

113TH CONGRESS
2^D SESSION

S. 1237

AN ACT

To improve the administration of programs in the 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. SHORT TITLE.**

2 This Act may be cited as the “Omnibus Territories
3 Act of 2013”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Amendments to the Consolidated Natural Resources Act.
- Sec. 4. Study of electric rates in the insular areas.
- Sec. 5. Reports on estimates of revenues.
- Sec. 6. Low-income home energy assistance program.
- Sec. 7. Improvements in HUD assisted programs.
- Sec. 8. Benefit to cost ratio study for projects in American Samoa.
- Sec. 9. Fishery endorsements.
- Sec. 10. Effects of Minimum Wage differentials in American Samoa.
- Sec. 11. Office of National Drug Control Policy.
- Sec. 12. Drivers’ licenses and personal identification cards.

6 **SEC. 3. AMENDMENTS TO THE CONSOLIDATED NATURAL**
7 **RESOURCES ACT.**

8 Section 6 of the Joint Resolution entitled “A Joint
9 Resolution to approve the ‘Covenant To Establish a Com-
10 monwealth of the Northern Mariana Islands in Political
11 Union with the United States of America’, and for other
12 purposes”, approved March 24, 1976 (Public Law 94–
13 241; 90 Stat. 263, 122 Stat. 854), is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (2), by striking “Decem-
16 ber 31, 2014, except as provided in subsections
17 (b) and (d)” and inserting “December 31,
18 2019”; and

19 (B) by striking paragraph (6), and insert-
20 ing the following:

1 “(6) CERTAIN EDUCATION FUNDING.—

2 “(A) IN GENERAL.—In addition to fees
3 charged pursuant to section 286(m) of the Im-
4 migration and Nationality Act (8 U.S.C. 1356
5 (m)) to recover the full costs of providing adju-
6 dication services, the Secretary of Homeland
7 Security shall charge an annual supplemental
8 fee of \$150 per nonimmigrant worker to each
9 prospective employer who is issued a permit
10 under subsection (d) of this section during the
11 transition program. Such supplemental fee shall
12 be paid into the Treasury of the Commonwealth
13 government for the purpose of funding ongoing
14 vocational educational curricula and program
15 development by Commonwealth educational en-
16 tities.

17 “(B) PLAN FOR THE EXPENDITURE OF
18 FUNDS.—At the beginning of each fiscal year,
19 and prior to the payment of the supplemental
20 fee into the Treasury of the Commonwealth
21 government in that fiscal year, the Common-
22 wealth government must provide to the Sec-
23 retary of Labor, a plan for the expenditure of
24 funds received under this paragraph, a projec-
25 tion of the effectiveness of these expenditures in

1 the placement of United States workers into
2 jobs, and a report on the changes in employ-
3 ment of United States workers attributable to
4 prior year expenditures.

5 “(C) REPORT.—The Secretary of Labor
6 shall report to the Congress every 2 years on
7 the effectiveness of meeting the goals set out by
8 the Commonwealth government in its annual
9 plan for the expenditure of funds.”; and

10 (2) in subsection (d)—

11 (A) in the third sentence of paragraph (2),
12 by striking “not to extend beyond December 31,
13 2014, unless extended pursuant to paragraph 5
14 of this subsection” and inserting “ending on
15 December 31, 2019”;

16 (B) by striking paragraph (5); and

17 (C) by redesignating paragraph (6) as
18 paragraph (5).

19 **SEC. 4. STUDY OF ELECTRIC RATES IN THE INSULAR**
20 **AREAS.**

21 (a) DEFINITIONS.—In this section:

22 (1) COMPREHENSIVE ENERGY PLAN.—The term
23 “comprehensive energy plan” means a comprehen-
24 sive energy plan prepared and updated under sub-
25 sections (c) and (e) of section 604 of the Act entitled

1 “An Act to authorize appropriations for certain in-
2 sular areas of the United States, and for other pur-
3 poses”, approved December 24, 1980 (48 U.S.C.
4 1492).

5 (2) ENERGY ACTION PLAN.—The term “energy
6 action plan” means the plan required by subsection
7 (d).

8 (3) FREELY ASSOCIATED STATES.—The term
9 “Freely Associated States” means the Federated
10 States of Micronesia, the Republic of the Marshall
11 Islands, and the Republic of Palau.

12 (4) INSULAR AREAS.—The term “insular areas”
13 means American Samoa, the Commonwealth of the
14 Northern Mariana Islands, Puerto Rico, Guam, and
15 the Virgin Islands.

16 (5) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 (6) TEAM.—The term “team” means the team
19 established by the Secretary under subsection (b).

20 (b) ESTABLISHMENT.—Not later than 180 days after
21 the date of enactment of this Act, the Secretary shall,
22 within the Empowering Insular Communities activity, es-
23 tablish a team of technical, policy, and financial experts—

1 (1) to develop an energy action plan addressing
2 the energy needs of each of the insular areas and
3 Freely Associated States; and

4 (2) to assist each of the insular areas and Free-
5 ly Associated States in implementing such plan.

6 (c) PARTICIPATION OF REGIONAL UTILITY ORGANI-
7 ZATIONS.—In establishing the team, the Secretary shall
8 consider including regional utility organizations.

9 (d) ENERGY ACTION PLAN.—In accordance with sub-
10 section (b), the energy action plan shall include—

11 (1) recommendations, based on the comprehen-
12 sive energy plan where applicable, to—

13 (A) reduce reliance and expenditures on
14 fuel shipped to the insular areas and Freely As-
15 sociated States from ports outside the United
16 States;

17 (B) develop and utilize domestic fuel en-
18 ergy sources; and

19 (C) improve performance of energy infra-
20 structure and overall energy efficiency;

21 (2) a schedule for implementation of such rec-
22 ommendations and identification and prioritization
23 of specific projects;

24 (3) a financial and engineering plan for imple-
25 menting and sustaining projects; and

1 (4) benchmarks for measuring progress toward
2 implementation.

3 (e) **REPORTS TO SECRETARY.**—Not later than 1 year
4 after the date on which the Secretary establishes the team
5 and annually thereafter, the team shall submit to the Sec-
6 retary a report detailing progress made in fulfilling its
7 charge and in implementing the energy action plan.

8 (f) **ANNUAL REPORTS TO CONGRESS.**—Not later
9 than 30 days after the date on which the Secretary re-
10 ceives a report submitted by the team under subsection
11 (e), the Secretary shall submit to the appropriate commit-
12 tees of Congress a summary of the report of the team.

13 (g) **APPROVAL OF SECRETARY REQUIRED.**—The en-
14 ergy action plan shall not be implemented until the Sec-
15 retary approves the energy action plan.

16 **SEC. 5. REPORTS ON ESTIMATES OF REVENUES.**

17 The Comptroller General of the United States shall
18 submit to the appropriate committees of Congress a report
19 that—

20 (1) evaluates whether the annual estimates or
21 forecasts of revenue and expenditure of American
22 Samoa, the Commonwealth of the Northern Mariana
23 Islands, Guam, and the Virgin Islands are reason-
24 able; and

1 (2) as the Comptroller General of the United
2 States determines to be necessary, makes rec-
3 ommendations for improving the process for devel-
4 oping estimates or forecasts.

5 **SEC. 6. LOW-INCOME HOME ENERGY ASSISTANCE PRO-**
6 **GRAM.**

7 With respect to fiscal years 2014 through 2017, the
8 percentage described in section 2605(b)(2)(B)(i) of the
9 Low-Income Home Energy Assistance Act of 1981 (42
10 U.S.C. 8624(b)(2)(B)(i)) shall be 300 percent when ap-
11 plied to households located in the Virgin Islands.

12 **SEC. 7. IMPROVEMENTS IN HUD ASSISTED PROGRAMS.**

13 Section 214(a)(7) of the Housing and Community
14 Development Act of 1980 (42 U.S.C. 1436a(a)(7)) is
15 amended by striking “such alien” and all that follows
16 through the period at the end and inserting “citizen or
17 national of the United States shall be entitled to a pref-
18 erence or priority in receiving assistance before any such
19 alien who is otherwise eligible for such assistance.”.

20 **SEC. 8. BENEFIT TO COST RATIO STUDY FOR PROJECTS IN**
21 **AMERICAN SAMOA.**

22 (a) STUDY.—The Comptroller General of the United
23 States shall conduct a study regarding the use of benefit-
24 to-cost ratio formulas by Federal departments and agen-

1 cies for purposes of evaluating projects in American
2 Samoa.

3 (b) CONTENTS.—In conducting the study, the Comp-
4 troller General shall—

5 (1) assess whether the benefit-to-cost ratio for-
6 mulas described in subsection (a) take into consider-
7 ation—

8 (A) the remote locations in, and the cost of
9 transportation to and from, American Samoa;
10 and

11 (B) other significant factors that are not
12 comparable to locations within the 48 contig-
13 uous States; and

14 (2) assess, in particular, the use of benefit-to-
15 cost ratio formulas by—

16 (A) the Secretary of Transportation with
17 respect to airport traffic control tower pro-
18 grams; and

19 (B) the Secretary of the Army, acting
20 through the Corps of Engineers, with respect to
21 a harbor project or other water resources devel-
22 opment project.

23 (3) REPORT TO CONGRESS.—Not later than 1
24 year after the date of enactment of this Act, the

1 Comptroller General shall submit to Congress a re-
2 port on the results of the study.

3 **SEC. 9. FISHERY ENDORSEMENTS.**

4 Section 12113 of title 46, United States Code, is
5 amended by adding at the end the following:

6 “(j) CERTAIN EXEMPTION.—Paragraph (3) of sub-
7 section (a) shall not apply to any vessel—

8 “(1) that offloads its catch in part or full in
9 American Samoa; and

10 “(2) that was rebuilt outside of the United
11 States before January 1, 2011.”.

12 **SEC. 10. EFFECTS OF MINIMUM WAGE DIFFERENTIALS IN**
13 **AMERICAN SAMOA.**

14 Section 8104 of the Fair Minimum Wage Act of 2007
15 (29 U.S.C. 206 note) is amended by adding at the end
16 the following:

17 “(c) EFFECTS OF MINIMUM WAGE DIFFERENTIALS
18 IN AMERICAN SAMOA.—The reports required under this
19 section shall include an analysis of the economic effects
20 on employees and employers of the differentials in min-
21 imum wage rates among industries and classifications in
22 American Samoa under section 697 of title 29, Code of
23 Federal Regulations, including the potential effects of
24 eliminating such differentials prior to the time when such
25 rates are scheduled to be equal to the minimum wage set

1 forth in section 6(a)(1) of the Fair Labor Standards Act
2 (29 U.S.C. 206(a)(1)).”.

3 **SEC. 11. OFFICE OF NATIONAL DRUG CONTROL POLICY.**

4 (a) CARIBBEAN BORDER COUNTERNARCOTICS
5 STRATEGY.—The Office of National Drug Control Policy
6 shall develop a biennial Caribbean Border Counter-
7 narcotics Strategy, that is made available to the public,
8 with emphasis on the borders of Puerto Rico and the Vir-
9 gin Islands of the United States, on terms substantially
10 equivalent to the existing Southwest Border Counter-
11 narcotics Strategy and the Northern Border Counter-
12 narcotics Strategy.

13 (b) AMENDMENT.—Section 704(b)(13)(B) of the Of-
14 fice of National Drug Control Policy Reauthorization Act
15 of 1998 (21 U.S.C. 1703(b)(13)(B)) is amended by insert-
16 ing “the borders of Puerto Rico and the Virgin Islands
17 of the United States and” after “in particular”.

18 **SEC. 12. DRIVERS’ LICENSES AND PERSONAL IDENTIFICA-**
19 **TION CARDS.**

20 (a) DEFINITION OF STATE.—Section 201(5) of the
21 REAL ID Act of 2005 (49 U.S.C. 30301 note; Public Law
22 109–13) is amended by striking “the Trust Territory of
23 the Pacific Islands,”.

1 (b) EVIDENCE OF LAWFUL STATUS.—Section
2 202(c)(2)(B) of the REAL ID Act of 2005 (49 U.S.C.
3 30301 note; Public Law 109–13) is amended—

4 (1) in clause (viii), by striking “or” after the
5 semicolon at the end;

6 (2) in clause (ix), by striking the period at the
7 end and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(x) is a citizen of the Republic of the
10 Marshall Islands, the Federated States of
11 Micronesia, or the Republic of Palau who
12 has been admitted to the United States as
13 a nonimmigrant pursuant to a Compact of
14 Free Association between the United
15 States and the Republic or Federated
16 States.”.

Passed the Senate June 18, 2014.

Attest:

Secretary.

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