

[The New York Times, July 13, 1995]

NEW HOPE FOR BURMESE DEMOCRACY

The release of the political prisoner Daw Aung San Suu Kyi in Yangon, formerly Rangoon, is good news. Mrs. Aung San Suu Kyi, who won the Nobel Peace Prize in 1991, had been under house arrest for nearly six years. The next test for the regime, which changed the name of the country from Burma to Myanmar, will be to follow Ms. Aung San Suu Kyi's freedom with a return to some form of political pluralism and with other improvements in human rights.

Mrs. Aung San Suu Kyi's National League for Democracy won elections under her leadership in 1990. The military refused to recognize the results, imprisoning and intimidating many of the newly elected legislators. Burmese expatriates say torture is still routinely used in prisons and by the military in its repression of ethnic minorities.

Mrs. Aung San Suu Kyi's release has rekindled the hopes of many Burmese for a return to democracy. At her first public appearance, she stuck a conciliatory note, saying she wanted to promote dialogue with the military junta. She acted properly in cautioning against unrealistic expectations. Nevertheless, hundreds of people have made the pilgrimage to her home in Yangon since her release, demonstrating the deep loyalty of her followers.

But Mrs. Aung San Suu Kyi is re-entering a society in which her own name has been a forbidden word, where personal freedoms are severely restricted and political life brutally curtailed. She refused to make any deals with the authorities to gain her freedom, and she has made it clear that she intends to pursue her democratic goals.

Myanmar is eager to break its isolation and join the region's economic boom. Japan, which covets its rich natural resources, is already preparing to warm up relations with Yangon. But Myanmar will need substantial help from agencies like the World Bank and the International Monetary Fund to join the international economy.

The end of Ms. Aung San Suu Kyi's detention must be followed by other steps toward democracy before Myanmar is deemed eligible for loans from multilateral institutions or closer ties with the United States. It is too soon to welcome Yangon back into the democratic community.

INSULAR AREAS APPROPRIATIONS AUTHORIZATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 134, S. 638, regarding the insular areas, that the committee substitute be agreed to, that the bill be read for a third time, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 638) to authorize appropriations for United States insular areas, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. TERRITORIAL AND FREELY ASSOCIATED STATE INFRASTRUCTURE ASSISTANCE.

Section 4(b) of Public Law 94-241 (90 Stat. 263) as added by section 10 of Public Law 99-

396 (99 Stat. 837, 841) is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 and thereafter, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be limited to the amounts set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands and shall be subject to all the requirements of such Agreement with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments set forth in the Agreement to be provided as set forth in subsection (c) until Congress otherwise provides by law.

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

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

"(2) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, \$3 million of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed \$3 million may be allocated, as provided in Appropriation Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands, including, but not limited to detention and corrections needs. The specific projects to be funded shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with each of the island governments and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing and updating the five year plan for capital infrastructure needs, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed \$2 million per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further*, That the cumulative amount set aside for such emergency fund may not exceed \$10 million at any time.

"(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in Appropriation Acts, to assist in the resettlement of Rongelap Atoll: *Provided*, That the total of all contributions from any Federal source after January 1, 1995 may not exceed \$32 million and shall be contingent upon an agreement,

satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available, through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99-239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided."

SEC. 2. FEDERAL MINIMUM WAGE.

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

(a) on the effective date, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be \$2.75 per hour;

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

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

(d) once the minimum wage rate is equal to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall thereafter be the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act.

SEC. 3. REPORT.

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

(1) pertinent immigration information provided by the Immigration and Naturalization Service, including the number of non-United States citizen contract workers in the CNMI, based on data the Immigration and Naturalization Service may require of the Commonwealth of the Northern Mariana Islands on a semiannual basis, or more often if deemed necessary by the Immigration and Naturalization Service,

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

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

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

(5) the accuracy and reliability of the computerized alien identification and tracking

system and its compatibility with the system of the Immigration and Naturalization Service, and

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

SEC. 4. IMMIGRATION COOPERATION.

The Commonwealth of the Northern Mariana Islands and the Immigration and Naturalization Service shall cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States.

SEC. 5. CLARIFICATION OF LOCAL EMPLOYMENT IN THE MARIANAS.

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

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

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

SEC. 6. CLARIFICATION OF OWNERSHIP OF SUBMERGED LANDS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

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

(a) striking “Guam, the Virgin Islands” in section 1 and inserting in lieu thereof “Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands” each place the words appear;

(b) striking “Guam, American Samoa” in section 2 and inserting in lieu thereof “Guam, the Commonwealth of the Northern Mariana Islands, American Samoa”; and

(c) striking “Guam, the Virgin Islands” in section 2 and inserting in lieu thereof “Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands.”.

With respect to the Commonwealth of the Northern Mariana Islands, references to “the date of enactment of this Act” or “date of enactment of this subsection” contained in Public Law 93-435, as amended, shall mean the date of enactment of this section.

SEC. 7. ANNUAL STATE OF THE ISLANDS REPORT.

The Secretary of the Interior shall submit to the Congress, annually, a “State of the Islands” report on American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia that includes basic economic development information, data on direct and indirect Federal assistance, local revenues and expenditures, employment and unemployment, the adequacy of essential infrastructure and maintenance thereof, and an

assessment of local financial management and administrative capabilities, and Federal efforts to improve those capabilities.

SEC. 8. TECHNICAL CORRECTION.

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

So the bill (S. 638), as amended, was read for the third time and passed as follows:

S. 638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERRITORIAL AND FREELY ASSOCIATED STATE INFRASTRUCTURE ASSISTANCE.

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

“(2) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided*, That, in fiscal year 1997, \$3 million of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed \$3 million may be allocated, as provided in Appropriation Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands, including, but not limited to detention and corrections needs. The specific projects to be funded shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with each of the island governments and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing and updating the five year plan for capital infrastructure needs, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for

maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed \$2 million per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further*, That the cumulative amount set aside for such emergency fund may not exceed \$10 million at any time.

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DISTRICT OF COLUMBIA TRANSPORTATION PROJECTS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 144, S. 1023.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1023) to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I am pleased that the Senate is considering legislation today to allow the District of Columbia to move forward with transportation projects that are critically needed for the entire metropolitan Washington region.

I want to make clear to my colleagues that this legislation is consistent with the temporary match waivers that Congress has provided in 1975, 1982, and 1991. Under previous matching share waivers, 39 States have utilized this flexibility.

The legislation before the Senate is again a temporary waiver of the local matching share required before a State, or in this case the District of Columbia, can obligate Federal highway dollars. It is not a complete forgiveness of their financial obligation to provide a 20 percent match of these Federal dollars.

This legislation requires the District to repay these matching requirements

by the end of fiscal year 1996—September 30. If the District fails to comply, their 1997 Federal highway apportionments will be reduced.

The legislation also requires that these Federal funds are to be used to maintain and upgrade National Highway System routes in the District, and other projects which the Secretary of Transportation determines to be important to the entire region.

Any other project the District decides to move forward with must be matched with local funds. In other words, this bill only temporarily waives the local match for those projects important to maintaining the District's most heavily traveled roads.

Mr. President, during the committee's consideration a provision was added to require the Department of Transportation to report to the Congress on those projects funded in 1995. This provision gives us further assurance that the District will properly use these funds on those most regionally significant projects. The committee has made clear that following a review of the use of the 1995 apportionments, if these funds were not allocated to worthy projects, then the committee will reconsider the waiver for fiscal year 1996.

These are the same roads which serve as the gateways to our Nation's Capital and are the major commuter arteries for the metropolitan region.

These are the same roads which contribute to the functioning of the Federal Government and serve the thousands of tourists from our States who travel here each year.

Mr. President, it is important to emphasize that this legislation is necessary to reduce congestion which plagues the entire region. The projects to benefit from this legislation are ones that compliment the transportation priorities of Virginia and Maryland, such as the 14th Street Bridge and Pennsylvania Avenue.

Also, I ask unanimous consent to have printed in the RECORD a copy of a letter from Virginia Secretary of Transportation Martinez placing Governor Allen's administration solidly in support of this legislation, and a letter in support from the distinguished Representative from the District of Columbia, Ms. NORTON.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
July 7, 1995.

Hon. JOHN WARNER,
U.S. Senate, Russell Senate Office Building,
Washington, DC

DEAR SENATOR WARNER: This letter is to provide the Commonwealth of Virginia's position on the proposed legislation to authorize the U.S. Secretary of Transportation to increase the federal share of certain highway projects in the District of Columbia for fiscal years 1995 and 1996. This legislation would in effect provide a temporary waiver of the local match for highway projects in Washington, D.C.