

105TH CONGRESS
1ST SESSION

S. 1275

To implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 1997

Mr. MURKOWSKI (for himself and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

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

3 **SECTION 1. SHORT TITLE AND REFERENCE.**

4 This Act may be cited as the “Northern Mariana Is-

5 lands Covenant Implementation Act”. Public Law 94–241

6 (90 Stat. 263, 48 U.S.C. 1801), which approved the Cov-

7 enant to Establish a Commonwealth of the Northern Mar-

8 iana Islands in Political Union with the United States of

1 America, as amended, hereinafter is referred to as the
2 “Covenant Act”.

3 **SEC. 2. IMMIGRATION REFORM FOR THE NORTHERN MARI-**
4 **ANA ISLANDS.**

5 (a) COVENANT ACT AMENDMENTS.—The Covenant
6 Act is amended to add the following new section 6 after
7 section 5:

8 **“SEC. 6. TRANSITION PROGRAM FOR IMMIGRATION.**

9 “Pursuant to section 503 of the Covenant to Estab-
10 lish a Commonwealth of the Northern Mariana Islands in
11 Political Union with the United States of America (ap-
12 proved in Public Law 94–241, 90 Stat. 263):

13 “(a) APPLICATION OF THE IMMIGRATION AND NA-
14 TIONALITY ACT AND ESTABLISHMENT OF A TRANSITION
15 PROGRAM.—Effective on the first day of the first full
16 month commencing one year after the date of enactment
17 of this section, the provisions of the Immigration and Na-
18 tionality Act, as amended, shall apply to the Common-
19 wealth of the Northern Mariana Islands, with a transition
20 period not to exceed ten years thereafter, during which
21 the Attorney General, in consultation with the Secretaries
22 of State, Labor, and Interior, shall establish, administer,
23 and enforce a transition program for immigration to the
24 Commonwealth of the Northern Mariana Islands (the
25 “transition program”). The transition program estab-

1 lished pursuant to this section shall provide for the issu-
2 ance of nonimmigrant temporary alien worker visas pursu-
3 ant to subsection (b), and, under the circumstances set
4 forth in subsection (c), for family-sponsored and employ-
5 ment-based immigrant visas. The transition program shall
6 be implemented pursuant to regulations to be promulgated
7 as appropriate by each agency having responsibilities
8 under the transition program.

9 “(b) TEMPORARY ALIEN WORKERS.—The transition
10 program shall conform to the following requirements with
11 respect to temporary alien workers who would otherwise
12 not be eligible for nonimmigrant classification under the
13 Immigration and Nationality Act, as amended:

14 “(1) Aliens admitted under this subsection shall
15 be treated as aliens seeking classification as non-
16 immigrants under section 101(a)(15) of the Immi-
17 gration and Nationality Act, as amended, including
18 the right to apply, if otherwise eligible, for a change
19 of nonimmigrant status under section 248 of the Im-
20 migration and Nationality Act, as amended, or ad-
21 justment of status, if eligible therefor, under sub-
22 section (c) of this section and section 245 of the Im-
23 migration and Nationality Act, as amended.

24 “(2)(A) The Secretary of Labor shall establish,
25 administer, and enforce a system for allocating and

1 determining the number, terms, and conditions of
2 permits to be issued to prospective employers for
3 each temporary alien worker who would not other-
4 wise be eligible for admission under the Immigration
5 and Nationality Act, as amended. This system shall
6 provide for a reduction in the allocation of permits
7 for such workers on an annual basis, over a period
8 not to exceed ten years. In no event shall a permit
9 be valid beyond the expiration of the transition pe-
10 riod. This system may be based on any reasonable
11 method and criteria determined by the Secretary of
12 Labor to promote the maximum use of, and to pre-
13 vent adverse effects on wages and working condi-
14 tions of, United States labor and lawfully admissible
15 freely associated state citizen labor.

16 “(B) The Secretary of Labor is authorized to
17 establish and collect appropriate user fees for the
18 purpose of this section. Amounts collected pursuant
19 to this section shall be deposited to a special fund
20 of the Treasury. Such amounts shall be available, to
21 the extent and in the amounts as provided in ad-
22 vance in appropriations acts, for the purposes of ad-
23 ministering this section. Such amounts are author-
24 ized to be appropriated to remain available until ex-
25 pended.

1 “(3) The Attorney General shall set the condi-
2 tions for admission of nonimmigrant temporary alien
3 workers under the transition program, and the Sec-
4 retary of State shall authorize the issuance of non-
5 immigrant visas for aliens to engage in employment
6 only as authorized in this subsection: *Provided*, That
7 such visas shall not be valid for admission to the
8 United States, as defined in section 101(a)(38) of
9 the Immigration and Nationality Act, as amended,
10 except the Northern Mariana Islands. An alien ad-
11 mitted to the Northern Mariana Islands on the basis
12 of such a nonimmigrant visa shall be permitted to
13 engage in employment only as authorized pursuant
14 to the transition program. No alien shall be granted
15 nonimmigrant classification or a visa under this sub-
16 section unless the permit requirements established
17 under paragraph (2) of this subsection have been
18 met.

19 “(4) An alien admitted as a nonimmigrant pur-
20 suant to this subsection shall be permitted to trans-
21 fer between employers in the Northern Mariana Is-
22 lands during the period of such alien’s authorized
23 stay therein, provided that such transfer is author-
24 ized by the Attorney General in accordance with cri-

1 teria established by the Attorney General and the
2 Secretary of Labor.

3 “(c) IMMIGRANTS.—With the exception of immediate
4 relatives, as defined in section 201(b)(2) of the Immigra-
5 tion and Nationality Act, as amended, and except as pro-
6 vided in paragraphs (1) and (2) of this subsection, no alien
7 shall be granted initial admission as a lawful permanent
8 resident of the United States at a port-of-entry in the
9 Northern Mariana Islands, or at a port-of-entry in Guam
10 for the purpose of immigrating to the Northern Mariana
11 Islands:

12 “(1) FAMILY-SPONSORED IMMIGRANT VISAS.—
13 The Attorney General, based on a joint rec-
14 ommendation of the Governor and Legislature of the
15 Commonwealth of the Northern Mariana Islands,
16 and in consultation with appropriate federal agen-
17 cies, may establish a specific number of additional
18 initial admissions as a family-sponsored immigrant
19 at a port-of-entry in the Northern Mariana Islands,
20 or at a port-of-entry in Guam for the purpose of im-
21 migrating to the Northern Mariana Islands, pursu-
22 ant to sections 202 and 203(a) of the Immigration
23 and Nationality Act, as amended, during the follow-
24 ing fiscal year.

25 “(2) EMPLOYMENT-BASED IMMIGRANT VISAS.—

1 “(A) If the Secretary of Labor, upon re-
2 ceipt of a joint recommendation of the Governor
3 and Legislature of the Commonwealth of the
4 Northern Mariana Islands, finds that excep-
5 tional circumstances exist with respect to the
6 inability of employers in the Northern Mariana
7 Islands to obtain sufficient work-authorized
8 labor, the Attorney General may establish a
9 specific number of employment-based immi-
10 grant visas to be made available during the fol-
11 lowing fiscal year under section 203(b) of the
12 Immigration and nationality Act, as amended.

13 “(B) Upon notification by the Attorney
14 General that a number has been established
15 pursuant to subparagraph (A) of this para-
16 graph, the Secretary of State may allocate up
17 to that number of visas without regard to the
18 numerical limitations set forth in sections 202
19 and 203(b)(3)(B) of the Immigration and Na-
20 tionality Act, as amended. Visa numbers allo-
21 cated under this subparagraph shall be allo-
22 cated first from the number of visas available
23 under section 203(b)(3) of the Immigration and
24 Nationality Act, as amended, or, if such visa
25 numbers are not available, from the number of

1 visas available under section 203(b)(5) of such
2 Act.

3 “(C) Persons granted employment-based
4 immigrant visas under the transition program
5 may be admitted initially at a port-of-entry in
6 the Northern Mariana Islands, or at a port-of-
7 entry in Guam for the purpose of immigrating
8 to the Northern Mariana Islands, as lawful per-
9 manent residents of the United States.

10 “(D) Any immigrant visa issued pursuant
11 to this paragraph shall be valid only for applica-
12 tion for initial admission to the Northern Mari-
13 ana Islands. The admission of any alien pursu-
14 ant to such an immigrant visa shall be an ad-
15 mission for lawful permanent residence and em-
16 ployment only in the Northern Mariana Islands
17 during the first five years after such admission.
18 Such admission shall not authorize permanent
19 residence or employment in any other part of
20 the United States during such five-year period.
21 An alien admitted for permanent residence pur-
22 suant to this paragraph shall be issued appro-
23 priate documentation identifying the person as
24 having been admitted pursuant to the terms
25 and conditions of this transition program, and

1 shall be required to comply with a system for
2 the registration and reporting of aliens admit-
3 ted for permanent residence under the transi-
4 tion program, to be established by the Attorney
5 General, by regulation, consistent with the At-
6 torney General's authority under Chapter 7 of
7 Title II of the Immigration and Nationality
8 Act, as amended.

9 “(E) Nothing in this paragraph shall pre-
10 clude an alien who has obtained lawful perma-
11 nent resident status pursuant to this paragraph
12 from applying, if otherwise eligible under this
13 section and under the Immigration and Nation-
14 ality Act, as amended, for an immigrant visa
15 or admission as a lawful permanent resident
16 under the Immigration and Nationality Act, as
17 amended.

18 “(F) Any alien admitted under this sub-
19 section, who violates the provisions of this para-
20 graph, or who is found removable or inadmis-
21 sible under section 237(a), or paragraphs (1),
22 (2), (3), (4)(A), (4)(B), (6), (7), (8), or (9) of
23 section 212(a), shall be removed from the Unit-
24 ed States pursuant to sections 239, 240, and

1 241 of the Immigration and Nationality Act, as
2 amended.

3 “(G) The Attorney General may establish
4 by regulation a procedure by which an alien
5 who has obtained lawful permanent resident
6 status pursuant to this paragraph may apply
7 for a waiver of the limitations on the terms and
8 conditions of such status. The Attorney General
9 may grant the application for waiver, in the dis-
10 cretion of the Attorney General, if: (1) the alien
11 is not in removal proceedings, (2) the alien has
12 been a person of good moral character for the
13 preceding five years, (3) the alien has not vio-
14 lated the terms and conditions of the alien’s
15 permanent resident status, and (4) the alien
16 would suffer exceptional and extremely unusual
17 hardship were such terms and conditions not
18 waived.

19 “(H) The limitations on the terms and
20 conditions of an alien’s permanent residence set
21 forth in this paragraph shall expire at the end
22 of five years after the alien’s admission to the
23 Northern Mariana Islands as a permanent resi-
24 dent and the alien is thereafter fully subject to
25 the provisions of the Immigration and National-

1 ity Act, as amended. Following the expiration of
2 such limitations, the permanent resident alien
3 may engage in any lawful activity, including
4 employment, anywhere in the United States.
5 Such an alien, if otherwise eligible for natu-
6 ralization, may count the five-year period in the
7 Northern Mariana Islands towards time in the
8 United States for purposes of meeting the resi-
9 dence requirements of Title III of the Immigra-
10 tion and Nationality Act, as amended.

11 “(d) INVESTOR VISAS.—The following requirements
12 shall apply to aliens who have been admitted to the North-
13 ern Mariana Islands in long-term investor status under
14 the immigration laws of the Commonwealth of the North-
15 ern Mariana Islands on or before the effective date of this
16 Act and who have continuously maintained residence in
17 the Northern Mariana Islands pursuant to such status:

18 “(1) Such aliens may apply to the Attorney
19 General or a consular officer for classification as a
20 nonimmigrant under the transition program. Any
21 nonimmigrant status granted as a result of such ap-
22 plication shall terminate not later than December
23 31, 2008.

24 “(2) During the six-month period beginning
25 January 1, 2008, and ending June 30, 2008, any

1 alien granted nonimmigrant status pursuant to
2 paragraph (1) of this subsection shall be permitted
3 to apply to the Attorney General for status as a law-
4 ful permanent resident of the United States effective
5 on or after January 1, 2009, and may be granted
6 such status if otherwise admissible. Upon granting
7 permanent residence to any such alien, the Attorney
8 General shall advise the Secretary of State who shall
9 reduce by one number, during the fiscal year in
10 which the grant of status becomes effective, the total
11 number of immigrant visas available to natives of
12 the country of the alien's chargeability under section
13 202(b) of the Immigration and Nationality Act, as
14 amended.

15 “(e) PERSONS LAWFULLY ADMITTED UNDER THE
16 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
17 IMMIGRATION LAW.—Subject to subsection (d) of this sec-
18 tion, persons who would have been lawfully present in the
19 Northern Mariana Islands pursuant to the immigration
20 laws of the Commonwealth of the Northern Mariana Is-
21 lands on the effective date of this subsection, shall be per-
22 mitted to remain in the Northern Mariana Islands for the
23 completion of the period of admission under such laws,
24 or for two years, which is less.

1 “(f) TRAVEL RESTRICTIONS FOR CERTAIN APPLI-
2 CANTS FOR ASYLUM.—Any alien admitted to the Northern
3 Mariana Islands pursuant to the immigration laws of the
4 Commonwealth of the Northern Mariana Islands or pursu-
5 ant to subsections (b) or (c) of this section who files an
6 application seeking asylum in the United States shall be
7 required, pursuant to regulations established by the Attor-
8 ney General, to remain in the Northern Mariana Islands,
9 during the period of time the application is being adju-
10 dicated or during any appeals filed subsequent to such ad-
11 judication. An applicant for asylum who, during the time
12 his application is being adjudicated or during any appeals
13 filed subsequent to such adjudication, leaves the Northern
14 Mariana Islands of his own will without prior authoriza-
15 tion by the Attorney General thereby abandons the appli-
16 cation.

17 “(g) EFFECT ON OTHER LAWS.—Effective on the
18 first day of the first full month commencing one year after
19 the date of enactment of this section, the provisions of
20 this section and the Immigration and Nationality Act, as
21 amended, shall supersede and replace all laws, provisions,
22 or programs of the Commonwealth of the Northern Mari-
23 ana Islands relating to the admission of aliens and the
24 removal of aliens from the Northern Mariana Islands.”

1 “(h) ACCRUAL OF TIME.—No time of “unlawful pres-
2 ence” in the Northern Mariana Islands shall accrue for
3 purposes of the ground of inadmissibility in section
4 212(a)(9)(B) prior to the date of enactment of this sub-
5 section.

6 (b) CONFORMING AMENDMENTS.—(1) Effective on
7 the first day of the first full month commencing one year
8 after the date of enactment of this section, section 101(a)
9 of the Immigration and Nationality Act, as amended, is
10 amended as follows:

11 (A) in paragraph (36), by deleting “and the
12 Virgin Islands of the United States.” and substitut-
13 ing “the Virgin Islands of the United States, and
14 the Northern Mariana Islands.”; and

15 (B) in paragraph (38), by deleting “and the
16 Virgin Islands of the United States” and substitut-
17 ing “the Virgin Islands of the United States, and
18 the Northern Mariana Islands.”.

19 (2) Effective on the first day of the first full month
20 commencing on date of enactment of this section, sub-
21 section (l) of section 212 of the Immigration and National-
22 ity Act, as amended, is amended as follows:

23 (A) in paragraph (1),

1 (i) strike the words “stay on Guam”, and
2 insert the words “stay on Guam and the North-
3 ern Mariana Islands”,

4 (ii) after the word “exceed” insert the
5 words “a total of ”, and,

6 (iii) strike the words “after consultation
7 with the Governor of Guam,” and insert the
8 words “after respective consultation with the
9 Governor of Guam or the Governor of the Com-
10 monwealth of the Northern Mariana Islands,”;

11 (B) in subparagraph (A) of paragraph (1),
12 strike the words “on Guam”, and insert the words
13 “on Guam or the Northern Mariana Islands, respec-
14 tively,”;

15 (C) in subparagraph (A) of paragraph (2),
16 strike the words “into Guam”, and insert the words
17 “into Guam or the Northern Mariana Islands, re-
18 spectively,”; and

19 (D) in paragraph (3), strike the words “Gov-
20 ernment of Guam” and insert the words “Govern-
21 ment of Guam or the Government of the Common-
22 wealth of the Northern Mariana Islands”.

23 (c) TECHNICAL ASSISTANCE PROGRAM.—The Sec-
24 retaries of the Interior and Labor, in consultation with
25 the Commonwealth of the Northern Mariana Islands, shall

1 develop a program of technical assistance, including re-
2 cruitment and training, to aid employers in securing em-
3 ployees from among United States labor or lawfully admis-
4 sible freely associated state citizen labor.

5 (d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF
6 LABOR OPERATIONS.—The Attorney General and the De-
7 partment of Labor are authorized to establish and main-
8 tain Immigration and Naturalization Service, Executive
9 Office of Immigration Review, and Department of Labor
10 operations in the Northern Mariana Islands for the pur-
11 pose of performing their responsibilities under the Immi-
12 gration and Nationality Act, as amended, and under the
13 transition program. To the extent practicable and consist-
14 ent with the satisfactory performance of their assigned re-
15 sponsibilities under applicable law, the Departments of
16 Justice and Labor shall recruit and hire from among
17 qualified applicants resident in the Northern Mariana Is-
18 lands for staffing such operations.

19 (e) REPORT TO THE CONGRESS.—The President
20 shall report to the Senate Committee on Energy and Nat-
21 ural Resources, and the House Committee on Resources,
22 within six months after the fifth anniversary of the enact-
23 ment of this Act, evaluating the overall effect of the transi-
24 tion program and the Immigration and Nationality Act on

1 the Northern Mariana Islands, and at other times as the
2 President deems appropriate.

3 (f) LIMITATION ON NUMBER OF TEMPORARY WORK-
4 ERS PRIOR TO APPLICATION OF THE IMMIGRATION AND
5 NATURALIZATION ACT AND ESTABLISHMENT OF THE
6 TRANSITION PROGRAM.—During the period between en-
7 actment of this section and the effective date of the transi-
8 tion program, the government of the Commonwealth of the
9 Northern Mariana Islands shall not permit an increase in
10 the total number of temporary alien workers who were
11 present in the Northern Mariana Islands on the date of
12 enactment of this section.

13 (g) APPROPRIATIONS.—There are authorized to be
14 appropriated such sums as may be necessary to carry out
15 the purposes of this section and of the Immigration and
16 Nationality Act, as amended, with respect to the Northern
17 Mariana Islands.

18 **SEC. 3. MINIMUM WAGE.**

19 The Covenant Act is amended to add the following
20 new section 7 after section 6:

21 **“SEC. 7. MINIMUM WAGE.**

22 “Pursuant to section 503 of the Covenant to Estab-
23 lish a Commonwealth of the Northern Mariana Islands in
24 Political Union with the United States of America (ap-
25 proved in Public Law 94–241, 90 Stat. 263)—

1 “(a) Effective thirty days after enactment of this Act,
2 the minimum wage provisions of section 6 of the Fair
3 Labor Standards Act of June 25, 1938 (52 Stat. 1062),
4 as amended, shall apply to the Commonwealth of the
5 Northern Mariana Islands except:

6 “(1) the minimum wage rate applicable to the
7 Commonwealth of the Northern Mariana Islands
8 shall be \$3.35 per hour; and

9 “(2) effective January 1, 1999, and every Janu-
10 ary 1 thereafter, the minimum wage rate applicable
11 to the Commonwealth of the Northern Mariana Is-
12 lands shall be raised by thirty cents per hour or the
13 amount necessary to raise the applicable minimum
14 wage rate to the wage rate set forth in section
15 6(a)(1) of the Fair Labor Standards Act, whichever
16 is less; and

17 “(b) Once the minimum wage rate applicable to the
18 Commonwealth of the Northern Mariana Islands is equal
19 to the wage rate set forth in section 6(a)(1) of the Fair
20 Labor Standards Act, the minimum wage rate applicable
21 to the Commonwealth of the Northern Mariana Islands
22 shall thereafter be the wage rate set forth in section
23 6(a)(1) of the Fair Labor Standards Act.

1 **SEC. 4. LABELING REQUIREMENTS FOR TEXTILE AND AP-**
2 **PAREL PRODUCTS.**

3 The Covenant Act is amended to add the following
4 new section 8 after section 7:

5 **“SEC. 8. LABELING OF TEXTILE AND APPAREL PRODUCTS.**

6 (a) No textile or apparel product that is produced in
7 the Northern Mariana Islands shall have a stamp, tag,
8 label, or other means of identification or substitute there-
9 for on or affixed to the product stating ‘Made in USA’
10 or otherwise stating or implying that the product was pro-
11 duced in the United States unless the product is produced
12 in a factory certified by the United States Department of
13 Labor, in accordance with regulations issued by the Sec-
14 retary of Labor, to use full-time employee equivalents of
15 labor in the required percentage of qualified hours.

16 “(b) A textile or apparel product that does not meet
17 the requirements of subsection (a), or where the certifi-
18 cation by the United States Department of Labor is based
19 on false or incomplete information provided to the United
20 States Department of Labor, shall be deemed to be mis-
21 branded for the purposes of the Textile Fiber Products
22 Identification Act (Public Law 85–897, 72 Stat. 1717).

23 “(c) In this section:

24 “(1) **FREELY ASSOCIATED STATE.**—The term
25 ‘freely associated state’ means the Republic of

1 Palau, the Republic of the Marshall Islands, or the
2 Federated States of Micronesia.

3 “(2) QUALIFIED HOURS.—The term ‘qualified
4 hours’ means the hours of labor performed by a per-
5 son who is a citizen, national, or other protected in-
6 dividual as defined in section 274B(a)(3) of the Im-
7 migration and Nationality Act, as amended (without
8 regard to application for naturalization), or who is
9 a citizen of a freely associated state (as long as sec-
10 tion 141 in the respective Compacts of Free Associa-
11 tion with the Republic of the Marshall Islands, the
12 Federated States of Micronesia or the Republic of
13 Palau (Public Law 99–239 or Public Law 99–658)
14 or equivalent provisions are in effect).

15 “(3) REQUIRED PERCENTAGE.—The term ‘re-
16 quired percentage’ means—

17 “(A) 20 percent, for the period beginning
18 January 1, 1998, through December 31, 1998;

19 “(B) 35 percent, for the period beginning
20 January 1, 1999, through December 31, 1999;
21 and

22 “(C) 50 percent, for the period beginning
23 January 1, 2000, and thereafter.”

1 **SEC. 5. TARIFFS.**

2 General Note 3(a)(iv) of the Harmonized Tariff
3 Schedules of the United States is amended to add at the
4 end the following:

5 “(E) No textile or apparel product that is
6 produced in the Northern Mariana Islands shall
7 be admitted duty-free into the customs territory
8 of the United States as the product of an insu-
9 lar possession, unless the product is produced
10 in a factory certified by the United States De-
11 partment of Labor, in accordance with regula-
12 tions issued by the Secretary of Labor, to use
13 full-time employee equivalents of labor in the
14 required percentage of qualified hours. In this
15 subparagraph:

16 “(i) **FREELY ASSOCIATED STATE.**—
17 The term ‘freely associated state’ means
18 the Republic of Palau, the Republic of the
19 Marshall Islands, or the Federated States
20 of Micronesia.

21 “(ii) **QUALIFIED HOURS.**—The term
22 ‘qualified hours’ means the hours of labor
23 performed by a person who is a citizen, na-
24 tional, or other protected individual as de-
25 fined in section 274B(a)(3) of the Immi-
26 gration and Nationality Act, as amended

1 (without regard to application for natu-
2 ralization), or who is a citizen of a freely
3 associated state (as long as section 141 in
4 the respective Compacts of Free Associa-
5 tion with the Republic of the Marshall Is-
6 lands, the Federated States of Micronesia
7 or the Republic of Palau (Public Law 99-
8 239 or Public Law 99-658) or equivalent
9 provisions are in effect).

10 “(iii) REQUIRED PERCENTAGE.—The
11 term ‘required percentage’ means—

12 “(I) 20 percent, for the period
13 beginning January 1, 1998, through
14 December 31, 1998;

15 “(II) 35 percent, for the period
16 beginning January 1, 1999, through
17 December 31, 1999; and

18 “(III) 50 percent, for the period
19 beginning January 1, 2000, and
20 thereafter.”

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