

event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further*, That the cumulative amount set aside for such emergency fund may not exceed \$10,000,000 at any time.⁴

(4) for fiscal year 2000, \$5,420,000 shall be provided to the Virgin Islands for correctional facilities and other projects mandated by Federal law.

(d) Resettlement of Rongelap Atoll

Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: *Provided*, That the total of all contributions from any Federal source after April 26, 1996, may not exceed \$32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap⁵ Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 1905(c)(2) of this title including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.

(Pub. L. 94-241, § 4, as added Pub. L. 99-396, § 10, Aug. 27, 1986, 100 Stat. 841; amended Pub. L. 104-134, title I, § 101(c) [title I, § 118], Apr. 26, 1996, 110 Stat. 1321-156, 1321-178; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 106-113, div. B, § 1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-152; Pub. L. 110-229, title VII, § 703, May 8, 2008, 122 Stat. 867.)

REFERENCES IN TEXT

The Covenant, referred to in subsec. (a), is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of this title.

Section 1904(e)(6) of this title, referred to in subsec. (c)(1), was in the original “section 104(c)(6) of Public Law 99-239”, which was translated as meaning section 104(e)(6) of Pub. L. 99-239 to reflect the probable intent of Congress, because section 1904(c) does not contain pars. and section 1904(e)(6) relates to impact aid.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

April 26, 1996, referred to in subsec. (d), was in the original “enactment of this Act”, which was translated

as meaning the date of enactment of Pub. L. 104-134, which added subsec. (d) of this section, to reflect the probable intent of Congress.

AMENDMENTS

2008—Subsec. (c)(3). Pub. L. 110-229 substituted “Marshall Islands, except that \$200,000 in fiscal year 2009 and \$225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress” for “Marshall Islands:”.

1999—Subsec. (b). Pub. L. 106-113 substituted “fiscal years 1996 through 1999” for “fiscal years 1996 through 2002” and “\$11,000,000 annually and for fiscal year 2000, payments to the Commonwealth of the Northern Mariana Islands shall be \$5,580,000, but shall return to the level of \$11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be \$5,420,000. Such payments shall be” for “\$11,000,000 annually.”.

Subsec. (c)(4). Pub. L. 106-113 added par. (4).

1996—Subsec. (b). Pub. L. 104-134 substituted “except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be \$11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.” for “until Congress otherwise provides by law.”

Subsecs. (c), (d). Pub. L. 104-134 added subsecs. (c) and (d).

§ 1805. Failure to meet performance standards; resolution of issues; withholding of funds

Should the Secretary of the Interior believe that the performance standards of the agreement identified in section 1803 of this title are not being met, he shall notify the Government of the Northern Mariana Islands in writing with the intent to resolve such issue in a mutually agreeable and expeditious manner and notify the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Should the issue not be resolved within thirty days after the notification is received by the Government of the Northern Mariana Islands, the Secretary of the Interior may request authority from Congress to withhold payment of an appropriate amount of the operations funds identified in the schedule of payments in paragraph 2 of part II of the Agreement of the Special Representatives for a period of less than one year but no funds shall be withheld except by Act of Congress.

(Pub. L. 94-241, § 5, as added Pub. L. 99-396, § 10, Aug. 27, 1986, 100 Stat. 841.)

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

CHANGE OF NAME

Committee on Interior and Insular Affairs of House of Representatives changed to Committee on Natural Re-

⁴ So in original. The period probably should be “; and”.

⁵ So in original. Probably should be “Rongelap”.

sources of House of Representatives by House Resolution No. 5, One Hundred Third Congress, Jan. 5, 1993.

§ 1806. Immigration and transition

(a) Application of the Immigration and Nationality Act and establishment of a transition program

(1) In general

Subject to paragraphs (2) and (3), effective on the first day of the first full month commencing 1 year after May 8, 2008 (hereafter referred to as the “transition program effective date”), the provisions of the “immigration laws” (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) shall apply to the Commonwealth of the Northern Mariana Islands (referred to in this section as the “Commonwealth”), except as otherwise provided in this section.

(2) Transition period

There shall be a transition period beginning on the transition program effective date and ending on December 31, 2019, during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program to regulate immigration to the Commonwealth, as provided in this section (hereafter referred to as the “transition program”).

(3) Delay of commencement of transition period

(A) In general

The Secretary of Homeland Security, in the Secretary’s sole discretion, in consultation with the Secretary of the Interior, the Secretary of Labor, the Secretary of State, the Attorney General, and the Governor of the Commonwealth, may determine that the transition program effective date be delayed for a period not to exceed more than 180 days after such date.

(B) Congressional notification

The Secretary of Homeland Security shall notify the Congress of a determination under subparagraph (A) not later than 30 days prior to the transition program effective date.

(C) Congressional review

A delay of the transition program effective date shall not take effect until 30 days after the date on which the notification under subparagraph (B) is made.

(4) Requirement for regulations

The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by the head of each agency or department of the United States having responsibilities under the transition program.

(5) Interagency agreements

The Secretary of Homeland Security, the Secretary of State, the Secretary of Labor, and the Secretary of the Interior shall negotiate and implement agreements among their

agencies to identify and assign their respective duties so as to ensure timely and proper implementation of the provisions of this section. The agreements should address, at a minimum, procedures to ensure that Commonwealth employers have access to adequate labor, and that tourists, students, retirees, and other visitors have access to the Commonwealth without unnecessary delay or impediment. The agreements may also allocate funding between the respective agencies tasked with various responsibilities under this section.

(6) Certain education funding

In addition to fees charged pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of providing adjudication services, the Secretary of Homeland Security shall charge an annual supplemental fee of \$200 per non-immigrant worker to each prospective employer who is issued a permit under subsection (d) of this section during the transition period. Such supplemental fee shall be paid into the Treasury of the Commonwealth government for the purpose of funding ongoing vocational educational curricula and program development by Commonwealth educational entities.

(7) Asylum

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) shall not apply during the transition period to persons physically present in the Commonwealth or arriving in the Commonwealth (whether or not at a designated port of arrival), including persons brought to the Commonwealth after having been interdicted in international or United States waters.

(b) Numerical limitations for nonimmigrant workers

(1) In general

(A) Nonimmigrant workers generally

An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a non-immigrant worker under section 101(a)(15)(H) of the Immigration and Nationality Act (8 USC¹ 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 USC¹ 1184(g)).

(B) H-2B workers

In the case of such an alien who seeks admission under section 101(a)(15)(H)(ii)(b) of such Act [8 U.S.C. 1101(a)(15)(H)(ii)(b)], such alien, if otherwise qualified, may, before October 1, 2023, be admitted under such section for a period of up to 3 years to perform service or labor on Guam or the Commonwealth pursuant to any agreement entered into by a prime contractor or subcontractor calling for services or labor required for performance of a contract² or subcontract for construction, repairs, renovations, or facility services that is directly connected to, or as-

¹ So in original. Probably should be “U.S.C.”

² So in original. Probably should be “contract”.