

COMPACT OF FREE ASSOCIATION AMENDMENTS ACT OF 2023

## Joint Resolution

To approve the 2023 Agreement to Amend the U.S.-FSM Compact, and related agreements, between the Government of the United States of America and the Government of the Federated States of Micronesia, [the 2023 Agreement to Amend the U.S.-RMI Compact], and certain related agreements, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, and the 2023 U.S.-Palau Compact Review Agreement between the Government of the United States of America and the Government of the Republic of Palau [and certain related agreements], and to appropriate funds to carry out these agreements, and for other purposes.

Whereas the United States (in accordance with the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the United Nations Charter, and the objectives of the international trusteeship system of the United Nations) fulfilled its obligations to promote the development of the people of the Trust Territory toward self-government or independence, as appropriate, to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned;

Whereas the United States, the Federated States of Micronesia, and the Republic of the Marshall Islands entered into the Compact of Free Association set forth in title II of Public Law 99– 239, January 14, 1986, 99 Stat. 1770, and the United States and the Republic of Palau entered into the Compact of Free Association set forth in title II of Public Law 99— 658, November 14, 1986, 100 Stat. 3672 to create and maintain a close and mutually beneficial relationship;

Whereas the “Compact of Free Association, as Amended, between the Government of the United States of America and the Government of the Federated States of Micronesia”, the “Compact of Free Association, as Amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands”, and related agreements were signed by the Government of the United States and the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands and approved, as

applicable, in title II of Public Law 108-188, December 17, 2003, 117 Stat. 2720;

Whereas the “Agreement between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review”, was signed by the Government of the United States and the Government of the Republic of Palau on September 3, 2010, and amended on September 19, 2018.

Whereas the United States signed the U.S.-Palau 2023 Agreement following the Compact of Free Association Section 432 Review on May 22, 2023, and the United States signed three agreements related to the U.S.-Federated States of Micronesia Compact of Free Association including an Agreement to Amend the Compact, as amended, a new Fiscal Procedures Agreement, and a new Trust Fund Agreement, on May 23, 2023. Whereas the United States is still undergoing negotiations with the Republic of Marshall Islands on Compact-related agreements.

Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This joint resolution may be cited as the “Compact of Free Association Amendments Act of 2023”.

(b) **TABLE OF CONTENTS.**—The table of contents for this joint resolution is as follows:

**TITLE I—APPROVAL OF 2023 U.S.-FSM COMPACT AMENDMENTS, 2023 [U.S.-RMI COMPACT AMENDMENTS,] AND 2023 U.S.-PALAU COMPACT REVIEW AGREEMENT**

**SECTION 101. APPROVAL OF 2023 AMENDMENTS TO THE U.S.-FSM**

**COMPACT OF FREE ASSOCIATION; [2023 AMENDMENTS TO THE U.S.-RMI COMPACT OF FREE ASSOCIATION;] AND THE 2023 U.S.-PALAU COMPACT REVIEW AGREEMENT; REFERENCES TO SUBSIDIARY AGREEMENTS.**

- (a) FEDERATED STATES OF MICRONESIA.—The 2023 Agreement to Amend the U.S.-FSM Compact and the 2023 U.S.-FSM Trust Fund Agreement, as provided to Congress on June 15, 2023, are hereby approved and incorporated by reference, and Congress hereby consents to the 2023 U.S.-FSM Fiscal Procedures Agreement, as provided to Congress on June 15, 2023[, and the 2023 U.S.-FSM Federal Programs and Services Agreement, as provided to Congress on [insert date agreement text is sent to Congress]]. The President is authorized to bring into force and thereafter to implement such agreements.
- (b) [REPUBLIC OF THE MARSHALL ISLANDS.—[The 2023 Agreement to Amend the U.S.-RMI Compact] and the [new RMI trust fund agreement], as provided to Congress on [insert date texts are sent to Congress], are hereby approved and incorporated by reference, and Congress hereby consents to the [U.S.-RMI 2023 Fiscal Procedures Agreement] and the [2023 U.S.-RMI Federal Programs and Services Agreement] as provided to Congress on [insert date agreement texts are sent to Congress]. The President is authorized to bring into force and thereafter implement such agreements.]
- (c) REPUBLIC OF PALAU.—The 2023 U.S.-Palau Compact Review Agreement, as provided to Congress on June 15, 2023, is hereby approved, [and Congress hereby consents to the 2023 U.S.-Palau Federal Programs and Services Agreement as provided to Congress on [insert date agreement text is sent to Congress]]. The President is authorized to bring into force and thereafter implement such 2023 U.S.-Palau Compact Review Agreement [and subsidiary agreement].
- (d) Section 101(f) of the Compact of Free Association Amendments Act of 2003 is amended by striking “90” and inserting instead “30”.
- (e) REFERENCES TO THE COMPACTS AND RELATED AGREEMENTS.—
- (1) Any reference in [title I of] this joint resolution to “the U.S.-FSM Compact” shall be treated as a reference to the Compact of Free Association set forth in title II of Public Law 99–239, January 14, 1986,

99 Stat. 1770.

- (2) Any reference in [title I of] this joint resolution to the “2003 Amended U.S.-FSM Compact” shall be treated as a reference to the Compact of Free Association, as Amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, set forth in title II of Public Law 108-188, December 17, 2003, 117 Stat. 2720.
- (3) Any reference in [title I of] this joint resolution to the “2023 Agreement to Amend the U.S.-FSM Compact” shall be treated as a reference to the Agreement between the Government of the United States of America and the Government of the Federated States of Micronesia to Amend the Compact of Free Association, as Amended, done at Palikir on May 23, 2023.
- (4) Any reference in [title I of] this joint resolution to the “2023 Amended U.S.-FSM Compact” shall be treated as a reference to the 2003 Amended U.S.-FSM Compact, as amended by the 2023 Agreement to Amend the U.S.-FSM Compact.
- (5) Any reference in [title I of] this joint resolution to the “2023 U.S.-FSM Trust Fund Agreement” shall be treated as a reference to the Agreement between the Government of the United States of America and the Government of the Federated States of Micronesia Regarding the Compact Trust Fund, done at Palikir on May 23, 2023.
- (6) Any reference in [title I of] this joint resolution to the “2023 U.S.-FSM Fiscal Procedures Agreement” shall be treated as a reference to the Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the 2023 Amended Compact Between the Government of the United States of America and the Government of the Federated States of Micronesia, done at Palikir on May 23, 2023.
- (7) [Any reference in [title I of] this joint resolution to the “2023 U.S.-FSM Federal Programs and Services Agreement” shall be treated as a reference to [XXX].]
- (8) Any reference in [title I] of this joint resolution to the “U.S.-Palau Compact” shall be treated as a reference to the Compact of Free Association between the United States and the Government of Palau, set forth in title II of Public Law 99-658, November 14, 1986, 100 Stat. 3672.

- (9) Any reference in [title I of] this joint resolution to the “2023 U.S.-Palau Compact Review Agreement” shall be treated as a reference to the Agreement between the Government of the United States of America and the Government of the Republic of Palau Resulting From the 2023 Compact of Free Association Section 432 Review, done at Port Moresby on May 22, 2023.
- (10) [Any reference in [title I of] this joint resolution to the “2023 U.S.-Palau Federal Programs and Services Agreement” shall be treated as a reference to [XXX].]
- (11) [Any reference in [title I of] this joint resolution to “the U.S.-RMI Compact” shall be treated as a reference to the Compact of Free Association set forth in title II of Public Law 99–239, January 14, 1986, 99 Stat. 1770.]
- (12) [Any reference in [title I of] this joint resolution to the “2003 Amended U.S.-RMI Compact” shall be treated as a reference to the Compact of Free Association, as Amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, set forth in title II of Public Law 108-188, Dec. 17, 2003, 117 Stat. 2720.]
- (13) [Any reference in [title I of] this joint resolution to the “2023 Agreement to Amend the U.S.-RMI Compact” shall be treated as a reference to the [Agreement between the Government of the United States of America and the Government of the Republic of the Marshall Islands to Amend the Compact of Free Association, as Amended], done at [XX] on [XX].]
- (14) [Any reference in [title I of] this joint resolution to the “2023 Amended U.S.-RMI Compact” shall be treated as a reference to the 2003 Amended U.S.-RMI Compact, as amended by the 2023 Agreement to Amend the U.S.-RMI Compact.]
- (15) [Any reference in [title I of] this joint resolution to the “2023 U.S.-RMI Trust Fund Agreement” shall be treated as a reference to [XXX].]
- (16) [Any reference in [title I of] this joint resolution to the “2023 U.S.-RMI Fiscal Procedures Agreement” shall be treated as a reference to [XXX].]
- (17) [Any reference in [title I of] this joint resolution to the “the 2023 U.S.-RMI Federal Programs and Services Agreement” shall be treated as a reference to [XXX].]
- (18) The term “subsidiary agreement” in [title I of] this joint resolution refers

to one of more of the following: the 2023 U.S.-FSM Fiscal Procedures Agreement, the 2023 U.S.-FSM Trust Fund Agreement [, the 2023 U.S.-FSM Federal Programs and Services Agreement], [the 2023 U.S.-RMI Fiscal Procedures Agreement, 2023 U.S.-RMI Trust Fund Agreement, the 2023 U.S.-RMI Federal Programs and Services Agreement] [, the 2023 U.S.-Palau Federal Programs and Services Agreement], and any other agreements that the United States may from time to time enter into with either the Government of the Federated States of Micronesia, the Government of the Republic of Palau[, or the Government of the Republic of the Marshall Islands] in accordance with the provisions of the 2023 Amended U.S.-FSM Compact, the 2023 U.S.-Palau Compact Review Agreement, [or the 2023 Amended U.S.-RMI Compact].

## **SEC. 102. AGREEMENTS WITH FEDERATED STATES OF MICRONESIA.**

- (a) **LAW ENFORCEMENT ASSISTANCE.**—Pursuant to sections 222 and 224 of the 2023 Amended U.S.-FSM Compact, the United States may provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Federated States of Micronesia to develop and adequately enforce laws of the Federated States of Micronesia and to cooperate with the United States in the enforcement of criminal laws of the United States.] Funds appropriated pursuant to section 105(f)(4)(B) of this [title][joint resolution] may be used to reimburse State or local agencies providing such assistance.
- (b) The Comptroller General (and the Comptroller General’s duly authorized representatives) shall have the authorities necessary to carry out the Comptroller’s General responsibilities under the 2023 Amended U.S.-FSM Compact and U.S.-FSM subsidiary agreements.
- (c) **UNITED STATES APPOINTEES TO JOINT ECONOMIC MANAGEMENT COMMITTEE.**—The three United States appointees (United States chair plus two members) to the Joint Economic

Management Committee established under section 213 of the 2003 Amended U.S.-FSM Compact shall continue to be United States government officers or employees.

### **SEC. 103. AGREEMENTS WITH AND OTHER PROVISIONS RELATED TO THE REPUBLIC OF THE MARSHALL ISLANDS.**

- (a) **LAW ENFORCEMENT ASSISTANCE.**—Pursuant to sections 222 and 224 of the 2023 Amended U.S.-RMI Compact, the United States may provide non reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Marshall Islands to develop and adequately enforce laws of the Marshall Islands and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(f)(4)(B) of this [title][joint resolution] may be used to reimburse State or local agencies providing [such] assistance [alt: pursuant to section 103(a) of the Compacts of Free Association Amendments Act of 2003].
- (b) **ESPOUSAL PROVISIONS.**—
- (1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that “it is the intention of the Congress of the United States that the provisions of section 177 of the Compact of Free Association and the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the ‘Section 177 Agreement’) constitute a full and final settlement of all claims described in Articles X and XI of the Section 177 Agreement, and that any such claims be terminated and barred except insofar as provided for in the Section 177 Agreement”.
- (2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that “in furtherance of the intention of Congress as stated in paragraph (1) of this sub- section, the Section 177 Agreement is hereby ratified and approved. It is the explicit understanding and intent of Congress that the jurisdictional limitations set forth in Article XII of such Agreement are enacted



solely and exclusively to accomplish the objective of Article X of such Agreement and only as a clarification of the effect of Article X, and are not to be construed or implemented separately from Article X”.

- (c) [The Comptroller General (and the Comptroller General’s duly authorized representatives) shall have the authorities necessary to carry out the Comptroller’s General responsibilities under the 2023 Amended U.S.-RMI Compact and subsidiary agreements. ]
- (d) [UNITED STATES APPOINTEES TO JOINT ECONOMIC MANAGEMENT AND FINANCIAL ACCOUNTABILITY COMMITTEE.—The three United States appointees (United States chair plus two members) to the Joint Economic Management and Financial Accountability Committee established under section 214 of the 2003 Amended U.S.-RMI Compact shall continue to be United States government officers or employees.]

#### **SECTION 104. AGREEMENTS WITH AND OTHER PROVISIONS RELATED TO THE REPUBLIC OF PALAU.**

- (a) The Comptroller General (and the Comptroller General’s duly authorized representatives) shall have the authorities necessary to carry out the Comptroller’s General responsibilities under the 2023 U.S.-Palau Compact Review Agreement [and subsidiary agreement].
- (b) BILATERAL ECONOMIC CONSULTATIONS.— United States participation in the annual economic consultations referred to in Article 8 of the 2023 U.S.-Palau Compact Review Agreement shall be by United States government officers or employees.
- (c) ECONOMIC ADVISORY GROUP.— The Department of the Interior may use available funds to provide for the costs of the two U.S. designated members of the Economic Advisory Group referred to in Article 7 of the 2023 U.S.-Palau Compact Review Agreement, and for half of the costs of the fifth member designated consistent with Article 7 of the 2023 U.S.-Palau Compact Review Agreement, and [funding] for technical and administrative assistance for the Economic Advisory Group and support necessary for it to accomplish its purpose.

**SECTION 105. UNITED STATES POLICY REGARDING THE  
FREELY ASSOCIATED STATES**

(a) Authorization of Supplemental Programs and Services

(1) Authorization for Veterans' Services

(A) Hospital Care, Medical Services, and Nursing Home Care Abroad.—Section 1724 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) [Notwithstanding any other provision of law,] The Secretary may furnish hospital care and medical services in the Freely Associated States to a veteran who is otherwise eligible to receive hospital care and medical services.

“(2) In furnishing care and services under paragraph (1), the Secretary may furnish such care through contracts or other agreements, through reimbursement, or through the direct provision of care by health care personnel of the Department.

“(3) In furnishing care and services under paragraph (1), the Secretary may furnish hospital care and medical services for conditions regardless of whether they are connected to the veteran's service in the Armed Forces of the United States.

“(4) In this subsection, the term ‘Freely Associated States’ means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.”.

(B) Beneficiary Travel.—Section 111 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) Notwithstanding any other provision of law, the Secretary may make payments to or for any person traveling in, to, or from the Freely Associated States for receipt of care or services authorized under section 1724(f) of this title.

“(2) The Secretary shall prescribe regulations to carry out this subsection.

“(3) In this subsection, the term ‘Freely Associated States’ means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.”.

(C) Legal Issues.—(1) The Secretary of Veterans Affairs, in consultation with the Secretary of State, should work with the governments of the Freely Associated States to facilitate the furnishing of health services, including telehealth, under the laws administered by the Secretary of Veterans Affairs, to veterans in the Freely Associated States, such as by addressing—

(A) licensure, certification, or registration and tort issues relating to health care personnel; and

(B) matters relating to deliveries of pharmaceutical products and medical surgical products, including deliveries of such products through the Consolidated Mail Outpatient Pharmacy of the Department of Veterans Affairs, to the Freely Associated States.

(2)(A)(i) Notwithstanding any other provision of law regarding the licensure of health care professionals or the prescribing of controlled substances, a covered health care professional may practice the health care profession of the health care professional and prescribe controlled substances at any location in any State or in the Freely Associated States, regardless of where the covered health care professional or the patient is located, if the covered health care professional is furnishing health care to a veteran in the Freely Associated States.

(ii) For purposes of this paragraph, the rule of construction set forth in section 1730C(e) of title 38, United States Code, shall not apply to a covered health care professional when furnishing care pursuant to this paragraph.

(iii) For purposes of this paragraph, the term, “covered health care professional” has the meaning given that term in section 1730C(b) of title 38, United States Code.

(B)(i) The provisions of this paragraph shall supersede any provisions of the law of any State to the extent that such provisions of State law are inconsistent with this paragraph.

(ii) No State shall deny or revoke the license, registration, or certification of a covered health care professional who otherwise meets the qualifications of the State for holding the license, registration, or certification on the basis that the covered health care professional has engaged or intends to engage in activity covered by this paragraph.

(3) Any health care personnel of the Department furnishing hospital care or medical services or providing medical consultation or medical advice to veterans in the Freely

Associated States under authority granted by this Act shall, to the extent possible under applicable Federal law, be covered by the Federal Tort Claims Act (28 U.S.C. § 2671, et seq.) if such care, services, consultation, or advice is delivered through a remote or telehealth program.

(D) Outreach and Assessment of Options.—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Veterans Affairs should, subject to the availability of appropriations, —

- (i) conduct robust outreach to and engage with each government of the Freely Associated States;
- (ii) assess options for the delivery of care through the use of authorities provided pursuant to the amendments made by this section; and
- (iii) increase staffing as necessary to conduct outreach as required by clause (i).

(E) Freely Associated States Defined.—In this subsection, the term “Freely Associated States” means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

## (2) AUTHORIZATION OF EDUCATION PROGRAMS

(A) ELIGIBILITY. Beginning with fiscal year 2024, the Government of the United States shall —

(i) continue to make available to the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau, grants for services to individuals eligible for such services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) to the extent that those services continue to be available to individuals in the United States;

(ii) continue to make available to the Federated States of Micronesia and the Republic of the Marshall Islands, and make available to the Republic of Palau, competitive grants under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), and part D of the Individuals with Disabilities

Education Act (20 U.S.C. 1450 et seq.) to the extent that those grants continue to be available to State and local governments in the United States;

(iii) continue to make grants available to the Republic of Palau under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.), and the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

(iv) continue to make available to eligible institutions of higher education in the Republic of Palau, and make available to eligible institutions of higher education in the Federated States of Micronesia and the Republic of the Marshall Islands, and to students enrolled in those institutions, and to students who are citizens of the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau and enrolled in institutions in the United States and its territories, grants under—

(I) subpart 1 of part A of title IV of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1070a et seq.) (Pell Grants);

(II) subpart 3 of part A of title IV of the HEA (20 U.S.C. 1070b et seq.) (Federal Supplemental Educational Opportunity Grants); and

(III) part C of title IV of the HEA (20 U.S.C. 1087-51 et seq.) (Federal-Work Study Programs);

(v) make available to students enrolled in eligible institutions of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, and to students who are citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau and enrolled in institutions in the United States and its territories, loans authorized under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) (William D. Ford Federal Direct Loan Program); and

(vi) continue to make available, to eligible institutions of higher education, secondary schools, and non-profit organizations in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, competitive grants under the HEA (20 U.S.C. 1001 et seq.).

(B) OTHER FORMULA GRANTS. Except as provided in subparagraph (A), the Secretary of Education shall not make a grant under any formula-grant program administered by the Department of Education to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

(C) GRANTS TO THE FREELY ASSOCIATED STATES UNDER PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT--

Section 611(b)(1)(A) of the Individuals with Disabilities Education Act (20 U.S.C.

1411(b)(1)(A) is amended to read as follows:

"(A) FUNDS RESERVED. From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve not more than 1 percent, which shall be used, at the discretion of the Secretary, as follows:

"(i) To provide assistance to the outlying areas in accordance with their respective populations of individuals aged 3 through 21.

"(ii)(I) To provide each freely associated State a grant so that no freely associated State receives a lesser share of the total funds reserved for the freely associated State than it received of those funds for fiscal year 2023.

"(II) Each freely associated State shall establish its eligibility under this subparagraph consistent with the requirements for a State under section 612.

"(III) The funds provided to each freely associated State under this part may be used to provide, to each infant and toddler with a disability, as defined in section 632(5), either a free appropriate public education, consistent with section 612, or early intervention services consistent with part C, notwithstanding the application requirements of sections 635 and 637."

(D) HEAD START PROGRAMS

(i) Section 637(25) of the Head Start Act is amended by striking "The term includes the Republic of Palau for fiscal years 2008 and 2009, and (if the legislation described in section 640(a)(2)(B)(v) has not been enacted by September 30, 2009) for fiscal years 2010 through 2012." and inserting instead "For the purposes of this subchapter, the term freely associated states includes the

Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.”

(ii) Section 640(a)(1) of the Head Start Act is amended by—

- i. inserting “and the Republic of Palau” after “of the United States” in subparagraph (B)(iv);
- ii. striking subparagraph (B)(v); and
- iii. (c) inserting at the end the following new subparagraph: “(H) The Secretary may reserve for each fiscal year such sums as are necessary to provide an amount for the Federated States of Micronesia and the Republic of the Marshall Islands (for Head Start agencies (including Early Head Start agencies) in the jurisdiction) in fiscal year 2024 and subsequent fiscal years.”.

(E) PARTICIPATION BY SECONDARY SCHOOLS IN THE ARMED SERVICES VOCATIONAL APTITUDE BATTERY STUDENT TESTING PROGRAM.—It is the sense of Congress that the Department of Defense may extend the Armed Services Vocational Aptitude Battery (ASVAB) Student Testing Program and the ASVAB Career Exploration Program to selected secondary Schools in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau to the extent such programs are available to Department of Defense Dependent Schools located in foreign jurisdictions.

### (3) HEALTH PROGRAMS

(A) DOD MEDICAL FACILITIES.—The Secretary of Defense shall make available, on a space available and reimbursable basis, the medical facilities of the Department of Defense for use by citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, who are properly referred to the facilities by government authorities responsible for provision of medical services in the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the affected jurisdictions.

(B) NATIONAL HEALTH SERVICE CORPS.—The Secretary of Health and Human Services shall make the services of the National Health

Service Corps available to the residents of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau to the same extent and for so long as such services are authorized to be provided to persons residing in any other areas within or outside the United States.

(C) Section 2(f) of the Public Health Service Act (42 U.S.C. 201(f)) is amended by striking “the Trust Territory of the Pacific Islands” and inserting instead “the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau”.

(4) JUDICIAL TRAINING.—

(A) IN GENERAL.—In addition to amounts provided under section 261(a)(4) of the 2023 Amended U.S.-FSM Compact and [the 2023 Amended U.S.-RMI Compact], and under Article 1(a)-(b) of the 2023 U.S.-Palau Compact Review Agreement, the Secretary of the Interior shall annually provide during each of fiscal years 2024 through 2043 \$550,000, for the training of judges and officials of the judiciary in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau in cooperation with the Pacific Islands Committee of the Ninth Circuit Judicial Council.

(B) AUTHORIZATION AND CONTINUING APPROPRIATION.—There is hereby authorized and appropriated to the Secretary of State, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, for each of fiscal years 2024 through 2043, \$550,000, to carry out the purposes of this section. *Provided further*, That such funds shall be transferred to the Department of the Interior: *Provided further*, That any such funds transferred to the Department of the Interior shall be the fiduciary, fiscal, and audit responsibility of the Department of the Interior.

(5) ADDITIONAL PROGRAMS AND SERVICES

(A) The Republic of Palau may be eligible for the programs and services made available to the Federated States of Micronesia and Republic of the Marshall Islands in section 108(a) of the Compact of Free Association Amendments Act of 2003.

(B) In addition to the programs and services set forth in any Federal Programs and Services Agreement between the United States and the Republic of Palau, the



Republic of Palau may be eligible for the programs and services of the Legal Services Corporation, Public Health Service, and Rural Housing Service.

(C) Section 103(f)(2)(C)(i) of the Compacts of Free Association Amendments Act of 2003 is amended by inserting "through fiscal year 2023" after "per year".

(D) Notwithstanding any other provision of law, the United States Department of Agriculture may provide, without reimbursement, food programs to the people of the Republic of the Marshall Islands.

**(b) ADDITIONAL PROVISIONS**

(1) FOREIGN LOANS.—Congress hereby reaffirms the United States position that the United States Government is not responsible for foreign loans or debt of the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(2) Section 105(b)(5) of the Compacts of Free Association Amendments Act of 2003 is amended to read as follows: "Pursuant to section 207 of the Foreign Service Act of 1980, all United States Government executive branch employees in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau fall under the authority of the respective applicable United States Chief of Mission. The only exceptions to this authority are those identified in U.S. law or presidential directive."

(3) Section 104(e)(4)(A) of the Compacts of Free Association Amendments Act of 2003 is amended by inserting "through fiscal year 2023" after "fiscal year 2003".

(4) Section 104(e)(4)(C) of the Compacts of Free Association Amendments Act of 2003 is amended by inserting "through fiscal year 2023" after "fiscal year 2003".

(5) Section 104(e)(5) of the Compacts of Free Association Amendments Act of 2003 is repealed.

(6) Section 104(h)(1) of the Compacts of Free Association Amendments Act of 2003 is amended by inserting "through fiscal year 2023" after "each year thereafter".

(7) Section 104(h)(3) of the of the Compacts of Free Association Amendments Act of 2003 is amended by inserting "through fiscal year 2023" after "every 5 years thereafter".

(8) Section 105(m) of the of the Compacts of Free Association Amendments Act of 2003 is amended by inserting "through fiscal year 2023" after "implementing such a program".

**(c) Compact Impact Fairness**

(1) In General.—Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612) is amended—

(A) in subsection (a)(2), by adding at the end the following new subparagraph:

“(N) EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for any specified Federal program, paragraph (1) shall not apply to any individual who lawfully resides in the United States in accordance with section 141 of the Compacts of Free Association, as amended, between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, and who is a citizen of one of those three nations.”; and

(B) in subsection (b)(2)(G)—

(i) in the subparagraph heading, by striking “MEDICAID EXCEPTION FOR” and inserting “EXCEPTION FOR”; and

(ii) by striking “the designated Federal program defined in paragraph (3)(C) (relating to the Medicaid program)” and inserting “any designated Federal program”.

(2) Exception to 5-year Wait Requirement.—Section 403(b)(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)(3)) is amended by striking “, but only with respect to the designated Federal program defined in section 402(b)(3)(C)”.

(3) Definition of Qualified Alien.—Section 431(b)(8) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)(8)) is amended by striking “, but only with respect to the designated Federal program defined in section 402(b)(3)(C) (relating to the Medicaid program)”.

## **SECTION 106. ADDITIONAL AUTHORITIES**

(a) The Secretary of the Interior shall have the authority necessary to fulfill the responsibilities for monitoring and managing the funds appropriated to the

Compact Assistance Fund established in section 107(a) and transferred to the Department of the Interior to carry out Article VI of Title Two of the 2023 Amended U.S.-FSM Compact, [the 2023 Amended U.S.-RMI Compact], the 2023 U.S.-Palau Compact Review Agreement, and subsidiary agreements.

- (b) Appropriations made to carry out obligations under sections 131 and 132 and paragraphs (a)(1) and (a)(3) through (6) of section 221 of the 2023 Amended U.S.-FSM Compact, sections 131 and 132 and [paragraphs (a)(1) and (a)(3) through (5) of section 221 of the 2023 Amended U.S.-RMI Compact,] sections 131 and 132 and paragraphs 221(a)(1), (3), and (4) of the U.S.-Palau Compact, and Article 6(a) of the 2023 U.S.-Palau Compact Review Agreement, [and for the Federal Deposit Insurance Corporation to carry out any obligations under the 2023 U.S.-Palau Federal Programs and Services Agreement, upon entry into force of such agreement], shall be made directly to the departments, agencies, and instrumentalities carrying out these obligations. The heads of such departments, agencies, and instrumentalities shall have the authority to carry out such activities as may be necessary to fulfill the obligations under these provisions and may use available funds to carry out such activities.
- (c) The Postmaster General shall have the authority necessary to fulfill the responsibilities for monitoring and managing the funds appropriated to the Compact Assistance Fund established in section 107(a) and transferred to the United States Postal Service to carry out subsection (a)(2) of section 221 of Article II of Title Two of the 2023 Amended U.S.-FSM Compact[, the 2023 Amended U.S.-RMI Compact,] and the U.S.-Palau Compact, and Article 6(a) of the 2023 U.S.-Palau Compact Review Agreement.
- (d) The heads of the departments, agencies, and instrumentalities carrying out sections 131, 132, and 221(a) of the 2003 Amended U.S.-FSM Compact and sections 131, 132, and 221(a) of the 2003 Amended U.S.-RMI Compact may continue the provision of programs and services as described in those sections until the entry into force of new future federal programs and services agreements with the relevant country, notwithstanding any other provision of law;; Provided, That the Department of Homeland Security Federal Emergency Management Agency may transfer funds to United States Agency for International Development for disaster relief and reconstruction services to carry out the purposes of this subsection;; Provided further, That the heads of such departments, agencies, and instrumentalities may

place terms and conditions as may be appropriate on such programs and services.

- (e) Appropriations for services and programs referred to in subsection (b) of section 221 of Article II of Title Two of the 2023 Amended U.S.-FSM Compact [and the 2023 Amended U.S.-RMI Compact] and in Article 6(b) of the 2023 U.S.-Palau Compact Review Agreement and for services and programs referred to in section 105 of this [title][joint resolution] shall be made to the relevant agencies in accordance with the terms of the appropriations for such services and programs, and the heads of such agencies shall have the authority to carry out such activities as may be necessary to fulfill their obligations under these provisions.
- (f) Federal agencies providing programs and services to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau shall coordinate with the Secretaries of the Interior and State regarding provision of such programs and services. The Secretaries of the Interior and State should consult with appropriate officials of the Asian Development Bank and with the Secretary of the Treasury regarding overall economic conditions in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau and regarding the activities of other donors of assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
- (g) TECHNICAL ASSISTANCE.—Subparagraph 105(j) of the Compact of Free Association Amendments Act of 2003 is amended to read as follows: “Technical assistance may be provided pursuant to section 224 of the 2023 Amended U.S.-FSM Compact, [the 2023 Amended U.S.-RMI Compact,] or section 222 of the U.S.-Palau Compact by Federal agencies and institutions of the Government of the United States to the extent such assistance may be provided to States, territories, or units of local government. Such assistance provided by the Forest Service, the Natural Resources Conservation Service, the Fish and Wildlife Service, the National Marine Fisheries Service, the United States Coast Guard, the Advisory Council on Historic Preservation, the Department of the Interior, and other agencies providing assistance under the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470– 470t), may be provided on a non-reimbursable basis. During the period the 2023 Amended U.S.-FSM Compact [is][and the 2023 Amended U.S.-RMI Compact are] in force, the grant programs under the National Historic Preservation Act shall continue to apply to

the Federated States of Micronesia and the Republic of the Marshall Islands in the same manner and to the same extent as prior to the approval of the U.S.-FSM Compact and U.S.-RMI Compact. Any funds provided pursuant to sections 102(a), 103(a), 103(b), 103(f), 103(g), 103(h), 103(j), 105(c), 105(g), 105(h), 105(i), 105(j), 105(k), 105(l), and 105(m) of this [title][joint resolution] shall be in addition to and not charged against any amounts to be paid to either the Federated States of Micronesia or the Republic of the Marshall Islands pursuant to the U.S.-FSM Compact, the U.S.-RMI Compact, or their related subsidiary agreements.”

- (h) Any assistance provided pursuant to sections 102(a), 103(a), 104(c), 105, and 106(g) of this [title][joint resolution] shall be in addition to and not charged against any amounts to be paid to the Federated States of Micronesia[, the Republic of the Marshall Islands,] and the Republic of Palau pursuant to the 2023 Amended U.S.-FSM Compact, [the 2023 Amended U.S.-RMI Compact, ]or the 2023 U.S.-Palau Compact Review Agreement or subsidiary agreements.
- (i) INTERAGENCY GROUP ON FREELY ASSOCIATED STATES’ AFFAIRS.— IN GENERAL.—The President is hereby authorized to appoint an Interagency Group on Freely Associated States’ Affairs to provide policy guidance and recommendations to Federal departments and agencies on implementation of the 2023 Amended U.S.-FSM Compact, [the 2023 Amended U.S.-RMI Compact,] and the 2023 U.S.-Palau Compact Review Agreement
- (j) Notwithstanding any other provision of law, including section 109 of P.L. 108-188, remaining balances appropriated to carry out sections 211, 212(b), 215, and 217 of the 2023 Amended U.S.-FSM Compact, shall be programmed pursuant to Article IX of the 2023 U.S.-FSM Fiscal Procedures Agreement[ and remaining balances appropriated to carry out sections XXX of the 2003 Amended U.S.-RMI Compact, shall be programmed pursuant to Article XXX of the 2023 U.S.-RMI Fiscal Procedures Agreement].
- (k) Contributions under the 2023 Amended U.S.-FSM Compact, the 2023 U.S.-Palau Compact Review Agreement, [and the 2023 Amended U.S.-RMI Compact] may be provided as grants for purposes of implementation under the laws of the United States, and funds appropriated pursuant to section 107 may be deposited in interest bearing accounts, notwithstanding any other provision of law.

- (l) Clarification.— For the avoidance of doubt, the provisions of title I of the Compact of Free Association Act of 1985 (P.L. 99-239), title I of the Joint Resolution to Title I of the Amended Compacts of Free Association Act of 2003 (P.L. 108-188), section 1259C of the National Defense Authorization Act for Fiscal Year 2018 (P.L. 115-91), and the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2018 (Div. G, P.L. 115-141) are not amended by this Act unless otherwise provided.

**SEC. 107 AUTHORIZATION AND CONTINUING APPROPRIATION.**

- (a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Compact Assistance Fund” (referred to in this subsection as the “Fund”) to be administered by the Secretary of State.
- (b) [There are authorized and appropriated to the Fund, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, such sums as are necessary to carry out the purposes of sections 261, 265, and 266 of the 2023 Amended U.S.-FSM Compact, sections XXX of the 2023 Amended U.S.-RMI Compact, and Articles 1, 2, and 3 of the 2023 U.S.-Palau Compact Review Agreement in this and subsequent fiscal years, notwithstanding any other provision of law: *Provided*, That such funds shall be transferred to the Department of the Interior to carry out such purposes: *Provided further*, That any such funds transferred to the Department of the Interior shall be the fiduciary, fiscal, and audit responsibility of the Department of the Interior. ]

Alt (b): There are authorized and appropriated to the Fund, out of any funds in the Treasury not otherwise appropriated:

(1) such sums as are necessary to carry out the purposes of sections 261, 265, and 266 of the 2023 Amended U.S.-FSM Compact and Articles 1, 2, and 3 of the 2023 U.S.-Palau Compact Review Agreement in this and subsequent fiscal years, to remain available until expended, notwithstanding any other provision of law: *Provided*, That such funds shall be transferred

to the Department of the Interior to carry out such purposes: *Provided further*, That any such funds transferred to the Department of the Interior shall be the fiduciary, fiscal, and audit responsibility of the Department of the Interior.

(2) [\$2,300,000,000], to remain available until expended, to carry out the purposes of any future amendments to the 2003 Amended U.S. RMI-Compact, notwithstanding any other provision of law: *Provided*, That such funds may not be made available to the Republic of the Marshall Islands or its Compact Trust Fund [the fund established under section 107(a)] unless and until an Act of Congress approves such amendments: *Provided further*, That such funds shall be transferred to the Department of the Interior to carry out such purposes: *Provided further*, That any such funds transferred to the Department of the Interior shall be the fiduciary, fiscal, and audit responsibility of the Department of the Interior.

- (c) There are authorized and appropriated to the Fund, out of any funds in the Treasury not otherwise appropriated, \$31,700,000, to remain available until expended, for each of fiscal years 2024 through 2043 for the costs not otherwise provided for to carry out the purposes of section 221(a)(2) of Article II of Title Two of the 2023 Amended U.S.-FSM Compact [section XXX of the 2023 Amended U.S.-RMI Compact,] section 221(a)(2) of Article II of Title Two of the U.S.-Palau Compact, and Article 6(a) of the 2023 U.S.-Palau Compact Review Agreement, notwithstanding any other provision of law: *Provided*, That such funds shall be transferred to the United States Postal Service for such purposes: *Provided further*, That any such funds [allocated or] transferred to the United States Postal Service shall be the fiduciary, fiscal, and audit responsibility of the United States Postal Service.