

in support of Israel. As world leaders gather in New York City for the General Assembly, the world must know that Americans and all people who value freedom and the rights and dignity of human beings around the world stand with Israel as it defends itself against unwarranted, unprovoked attacks from terrorists and their state sponsors.

It is essential for those of us who care deeply about what is happening in Israel now to recognize that Israel's struggle is a struggle on behalf of a future where people will be able to live in peace and security. The kidnapping of Israeli soldiers that precipitated the conflicts in Lebanon and Gaza have not yet been resolved, and it is essential that Israel's abducted soldiers are returned to Israel unconditionally. I have met with family members of one of the soldiers abducted in Israel near the Lebanese border who spoke eloquently and movingly about the importance of securing the safe return of the captured soldiers. Today I sent a letter to Jacob Kellenberger, president of the International Committee of the Red Cross, asking that he do whatever possible to determine the health and well-being of the three soldiers, to ensure that they have their full rights under the Geneva Conventions, and to do what he can to secure their release.

Israel's right to exist, and exist in safety, must never be put in question, and we must continue to stand up to offensive rhetoric and terrorist violence that threatens Israel's existence. Iranian President Mahmoud Ahmadinejad, a repeated purveyor of offensive rhetoric, is currently visiting New York for the United Nations General Assembly. It is my hope that world leaders will convey the message that through his statements calling for Israel's destruction and support for the terrorists who rain rockets on Israeli civilians and abduct its soldiers, President Ahmadinejad continues to lessen his standing as a credible world leader in the community of nations.

ARMENIAN INDEPENDENCE

Mrs. BOXER. Mr. President, I take this opportunity to recognize and celebrate the important milestone of the 15th anniversary of Armenian independence.

Armenia has a rich history which spans more than 3000 years. Considered one of the cradles of civilization, Armenia was the first country in the world to officially adopt Christianity as its religion. The Armenian alphabet and language have helped ensure the continuation of a vibrant Armenian culture, despite great odds and numerous attempts to destroy the Armenian nation and the Armenian people.

I was honored to witness the resiliency, courage, and spirit of the Armenian people when I visited Armenia as a Member of Congress in 1991, in the aftermath of the devastating earthquake. During that trip, my commit-

ment to recognizing the Armenian genocide was further strengthened.

In 1915, the Ottoman Turks attempted to annihilate the Armenian people in a brutal genocide. To this day, the Turkish Government refuses to acknowledge the atrocities for what they were—a systematic genocide. Not only were the Armenian people able to survive the genocide, but they kept their small nation alive. It was a great victory when the first Republic of Armenia was formed in 1918 following the Armenian genocide. But again, Armenia faced dissolution when it was taken over by the Soviet Union in 1920; the short-lived independence of Armenia ended when it became a Soviet Republic in the USSR.

Again, the Armenian people persevered despite their loss of independence and despite more devastation. In 1988, disaster hit when an earthquake rocked Armenia, killing approximately 50,000 people and leaving more than half a million people homeless.

Then, on September 23, 1991, Armenia declared its independence from the Soviet Union and formed the second Republic of Armenia. This was a rebirth of the independent state of Armenia and an historic moment for an oppressed country. It was a cause for celebration for Armenians around the world.

I am proud that the United States helped the newly independent Armenian nation during its transition to democracy. In December, 1991, the United States formally recognized the independence of Armenia, and the two countries established diplomatic relations with embassies in each country in January 1992.

But more remains to be done. This 15th anniversary offers an opportunity to celebrate the United States' relationship with Armenia and to renew our commitment to this country and our calls for Armenian genocide recognition.

Following September 11, 2001, Armenia was one of the first countries to respond with assistance to the United States. Armenia provided embassy protection and clearance for U.S. flight, shared intelligence, and froze bank accounts. The U.S. friendship with Armenia remains critical in our fight against terrorism. The United States must never forget Armenia's help and must do all it can to help this independent, democratic nation prosper.

On this milestone 15th anniversary, I am honored to recognize Armenian independence. I pledge to do all I can to assist Armenia and my Armenian-American constituents in California.

WELCOMING KAZAKHSTAN PRESIDENT NURSULTAN NAZARBAYEV

Ms. LANDRIEU. Mr. President, next week the United States will welcome President Nursultan Nazarbayev, the leader of the Republic of Kazakhstan. Fifteen years ago 15 independent states were formed after the collapse of the

Soviet Union. The international community has followed the aftermath of these events in that part of the world with great interest.

Kazakhstan has demonstrated important economic gains during this period. The reforms which have been carried out thus far have allowed it to become one of the world's rapidly developing economies with an annual growth of 9–10 percent. Additionally, it has become the place for common ground among its various ethnic and spiritual groups.

As ethnic and religious conflicts divide regions around the world, Kazakhstan is working to preserve broad interfaith tolerance by creating the Congress of World and Traditional Religions. This program unites a predominantly Muslim country with more than 40 other faiths and fosters a dialog which assists in overcoming religious differences.

One cannot overlook Kazakhstan's contribution to nonproliferation and promotion of global security. Kazakhstan had the world's fourth largest nuclear arsenal, and renounced this lethal heritage without any pressure or coercion.

Independent Kazakhstan is a young nation, yet it has shown tremendous progress and occupies a worthy place in the international community. President Nursultan Nazarbayev has made significant contributions to the establishment of strong and friendly relations with the United States.

After the tragic events on September 11, 2001, Kazakhstan extended its generosity to the people of the United States and after Hurricane Katrina it offered its generous support to the people of Louisiana.

Today our countries enjoy a solid foundation for the continued flourishing of a partnership along the entire spectrum of bilateral relations. Kazakhstan is a dependable partner of the United States in the global war on terrorism. I am confident the upcoming visit of President Nazarbayev to the United States will deepen and strengthen the strategic partnership between our two countries.

NORTHERN MARIANA ISLANDS

Mr. BINGAMAN. Mr. President, the Commonwealth of the Northern Mariana Islands, CNMI, became a part of the United States 30 years ago with high expectations, but today they are an American community in deep distress. The CNMI economy is being bled by a rapid decline in its garment industry as the result of new international trade rules, by losses in its tourism industry, and by the loss of over \$100 million each year in wages that are sent offshore by foreign guest workers. The community on Saipan, where 90 percent of the population resides is experiencing increasing problems with water quality and service, the electric system has returned to scheduled outages after years of reliable service, and overburdened wastewater systems cause regular contamination of the land, air,

and water. The Government has recently made layoffs in an effort to balance the budget and has even cut back the number of workdays for those who continue to have jobs. Unemployment is conservatively estimated at 14 percent and rising, and a shocking 65 percent of children receive food assistance. Only 6 months ago, the Government asked Congress for an unprecedented \$140 million in new appropriations to maintain government operations and meet critical needs.

There are many reasons for this dire situation; some are temporary, others are systemic. One of the systemic causes of this situation which should be addressed promptly by Congress and the administration is the local government's labor and immigration policies, particularly their promotion of an extremely high population growth rate, 500 percent in 30 years, and their promotion of the use of alien guest workers instead of U.S. citizens for nearly all private sector occupations. In order to establish a stable and sustainable foundation for the CNMI's future, a new Federal immigration and labor policy framework and Federal institutions are needed to properly control the borders and to properly manage the guest worker program.

When the CNMI became a U.S. territory in 1976, most U.S. laws were immediately extended. However, the granting of U.S. citizenship to the inhabitants and the extension of U.S. immigration law were not to occur until "after termination of the Trusteeship Agreement"; that is, not until after the international community, acting through the United Nations, recognized the extension of U.S. sovereignty over the islands by terminating the U.N. Trusteeship Agreement.

Unfortunately, during the 10-year period between U.S. approval of the covenant in 1976 and U.N. termination of the trusteeship in 1986, the CNMI began the importation of foreign workers to exploit a combination of immigration, wage, and trade privileges. In 1986, the Reagan administration wrote to the CNMI Governor stating that "the tremendous growth in alien labor [is] . . . extremely disturbing" and urged "timely and effective action to reverse the . . . situation." The administration warned that "the uncontrolled influx of alien workers . . . can only result in increased social and cultural problems." The CNMI policy was also inconsistent with the legislative history of the covenant which states that local immigration control was intended to restrict immigration in order to protect the indigenous community from being overwhelmed by immigrants.

Notwithstanding these concerns expressed by the Reagan administration, and later the Bush and Clinton administrations, the CNMI continued to import alien guest workers and other, nonworker, aliens. The population of 16,000 in 1976 has exploded to an estimated 80,000 today.

Mr. President, in 1999, the Northern Mariana Islands Covenant Act Imple-

mentation Act was reported favorably by the Committee on Energy and Natural Resources, and it passed the U.S. Senate by unanimous consent in 2000. It would have extended the Immigration and Nationality Act, INA, to the CNMI as anticipated under the covenant agreement which joined the United States and CNMI in political union in 1976. The measure was reintroduced in the 107th Congress and was again reported favorably by the Energy Committee. I was pleased that the measure continued to have bipartisan support at that time, including the "strong support" of the administration.

On June 21, 2006, I joined with my colleague and the chairman of the Energy Committee, PETE DOMENICI, in a letter to the Secretary of the Interior, copied to the Attorney General and the Secretary of Homeland Security, asking whether there have been developments that would cause the administration to alter its support for this bill. We have not yet received a reply.

Mr. President, I ask unanimous consent that a copy of the recent letter to Secretary Kempthorne, a copy of the original, 2001 letter of support from the administration, and a copy of a section-by-section summary of the legislation all be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 2.)

Mr. BINGAMAN. Mr. President, I believe the reasons the Administration and Congress should continue to support legislative action are compelling, and I present them here for the consideration of my colleagues and the public. In short, there are five reasons that legislation is needed to more fully implement the covenant agreement that ties the CNMI and the United States in political union: the lack of local institutional capacity, national security, ineffective law enforcement against organized crime, an unsustainable economic model, and inadequate protection for alien workers. I believe that any one of these reasons is a basis for the administration to reaffirm its support. All five reasons make the case for continued support overwhelming.

First, congressional action is needed because the CNMIs lack the institutional capacity to control its borders or to properly manage immigration and guest worker programs. In 1997, reports by both the U.S. Immigration and Naturalization Service, INS, and by the bipartisan U.S. Commission on Immigration Reform found that the CNMI does not have, and never will have, the capacity to properly control its borders because border control requires sovereign authority to operate overseas consulates, issue visas, and have access to classified national and international "watch" lists. During the Energy Committee's hearings on this legislation in September of 1999, the General Counsel of the INS, Mr. Bo Cooper, was asked, "Do you foresee any

circumstances under which the government of the Commonwealth could operate an immigration system that is satisfactory to the Federal Government?" Mr. Cooper responded, "No, I do not." This fundamental fact has not changed with time, and it alone constitutes a basis for enacting legislation to extend Federal immigration control to the CNMI.

Second, Federal legislative action is needed because the post-9/11 environment requires that the United States secure its borders. The CNMI is an American community that deserves that same level of protection from attack as other American communities. The United States also has important military assets and training facilities in the CNMI, and our Nation's Naval and Air Force bases in nearby Guam are increasingly important both regionally and globally. The threat from North Korea, tension between Taiwan and China, and terrorist activity in the nations of Southeast Asia, all underscore the strategic importance of the Marianas. Yet the lack of institutional capacity to secure the borders underscores the vulnerability of the Marianas, and the Nation. Border control is an inherently sovereign function, and given the increasing importance of the Marianas, the increased threats they face, and the obligation of the President to protect all U.S. communities, this function can no longer be delegated to local authorities.

A third reason for congressional action is the CNMI's lack of capacity to screen for criminals entering the islands. This deficiency has contributed to the establishment of organized crime elements from Japan, China, and Russia in the community and to an increase in illegal drug, gambling, prostitution, and trafficking crimes associated with such elements. The 1997 INS report found that: "[There are] serious deficiencies in all facets of the Marianas' current system of immigration enforcement and control" and "There appears to be universal recognition amongst the Mariana Government Authorities that various organized crime groups, such as the Japanese Yakuza, the Chinese Triads, and the Russian Mafia have made inroads into the Marianas . . . Few of these persons are ever detected at the port-of-entry or apprehended while in the Marianas." The report recommended that Congress enact legislation to extend the Immigration and Nationality Act.

A fourth reason for congressional action is to change CNMI immigration and labor policies that are unsustainable and contribute to the distress the community now faces. The CNMI, promotes the use of guest workers to fill virtually all private sector jobs: unskilled, skilled, and even professional jobs. In addition, both the CNMI Government and the private sector earn income from the hiring of alien workers but not from hiring U.S. citizens. Consequently, those U.S. citizens who cannot find increasingly

scarce Government work are left to go on welfare or emigrate. Unemployment is conservatively estimated at 14 percent and rising. An astounding 65 percent of children are on food assistance. Also contributing to this unsustainable economic model is the problem of wage remittances. For 2005, it was reported that guest worker remittances to their home countries was well in excess of \$100 million. These remittances are bleeding the community of wealth that is no longer available to buy goods and services, create jobs, and otherwise stimulate economic activity for the benefit of the community.

The CNMI's labor and immigration policies also contribute to an unsustainable economy because they result in huge population growth rates which have overwhelmed the community's infrastructure and services. Most of these new residents are very low-wage or no-wage migrants who are a net drain on the economy, consuming more in public services than they contribute in taxes. As a result, water and power are rationed; sewage fouls the land, air, and water; and healthcare and education facilities are seriously overcrowded. Each year the economy struggles to support growing numbers of unemployed U.S. citizens, as well as thousands of nonworking alien and illegal alien residents.

Finally, local labor and immigration policies contribute to an unsustainable economy because the resulting high crime and deteriorating infrastructure create disincentives to investment. Gone are the clean and open beaches and the reliable utilities and services that attracted new hotel and tourist investment 20 years ago. Instead, the CNMI has asked the Congress for a \$140 million bailout to sustain an economic model that is fundamentally flawed.

The fifth reason Federal legislative action is needed is to protect guest workers from abuse. Abuse of workers was the driving force behind congressional establishment of the Federal-CNMI Initiative on Labor, Immigration, and Law Enforcement in 1994. Following establishment of this program, Interior Department investigations confirmed the allegations of outrageous abuses, from widespread and systematic cheating of workers out of wages, to improper confinement, to coerced abortions. The worst of these abuses have apparently ended, in part through the efforts of the U.S. Department of the Interior's labor ombudsman. This office was established under the initiative in 1999 as a stop-gap measure because the Energy Committee's efforts to enact reform legislation had run into insurmountable opposition in the U.S. House of Representatives. The Interior labor ombudsman's responsibility was, and remains, to advocate on behalf alien workers; to give them a voice in the face of the inadequately funded and often indifferent local bureaucracy.

Unfortunately, the 2006 ombudsman's report states that while there have

been improvements in the treatment of guest workers, "There are still a number of serious problems that have yet to be effectively addressed by local government officials: ensuring the health and safety of alien workers; inadequate prevention efforts to curb labor abuses through periodic regulatory inspections; unacceptable delay in investigating and adjudicating worker complaints due to failure to allocate sufficient resources to the Department of Labor; difficulty rooting out corruption within the agencies tasked with regulating alien entry and work permitting, and an inability or unwillingness to prosecute repeat offenders."

Mr. President, if, after 12 years of effort, the chief Federal labor official in the CNMI still finds such systemic problems in the local government's capabilities and commitment to stop the abuse of guest workers, then it is clearly time for Congress to enact reform legislation. Stop-gap measures have only resulted in stop-gap solutions. If foreign-national guest workers continue to be mistreated under the U.S. flag, then it is the duty of the Congress to extend the Federal laws and institutions necessary for their protection.

I am disappointed with the lack of priority which the Department of the Interior has given the CNMI Initiative during recent years. Since 2000 the Department has failed to submit an annual report on the initiative. This year the report was finally submitted but only after the Department was twice directed to do so in congressional appropriations report language. As for content, the report is completely inadequate. It was composed only of a statement by the Interior labor ombudsman and it failed to include the input of Federal law enforcement officials or any of the socioeconomic data needed to properly assess socioeconomic and law enforcement trends in the islands. Without regular tracking of census and economic data, such as population, household income, and government revenues and expenditures, Congress must rely upon press reports to assess conditions in the islands. Nevertheless, the information contained in the Department's narrowly scoped report still leads to the conclusion that conditions have not fundamentally changed with respect to the protection of guest workers, and Federal legislative action is still needed.

Any one of these five reasons—lack of institutional capacity, border control, law enforcement, unsustainable economics, and inadequate worker protection—is sufficient cause for Federal action. All five reasons make an overwhelming case. Certain fundamental facts that existed in 2001 when the administration first announced its support for legislation remain unchanged. For example, the CNMI still lacks the capacity to properly operate immigration and guest worker programs. Other facts are new and provide further jus-

tification for the administration to reaffirm its support. For example, after 9/11 the United States is at greater risk of attack and must secure its borders and protect the U.S. citizens of the Marianas as we protect all communities on American soil

Border security and immigration control are inherent functions of national sovereignty that were intended to be extended to the CNMI following international recognition of the extension of U.S. sovereignty over the islands. That recognition occurred in 1986. As predicted by the Reagan administration 20 years ago, the failure of Congress to extend these laws has resulted in unacceptable social and cultural problems. Four U.S. administrations have expressed serious concern with these conditions, and two administrations have endorsed legislation to extend the INA with appropriate protections for the local economy. There have been no developments since 2001 that provide a basis for the administration to alter its strong support for this approach. In fact, the case for extending Federal policies and institutions to the CNMI to protect the community and to stabilize its economy is more compelling than ever.

I look forward to receipt of the administration's reply to the committee's June 21 2006 letter, and to working with them, Chairman DOMENICI, and representatives of the CNMI on legislation to extend Federal immigration policies and institutions to the CNMI as anticipated by the covenant and as needed to protect the community and restore its economy to a sustainable future.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, June 21, 2006.

Hon. DIRK KEMPTHORNE,
Secretary, U.S. Department of the Interior,
Washington, DC.

DEAR SECRETARY KEMPTHORNE: The U.S. Senate is currently engaged in a debate regarding our Nation's immigration policies, including discussion of border security, labor demand, and the status of persons currently in the country without legal status. As members of the Committee on Energy and Natural Resources which has jurisdiction with respect to the Territories of the United States, we have, over the course of several years, considered these issues with respect to the Commonwealth of the Northern Mariana Islands (CNMI).

On June 5, 2001, the Committee reported legislation, the Northern Mariana Islands Covenant Implementation Act (S. 507, S. Rpt. 107-28) that would have extended Federal immigration law to the CNMI with certain transition, exemption, and assistance provisions. This legislation was reported with a statement of support by the Administration as set forth in the letter of May 15, 2001 from Assistant Attorney General Daniel J. Bryant to then-Chairman Frank H. Murkowski.

Given the passage of time, we are writing to ask whether there have been any developments in the CNMI that would cause the Administration to readdress their statement from 2001. We ask that you please provide a response within 30 days, as Chairman of the Interagency Group on Insular Affairs, and direct any questions that you may have to

Josh Johnson or Allen Stayman of the Committee staff at 202-224-4971. Thank you in advance for your assistance.

Sincerely,

PETE V. DOMENICI,
Chairman.
JEFF BINGAMAN,
Ranking Member.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 15, 2001.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice on S. 507, the "Northern Mariana Islands Covenant Act." We strongly support S. 507.

S. 507 would extend the Immigration and Nationality Act to the Commonwealth of the Northern Mariana Islands ("CNMI"). It contains special provisions to allow for the orderly application of national immigration law, taking into account the local economy in this newest United States territory. S. 507 is identical to S. 1052 from the 106th Congress.

We believe that S. 507 would improve immigration policy by guarding against the exploitation and abuse of individuals, by helping to ensure that the United States adheres to its international treaty obligation to protect refugees, and by further hindering the entry into United States territory of aliens engaged in international organized crime, terrorism, or other such activities. Consequently, we support S. 507 and urge its passage.

This bill has resource implications for the Executive branch. If it passes, we look forward to working with the appropriate committees to ensure that the necessary resources are dedicated to achieve the purpose of the bill.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of further assistance. The Office of Management and Budget has advised us that, from the standpoint of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

Identical letter sent to the Honorable Jeff Bingaman, Ranking Minority Member.

NORTHERN MARIANA ISLANDS COVENANT
IMPLEMENTATION ACT, 107TH CONGRESS.
SECTION-BY-SECTION ANALYSIS

Section 1. Short title and purpose. The statement of purpose is intended to guide and direct Federal agencies in implementing the provisions of this Act, and states, in part:

"... it is the intention of Congress in enacting this legislation: (1) to ensure effective immigration control by extending the Immigration and Nationality Act with special provisions to allow for the orderly phasing-out of the non-resident contract worker program of the Commonwealth of the Northern Mariana Islands, and the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth of the Northern Mariana Islands; and to minimize, to the greatest extent possible, potential adverse effects this orderly phase-out might have on the economy of the Commonwealth of the Northern Mariana Islands. . . ."

Section 2. Immigration reform for the Commonwealth of the Northern Mariana Islands. Subsection (a) amends Public Law 94-241 which approved the Covenant to Establish a Commonwealth of the Northern Mar-

iana Islands in Political Union with the United States of America by adding a new section 6 at the end.

The new Covenant Section 6: provides for the orderly extension of Federal immigration laws to the CNMI under a transition program designed to minimize adverse effects on the economy. Specific provisions are made to ensure access to workers in legitimate businesses after the end of the transition and for the adjustment of those foreign workers who are presently in the CNMI and who have been continuously employed in a legitimate business for the past five years.

Subsection (a): provides, except for any extensions that may be provided by the Attorney General to specific industries in accordance with the provisions of subsection (d), for a transition program ending after eight years to provide for the issuance of: non-immigrant temporary alien worker; family-sponsored, and employment-based immigrant visas.

Subsection (b): addresses the special problems faced by employers in the CNMI due to the Commonwealth's unique geographic and labor circumstances by providing an exemption from the normal numerical limitations on the admission of H-2B temporary workers found in the INA. This subsection enables CNMI employers to obtain sufficient temporary workers, if United States labor and lawfully admissible freely associated state citizen labor are unavailable, for labor sensitive industries such as the construction industry.

Subsection (c): sets forth several requirements during the transition program which must be met with respect to temporary alien workers who would otherwise not be eligible for nonimmigrant classification under the INA. The intent of this subsection is to provide a smooth transition from the CNMI's current system. The Secretary of Labor will be guided by the Act, including the Statement of Purpose and the explanation in the Committee Amendments section of the Committee Report in establishing the system for the allocating and determining the number of permits. Subsection (j) provides for petitions to adjust the status of certain long-term employees. If any petitions are granted under subsection (j), the number of permits are to be reduced accordingly to the extent that the system adopted by the Secretary of Labor assumed an allocation of permits for the positions held by persons whose status is adjusted under subsection (j).

Subsection (d): provides general limitations on the initial admission of most family-sponsored and employment-based immigrants to the CNMI, as well as a mechanism for exemptions to these general limitations. This subsection is intended to address the concerns expressed by this Committee, in approving the Covenant in 1976, regarding the effect that uncontrolled immigration may have on small island communities. This subsection further provides for a "fail-safe" mechanism to permit, in cases of labor shortages, that certain unskilled immigrant worker visas intended for the CNMI be exempted from the normal worldwide and per-country limitations found in the INA for such unskilled workers. This subsection does not increase the overall number of aliens who may immigrate to the United States each year.

Paragraph (1): of this subsection authorizes the Attorney General, after consultation with the governor and the leadership of the Legislature of the CNMI and in consultation with other Federal Government agencies, to exempt certain family-sponsored immigrants who intend to reside in the CNMI from the general limitations on initial admission at a port-of-entry in the CNMI or in Guam. For example, unless the CNMI recommends oth-

erwise, most aliens seeking to immigrate to the CNMI on the basis of a family-relationship with a United States citizen or lawful permanent resident would be required to be admitted as a lawful permanent resident at a port-of-entry other than the CNMI or in Guam, such as Honolulu.

Paragraph (2): generally provides the Attorney General with the authority to admit, under certain exceptional circumstances and after consultation with federal and local officials, a limited number of employment-based immigrants without regard to the normal numerical limitations under the INA. The purpose of this provision is to provide a "fail-safe" mechanism during the transition program in the event the CNMI is unable to obtain sufficient workers who are otherwise authorized to work under U.S. law. This paragraph would also provide a mechanism for extending the "fail-safe" mechanism beyond the end of the transition program, for a specified period of time, with respect to legitimate businesses in the CNMI.

Subparagraph (A): provides that the Attorney General, after consultation with the Secretary of Labor and the Governor and leadership of the Legislature of the CNMI, may find that exceptional circumstances exist which preclude employers in the CNMI from obtaining sufficient work-authorized labor. If such a finding is made, the Attorney General may establish a specific number of employment-based immigrant visas to be made available under section 203(b) of the INA during the following fiscal year. The labor certification requirements of section 212(a)(5) will not apply to an alien seeking benefits under this subsection.

Subparagraph (B): permits the Secretary of State to allocate up to the number of visas requested by the Attorney General without regard to the normal per-country or 'other worker' employment-based third preference numerical limitations on visa issuance. These visas would be allocated first from unused employment-based third preference visa numbers, and then, if necessary, from unused alien entrepreneur visa numbers.

Subparagraph (C): deals with entry of persons with employment-based immigrant visas. Persons who are otherwise eligible for lawful permanent residence under the transition program may have their status adjusted in the CNMI.

Subparagraph (D): provides that any immigrant visa issued pursuant to this paragraph shall be valid only to apply for initial admission to the CNMI. Any employment-based immigrant visas issued on the basis of a finding of 'exceptional circumstances' as described in subparagraph (A) above, would be valid for admission for lawful permanent residence and employment only in the CNMI during the first five years after initial admission. Such visas would not authorize permanent residence or employment in any other part of the United States during this five-year period. The subparagraph also provides for the issuance of appropriate documentation of such admission, and, consistent with the INA, requires an alien to register and report to the Attorney General during the five-year period. This five-year condition is intended to prevent an alien from using the CNMI-only transition program as a loophole to gain employment in another part of the United States. Without this condition, such an alien, as a lawful permanent resident, would be eligible to work anywhere in the United States, thereby avoiding the lengthy (seven years or longer) waiting period currently faced by other aliens seeking unskilled immigrant worker visas.

Subparagraph (E): provides that an alien who is subject to the five-year limitation under this paragraph may, if he or she is otherwise eligible, apply for an immigrant visa

or admission as a lawful permanent resident on another basis under the INA.

Subparagraph (F): provides for the removal from the United States, of any alien subject to the five-year limitation if the alien violates the provisions of this paragraph, or if the alien is found to be removable or inadmissible under applicable provisions of the INA.

Subparagraph (G): provides the Attorney General with the authority to grant a waiver of the five-year limitation in certain extraordinary situations where the Attorney General finds that the alien would suffer exceptional and extremely unusual hardship were such conditions not waived. The benefits of this provision would be unavailable to a person who has violated the terms and conditions of his or her permanent resident status, such as an alien who has engaged in the unauthorized employment.

Subparagraph (H): provides for the expiration of limitations after five years.

Subparagraph (I): provides for not more than two five-year extensions, as necessary, of the employment-based immigrant visa programs of this paragraph, with respect to workers in legitimate businesses in the tourism industry. This provision is designed to ensure that there be a sufficient number of workers available to fill positions in the tourism industry after the transition period ends. The subparagraph also permits a single five-year extension for legitimate businesses in other industries. The provisions are explained more fully under the discussion of Committee Amendments.

Subsection (e): provides further detail regarding nonimmigrant investor visas.

Subsection (f): provides further detail regarding persons lawfully admitted into the CNMI under local law.

Subsection (g): provides travel restrictions for certain applicants for asylum.

Subsection (h): deals with the effect of these provisions on other law.

Subsection (i): provides that no time spent by an alien in the CNMI in violation of CNMI law would count toward admission and is self-explanatory.

Subsection (j): provides a one-time grandfather for certain long-term employees and is more fully discussed in the section of the Report describing the Committee Amendment.

Section 2, subsection (b): provides for three conforming amendments to the INA.

Section 2, subsection (c): provides for technical assistance to specifically charge the Secretary of Commerce to provide technical assistance to encourage growth and diversification of the local economy and the Secretary of Labor to provide assistance to recruit, train, and hire persons authorized to work in the U.S.

Section 2, subsection (d): provides administrative authority for the Departments of Justice and Labor to implement the statute.

Section 2, subsection (e): provides for a report to Congress.

Section 2, subsection (f): limits the number of alien workers present in the CNMI prior to the transition program effective date.

Section 2, subsection (g): authorizes appropriations.

CONDEMNING DRIVE HUNTS

Mr. LAUTENBERG. Mr. President, I rise today to discuss the inhumane and unnecessary annual slaughter of small cetaceans, including Dall's porpoise, the bottlenose dolphin, Risso's dolphin, false killer whales, pilot whales, the striped dolphin, and the spotted dolphin, by Japan's drive fishery.

Drive hunts are run by fishers who use scare tactics to herd, chase, and corral the animals into shallow waters where they are trapped and then killed or hauled off live to be sold into captivity. The overexploitation of these highly social and intelligent animals for decades has resulted in the serious decline, and in some cases, the commercial extinction, of these species.

On April 7, 2005, I introduced Senate Resolution 99 to help end this inhumane and unnecessary practice and urged participating countries to stop the brutal treatment of these animals. Fishers have killed small cetaceans along the coastlines of Japan for centuries with no regard for the humanness or sustainability of the hunt. Currently, up to 20,000 small cetaceans of several species are killed in Japanese drive and harpoon hunts each year. In the last two decades, more than 400,000 have been slaughtered in Japan alone.

The cruelty endured by dolphins and whales caught in drive hunts is immense. Aboard motorized boats, drive hunt fishers loudly bang metal pipes over the side of their boats to disorient the animals and drive them toward shore where they are trapped by nets and stabbed with long knives, usually just behind the blowhole or across the throat. Many of the animals eventually die from blood loss and hemorrhagic shock or their spinal cord is severed.

Today, the Humane Society of the United States/Humane Society International, Animal Welfare Institute, and Whale and Dolphin Conservation Society are joining with concerned citizens throughout this country and around the world to gather in peaceful demonstrations to express their concern for the welfare of these animals. I, too, join them in condemning these brutal and senseless hunts.

TRIBUTE TO JUDGE JAMES DEANDA

Mr. LEAHY. Mr. President, this afternoon I would like to take a moment to mark the passing of a great American—Judge James DeAnda. Judge DeAnda died of cancer on September 7, 2006, at the age of 81. He was appointed to the Federal bench by President Jimmy Carter in 1979 and served as judge on the U.S. District Court for the Southern District of Texas until his retirement in 1992. Before his distinguished tenure as a Federal trial judge, James DeAnda was a tireless civil rights advocate with what has become known as a “voracious appetite for justice.”

Born in Houston, TX, James DeAnda was the son of Mexican immigrants. He attended Texas A&M University and served in the U.S. Marines during World War II before graduating from the University of Texas Law School in 1950, when there were only a handful of Hispanic law students. James DeAnda returned to Houston after graduation, but he had difficulty finding work because White law firms refused to hire a

Hispanic lawyer. Not one to be discouraged, James DeAnda joined another Hispanic lawyer to form a legal practice dedicated to representing Hispanic Americans.

In one of his earliest cases, James DeAnda was a member of the four-person legal team behind *Hernandez v. Texas*, 1954, the first case tried by Mexican American attorneys before the U.S. Supreme Court. In *Hernandez*, the Supreme Court overturned the murder conviction of a Hispanic man by an all-White jury and for the first time gave Hispanics status as a distinct legal classification deserving of special protection under the Constitution. This case represented a watershed moment in our civil rights history because it opened the door to voting rights, education, and employment challenges by Hispanic Americans. James DeAnda himself used this newly attained classification to fight the segregation of Hispanic children within public schools. He was involved in a number of cases including *Cisneros v. Corpus Christi Independent School District*, 1970, in which the Supreme Court extended for the first time *Brown v. the Board of Education* to Hispanics.

In 1968, James DeAnda helped found the Mexican American Legal Defense and Educational Fund, MALDEF. As one of our Nation's leading Latino advocacy organizations, MALDEF played a crucial role in Judiciary Committee hearings on reauthorization of the Voting Rights Act this year. Several MALDEF leaders testified before the Senate and House committees about the continued importance of the Voting Rights Act in ensuring equal access and fair representation for minority voters. MALDEF conducted extensive studies showing the unavailability of translated voting materials and language assistance to Spanish-speaking voters, despite the legal requirement that they be provided and clearly demonstrated the need for reauthorization of the Voting Rights Act.

Judge James DeAnda inspired generations of civil rights advocates. The continuing work of the organization he helped to found, MALDEF, serves as an enduring legacy to this great American. Our thoughts and prayers go out to his family.

GOLD STAR MOTHERS

Mr. ALLARD. Mr. President, 70 years ago, Congress passed a resolution proclaiming that the last Sunday in September be designated as Gold Star Mother's Day. As we approach the last Sunday in September, I would like to take this opportunity to recognize the Gold Star Mothers throughout the country and particularly those in the State of Colorado.

I hope that we will all take time this Sunday, September 24, to honor these mothers and fathers who have so bravely endured the loss of a son or daughter killed while serving in the Armed Forces. Colorado has lost many young