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(Original Signature of Member)

119th CONGRESS
1st Session

H. R. _____

To amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of American to provide for modifications of the labor stabilization program transition.

IN THE HOUSE OF REPRESENTATIVES

Ms. KING-HINDS introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Covenant to Establish a Commonwealth of
the Norther Mariana Islands in Political Union with the
United States of American to provide for modifications
of the labor stabilization program transition.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Mariana Islands Labor
5 Stabilization Act”.

1 **SEC. 2. MODIFICATIONS TO LABOR STABILIZATION PROGRAM**
2 **TRANSITION.**

3 (a) EXTENSION OF TRANSITION PERIOD.—Section 6 of the Joint
4 Resolution entitled “A Joint Resolution to approve the ‘Covenant To
5 Establish a Commonwealth of the Northern Mariana Islands in
6 Political Union with the United States of America’, and for other
7 purposes” (48 U.S.C. 1806) is amended—

8 (1) in subsection (a)(2), by striking “December 31, 2029”
9 and inserting “the date that is the later of December 31, 2039, or
10 the date determined pursuant to subsection (d)(8)”;

11 (2) in subsection (d)—

12 (A) in paragraph (2)—

13 (i) in subparagraph (A)—

14 (I) in clause (i), by striking “Beginning”
15 inserting “Subject to clause (iii) and beginning”;

16 (II) is amended by adding at the end the
17 following:

18 “(iii) TRANSITION PERIOD.—Beginning with
19 petitions filed with employment start dates in the first
20 fiscal year after the date of the enactment of the
21 ‘Northern Mariana Islands Labor Stabilization Act’, a
22 petition to import a nonimmigrant worker under this
23 subsection shall be approved by the Governor in a
24 substantially similar manner as such petition is made to

1 the Governor of Guam under section 214.2(h)(6)(iii) of
2 title 8, Code of Federal Regulations (or a successor
3 regulation) is approved.”; and

4 (ii) in subparagraph (B)—

5 (I) in clause (i)—

6 (aa) by inserting “and subject to clause
7 (iii),” after “clause (i),”; and

8 (bb) by striking “an annual basis” and
9 inserting “a biennial basis”; and

10 (II) by adding at the end the following:

11 “(iii) CALIBRATION OF ALTERNATIVE
12 METHOD.—The prevailing wage required to be paid
13 pursuant to clause (ii) shall be 75 percent of the wage
14 determined pursuant to that section or the federal
15 minimum wage, whichever is greater.”.

16 (B) in paragraph (3)—

17 (i) in subparagraph (A), by inserting “, in
18 consultation with the Governor,” after “the Secretary”;

19 (ii) by amending subparagraph (B) to read as
20 follows:

21 “(B) NUMERICAL CAP.—

22 “(i) IN GENERAL.—

“(I) IN GENERAL.—The number of permits issued under subparagraph (A) may not exceed 15,000 for any fiscal year.

“(II) CONSTRUCTION AND EXTRACTION OCCUPATIONS.— Notwithstanding any numerical cap set forth in subclause (I), the Secretary of Homeland Security shall increase by 3,000, for each such fiscal year, the total number of permits available under this subsection for Construction and Extraction Occupations (as defined by the Department of Labor as Standard Occupational Classification Group 47–0000).

“(ii) CONSTRUCTION OCCUPATIONS.—The permits allocated for Construction and Extraction Occupations (as defined by the Department of Labor as Standard Occupational Classification Group 47–0000) pursuant to this subparagraph may only be made available to foreign workers who are nationals of a country designated eligible to participate in the program under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) during calendar year 2024 or 2025.”;

1 (C) in subparagraph (D)(iii)(I)(bb), by striking “10
2 days” and inserting “90 days”;

3 (D) by striking subparagraph (D)(v); and

4 (E) by striking subparagraph (E);

5 (3) by amending paragraph (7) to read as follows:

6 “(7) PERMIT VALIDITY; LONG-TERM WORKERS.—

7 “(A) IN GENERAL.— Except as provided in
8 subparagraph (B), a permit for a Commonwealth Only
9 Worker shall remain valid for a period that may not exceed
10 1 year, and

11 “(B) LONG-TERM WORKERS.— An alien who was
12 admitted to the Commonwealth as a Commonwealth Only
13 Transitional Worker—

14 “(i) during fiscal year 2015, and

15 “(ii) during two of the fiscal years 2016, 2017,
16 2018, or 2019, may be admitted as a Commonwealth
17 Only Transitional Worker for a period that may not
18 exceed 3 years and may be renewed for additional 3-
19 year periods during the transition period. A permit
20 issued pursuant to this subparagraph shall be counted
21 toward the numerical cap for each fiscal year for which
22 the permit is valid.”; and

23 (4) by adding at the end the following:

1 “(8) LABOR STABILIZATION PERIOD.—

2 “(A) LABOR NEEDS.—The Secretary of Labor, in
3 consultation with the Secretary, the Secretary of Defense,
4 the Secretary of the Interior, and the Governor, shall, not
5 later than July 1, 2039—

6 “(i) determine the labor needs of the
7 Commonwealth for the ensuing 10-year period; and

8 “(ii) determine whether an extension of up to 10
9 years is necessary to ensure an adequate number of
10 workers will be available for legitimate businesses in
11 the Commonwealth.

12 “(B) AFFIRMATIVE DETERMINATION.—If the
13 Secretary of Labor makes an affirmative determination
14 under subparagraph (A), the Secretary of Labor may
15 provide for an additional extension of up to 10 years of the
16 labor stabilization period established in subsection (a) upon
17 publication of notice in the Federal Register.

18 “(C) FACTORS CONSIDERED.—In making the
19 determinations required by subparagraph (A), the Secretary of
20 Labor may consider, among other factors, labor market studies
21 within the Commonwealth, the unemployment rate of United
22 States citizens and foreign workers in the Commonwealth, the
23 good faith efforts made by the Commonwealth to locate,

1 educate, train, or prepare United States citizens and other
2 individuals eligible to work in the United States to assume
3 employment, available evidence that United States citizens or
4 other individuals eligible to work in the United States within the
5 Commonwealth are not willing to accept jobs that are available,
6 the effect of foreign workers on compensation, benefits, and
7 living standards of existing workers, and the prior use of foreign
8 workers to fill industry jobs including whether the industry
9 requires foreign workers to fill such jobs.

10 “(9) FEES.— In addition to any other fee applicable with
11 respect to the application for such petitions and permits there
12 shall be imposed of \$150 per petition. Notwithstanding section
13 703(b), all amounts collected in the form of fees assessed
14 pursuant to this subsection shall be made available to the
15 Secretary of Homeland Security to carry out enforcement of the
16 immigration laws (as such term is defined under section 101 of
17 the Immigration and Nationality Act) and this Act.”.

18 (b) QUALIFIED ALIEN.—Section 431(b) of the Personal
19 Responsibility and Work Opportunity Reconciliation Act of 1996 (8
20 U.S.C. 1641(b) is amended—

21 (1) in paragraph (7), by striking “, or” and inserting a
22 comma at the end;

1 (2) in paragraph (8), by striking the period at the end and
2 inserting “, or”; and

3 (3) by adding at the end the following:

4 “(9) an alien who is admitted to the Commonwealth of the
5 Northern Mariana Islands as a Commonwealth Only
6 Transitional Worker.”.

7 (c) IMMIGRATION AND NATURALIZATION FEES.—Section 703(b)
8 of the Joint Resolution entitled “A Joint Resolution to approve the
9 ‘Covenant To Establish a Commonwealth of the Northern Mariana
10 Islands in Political Union with the United States of America’, and
11 for other purposes” (48 U.S.C. 1801 note) is amended by striking
12 “quarantine and passport” and inserting “quarantine, passport, and
13 immigration and naturalization”.

14 (d) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—
15 Section 235(b)(1)(A)(iii)(II) of the Immigration and Nationality Act
16 (8 U.S.C. 1225(b)(1)(A)(iii)(II)) is amended—

17 (1) by striking “been” and inserting “been—”; and

18 (2) by striking “admitted or paroled into the United States,
19 and who has not affirmatively shown, to the satisfaction of an
20 immigration officer, that the alien has been physically present in
21 the United States continuously for the 2-year period immediately
22 prior to the date of the determination of inadmissibility under
23 this subparagraph.” and inserting the following:

1 “(aa) admitted or paroled into the United
2 States, and who has not affirmatively shown, to
3 the satisfaction of an immigration officer, that
4 the alien has been physically present in the
5 United States continuously for the 2-year
6 period immediately prior to the date of the
7 determination of inadmissibility under this
8 subparagraph; or

9 “(bb) admitted or paroled into the United
10 States, and who has not affirmatively shown, to
11 the satisfaction of an immigration officer, that
12 the alien has been physically present in the
13 Commonwealth of the Northern Mariana
14 Islands continuously for the 5-year period
15 immediately prior to the date of the
16 determination of inadmissibility under this
17 subparagraph.”.

18 (e) LABOR STABILIZATION PROGRAM.—Section 6 of the Joint
19 Resolution, as amended by subsection (a), is further amended—

20 (1) by striking “transition period” each place it appears and
21 inserting “labor stabilization program period”;

22 (2) by striking “transition program” each place it appears
23 and inserting “labor stabilization program”;

1 (3) by striking “Commonwealth Only Transition Worker”
2 each place it appears and inserting “Commonwealth Only
3 Worker”; and

4 (4) by striking “Commonwealth Only Transitional Worker”
5 each place it appears and inserting “Commonwealth Only
6 Worker”.

7 **SEC. 3. RULEMAKING.**

8 (a) SECRETARY OF HOMELAND SECURITY.—Notwithstanding the
9 requirements under section 553(b) of title 5, United States Code, the
10 Secretary of Homeland Security shall publish in the Federal
11 Register, not later than 180 days after the date of the enactment of
12 this Act, an interim final rule that specifies how the Secretary intends
13 to implement the amendments made by section 2 that relate to the
14 responsibilities of the Secretary.

15 (b) SECRETARY OF LABOR.—Notwithstanding the requirements
16 under section 553(b) of title 5, United States Code, the Secretary of
17 Labor shall publish in the Federal Register, not later than 180 days
18 after the date of the enactment of this Act, an interim final rule that
19 specifies how the Secretary intends to implement the amendments
20 made by section 2 that relate to the responsibilities of the Secretary.

21 (c) RECOMMENDATIONS OF THE GOVERNOR.—In developing the
22 interim final rules under subsections (a) and (b), the Secretary of
23 Homeland Security and the Secretary of Labor—

(1) shall each consider, in good faith, any written public recommendations regarding the implementation of this Act, or an amendment made by this Act, that are submitted by the Governor of the Commonwealth not later than 60 days after the date of the enactment of this Act; and

(2) may include provisions in such rule that are responsive to any recommendation of the Governor that is not inconsistent with this Act.

SEC. 4. UNLAWFUL PRESENCE.

Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

“(VI) COMMONWEALTH ONLY
TRANSITIONAL WORKER.—Clause (i) shall not
apply to an alien who—

“(aa) was admitted as a Commonwealth
Only Transitional Worker prior to the fiscal
year 2020;

“(bb) was unlawfully present in the United States for a period of less than 5 years prior to the date of the enactment of the ‘Northern Mariana Islands Labor Stabilization Act’; and

“(cc) has continuously resided in the Commonwealth of the Northern Mariana

1 Islands beginning in fiscal year 2019 through
2 the date of the enactment of the ‘Northern
3 Mariana Islands Labor Stabilization Act’.”.

4 **SEC. 5. EFFECTIVE DATE; APPLICABILITY.**

5 Except as specifically otherwise provided, this Act and the
6 amendments made by this Act—

7 (1) shall take effect on the first day of the first fiscal year
8 after the date of the enactment of this Act; and

9 (2) shall apply to petitions for Commonwealth Only
10 Transitional Workers filed on or after such date.