

108TH CONGRESS  
1ST SESSION

# H. R. 2716

To amend the Compact of Free Association of 1985 to provide for adequate Compact-impact aid.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2003

Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. CASE, and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on International Relations, Energy and Commerce, Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Compact of Free Association of 1985 to provide for adequate Compact-impact aid.

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; FINDINGS; PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Compact-Impact Reimbursement Act”.

6 (b) FINDINGS.—Congress finds the following:

7 (1) In approving the Compact of Free Associa-  
8 tion it was not the intent of Congress to cause ad-

1       verse consequences for Guam, American Samoa, the  
2       Commonwealth of the Northern Mariana Islands, or  
3       the State of Hawaii.

4           (2) Congress declared that if any adverse con-  
5       sequences to Guam, American Samoa, the Common-  
6       wealth of the Northern Mariana Islands, or the  
7       State of Hawaii resulted from implementation of the  
8       Compact of Free Association, Congress would act  
9       sympathetically and expeditiously to redress those  
10      adverse consequences.

11          (3) The General Accounting Office has reported  
12      that migration from the Freely Associated States  
13      has had a significant impact on Guam, the Common-  
14      wealth of the Northern Mariana Islands, and the  
15      State of Hawaii.

16          (4) By placing demands on local governments  
17      for health, educational, and other social services, mi-  
18      gration under the Compact has adversely affected  
19      the budgetary resources of Guam, the Common-  
20      wealth of the Northern Mariana Islands, and the  
21      State of Hawaii.

22          (5) Insufficient sums have been appropriated to  
23      cover the costs incurred by Guam, the Common-  
24      wealth of the Northern Mariana Islands, and the  
25      State of Hawaii, resulting from increased demands

1 placed on health, educational, and other social serv-  
 2 ices by individuals from the Federated States of Mi-  
 3 cronesia, the Republic of the Marshall Islands, and  
 4 the Republic of Palau.

5 (c) PURPOSE.—It is the purpose of this Act to ad-  
 6 dress the unfunded Federal mandate and adverse financial  
 7 consequences resulting from the Compact by meeting the  
 8 obligations set forth in the Compact.

9 **SEC. 2. ENSURING MANDATORY APPROPRIATIONS AND**  
 10 **HEALTH SERVICES REIMBURSEMENT AS**  
 11 **PART OF COMPACT-IMPACT AID.**

12 (a) IN GENERAL.—Section 104(e)(6) of the Compact  
 13 of Free Association Act of 1985 (48 U.S.C. 1904(e)(6))  
 14 is amended to read as follows:

15 “(6) IMPACT COSTS.—

16 “(A) AUTHORIZATION AND CONTINUING  
 17 APPROPRIATIONS.—

18 “(i) IN GENERAL.—There is hereby  
 19 authorized and appropriated to the Sec-  
 20 retary of the Interior, for each fiscal year  
 21 from 2004 through 2023, \$35,000,000 for  
 22 grants to Guam, the State of Hawaii, the  
 23 Commonwealth of the Northern Mariana  
 24 Islands, and American Samoa to aid in de-  
 25 fraying costs incurred by their govern-

1           ments as a result of increased demands  
2           placed on health, educational, social, or  
3           public safety services or infrastructure re-  
4           lated to such services due to the residence  
5           of qualified nonimmigrants.

6           “(ii) AWARDING.—The grants under  
7           clause (i) shall be—

8                   “(I) awarded and administered  
9                   by the Department of the Interior, Of-  
10                  fice of Insular Affairs, or any suc-  
11                  cessor thereto, in accordance with reg-  
12                  ulations, policies and procedures ap-  
13                  plicable to grants so awarded and ad-  
14                  ministered; and

15                   “(II) used only for health, edu-  
16                   cational, social, or public safety serv-  
17                   ices, or infrastructure related to such  
18                   services, specifically affected by quali-  
19                   fied nonimmigrants.

20           “(iii) ENUMERATION.—For purposes  
21           of carrying out this subparagraph, the Sec-  
22           retary of the Interior shall provide for peri-  
23           odic enumerations of qualified non-  
24           immigrants in Guam, the State of Hawaii,  
25           the Commonwealth of the Northern Mar-

1 iana Islands, and American Samoa. The  
2 enumerations—

3 “(I) shall be conducted at such  
4 intervals as the Secretary of the Inte-  
5 rior shall determine, but no less fre-  
6 quently than every five years, begin-  
7 ning in fiscal year 2004; and

8 “(II) shall be supervised by the  
9 United States Bureau of the Census  
10 or other organization as the Secretary  
11 of the Interior may select.

12 “(iv) ALLOCATION.—The Secretary of  
13 the Interior shall allocate to each of the  
14 governments of Guam, the State of Ha-  
15 waii, the Commonwealth of the Northern  
16 Mariana Islands, and American Samoa,  
17 grants under clause (i) for a fiscal year on  
18 the basis of the ratio of the number of  
19 qualified nonimmigrants (as most recently  
20 enumerated under clause (iii)) in the re-  
21 spective jurisdiction to the total of such  
22 numbers for all the jurisdictions.

23 “(B) TREATMENT OF CERTAIN HEALTH  
24 CARE IMPACT COSTS.—Notwithstanding any  
25 other provision of law, for purposes of providing

1 medical assistance for qualified nonimmigrants  
2 under title XIX of the Social Security Act in  
3 the case of a State or territory referred to in  
4 subparagraph (A)(i)—

5 “(i) such individuals shall be treated  
6 in the same manner as an individual de-  
7 scribed in section 402(a)(2)(G) of Public  
8 Law 104–193, as amended;

9 “(ii) the Federal medical assistance  
10 percentage shall be the same percentage as  
11 is applied to medical assistance for services  
12 which are received through an Indian  
13 Health Service facility; and

14 “(iii) payments under such title for  
15 medical assistance for such individuals  
16 shall not be taken into account in applying  
17 any limitations under section 1108 of the  
18 Social Security Act.

19 “(C) QUALIFIED NONIMMIGRANT DE-  
20 FINED.—In this paragraph, term ‘qualified non-  
21 immigrant’ means a person admitted to the  
22 United States pursuant to—

23 “(i) section 141 of the Compact of  
24 Free Association set forth in title II; or

1 “(ii) section 141 of the Compact of  
 2 Free Association between the United  
 3 States and the Government of Palau.”.

4 (b) EFFECTIVE DATE.—Section 104(e)(6)(B) of the  
 5 Compact of Free Association Act of 1985, as amended by  
 6 subsection (a), shall apply to medical assistance for items  
 7 and services furnished on or after October 1, 2003.

8 **SEC. 3. ENSURING FOOD STAMPS ELIGIBILITY AS PART OF**  
 9 **COMPACT-IMPACT AID.**

10 (a) IN GENERAL.—Section 104(e)(6) of the Compact  
 11 of Free Association Act of 1985 (48 U.S.C. 1904(e)(6)),  
 12 as amended by section 2, is further amended—

13 (1) by redesignating subparagraph (C) as sub-  
 14 paragraph (D); and

15 (2) by inserting after subparagraph (B) the fol-  
 16 lowing new subparagraph:

17 “(C) TREATMENT OF CERTAIN SOCIAL IM-  
 18 PACT COSTS.—Notwithstanding any other provi-  
 19 sion of law, with respect to the food stamp pro-  
 20 gram as defined in section 3(h) of the Food  
 21 Stamp Act of 1977—

22 “(i) sections 401(a) and 402(a)(1) of  
 23 the Personal Responsibility and Work Op-  
 24 portunity Reconciliation Act of 1996 shall  
 25 not apply to a qualified nonimmigrant to

1 the same extent that such sections 401(a)  
 2 and 402(a)(1) do not apply to the individ-  
 3 uals described in section 402(a)(2)(G) of  
 4 the Personal Responsibility and Work Op-  
 5 portunity Reconciliation Act of 1996 by  
 6 reason of such section 402(a)(2)(G); and

7 “(ii) section 16(e)(1) of the Food  
 8 Stamp Act of 1977 shall not apply to a  
 9 qualified nonimmigrant.”.

10 (b) EFFECTIVE DATE.—Section 104(e)(6)(C) of the  
 11 Compact of Free Association Act of 1985, as inserted by  
 12 subsection (a), shall apply on and after October 1, 2003.

13 **SEC. 4. ENSURING THE CONTROL AND PREVENTION OF**  
 14 **COMMUNICABLE DISEASES AS PART OF COM-**  
 15 **PACT-IMPACT AID.**

16 Section 105(o) of the Compact of Free Association  
 17 Act of 1985 (48 U.S.C. 1905(o)) is amended to read as  
 18 follows:

19 “(o) COMMUNICABLE DISEASE CONTROL PRO-  
 20 GRAMS.—There are authorized to be appropriated for  
 21 grants to the Governments of the Federated States of Mi-  
 22 cronesia, the Republic of the Marshall Islands, the Repub-  
 23 lic of Palau, Guam, the State of Hawaii, the Common-  
 24 wealth of the Northern Mariana Islands, and American  
 25 Samoa such sums as may be necessary for purposes of



1 establishing or continuing programs for the control and  
 2 prevention of communicable diseases, including (but not  
 3 limited to) cholera and Hansen’s Disease. The Secretary  
 4 of the Interior shall assist the Governments of the Fed-  
 5 erated States of Micronesia, the Republic of the Marshall  
 6 Islands, the Republic of Palau, Guam, the State of Ha-  
 7 waii, the Commonwealth of the Northern Mariana Islands,  
 8 and American Samoa in designing and implementing such  
 9 programs.”.

10 **SEC. 5. ENSURING AVAILABILITY OF DEPARTMENT OF DE-**  
 11 **FENSE MEDICAL FACILITIES AND NATIONAL**  
 12 **HEALTH SERVICE CORPS SERVICES AS PART**  
 13 **OF COMPACT-IMPACT AID.**

14 Section 105(k) of the Compact of Free Association  
 15 Act of 1985 (48 U.S.C. 1905(k)) is amended to read as  
 16 follows:

17 “(k) AVAILABILITY OF DEFENSE MEDICAL FACILI-  
 18 TIES AND NATIONAL HEALTH SERVICE CORPS SERV-  
 19 ICES.—

20 “(1) DEPARTMENT OF DEFENSE FACILITIES.—

21 The Secretary of Defense shall make available the  
 22 medical facilities of the Department of Defense for  
 23 use by individuals from the Federated States of Mi-  
 24 cronesia, the Republic of the Marshall Islands, and  
 25 the Republic of Palau who are properly referred to

1 such facilities by government authorities responsible  
2 for provision of medical services in the Federated  
3 States of Micronesia, the Republic of the Marshall  
4 Islands, the Republic of Palau, Guam, the State of  
5 Hawaii, the Commonwealth of the Northern Mar-  
6 iana Islands, and American Samoa.

7 “(2) NATIONAL HEALTH SERVICE CORPS SERV-  
8 ICES.—The Secretary of Health and Human Serv-  
9 ices shall continue to make the services of the Na-  
10 tional Health Service Corps available to the resi-  
11 dents of the Federated States of Micronesia, the Re-  
12 public of the Marshall Islands, and the Republic of  
13 Palau, to the same extent and for long as such serv-  
14 ices are authorized to be provided to persons resid-  
15 ing in any other areas within or outside the United  
16 States.”.

17 **SEC. 6. ENSURING RETIREMENT OF MEDICAL REFERRAL**  
18 **DEBTS AS PART OF COMPACT-IMPACT AID.**

19 Section 105(d) of the Compact of Free Association  
20 Act of 1985 (48 U.S.C. 1905(d)) is amended—

21 (1) by striking paragraphs (1) and (2) and in-  
22 serting the following:

23 “(1) IN GENERAL.—In addition to the funds  
24 provided in Title Two, Article II, section 221(b) of  
25 the Compact, the United States shall make available

1 to the Governments of the Federated States of Mi-  
2 cronesia, the Republic of the Marshall Islands, and  
3 the Republic of Palau such sums as may be nec-  
4 essary for the payment of the obligations incurred  
5 for the use of medical facilities in the United States,  
6 including any territories and commonwealths, by in-  
7 dividuals from the Federated States of Micronesia,  
8 the Republic of the Marshall Islands, and the Re-  
9 public of Palau, before October 1, 2003.”;

10 (2) by redesignating paragraphs (3) and (4) as  
11 paragraphs (2) and (3), respectively; and

12 (3) in paragraph (2), as so redesignated, by  
13 striking “or (2) of this subsection, as the case may  
14 be”.

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