

105TH CONGRESS
1ST SESSION

H. R. 1450

To provide certain requirements for labeling textile fiber products and to implement minimum wage and immigration requirements in the Commonwealth of the Northern Mariana Islands.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 1997

Mr. MILLER of California (for himself, Mr. LIPINSKI, Mr. KLECZKA, Mr. BERMAN, Mr. STARK, Mr. PALLONE, Mr. ABERCROMBIE, Mr. DINGELL, Mr. MCGOVERN, Mr. KUCINICH, Mr. CLAY, Mr. HINCHEY, Mr. OLVER, Mr. EVANS, Mrs. MINK of Hawaii, Ms. MCKINNEY, Ms. PELOSI, Mrs. CLAYTON, Mr. DELLUMS, Mr. GREEN, Mr. GEJDENSON, Mr. KIND, Mr. SANDERS, Mr. FRANK of Massachusetts, Mr. HEFNER, Mr. LANTOS, Mr. SPRATT, and Mr. BROWN of Ohio) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide certain requirements for labeling textile fiber products and to implement minimum wage and immigration requirements in the Commonwealth of the Northern Mariana Islands.

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.**

4 This Act may be cited as the “Insular Fair Wage and
5 Human Rights Act of 1997”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) article V of section 503 of the Covenant
4 which established a Commonwealth of the Northern
5 Mariana Islands provided the Commonwealth of the
6 Northern Mariana Islands with an exemption from
7 the minimum wage provisions of the Fair Labor
8 Standards Act because immediate application of that
9 Act could have disrupted the struggling local econ-
10 omy of that Commonwealth;

11 (2) the economy of the Commonwealth of the
12 Northern Mariana Islands has grown significantly
13 and, in 1994, annual gross business revenues had
14 risen to \$1,470,000,000;

15 (3) the current minimum wage in the Common-
16 wealth of the Northern Mariana Islands is only
17 \$2.90 per hour for the garment and construction in-
18 dustry workers and \$3.05 per hour for those work-
19 ing in other industries;

20 (4) the legislature of the Commonwealth of the
21 Northern Mariana Islands reversed a law that would
22 have provided for small, incremental increases in the
23 Commonwealth of the Northern Mariana Islands
24 minimum wage until that wage reached the Feder-
25 ally-mandated wage;

1 (5) all workers on United States soil should be
2 paid a living wage;

3 (6) to allay any concerns of the Commonwealth
4 of the Northern Mariana Islands that United States
5 immigration laws would allow unrestricted immigra-
6 tion into the small island communities, article V of
7 the Covenant which established a Commonwealth of
8 the Northern Mariana Islands provided the Com-
9 monwealth of the Northern Mariana Islands with a
10 partial exemption from the Immigration and Natu-
11 ralization Act until Congress acts to make other pro-
12 visions of that law applicable to the Commonwealth
13 of the Northern Mariana Islands;

14 (7) the Commonwealth of the Northern Mari-
15 ana Islands then instituted a largely unrestricted im-
16 migration policy, resulting in a population of over
17 58,800 people with foreign workers outnumbering
18 United States citizens;

19 (8) the Commonwealth of the Northern Mari-
20 ana Islands has used its immigration policy to re-
21 cruit a large, low-cost foreign workforce of des-
22 perately poor individuals with virtually no voice to
23 demand safe living and working conditions or better
24 wage and benefit options;

1 (9) the recruitment of this large, low-cost for-
2 eign workforce has led to an unemployment rate of
3 14 percent among United States citizens in the
4 Commonwealth of the Northern Mariana Islands;

5 (10) garments made in the Commonwealth of
6 the Northern Mariana Islands may carry a “Made
7 in USA” label, deceiving consumers as to the con-
8 ditions under which the garments have been made
9 and competing directly with garments made on the
10 United States mainland by workers paid a living
11 wage working in a safe environment;

12 (11) “sweatshop” conditions exist in the Com-
13 monwealth of the Northern Mariana Islands, where
14 employers—

15 (A) provide unsafe and unhealthy working
16 and living environments;

17 (B) use bonded and indentured foreign la-
18 borers;

19 (C) do not pay wages required under the
20 Fair Labor Standards Act; and

21 (D) refuse to recognize the legal rights of
22 workers to form labor unions without the fear
23 of retaliation; and

24 (12) the government of the Commonwealth of
25 the Northern Mariana Islands has been ineffective in

1 raising the wage and living standards for workers,
2 stemming the flow of immigration onto United
3 States soil, and aggressively prosecuting labor and
4 human rights abuses.

5 **SEC. 3. AMENDMENTS.**

6 The Joint Resolution entitled “Joint Resolution to
7 approve the ‘Covenant To Establish a Commonwealth of
8 the Northern Mariana Islands in Political Union with the
9 United States of America’, and for other purposes” ap-
10 proved March 24, 1976 (48 U.S.C. 1801 et seq.), is
11 amended—

12 (1) by adding at the end the following new sec-
13 tion:

14 **“SEC. 7. LABELING OF TEXTILE FIBER PRODUCTS.**

15 “(a) IN GENERAL.—No textile fiber product shall
16 have a stamp, tag, label, or other means of identification
17 or substitute therefore on or affixed to the product stating
18 ‘Made in the USA’ or otherwise stating or implying that
19 the product was made or assembled in the United States
20 unless—

21 “(1) each individual providing direct labor in
22 production of such textile fiber product was paid a
23 wage equal to or greater than the wage set by sec-
24 tion 8; and

1 “(2) the product was manufactured in compli-
2 ance with all Federal laws relating to labor rights
3 and working conditions, including, but not limited
4 to, the National Labor Relations Act, the Occupa-
5 tional Safety and Health Act of 1970, and the Fair
6 Labor Standards Act of 1938.

7 “(b) A textile fiber product which does not comply
8 with subsection (a) shall be deemed to be misbranded for
9 purposes of the Textile Fiber Products Identification Act
10 (15 U.S.C. 70 et seq.).

11 “(c) DEFINITION.—For purposes of this section the
12 term ‘direct labor’ includes any work provided to prepare,
13 assemble, process, package, or transport a textile fiber
14 product, but does not include supervisory, management,
15 security, or administrative work.”;

16 (2) by adding, after the new section added by
17 paragraph (1), the following new section:

18 **“SEC. 8. MINIMUM WAGE.**

19 “The minimum wage provisions of the Fair Labor
20 Standards Act of 1938 (29 U.S.C. 201 et seq.), shall apply
21 to the Commonwealth of the Northern Mariana Islands,
22 except that—

23 “(1) through December 31, 1997, the minimum wage
24 applicable to the Commonwealth of the Northern Mariana
25 Islands shall be \$3.55 per hour;

1 “(2) on January 1, 1998, and on July 1 and January
2 1 of each year thereafter, the minimum wage applicable
3 to the Commonwealth of the Northern Mariana Islands
4 shall be \$0.50 per hour more than the minimum wage that
5 was applicable to the Commonwealth of the Northern Mar-
6 iana Islands for the preceding six-month period until the
7 minimum wage applicable to the Commonwealth of the
8 Northern Mariana Islands is equal to the minimum wage
9 rate set forth in section 6(a)(1) of the Fair Labor Stand-
10 ards Act of 1938; and

11 “(3) after the minimum wage applicable to the Com-
12 monwealth of the Northern Mariana Islands is equal to
13 the minimum wage rate set forth in section 6(a)(1) of the
14 Fair Labor Standards Act of 1938, pursuant to paragraph
15 (2), the minimum wage applicable to the Commonwealth
16 of the Northern Mariana Islands shall increase as nec-
17 essary to remain equal to the minimum wage rate set forth
18 in section 6(a)(1) of the Fair Labor Standards Act of
19 1938.”; and

20 (3) by adding, after the new sections added by
21 paragraphs (1) and (2), the following new section:

22 **“SEC. 9. APPLICABILITY OF IMMIGRATION LAWS.**

23 “Section 506(a) of the foregoing Covenant shall be
24 construed and applied as if it included at the end the fol-
25 lowing subsection:

1 “(e)(1) For purposes of entry into the Northern
2 Mariana Islands by any individual (but not for purposes
3 of entry by an individual into the United States from the
4 Northern Mariana Islands), the Immigration and Nation-
5 ality Act shall apply as if the Northern Mariana Islands
6 were a State (as defined in section 101(a)(36) of the Im-
7 migration and Nationality Act). The Attorney General,
8 acting through the Commissioner of Immigration and
9 Naturalization, shall enforce the preceding sentence.

10 “(2) Notwithstanding paragraph (1), with respect to
11 an individual seeking entry into the Northern Mariana Is-
12 lands for purposes of employment in the textile, hotel,
13 tourist, or construction industry (including employment as
14 a contractor), the Federal statutes and regulations govern-
15 ing admission to Guam of individuals described in section
16 101(a)(15)(H)(ii)(b) of the Immigration and Nationality
17 Act shall apply. Such statutes and regulations shall be so
18 applied by substituting the term “United States citizen,
19 national, or resident workers” for the term “United States
20 resident workers”, and by substituting the term “the
21 Northern Mariana Islands” for the term “Guam” each
22 place it appears.

23 “(3) When deploying personnel to enforce the provi-
24 sions of this section, the Attorney General shall coordinate
25 with, and act in conjunction with, State and local law en-

1 enforcement agencies to ensure that such deployment does
2 not degrade or compromise the law enforcement capabili-
3 ties and functions currently performed by immigration of-
4 ficers.’.’.

5 **SEC. 4. REPORT.**

6 (a) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, the Secretary of the Interior
8 shall include the results of the study required by sub-
9 section (b) in the annual report transmitted to Congress
10 which is entitled “Federal-CNMI Initiative on Labor, Im-
11 migration, and Law Enforcement”.

12 (b) STUDY.—A study shall be conducted of the extent
13 of human rights violations and labor rights violations in
14 the Commonwealth of the Northern Mariana Islands, in-
15 cluding the use of forced or indentured labor, and any ef-
16 forts being taken by the government of the United States
17 or the Commonwealth of the Northern Mariana Island to
18 address or prohibit such violations.

19 (c) CONSULTATION REGARDING STUDY.—Appro-
20 priate local government officials, law enforcement agen-
21 cies, and non-governmental organizations active in insti-
22 tuting and protecting human and labor rights may be con-
23 sulted when preparing and conducting the study required
24 by subsection (b).

1 **SEC. 5. EFFECT ON OTHER LAW.**

2 The provisions of paragraph (1) of section 3 shall be
3 in addition to, but shall not otherwise modify, the require-
4 ments of the Textile Fiber Products Identification Act (15
5 U.S.C. 70 et seq.).

6 **SEC. 6. EFFECTIVE DATES.**

7 (a) LABELING OF TEXTILE FIBER PRODUCTS; IMMI-
8 GRATION OF WORKERS.—The amendment made by para-
9 graph (1) of section 3 and the provision of the amendment
10 made by paragraph (3) of section 3 which is designated
11 as “(e)(2)” shall take effect on the date of the enactment
12 of this Act.

13 (b) MINIMUM WAGE.—The amendment made by
14 paragraph (2) of section 3 shall take effect 30 days after
15 the date of the enactment of this Act.

16 (c) IMMIGRATION.—Except as provided in subsection
17 (a), the amendment made by paragraph (3) of section 3
18 shall apply to individuals entering the Northern Mariana
19 Islands after the expiration of the 6-month period begin-
20 ning with the date of the enactment of this Act.

21 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated such sums as
23 may be necessary to carry out the provisions of this Act.

○