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U.S. House of Representatives  
Statement on S.2325  
Northern Mariana Islands U.S. Workforce Act  
Senate Energy and Natural Resources Committee  
February 6, 2018

Thank you, Chairman Murkowski and Ranking Member Cantwell, for today's hearing on S. 2325, the Northern Mariana Islands U.S. Workforce Act.

I have introduced the same bill, H.R. 4869, in the House of Representatives. And a hearing on my legislation has been tentatively scheduled in the Natural Resources Committee for February 28.

My hope is that the Senate will act so quickly that our hearing in the House can actually take up Chairman Murkowski's S. 2325.

There is urgent reason to act.

On April 1, the window opens to apply for foreign labor permits for fiscal 2019. USCIS has cut the permit cap in half, 5,000 below this year, and will close the window as soon as enough applications are received to meet that lower cap. This year, the window closed in just 11 days.

Cutting the prospective foreign workforce in half will have an immediate and profoundly negative impact on the Marianas economy, which is now flush with growth, after many years of decline.

Congress works well, working against a deadline. And I believe we can move quickly now.

The U.S. Workforce Act is the product of a bicameral, bipartisan working group, convened under your leadership, Madame Chair, and centers on two policy goals that should find broad agreement in Congress:

- 1) that the Marianas economy have the labor needed to continue development,
- and
- 2) that the labor force increasingly be composed of U.S. workers.

To provide the necessary labor the bill extends the current transition period for another ten years and resets the permit cap to last year's level of 13,000.

To incentivize hiring U.S. workers the bill reduces the cap by 500 per year.

To further protect U.S. workers the bill requires that the U.S. Department of Labor certify the need for any new foreign workers and certify they will not pull down the wages of U.S. workers.

And to help make U.S. workers more employable the bill increases the annual fee paid by employers to fund apprenticeships and vocational programs, and requires an annual spending plan with specific job placement targets, plan approval by U.S. Labor, and performance reports.

The U.S. Workforce Act, also, requires a periodic touchback in their home country by foreign workers to reaffirm their temporary, nonimmigrant status.

But the bill also protects those foreign workers.

When I testified here last year federal agencies—OSHA, Labor’s Wage and Hour Division, DOJ, and Immigration—had recently found serious violations of federal law at a major Chinese casino project in the Marianas.

Also last year, DOJ successfully prosecuted multiple businesses that were fronts for illegal recruitment and contracting schemes – what I would call human trafficking.

The U.S. Workforce Act tackles those problems head on.

From now on, employers will have to present evidence to federal agents—every three months—that foreign workers are being paid and that all the other terms and conditions of employment are being met.

And employers who are in breach of federal or Commonwealth labor laws—or not using their permits—will have them revoked, so legitimate businesses can have them instead.

It is often said in negotiations, no one gets everything they want.

With respect to the negotiation of the U.S. Workforce Act that adage is not true.

We all wanted to be sure the economy would have workers. Our bill does that.

We all wanted to be sure that more Americans would be getting jobs. Our bill does that, too.

Of course, we may have some fine-tuning yet to do.

But in all we have a good bill.

For that, I thank you, Chairman Murkowski and Ranking Member Cantwell, and all the members of our bipartisan congressional working group and our staff.

I know, it seems, today, we live in an age of division.

But we should not be discouraged.

This bill reminds us—with effort and good will—agreement is within our reach.

I look forward to continuing to work with you to enact the U.S. Workforce Act.