-  
10 curity of the duties of “Protection Consultant”  
11 to the Commonwealth, shall have effect on and  
12 after the date of the enactment of this Act), as  
13 well as CNMI Public Law 13–61 and the Immi-  
14 gration Regulations Establishing a Procedural  
15 Mechanism for Persons Requesting Protection  
16 from Refoulement; and

17 (B) so as not to remove or otherwise effect  
18 the involuntary return of any alien whom the  
19 Protection Consultant has determined to be eli-  
20 gible for protection from persecution or torture.

21 (j) CONFORMING AMENDMENTS TO THE IMMIGRA-  
22 TION AND NATIONALITY ACT.—The Immigration and Na-  
23 tionality Act (8 U.S.C. 1101 et seq.) is amended—

1           (1) in section 101(a)(15)(D)(ii), by inserting  
2           “or the Commonwealth of the Northern Mariana Is-  
3           lands” after “Guam” each time such term appears;

4           (2) in section 101(a)(36), by striking “and the  
5           Virgin Islands of the United States” and inserting  
6           “the Virgin Islands of the United States, and the  
7           Commonwealth of the Northern Mariana Islands”;

8           (3) in section 101(a)(38), by striking “and the  
9           Virgin Islands of the United States” and inserting  
10          “the Virgin Islands of the United States, and the  
11          Commonwealth of the Northern Mariana Islands”;

12          (4) in section 208, by adding at the end the fol-  
13          lowing:

14          “(e) COMMONWEALTH OF THE NORTHERN MARIANA  
15 ISLANDS.—The provisions of this section and section  
16 209(b) of this Act shall apply to persons physically present  
17 in the Commonwealth of the Northern Mariana Islands  
18 or arriving in the Commonwealth (whether or not at a des-  
19 ignated port of arrival and including persons who are  
20 brought to the Commonwealth after having been inter-  
21 dicted in international or United States waters) only on  
22 or after January 1, 2014.”; and

23          (5) in section 235(b)(1), by adding at the end  
24          the following:

1           “(G) COMMONWEALTH OF THE NORTHERN  
2           MARIANA ISLANDS.—Nothing in this subsection  
3           shall be construed to authorize or require any  
4           person described in section 208(e) of this Act to  
5           be permitted to apply for asylum under section  
6           208 of this Act at any time before January 1,  
7           2014.”.

8           (k) AVAILABILITY OF OTHER NONIMMIGRANT PRO-  
9           FESSIONALS.—The requirements of section 212(m)(6)(B)  
10          of the Immigration and Nationality Act (8 U.S.C.  
11          1182(m)(6)(B)) shall not apply to a facility in Guam, the  
12          Commonwealth of the Northern Mariana Islands, or the  
13          Virgin Islands.

14          **SEC. 104. FURTHER AMENDMENTS TO PUBLIC LAW 94–241.**

15          Public Law 94–241, as amended, is further amended  
16          in section 4(c)(3) by striking the colon after “Marshall  
17          Islands” and inserting the following: “, except that  
18          \$200,000 in fiscal year 2009 and \$225,000 annually for  
19          fiscal years 2010 through 2018 are hereby rescinded; Pro-  
20          vided, That the amount rescinded shall be increased by  
21          the same percentage as that of the annual salary and ben-  
22          efit adjustments for Members of Congress”.

23          **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

24          There are authorized to be appropriated such sums  
25          as may be necessary to carry out this title.

1 **SEC. 106. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as specifically provided in  
3 this section or otherwise in this Act, this title and the  
4 amendments made by this title shall take effect on the  
5 date of the enactment of this title.

6 (b) AMENDMENTS TO THE IMMIGRATION AND NA-  
7 TIONALITY ACT.—The amendments to the Immigration  
8 and Nationality Act made by this Act, and other provi-  
9 sions of this Act applying the immigration laws (as defined  
10 in section 101(a)(17) of Immigration and Nationality Act  
11 (8 U.S.C. 1101(a)(17))) to the Commonwealth, shall take  
12 effect on the transition program effective date described  
13 in section 6 of Public Law 94–241 (as added by section  
14 103(a) of this Act), unless specifically provided otherwise  
15 in this Act.

16 (c) CONSTRUCTION.—Nothing in this Act or the  
17 amendments made by this Act shall be construed to make  
18 any residence or presence in the Commonwealth before the  
19 transition program effective date described in section 6 of  
20 Public Law 94–241 (as added by section 103(a) of this  
21 Act) residence or presence in the United States, except  
22 that, for the purpose only of determining whether an alien  
23 lawfully admitted for permanent residence (as defined in  
24 section 101(a)(20) of the Immigration and Nationality Act  
25 (8 U.S.C. 1101(a)(20))) has abandoned or lost such status  
26 by reason of absence from the United States, such alien’s

1 presence in the Commonwealth before, on, or after the  
2 date of the enactment of this Act shall be considered to  
3 be presence in the United States.

4 **TITLE II—NORTHERN MARIANA**  
5 **ISLANDS DELEGATE ACT**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Northern Mariana Is-  
8 lands Delegate Act”.

9 **SEC. 202. DELEGATE TO HOUSE OF REPRESENTATIVES**  
10 **FROM COMMONWEALTH OF THE NORTHERN**  
11 **MARIANA ISLANDS.**

12 The Commonwealth of the Northern Mariana Islands  
13 shall be represented in the United States Congress by the  
14 Resident Representative to the United States authorized  
15 by section 901 of the Covenant To Establish a Common-  
16 wealth of the Northern Mariana Islands in Political Union  
17 With the United States of America (approved by Public  
18 Law 94–241 (48 U.S.C. 1801 et seq.)). The Resident Rep-  
19 resentative shall be a nonvoting Delegate to the House of  
20 Representatives, elected as provided in this title.

21 **SEC. 203. ELECTION OF DELEGATE.**

22 (a) **ELECTORS AND TIME OF ELECTION.**—The Dele-  
23 gate shall be elected—

1           (1) by the people qualified to vote for the popu-  
2 larly elected officials of the Commonwealth of the  
3 Northern Mariana Islands; and

4           (2) at the Federal general election of 2008 and  
5 at such Federal general election every 2d year there-  
6 after.

7 (b) MANNER OF ELECTION.—

8           (1) IN GENERAL.—The Delegate shall be elect-  
9 ed at large and by a plurality of the votes cast for  
10 the office of Delegate.

11           (2) EFFECT OF ESTABLISHMENT OF PRIMARY  
12 ELECTIONS.—Notwithstanding paragraph (1), if the  
13 Government of the Commonwealth of the Northern  
14 Mariana Islands, acting pursuant to legislation en-  
15 acted in accordance with the Constitution of the  
16 Commonwealth of the Northern Mariana Islands,  
17 provides for primary elections for the election of the  
18 Delegate, the Delegate shall be elected by a majority  
19 of the votes cast in any general election for the of-  
20 fice of Delegate for which such primary elections  
21 were held.

22           (c) VACANCY.—In case of a permanent vacancy in the  
23 office of Delegate, the office of Delegate shall remain va-  
24 cant until a successor is elected and qualified.

1 (d) COMMENCEMENT OF TERM.—The term of the  
2 Delegate shall commence on the 3d day of January fol-  
3 lowing the date of the election.

4 **SEC. 204. QUALIFICATIONS FOR OFFICE OF DELEGATE.**

5 To be eligible for the office of Delegate a candidate  
6 shall—

7 (1) be at least 25 years of age on the date of  
8 the election;

9 (2) have been a citizen of the United States for  
10 at least 7 years prior to the date of the election;

11 (3) be a resident and domiciliary of the Com-  
12 monwealth of the Northern Mariana Islands for at  
13 least 7 years prior to the date of the election;

14 (4) be qualified to vote in the Commonwealth of  
15 the Northern Mariana Islands on the date of the  
16 election; and

17 (5) not be, on the date of the election, a can-  
18 didate for any other office.

19 **SEC. 205. DETERMINATION OF ELECTION PROCEDURE.**

20 Acting pursuant to legislation enacted in accordance  
21 with the Constitution of the Commonwealth of the North-  
22 ern Mariana Islands, the Government of the Common-  
23 wealth of the Northern Mariana Islands may determine  
24 the order of names on the ballot for election of Delegate,  
25 the method by which a special election to fill a permanent

1 vacancy in the office of Delegate shall be conducted, the  
2 method by which ties between candidates for the office of  
3 Delegate shall be resolved, and all other matters of local  
4 application pertaining to the election and the office of Del-  
5 egate not otherwise expressly provided for in this title.

6 **SEC. 206. COMPENSATION, PRIVILEGES, AND IMMUNITIES.**

7       Until the Rules of the House of Representatives are  
8 amended to provide otherwise, the Delegate from the Com-  
9 monwealth of the Northern Mariana Islands shall receive  
10 the same compensation, allowances, and benefits as a  
11 Member of the House of Representatives, and shall be en-  
12 titled to whatever privileges and immunities are, or herein-  
13 after may be, granted to any other nonvoting Delegate to  
14 the House of Representatives.

15 **SEC. 207. LACK OF EFFECT ON COVENANT.**

16       No provision of this title shall be construed to alter,  
17 amend, or abrogate any provision of the covenant referred  
18 to in section 202 except section 901 of the covenant.

19 **SEC. 208. DEFINITION.**

20       For purposes of this title, the term “Delegate” means  
21 the Resident Representative referred to in section 202.

1 **SEC. 209. CONFORMING AMENDMENTS REGARDING AP-**  
2 **POINTMENTS TO MILITARY SERVICE ACAD-**  
3 **EMIES BY DELEGATE FROM THE COMMON-**  
4 **WEALTH OF THE NORTHERN MARIANA IS-**  
5 **LANDS.**

6 (a) UNITED STATES MILITARY ACADEMY.—Section  
7 4342(a)(10) of title 10, United States Code, is amended  
8 by striking “resident representative” and inserting “Dele-  
9 gate in Congress”.

10 (b) UNITED STATES NAVAL ACADEMY.—Section  
11 6954(a)(10) of such title is amended by striking “resident  
12 representative” and inserting “Delegate in Congress”.

13 (c) UNITED STATES AIR FORCE ACADEMY.—Section  
14 9342(a)(10) of such title is amended by striking “resident  
15 representative” and inserting “Delegate in Congress”.

Passed the House of Representatives December 11,  
2007.

Attest: LORRAINE C. MILLER,  
*Clerk.*

Calendar No. 676

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3079**

[Report No. 110-324]

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**AN ACT**

To amend the joint resolution that approved the covenant establishing the Commonwealth of the Northern Mariana Islands, and for other purposes.

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APRIL 10, 2008

Reported without amendment