

104TH CONGRESS
1ST SESSION

S. 638

AN ACT

To authorize appropriations for United States insular areas,
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. TERRITORIAL AND FREELY ASSOCIATED STATE**
2 **INFRASTRUCTURE ASSISTANCE.**

3 Section 4(b) of Public Law 94-241 (90 Stat. 263)
4 as added by section 10 of Public Law 99-396 (99 Stat.
5 837, 841) is amended by deleting “until Congress other-
6 wise provides by law.” and inserting in lieu thereof: “ex-
7 cept that, for fiscal years 1996 and thereafter, payments
8 to the Commonwealth of the Northern Mariana Islands
9 pursuant to the multi-year funding agreements con-
10 templated under the Covenant shall be limited to the
11 amounts set forth in the Agreement of the Special Rep-
12 resentatives on Future Federal Financial Assistance of the
13 Northern Mariana Islands, executed on December 17,
14 1992 between the special representative of the President
15 of the United States and special representatives of the
16 Governor of the Northern Mariana Islands and shall be
17 subject to all the requirements of such Agreement with
18 any additional amounts otherwise made available under
19 this section in any fiscal year and not required to meet
20 the schedule of payments set forth in the Agreement to
21 be provided as set forth in subsection (c) until Congress
22 otherwise provides by law.

23 “(c) The additional amounts referred to in subsection
24 (b) shall be made available to the Secretary for obligation
25 as follows:

1 “(1) for fiscal year 1996, all such amounts shall
2 be provided for capital infrastructure projects in
3 American Samoa; and

4 “(2) for fiscal years 1997 and thereafter, all
5 such amounts shall be available solely for capital in-
6 frastructure projects in Guam, the Virgin Islands,
7 American Samoa, the Commonwealth of the North-
8 ern Mariana Islands, the Republic of Palau, the
9 Federated States of Micronesia and the Republic of
10 the Marshall Islands: *Provided*, That, in fiscal year
11 1997, \$3 million of such amounts shall be made
12 available to the College of the Northern Marianas
13 and beginning in fiscal year 1997, and in each year
14 thereafter, not to exceed \$3 million may be allo-
15 cated, as provided in Appropriation Acts, to the Sec-
16 retary of the Interior for use by Federal agencies or
17 the Commonwealth of the Northern Mariana Islands
18 to address immigration, labor, and law enforcement
19 issues in the Northern Mariana Islands, including,
20 but not limited to detention and corrections needs.
21 The specific projects to be funded shall be set forth
22 in a five-year plan for infrastructure assistance de-
23 veloped by the Secretary of the Interior in consulta-
24 tion with each of the island governments and up-
25 dated annually and submitted to the Congress con-

1 current with the budget justifications for the De-
2 partment of the Interior. In developing and updating
3 the five year plan for capital infrastructure needs,
4 the Secretary shall indicate the highest priority
5 projects, consider the extent to which particular
6 projects are part of an overall master plan, whether
7 such project has been reviewed by the Corps of En-
8 gineers and any recommendations made as a result
9 of such review, the extent to which a set-aside for
10 maintenance would enhance the life of the project,
11 the degree to which a local cost-share requirement
12 would be consistent with local economic and fiscal
13 capabilities, and may propose an incremental set-
14 aside, not to exceed \$2 million per year, to remain
15 available without fiscal year limitation, as an emer-
16 gency fund in the event of natural or other disasters
17 to supplement other assistance in the repair, replace-
18 ment, or hardening of essential facilities: *Provided*
19 *further*, That the cumulative amount set aside for
20 such emergency fund may not exceed \$10 million at
21 any time.

22 “(d) Within the amounts allocated for infrastructure
23 pursuant to this section, and subject to the specific alloca-
24 tions made in subsection (c), additional contributions may
25 be made, as set forth in Appropriation Acts, to assist in

1 the resettlement of Rongelap Atoll: *Provided*, That the
2 total of all contributions from any Federal source after
3 January 1, 1995 may not exceed \$32 million and shall
4 be contingent upon an agreement, satisfactory to the
5 President, that such contributions are a full and final set-
6 tlement of all obligations of the United States to assist
7 in the resettlement of Rongelap Atoll and that such funds
8 will be expended solely on resettlement activities and will
9 be properly audited and accounted for. In order to provide
10 such contributions in a timely manner, each Federal agen-
11 cy providing assistance or services, or conducting activi-
12 ties, in the Republic of the Marshall Islands, is authorized
13 to make funds available, through the Secretary of the Inte-
14 rior, to assist in the resettlement of Rongelap. Nothing
15 in this subsection shall be construed to limit the provision
16 of ex gratia assistance pursuant to section 105(c)(2) of
17 the Compact of Free Association Act of 1985 (Public Law
18 99-239, 99 Stat. 1770, 1792) including for individuals
19 choosing not to resettle at Rongelap, except that no such
20 assistance for such individuals may be provided until the
21 Secretary notifies the Congress that the full amount of
22 all funds necessary for resettlement at Rongelap has been
23 provided.”.

1 **SEC. 2. FEDERAL MINIMUM WAGE.**

2 Effective thirty days after the date of enactment of
3 this Act, the minimum wage provisions, including, but not
4 limited to, the coverage and exemptions provisions, of sec-
5 tion 6 of the Fair Labor Standards Act of June 25, 1938
6 (52 Stat. 1062), as amended, shall apply to the Common-
7 wealth of the Northern Mariana Islands, except—

8 (a) on the effective date, the minimum wage
9 rate applicable to the Commonwealth of the North-
10 ern Mariana Islands shall be \$2.75 per hour;

11 (b) effective January 1, 1996, the minimum
12 wage rate applicable to the Commonwealth of the
13 Northern Mariana Islands shall be \$3.05 per hour;

14 (c) effective January 1, 1997 and every Janu-
15 ary 1 thereafter, the minimum wage rate shall be
16 raised by thirty cents per hour or the amount nec-
17 essary to raise the minimum wage rate to the wage
18 rate set forth in section 6(a)(1) of the Fair Labor
19 Standards act, whichever is less; and

20 (d) once the minimum wage rate is equal to the
21 wage rate set forth in section 6(a)(1) of the Fair
22 Labor Standards Act, the minimum wage rate appli-
23 cable to the Commonwealth of the Northern Mari-
24 ana Islands shall thereafter be the wage rate set
25 forth in section 6(a)(1) of the Fair Labor Standards
26 Act.

1 **SEC. 3. REPORT.**

2 The Secretary of the Interior, in consultation with the
3 Attorney General and Secretaries of Treasury, Labor and
4 State, shall report to the Congress by the March 15 follow-
5 ing each fiscal year for which funds are allocated pursuant
6 to section 4(c) of Public Law 94–241 for use by Federal
7 agencies or the Commonwealth to address immigration,
8 labor or law enforcement activities. The report shall in-
9 clude but not be limited to—

10 (1) pertinent immigration information provided
11 by the Immigration and Naturalization Service, in-
12 cluding the number of non-United States citizen con-
13 tract workers in the CNMI, based on data the Immi-
14 gration and Naturalization Service may require of
15 the Commonwealth of the Northern Mariana Islands
16 on a semiannual basis, or more often if deemed nec-
17 essary by the Immigration and Naturalization Serv-
18 ice,

19 (2) the treatment and conditions of non-United
20 States citizen contract workers, including foreign
21 government interference with workers' ability to as-
22 sert their rights under United States law,

23 (3) the effect of laws of the Northern Mariana
24 Islands on Federal interests,

25 (4) the adequacy of detention facilities in the
26 Northern Mariana Islands,

1 (5) the accuracy and reliability of the computer-
2 ized alien identification and tracking system and its
3 compatibility with the system of the Immigration
4 and Naturalization Service, and

5 (6) the reasons why Federal agencies are un-
6 able or unwilling to fully and effectively enforce Fed-
7 eral laws applicable within the Commonwealth of the
8 Northern Mariana Islands unless such activities are
9 funded by the Secretary of the Interior.

10 **SEC. 4. IMMIGRATION COOPERATION.**

11 The Commonwealth of the Northern Mariana Islands
12 and the Immigration and Naturalization Service shall co-
13 operate in the identification and, if necessary, exclusion
14 or deportation from the Commonwealth of the Northern
15 Mariana Islands of persons who represent security or law
16 enforcement risks to the Commonwealth of the Northern
17 Mariana Islands or the United States.

18 **SEC. 5. CLARIFICATION OF LOCAL EMPLOYMENT IN THE**
19 **MARIANAS.**

20 (a) Section 8103(i) of title 46 of the United States
21 Code is amended by renumbering paragraph (3) as para-
22 graph (4) and by adding a new paragraph (3) as follows:

23 “(3) Notwithstanding any other provision of
24 this subsection, any alien allowed to be employed
25 under the immigration laws of the Commonwealth of

1 the Northern Mariana Islands (CNMI) may serve as
2 an unlicensed seaman on a fishing, fish processing,
3 or fish tender vessel that is operated exclusively
4 from a port within the CNMI and within the navi-
5 gable waters and exclusive economic zone of the
6 United States surrounding the CNMI. Pursuant to
7 46 U.S.C. 8704, such persons are deemed to be em-
8 ployed in the United States and are considered to
9 have the permission of the Attorney General of the
10 United States to accept such employment: *Provided,*
11 That paragraph (2) of this subsection shall not
12 apply to persons allowed to be employed under this
13 paragraph.”.

14 (b) Section 8103(i)(1) of title 46 of the United States
15 Code is amended by deleting “paragraph (3) of this sub-
16 section” and inserting in lieu thereof “paragraph (4) of
17 this subsection”.

18 **SEC. 6. CLARIFICATION OF OWNERSHIP OF SUBMERGED**
19 **LANDS IN THE COMMONWEALTH OF THE**
20 **NORTHERN MARIANA ISLANDS.**

21 Public Law 93–435 (88 Stat. 1210), as amended, is
22 further amended by—

23 (a) striking “Guam, the Virgin Islands” in sec-
24 tion 1 and inserting in lieu thereof “Guam, the

1 Commonwealth of the Northern Mariana Islands,
2 the Virgin Islands” each place the words appear;

3 (b) striking “Guam, American Samoa” in sec-
4 tion 2 and inserting in lieu thereof “Guam, the
5 Commonwealth of the Northern Mariana Islands,
6 American Samoa”; and

7 (c) striking “Guam, the Virgin Islands” in sec-
8 tion 2 and inserting in lieu thereof “Guam, the
9 Commonwealth of the Northern Mariana Islands,
10 the Virgin Islands.”.

11 With respect to the Commonwealth of the Northern
12 Mariana Islands, references to “the date of enactment of
13 this Act” or “date of enactment of this subsection” con-
14 tained in Public Law 93–435, as amended, shall mean the
15 date of enactment of this section.

16 **SEC. 7. ANNUAL STATE OF THE ISLANDS REPORT.**

17 The Secretary of the Interior shall submit to the Con-
18 gress, annually, a “State of the Islands” report on Amer-
19 ican Samoa, Guam, the United States Virgin Islands, the
20 Commonwealth of the Northern Mariana Islands, the Re-
21 public of Palau, the Republic of the Marshall Islands, and
22 the Federated States of Micronesia that includes basic
23 economic development information, data on direct and in-
24 direct Federal assistance, local revenues and expenditures,
25 employment and unemployment, the adequacy of essential

1 infrastructure and maintenance thereof, and an assess-
2 ment of local financial management and administrative ca-
3 pabilities, and Federal efforts to improve those capabili-
4 ties.

5 **SEC. 8. TECHNICAL CORRECTION.**

6 Section 501 of Public Law 95-134 (91 Stat. 1159,
7 1164), as amended, is further amended by deleting “the
8 Trust Territory of the Pacific Islands,” and inserting in
9 lieu thereof “the Republic of Palau, the Republic of the
10 Marshall Islands, the Federated States of Micronesia,”.

Passed the Senate July 20 (legislative day, July 10),
1995.

Attest:

Secretary.

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