

109TH CONGRESS
2^D SESSION

H. R. 5550

To provide certain requirements for labeling textile fiber products and for duty-free and quota-free treatment of products of, and to implement minimum wage and immigration requirements in, the Northern Mariana Islands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2006

Mr. GEORGE MILLER of California (for himself, Mr. SPRATT, Ms. SOLIS, Ms. PELOSI, Mr. MCGOVERN, Mr. UDALL of Colorado, Mr. CONYERS, Mrs. MCCARTHY, Mr. GRIJALVA, Mr. LANTOS, and Ms. DELAURO) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide certain requirements for labeling textile fiber products and for duty-free and quota-free treatment of products of, and to implement minimum wage and immigration requirements in, the Northern Mariana Islands, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “United States-Commonwealth of the Northern Marianas
4 Human Dignity Act”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments.
- Sec. 3. Authority of Customs service to board ships.
- Sec. 4. Rate of wages for laborers and mechanics.
- Sec. 5. Economic diversification, job creation, and job training program.
- Sec. 6. Labor and human rights study; report.
- Sec. 7. Effect on other law.
- Sec. 8. Study and recommendations on immigration and national security vulnerabilities.

7 **SEC. 2. AMENDMENTS.**

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

14 **“SEC. 7. LABELING OF MADE IN THE USA PRODUCTS.**

15 “(a) IN GENERAL.—A product, including a textile
16 fiber product, that leaves the territory of the Northern
17 Mariana Islands for shipment to any place in the United
18 States or abroad may not have a stamp, tag, label, or
19 other means of identification or substitute therefor on or
20 affixed to the product stating ‘Made in USA’ or otherwise

1 stating or implying that the product was made or assem-
2 bled in the United States unless—

3 “(1) each individual providing direct labor in
4 production of such product was paid a wage equal
5 to or greater than the wage set by the Fair Labor
6 Standards Act of 1938 (29 U.S.C. 201 et seq.);

7 “(2) the product was produced or manufactured
8 in compliance with all Federal laws relating to labor
9 rights and working conditions, including, but not
10 limited to, the National Labor Relations Act, the
11 Occupational Safety and Health Act of 1970, and
12 the Fair Labor Standards Act of 1938;

13 “(3) the factory or other business concern pro-
14 ducing or manufacturing the product does not em-
15 ploy individuals under conditions of indentured ser-
16 vitude.

17 “(b) RESULT OF NONCOMPLIANCE REGARDING
18 ‘MADE IN THE USA’ PRODUCTS.—A textile fiber product,
19 which is stamped, tagged, labeled, or otherwise identified
20 in violation of subsection (a) shall be deemed to be willfully
21 misbranded for purposes of the Textile Fiber Products
22 Identification Act (15 U.S.C. 70 et seq.).

23 “(c) DEFINITIONS.—For purposes of the section:

24 “(1) DIRECT LABOR.—The term ‘direct labor’
25 includes any work provided to prepare, assemble,

1 process, package, or transport a product, but does
2 not include supervisory, management, security, or
3 administrative work.

4 “(2) INDENTURED SERVITUDE.—The term ‘in-
5 dentured servitude’ includes all labor for which an
6 alien worker is in the Commonwealth of the North-
7 ern Mariana Islands solely by virtue of an employ-
8 ment contract with a specific and sole employer or
9 ‘master’ who is in control of the duration of the stay
10 of the indentured alien worker in the Commonwealth
11 of the Northern Mariana Islands. If the worker dis-
12 pleases the employer/master, the contract is termi-
13 nated and the employee must leave the Common-
14 wealth of the Northern Mariana Islands.

15 **“SEC. 8. MINIMUM WAGE.**

16 “Section 503(c) of the foregoing Covenant shall be
17 construed and applied as if it read as follows:

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

22 ‘(1) prior to January 1, 2007, the minimum
23 wage rate applicable to the Commonwealth of the
24 Northern Mariana Islands shall be \$3.05 per hour;

1 ‘(2) between January 1, 2007 and December
2 31, 2007 inclusive, the minimum wage rate applica-
3 ble to the Commonwealth of the Northern Mariana
4 Islands shall be \$3.60 per hour;

5 ‘(3) between January 1, 2008 and December
6 31, 2008 inclusive, the minimum wage rate applica-
7 ble to the Commonwealth of the Northern Mariana
8 Islands shall be \$4.15 per hour;

9 ‘(4) on January 1, 2009 and at the beginning
10 of every calendar year thereafter, the minimum wage
11 rate applicable to the Commonwealth of the North-
12 ern Mariana Islands shall be increased from the pre-
13 vious wage by the lesser of \$1.00 per hour or the
14 amount needed to make the minimum wage rate ap-
15 plicable to the Commonwealth of the Northern Mar-
16 iana Islands equal to the minimum wage rate set
17 forth in section 6(a)(1) of the Fair Labor Standards
18 Act of 1938, until the minimum wage rate applicable
19 to the Commonwealth of the Northern Mariana Is-
20 lands is equal to the minimum wage rate set forth
21 in section 6(a)(1) of the Fair Labor Standards Act
22 of 1938;

23 ‘(5) once the minimum wage applicable to the
24 Commonwealth of the Northern Mariana Islands
25 equals the minimum wage rate set forth in section

1 “(4) the Commissioner of Customs has certified
2 that the Commonwealth of the Northern Mariana Is-
3 lands is taking adequate measures—

4 “(A) to prevent unlawful transshipment of
5 goods that is carried out by rerouting, false
6 declaration concerning country or place of ori-
7 gin, falsification of documents, evasion of
8 United States rules of origin, or any other
9 means; and

10 “(B) to prevent being used as a transit
11 point for the shipment of goods in violation of
12 any restriction on imports imposed under any
13 provision of law or applicable trade agreement.

14 “(b) PENALTIES AGAINST EXPORTERS.—If the
15 President determines, based on sufficient evidence, that
16 an exporter has willfully falsified information regarding
17 the country of origin, manufacture, processing, or assem-
18 bly of a product of the Northern Mariana Islands for
19 which duty-free or quota-free treatment is claimed, then
20 the President shall deny to such exporter, and any succes-
21 sors of such exporter, for a period of 2 years, duty-free
22 and quota-free treatment for such product.

23 “(c) DEFINITION.—For purposes of this section:

24 “(1) DIRECT LABOR.—The term ‘direct labor’
25 includes any work provided to prepare, assemble,

1 process, package, or transport a product, but does
2 not include supervisory, management, security, or
3 administrative work.

4 “(2) INDENTURED SERVITUDE.—The term ‘in-
5 dentured servitude’ includes all labor for which an
6 alien worker is in the Commonwealth of the North-
7 ern Mariana Islands solely by virtue of an employ-
8 ment contract with a specific and sole employer or
9 ‘master’ who is in control of the duration of the stay
10 of the indentured alien worker in the Commonwealth
11 of the Northern Mariana Islands. If the worker dis-
12 pleases the employer/master, the contract is termi-
13 nated and the employee must leave the Common-
14 wealth of the Northern Mariana Islands.

15 **“SEC. 10. APPLICABILITY OF IMMIGRATION LAWS.**

16 “Section 506 of the foregoing Covenant shall be con-
17 strued and applied as if it included at the end the fol-
18 lowing subsection:

19 ‘(e)(1) The provisions of the Immigration and Na-
20 tionality Act shall apply to the Northern Mariana Islands
21 as if the Northern Mariana Islands were a State (as de-
22 fined in section 101(a)(36) of such Act), and a part of
23 the United States (as defined in section 101(a)(38) of
24 such Act). Such Act shall supersede and replace all laws,
25 provisions, or programs of the Commonwealth of the

1 Northern Mariana Islands relating to the admission and
2 removal of aliens from the Northern Mariana Islands.

3 ‘(2)(A) The Secretary of Homeland Security may ad-
4 just the status of an alien described in subparagraph (B)
5 to that of an alien lawfully admitted for permanent resi-
6 dence if the alien—

7 ‘(i) applies for such adjustment;

8 ‘(ii) is physically present in the Commonwealth
9 of the Northern Mariana Islands on the date such
10 application is filed;

11 ‘(iii) is admissible to the United States as an
12 immigrant;

13 ‘(iv) during the 5-year period preceding such
14 application, has been and still is a person of good
15 moral character;

16 ‘(v) has not accepted or continued in unauthor-
17 ized employment in the Commonwealth of the
18 Northern Mariana Islands prior to filing such appli-
19 cation, is not in unlawful immigration status on the
20 date of filing such application, and has not failed
21 (other than through no fault of the alien or for tech-
22 nical reasons) to maintain continuously a lawful sta-
23 tus since entry into the Commonwealth of the
24 Northern Mariana Islands; and

1 ‘(vi) establishes to the satisfaction of the Sec-
2 retary that the denial of such application would re-
3 sult in exceptional and extremely unusual hardship
4 to the alien.

5 ‘(B) The benefits provided by subparagraph (A) shall
6 apply to any alien who—

7 ‘(i) during the 4-year period preceding the date
8 of the enactment of the United States-Common-
9 wealth of the Northern Marianas Human Dignity
10 Act, was continuously authorized by the Government
11 of the Northern Mariana Islands (pursuant to the
12 immigration laws of the Commonwealth of the
13 Northern Mariana Islands) to enter into and remain
14 temporarily in the Northern Mariana Islands in
15 order to perform temporary service or labor in the
16 Northern Mariana Islands; or

17 ‘(ii) is the alien spouse or minor child of an
18 alien described in clause (i).

19 ‘(C) When an alien is granted the status of having
20 been lawfully admitted for permanent residence pursuant
21 to this paragraph, the Secretary of State shall not be re-
22 quired to reduce the number of immigrant visas author-
23 ized to be issued under the Immigration and Nationality
24 Act and the Secretary of Homeland Security shall not be
25 required to charge the alien any fee.

1 ‘(D) The definitions contained in the Immigration
2 and Nationality Act shall apply in the administration of
3 this paragraph. Nothing contained in this paragraph shall
4 be held to repeal, amend, alter, modify, effect, or restrict
5 the powers, duties, functions, or authority of the Secretary
6 of Homeland Security in the administration and enforce-
7 ment of such Act or any other law relating to immigration,
8 nationality, or naturalization. The fact that an alien may
9 be eligible to be granted the status of having been lawfully
10 admitted for permanent residence under this paragraph
11 shall not preclude the alien from seeking such status
12 under any other provision of law for which the alien may
13 be eligible.

14 ‘(3)(A) Except as provided in subparagraph (B),
15 paragraphs (1) and (2) shall take effect after the expira-
16 tion of the 3-month period beginning on the date of the
17 enactment of the United States-Commonwealth of the
18 Northern Marianas Human Dignity Act.

19 ‘(B) With respect to an alien who, on the day pre-
20 ceding the date of the enactment of the United States-
21 Commonwealth of the Northern Marianas Human Dignity
22 Act, is authorized by the Government of the Northern
23 Mariana Islands (pursuant to the immigration laws of the
24 Commonwealth of the Northern Mariana Islands) to enter
25 into and remain temporarily in the Northern Mariana Is-

1 lands in order to perform temporary service or labor in
2 the Northern Mariana Islands (and any relatives of the
3 alien if such relatives were authorized to accompany or
4 follow to join the alien)—

5 ‘(i) paragraph (1) shall apply to the alien begin-
6 ning after the earlier of—

7 ‘(I) the date on which such authorization
8 expires (such authorization not being subject to
9 extension or renewal by the Government of the
10 Northern Mariana Islands after the expiration
11 of the 3-month period beginning on the date of
12 the enactment of the United States-Common-
13 wealth of the Northern Marianas Human Dig-
14 nity Act);

15 ‘(II) the date that is 2 years after the date
16 of the enactment of the United States-Common-
17 wealth of the Northern Marianas Human Dig-
18 nity Act; or

19 ‘(III) the date on which the status of the
20 alien is adjusted to that of an alien lawfully ad-
21 mitted for permanent residence under para-
22 graph (2); and

23 ‘(ii) if otherwise eligible, the alien may apply for
24 adjustment of status under paragraph (2) beginning
25 on the effective date of such paragraph.

1 ‘(4) When deploying personnel to enforce the provi-
2 sions of this subsection, the Secretary of Homeland Secu-
3 rity shall coordinate with, and act in conjunction with,
4 State and local law enforcement agencies to ensure that
5 such deployment does not degrade or compromise the law
6 enforcement capabilities and functions currently per-
7 formed by immigration officers.’”.

8 **SEC. 3. AUTHORITY OF CUSTOMS SERVICE TO BOARD**
9 **SHIPS.**

10 Section 467 of the Tariff Act of 1930 (19 U.S.C.
11 1467) is amended by striking “or the Virgin Islands,”
12 each place it appears and inserting “, the Virgin Islands,
13 or the Commonwealth of the Northern Mariana Islands,”.

14 **SEC. 4. RATE OF WAGES FOR LABORERS AND MECHANICS.**

15 No Federal assistance of any kind, including funds
16 made available through Acts of appropriation, may be
17 used for or in relation to any project for construction, al-
18 teration, or repair (including painting and decorating) of
19 public buildings or public works within the geographical
20 limits of the Northern Mariana Islands and which requires
21 or involves the employment of mechanics or laborers, un-
22 less the project is subject to a contract that contains the
23 following:

24 (1) A provision requiring that the minimum
25 wages to be paid the laborers and mechanics work-

1 ing on or in relation to the project shall be at a rate
2 set by the Secretary of Labor that is not less than
3 the minimum wage set forth in section 6 of the Fair
4 Labor Standards Act of 1938 (29 U.S.C. 206).

5 (2) A provision requiring the contractor or his
6 subcontractor to pay all mechanics and laborers em-
7 ployed directly upon the site of the work, uncondi-
8 tionally and not less often than once a week, and
9 without subsequent deduction or rebate on any ac-
10 count, the full amounts accrued at time of payment,
11 computed at wage rates not less than those stated
12 in the contract, regardless of any contractual rela-
13 tionship which may be alleged to exist between the
14 contractor or subcontractor and such laborers and
15 mechanics.

16 (3) A provision requiring that the scale of
17 wages to be paid shall be posted by the contractor
18 in a prominent and easily accessible place at the site
19 of the work in English and the predominant lan-
20 guage of each worker.

21 (4) A provision requiring that there shall be
22 withheld from the contractor so much of accrued
23 payments as may be considered necessary by the
24 contracting officer to pay to laborers and mechanics
25 employed by the contractor or any subcontractor on

1 the work the difference between the rates of wages
2 required by the contract to be paid laborers and me-
3 chanics on the work and the rates of wages received
4 by such laborers and mechanics and not refunded to
5 the contractor, subcontractors, or their agents.

6 **SEC. 5. ECONOMIC DIVERSIFICATION, JOB CREATION, AND**
7 **JOB TRAINING PROGRAM.**

8 (a) IN GENERAL.—The Secretary of the Interior, in
9 consultation with the Secretaries of Commerce and Labor,
10 shall develop a program of technical assistance, including
11 recruitment and training, to aid employers in the Com-
12 monwealth of the Northern Mariana Islands in securing
13 employees from among United States authorized labor, in-
14 cluding lawfully admissible freely associated state citizen
15 labor.

16 (b) FUNDS AVAILABLE.—For each of the first 5 fis-
17 cal years beginning after the date of enactment of this
18 Act, \$500,000 shall be made available from funds appro-
19 priated to the Secretary of the Interior pursuant to Public
20 Law 104–134 for the Federal-CNMI Immigration, Labor
21 and Law Enforcement Initiative for the following activi-
22 ties:

23 (1) TECHNICAL ASSISTANCE FOR JOB DIVER-
24 SIFICATION.—Not less than \$200,000 shall be avail-
25 able to reimburse the Secretary of Commerce for

1 providing additional technical assistance and other
2 support to the Commonwealth of the Northern Mar-
3 iana Islands to identify opportunities for and en-
4 courage diversification and growth of the Common-
5 wealth economy. The Secretary of Commerce shall
6 consult with the Government of the Commonwealth
7 of the Northern Mariana Islands, local businesses,
8 the Secretary of the Interior, regional banks, and
9 other experts in the local economy and shall assist
10 in the development and implementation of a process
11 to identify opportunities for and encourage diver-
12 sification and growth of the Commonwealth econ-
13 omy. All expenditures, other than for the costs of
14 Federal personnel, shall require a non-Federal
15 matching contribution of 50 percent and the Sec-
16 retary of Commerce shall provide a report on activi-
17 ties to the Committee on Energy and Natural Re-
18 sources and the Committee on Appropriations of the
19 Senate and the Committee on Resources and the
20 Committee on Appropriations of the House of Rep-
21 resentatives by March 1 of each year. The Secretary
22 of Commerce may supplement the funds provided
23 under this section with other funds and resources
24 available to the Secretary and shall undertake such
25 other activities, pursuant to existing authorities of

1 the Department, as the Secretary decides will en-
2 courage diversification and growth of the Common-
3 wealth economy.

4 (2) TECHNICAL ASSISTANCE FOR JOB TRAIN-
5 ING.—Not less than \$300,000 shall be available to
6 reimburse the Secretary of Labor for providing addi-
7 tional technical and other support to the Common-
8 wealth of the Northern Mariana Islands to train and
9 actively recruit and hire persons authorized to work
10 in the United States, including lawfully admissible
11 freely associated state citizen labor, to fill employ-
12 ment vacancies in the Commonwealth of the North-
13 ern Mariana Islands. The Secretary of Labor shall
14 consult with the Governor of the Commonwealth of
15 the Northern Mariana Islands, local businesses, the
16 College of the Northern Marianas, the Secretary of
17 the Interior and the Secretary of Commerce and
18 shall assist in the development and implementation
19 of such a training program. All expenditures, other
20 than for the costs of Federal personnel, shall require
21 a non-Federal matching contribution of 50 percent
22 and the Secretary of Labor shall provide a report on
23 activities to the Committee on Energy and Natural
24 Resources and the Committee on Appropriations of
25 the Senate and the Committee on Resources and the

1 Committee on Appropriations of the House of Rep-
2 resentatives by March 1 of each year. The Secretary
3 of Labor may supplement the funds provided under
4 this section with other funds and resources available
5 to him and shall undertake such other activities,
6 pursuant to existing authorities of the Department,
7 as he decides will assist in such a training program
8 in the Commonwealth of the Northern Mariana Is-
9 lands.

10 **SEC. 6. LABOR AND HUMAN RIGHTS STUDY; REPORT.**

11 (a) STUDY.—The Secretary of the Interior shall con-
12 duct a study of the extent of human rights violations and
13 labor rights violations in the Northern Mariana Islands,
14 including the use of forced or indentured labor, and any
15 efforts being taken by the Government of the United
16 States or the Government of the Northern Mariana Island
17 to address or prohibit such violations.

18 (b) REPORT.—Not later than 1 year after the date
19 of the enactment of this Act, the Secretary of the Interior
20 shall transmit to the Committee on Resources of the
21 House of Representatives and the Committee on Energy
22 and Natural Resources of the Senate a report on the re-
23 sults of the study required by subsection (a).

24 (c) CONSULTATION.—Appropriate Federal agencies,
25 local government officials, law enforcement agencies, and

1 nongovernmental organizations active in instituting and
2 protecting human and labor rights may be consulted when
3 conducting the study and preparing the report required
4 by this section.

5 **SEC. 7. EFFECT ON OTHER LAW.**

6 (a) **TEXTILE FIBER PRODUCTS IDENTIFICATION**
7 **ACT.**—The provisions of the amendments made by this
8 Act shall be in addition to, but shall not otherwise modify,
9 the requirements of the Textile Fiber Products Identifica-
10 tion Act (15 U.S.C. 70 et seq.).

11 (b) **TRAFFICKING VICTIMS PROTECTION ACT OF**
12 **2000.**—Notwithstanding any other provision of law, the
13 provisions of the Trafficking Victims Protection Act of
14 2000 (22 U.S.C. 7101 et seq.) shall apply in the Common-
15 wealth of the Northern Mariana Islands.

16 **SEC. 8. STUDY AND RECOMMENDATIONS ON IMMIGRATION**
17 **AND NATIONAL SECURITY VULNERABILITIES.**

18 (a) **STUDY.**—The Secretary of the Interior, in con-
19 sultation with the Secretary of Homeland Security, shall
20 conduct a study to determine security and immigration
21 vulnerabilities in the Northern Mariana Islands. The study
22 shall include a risk assessment of all ports of entry and
23 critical infrastructure, an evaluation of the extent of orga-
24 nized crime in the Northern Mariana Islands, and an eval-
25 uation of whether and how to further incorporate the

1 Northern Mariana Islands into the Federal immigration
2 and customs system.

3 (b) REPORT AND RECOMMENDATIONS.—Not later
4 than 1 year after the date of the enactment of this Act,
5 the Secretary of the Interior shall transmit to the Com-
6 mittee on Homeland Security, the Committee on Re-
7 sources, and the Committee on the Judiciary of the House
8 of Representatives and the Committee on Energy and
9 Natural Resources, the Committee on Homeland Security
10 and Governmental Affairs, and the Committee on the Ju-
11 diciary of the Senate a report on the results of the study
12 required by subsection (a). The study shall identify and
13 make recommendations regarding legislative, regulatory,
14 and organizational changes necessary to improve coordina-
15 tion among the Federal and Commonwealth entities, to
16 minimize the economic impact of the transition to Federal
17 immigration law, and to enhance the security of the
18 United States and the Commonwealth.

19 (c) CONSULTATION.—Appropriate Federal agencies,
20 local government officials, law enforcement agencies, and
21 nongovernmental organizations with relevant expertise
22 may be consulted when conducting the study and pre-
23 paring the report required by this section.

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