

Calendar No. 134

104TH CONGRESS
1ST SESSION

S. 638

[Report No. 104-101]

A BILL

To authorize appropriations for United States insular areas, and for other purposes.

JUNE 30 (legislative day, JUNE 19), 1995
Reported with an amendment

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To authorize appropriations for United States insular areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 28 (legislative day, MARCH 27), 1995

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

JUNE 30 (legislative day, JUNE 19), 1995

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Insular Development
5 Act of 1995”.

1 **SEC. 2. NORTHERN MARIANA ISLANDS.**

2 There is authorized to be appropriated to the Sec-
3 retary of the Interior for the Commonwealth of the North-
4 ern Mariana Islands \$6,140,000, backed by the full faith
5 and credit of the United States, for each of fiscal years
6 1996 through 2001, for capital improvement projects in
7 the environmental, health, and public safety areas, admin-
8 istration and enforcement of immigration and labor laws,
9 and contribution toward costs of the compacts of free as-
10 sociation (for the same duration and purposes as are ap-
11 plied to Guam in Public Law 99-239 as amended by sec-
12 tion 3 of this Act).

13 **SEC. 3. IMPACT OF THE COMPACT.**

14 Paragraph (6) of subsection (e) of section 104 of
15 Public Law 99-239 (99 Stat. 1770, 48 U.S.C. 1681 note),
16 is amended by striking everything after the word "after"
17 and inserting in lieu thereof the following language: "Sep-
18 tember 30, 1995, and ending September 30, 2001,
19 \$4,580,000 annually, backed by the full faith and credit
20 of the United States, for Guam, as a contribution toward
21 costs that result from increased demands for education
22 and social program benefits by immigrants from the Mar-
23 shall Islands, the Federated States of Micronesia, and
24 Palau."

1 **SEC. 4. CAPITAL INFRASTRUCTURE.**

2 There is authorized to be appropriated to the Sec-
 3 retary of the Interior \$17,000,000 for each fiscal year be-
 4 ginning after September 30, 1995, and ending September
 5 30, 2001, backed by the full faith and credit of the United
 6 States, for grants for capital infrastructure construction
 7 in American Samoa, Guam, and the United States Virgin
 8 Islands: *Provided*, That the annual grant to American
 9 Samoa shall not exceed \$15,000,000 and the annual
 10 grants for Guam and the United States Virgin Islands
 11 shall not exceed \$3,000,000 each.

12 **SEC. 5. CAPITAL INFRASTRUCTURE FUNDING REQUIRE-**
 13 **MENTS.**

14 (a) No funds shall be granted under this Act for cap-
 15 ital improvement projects without the submission by the
 16 respective government of a master plan of capital needs
 17 that—

18 (1) ranks proposed projects in order of priority;

19 and

20 (2) has been reviewed and approved by the De-
 21 partment of the Interior and the United States
 22 Army Corps of Engineers.

23 The insular areas' individual master plans, with com-
 24 ments, shall be presented in the Department of the Interi-
 25 or's annual report on the state of the Islands, and shall
 26 be the basis for any requests for capital improvement

1 funding through the Department of the Interior or the
2 Congress.

3 (b) Each grant by the Department of the Interior
4 shall include a five percent payment into a trust fund, to
5 be administered by the Governor (as trustee) of the terri-
6 tory in which the project is located, solely for the mainte-
7 nance of such project. No funds shall be paid pursuant
8 to a grant under subsection (a) of this section without the
9 prior appropriation and payment by the respective terri-
10 torial government to the trustee, of an amount equal to
11 the Federal contribution for maintenance of the project.
12 A maintenance plan covering the anticipated life of each
13 project shall be adopted by the Governor of the respective
14 insular area and approved by the Department of the Inte-
15 rior before any grant payment for construction is released
16 by the Department of the Interior.

17 (c) The capital infrastructure funding authorized
18 under this Act is authorized to be extended for an addi-
19 tional three-year phaseout period: *Provided*, That each
20 grant during the additional period contains a dollar shar-
21 ing by each grantee and the grantor in the following ra-
22 tios: 25/75 percent for the first year, 50/50 percent for
23 the second year, 75/25 percent for the third year: *Provided*
24 *further*, That funding for capital infrastructure for the
25 Commonwealth of the Northern Mariana Islands shall not

1 exceed \$3,000,000 annually during the period of such ex-
2 tension.

3 **SEC. 6. REPEAL.**

4 Effective after September 30, 1995, no additional
5 funds shall be made available under subsection (b) of sec-
6 tion 4 of Public Law 94-241 (90 Stat. 263, 48 U.S.C.
7 1681 note), and such subsection is repealed.

8 **SECTION 1. TERRITORIAL AND FREELY ASSOCIATED STATE**
9 **INFRASTRUCTURE ASSISTANCE.**

10 *Section 4(b) of Public Law 94-241 (90 Stat. 263) as*
11 *added by section 10 of Public Law 99-396 (99 Stat. 837,*
12 *841) is amended by deleting “until Congress otherwise pro-*
13 *vides by law.” and inserting in lieu thereof: “except that,*
14 *for fiscal years 1996 and thereafter, payments to the Com-*
15 *monwealth of the Northern Mariana Islands pursuant to*
16 *the multi-year funding agreements contemplated under the*
17 *Covenant shall be limited to the amounts set forth in the*
18 *Agreement of the Special Representatives on Future Federal*
19 *Financial Assistance of the Northern Mariana Islands, exe-*
20 *cuted on December 17, 1992 between the special representa-*
21 *tive of the President of the United States and special rep-*
22 *resentatives of the Governor of the Northern Mariana Is-*
23 *lands and shall be subject to all the requirements of such*
24 *Agreement with any additional amounts otherwise made*
25 *available under this section in any fiscal year and not re-*

1 *quired to meet the schedule of payments set forth in the*
2 *Agreement to be provided as set forth in subsection (c) until*
3 *Congress otherwise provides by law.*

4 “(c) *The additional amounts referred to in subsection*
5 *(b) shall be made available to the Secretary for obligation*
6 *as follows:*

7 “(1) *for fiscal year 1996, all such amounts shall*
8 *be provided for capital infrastructure projects in*
9 *American Samoa; and*

10 “(2) *for fiscal years 1997 and thereafter, all such*
11 *amounts shall be available solely for capital infra-*
12 *structure projects in Guam, the Virgin Islands, Amer-*
13 *ican Samoa, the Commonwealth of the Northern Mar-*
14 *iana Islands, the Republic of Palau, the Federated*
15 *States of Micronesia and the Republic of the Marshall*
16 *Islands: Provided, That, in fiscal year 1997, \$3 mil-*
17 *lion of such amounts shall be made available to the*
18 *College of the Northern Marianas and beginning in*
19 *fiscal year 1997, and in each year thereafter, not to*
20 *exceed \$3 million may be allocated, as provided in*
21 *Appropriation Acts, to the Secretary of the Interior*
22 *for use by Federal agencies or the Commonwealth of*
23 *the Northern Mariana Islands to address immigra-*
24 *tion, labor, and law enforcement issues in the North-*
25 *ern Mariana Islands, including, but not limited to*

1 *detention and corrections needs. The specific projects*
2 *to be funded shall be set forth in a five-year plan for*
3 *infrastructure assistance developed by the Secretary of*
4 *the Interior in consultation with each of the island*
5 *governments and updated annually and submitted to*
6 *the Congress concurrent with the budget justifications*
7 *for the Department of the Interior. In developing and*
8 *updating the five year plan for capital infrastructure*
9 *needs, the Secretary shall indicate the highest priority*
10 *projects, consider the extent to which particular*
11 *projects are part of an overall master plan, whether*
12 *such project has been reviewed by the Corps of Engi-*
13 *neers and any recommendations made as a result of*
14 *such review, the extent to which a set-aside for main-*
15 *tenance would enhance the life of the project, the de-*
16 *gree to which a local cost-share requirement would be*
17 *consistent with local economic and fiscal capabilities,*
18 *and may propose an incremental set-aside, not to ex-*
19 *ceed \$2 million per year, to remain available without*
20 *fiscal year limitation, as an emergency fund in the*
21 *event of natural or other disasters to supplement other*
22 *assistance in the repair, replacement, or hardening of*
23 *essential facilities: Provided further, That the cumu-*
24 *lative amount set aside for such emergency fund may*
25 *not exceed \$10 million at any time.*

1 “(d) Within the amounts allocated for infrastructure
2 pursuant to this section, and subject to the specific alloca-
3 tions made in subsection (c), additional contributions may
4 be made, as set forth in Appropriation Acts, to assist in
5 the resettlement of Rongelap Atoll: Provided, That the total
6 of all contributions from any Federal source after January
7 1, 1995 may not exceed \$32 million and shall be contingent
8 upon an agreement, satisfactory to the President, that such
9 contributions are a full and final settlement of all obliga-
10 tions of the United States to assist in the resettlement of
11 Rongelap Atoll and that such funds will be expended solely
12 on resettlement activities and will be properly audited and
13 accounted for. In order to provide such contributions in a
14 timely manner, each Federal agency providing assistance
15 or services, or conducting activities, in the Republic of the
16 Marshall Islands, is authorized to make funds available,
17 through the Secretary of the Interior, to assist in the reset-
18 tlement of Rongelap. Nothing in this subsection shall be con-
19 strued to limit the provision of ex gratia assistance pursu-
20 ant to section 105(c)(2) of the Compact of Free Association
21 Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) in-
22 cluding for individuals choosing not to resettle at Rongelap,
23 except that no such assistance for such individuals may be
24 provided until the Secretary notifies the Congress that the

1 full amount of all funds necessary for resettlement at
2 Rongelap has been provided.”.

3 **SEC. 2. FEDERAL MINIMUM WAGE.**

4 *Effective thirty days after the date of enactment of this*
5 *Act, the minimum wage provisions, including, but not lim-*
6 *ited to, the coverage and exemptions provisions, of section*
7 *6 of the Fair Labor Standards Act of June 25, 1938 (52*
8 *Stat. 1062), as amended, shall apply to the Commonwealth*
9 *of the Northern Mariana Islands, except—*

10 *(a) on the effective date, the minimum wage rate*
11 *applicable to the Commonwealth of the Northern Mar-*
12 *iana Islands shall be \$2.75 per hour;*

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

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

22 *(d) once the minimum wage rate is equal to the*
23 *wage rate set forth in section 6(a)(1) of the Fair*
24 *Labor Standards Act, the minimum wage rate appli-*
25 *cable to the Commonwealth of the Northern Mariana*

1 *Islands shall thereafter be the wage rate set forth in*
2 *section 6(a)(1) of the Fair Labor Standards Act.*

3 **SEC. 3. REPORT.**

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

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

21 *(2) the treatment and conditions of non-United*
22 *States citizen contract workers, including foreign gov-*
23 *ernment interference with workers' ability to assert*
24 *their rights under United States law,*

1 (3) *the effect of laws of the Northern Mariana Is-*
2 *lands on Federal interests,*

3 (4) *the adequacy of detention facilities in the*
4 *Northern Mariana Islands,*

5 (5) *the accuracy and reliability of the computer-*
6 *ized alien identification and tracking system and its*
7 *compatibility with the system of the Immigration and*
8 *Naturalization Service, and*

9 (6) *the reasons why Federal agencies are unable*
10 *or unwilling to fully and effectively enforce Federal*
11 *laws applicable within the Commonwealth of the*
12 *Northern Mariana Islands unless such activities are*
13 *funded by the Secretary of the Interior.*

14 **SEC. 4. IMMIGRATION COOPERATION.**

15 *The Commonwealth of the Northern Mariana Islands*
16 *and the Immigration and Naturalization Service shall co-*
17 *operate in the identification and, if necessary, exclusion or*
18 *deportation from the Commonwealth of the Northern Mari-*
19 *ana Islands of persons who represent security or law en-*
20 *forcement risks to the Commonwealth of the Northern Mari-*
21 *ana Islands or the United States.*

1 **SEC. 5. CLARIFICATION OF LOCAL EMPLOYMENT IN THE**
2 **MARIANAS.**

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

6 “(3) *Notwithstanding any other provision of this*
7 *subsection, any alien allowed to be employed under*
8 *the immigration laws of the Commonwealth of the*
9 *Northern Mariana Islands (CNMI) may serve as an*
10 *unlicensed seaman on a fishing, fish processing, or*
11 *fish tender vessel that is operated exclusively from a*
12 *port within the CNMI and within the navigable wa-*
13 *ters and exclusive economic zone of the United States*
14 *surrounding the CNMI. Pursuant to 46 U.S.C. 8704,*
15 *such persons are deemed to be employed in the United*
16 *States and are considered to have the permission of*
17 *the Attorney General of the United States to accept*
18 *such employment: Provided, That paragraph (2) of*
19 *this subsection shall not apply to persons allowed to*
20 *be employed under this paragraph.”.*

21 (b) *Section 8103(i)(1) of title 46 of the United States*
22 *Code is amended by deleting “paragraph (3) of this sub-*
23 *section” and inserting in lieu thereof “paragraph (4) of this*
24 *subsection”.*

1 **SEC. 6. CLARIFICATION OF OWNERSHIP OF SUBMERGED**
2 **LANDS IN THE COMMONWEALTH OF THE**
3 **NORTHERN MARIANA ISLANDS.**

4 *Public Law 93–435 (88 Stat. 1210), as amended, is*
5 *further amended by—*

6 *(a) striking “Guam, the Virgin Islands” in sec-*
7 *tion 1 and inserting in lieu thereof “Guam, the Com-*
8 *monwealth of the Northern Mariana Islands, the Vir-*
9 *gin Islands” each place the words appear;*

10 *(b) striking “Guam, American Samoa” in sec-*
11 *tion 2 and inserting in lieu thereof “Guam, the Com-*
12 *monwealth of the Northern Mariana Islands, Amer-*
13 *ican Samoa”; and*

14 *(c) striking “Guam, the Virgin Islands” in sec-*
15 *tion 2 and inserting in lieu thereof “Guam, the Com-*
16 *monwealth of the Northern Mariana Islands, the Vir-*
17 *gin Islands.”.*

18 *With respect to the Commonwealth of the Northern*
19 *Mariana Islands, references to “the date of enactment of this*
20 *Act” or “date of enactment of this subsection” contained*
21 *in Public Law 93–435, as amended, shall mean the date*
22 *of enactment of this section.*

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

24 *The Secretary of the Interior shall submit to the Con-*
25 *gress, annually, a “State of the Islands” report on Amer-*
26 *ican Samoa, Guam, the United States Virgin Islands, the*

1 *Commonwealth of the Northern Mariana Islands, the Re-*
2 *public of Palau, the Republic of the Marshall Islands, and*
3 *the Federated States of Micronesia that includes basic eco-*
4 *nomie development information, data on direct and indi-*
5 *rect Federal assistance, local revenues and expenditures,*
6 *employment and unemployment, the adequacy of essential*
7 *infrastructure and maintenance thereof, and an assessment*
8 *of local financial management and administrative capabili-*
9 *ties, and Federal efforts to improve those capabilities.*

10 **SEC. 8. TECHNICAL CORRECTION.**

11 *Section 501 of Public Law 95–134 (91 Stat. 1159,*
12 *1164), as amended, is further amended by deleting “the*
13 *Trust Territory of the Pacific Islands,” and inserting in*
14 *lieu thereof “the Republic of Palau, the Republic of the Mar-*
15 *shall Islands, the Federated States of Micronesia.”*

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