

109TH CONGRESS
1ST SESSION

S. 1830

To amend the Compact of Free Association Amendments Act of 2003, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2005

Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. AKAKA) (by request) in-
troduced the following bill; which was read twice and referred to the Com-
mittee on Energy and Natural Resources

A BILL

To amend the Compact of Free Association Amendments
Act of 2003, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Compacts of Free As-
5 sociation Amendments Act of 2005”.

6 **SEC. 2. APPROVAL OF AGREEMENTS.**

7 Section 101 of the Compact of Free Association
8 Amendments Act of 2003 (48 U.S.C. 1921) is amended—

9 (1) in the first sentence of subsection (a), by in-
10 serting before the period at the end the following: “,

1 including Article X of the Federal Programs and
2 Services Agreement Between the Government of the
3 United States and the Government of the Federated
4 States of Micronesia, as amended under the Agree-
5 ment to Amend Article X that was signed by those
6 2 Governments on June 30, 2004, which shall serve
7 as the authority to implement the provisions there-
8 of”; and

9 (2) in the first sentence of subsection (b), by in-
10 sserting before the period at the end the following: “,
11 including Article X of the Federal Programs and
12 Services Agreement Between the Government of the
13 United States and the Government of the Republic
14 of the Marshall Islands, as amended under the
15 Agreement to Amend Article X that was signed by
16 those 2 Governments on June 18, 2004, which shall
17 serve as the authority to implement the provisions
18 thereof”.

19 **SEC. 3. CONFORMING AMENDMENT.**

20 Section 105(f)(1) of the Compact of Free Association
21 Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is
22 amended by striking subparagraph (A) and inserting the
23 following:

24 “(A) EMERGENCY AND DISASTER ASSIST-
25 ANCE.—

1 “(i) IN GENERAL.—Subject to clause
 2 (ii), section 221(a)(6) of the U.S.-FSM
 3 Compact and section 221(a)(5) of the
 4 U.S.-RMI Compact shall each be construed
 5 and applied in accordance with the 2
 6 Agreements to Amend Article X of the
 7 Federal Programs and Service Agreements
 8 signed on June 30, 2004, and on June 18,
 9 2004, respectively.

10 “(ii) DEFINITION OF WILL PROVIDE
 11 FUNDING.—In the second sentence of
 12 paragraph 12 of each of the Agreements
 13 described in clause (i), the term ‘will pro-
 14 vide funding’ means will provide funding
 15 through a transfer of funds using Stand-
 16 ard Form 1151 or a similar document or
 17 through an interagency, reimbursable
 18 agreement.”.

19 **SEC. 4. CLARIFICATIONS REGARDING PALAU.**

20 Section 105(f)(1)(B) of the Compact of Free Associa-
 21 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B))
 22 is amended—

23 (1) in clause (ii)(II), by striking “and its terri-
 24 tories” and inserting “, its territories, and the Re-
 25 public of Palau”;

1 (2) in clause (iii), by striking “, or the Republic
2 of the Marshall Islands” and inserting “, the Repub-
3 lic of the Marshall Islands, or the Republic of
4 Palau”; and

5 (3) in clause (ix)—

6 (A) by striking “Republic” both places it
7 appears and inserting “government, institu-
8 tions, and people”; and

9 (B) by striking “was” and inserting
10 “were”.

11 **SEC. 5. AVAILABILITY OF LEGAL SERVICES.**

12 Section 105(f)(1)(C) of the Compact of Free Associa-
13 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C))
14 is amended by inserting before the period at the end the
15 following: “, which shall also continue to be available to
16 the citizens of the Federated States of Micronesia, the Re-
17 public of Palau, and the Republic of the Marshall Islands
18 who reside in the United States (including territories and
19 possessions)”.

20 **SEC. 6. TECHNICAL AMENDMENTS.**

21 (a) TITLE I.—

22 (1) SECTION 177 AGREEMENT.—Section
23 103(c)(1) of the Compact of Free Association
24 Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is

1 amended by striking “section 177” and inserting
2 “Section 177”.

3 (2) INTERPRETATION AND UNITED STATES
4 POLICY.—Section 104 of the Compact of Free Asso-
5 ciation Amendments Act of 2003 (48 U.S.C. 1921c)
6 is amended—

7 (A) in subsection (b)(1), by inserting “the”
8 before “U.S.-RMI Compact,”;

9 (B) in subsection (e)—

10 (i) in the matter preceding subpara-
11 graph (A) of paragraph (8) , by striking
12 “to include” and inserting “and include”;

13 (ii) in paragraph (9)(A), by inserting
14 a comma after “may”; and

15 (iii) in paragraph (10), by striking
16 “related to service” and inserting “related
17 to such services”; and

18 (C) in the first sentence of subsection (j),
19 by inserting “the” before “Interior”.

20 (3) SUPPLEMENTAL PROVISIONS.—Section
21 105(b)(1) of the Compact of Free Association
22 Amendments Act of 2003 (48 U.S.C. 1921d(b)(1))
23 is amended by striking “Trust Fund” and inserting
24 “Trust Funds”.

25 (b) TITLE II.—

1 (1) U.S.-FSM COMPACT.—The Compact of
2 Free Association, as amended, between the Govern-
3 ment of the United States of America and the Gov-
4 ernment of the Federated States of Micronesia (as
5 provided in section 201(a) of the Compact of Free
6 Association Amendments Act of 2003 (117 Stat.
7 2757)) is amended—

8 (A) in section 174—

9 (i) in subsection (a), by striking
10 “courts” and inserting “court”; and

11 (ii) in subsection (b)(2), by striking
12 “the” before “November”;

13 (B) in section 177(a), by striking “, or
14 Palau” and inserting “(or Palau)”;

15 (C) in section 179(b), strike “amended
16 Compact” and inserting “Compact, as amend-
17 ed,”;

18 (D) in section 211—

19 (i) in the fifth sentence of subsection
20 (a), by striking “Trust Fund Agreement,”
21 and inserting “Agreement Between the
22 Government of the United States of Amer-
23 ica and the Government of the Federated
24 States of Micronesia Implementing Section
25 215 and Section 216 of the Compact, as

- 1 Amended, Regarding a Trust Fund (Trust
2 Fund Agreement),”;
- 3 (ii) in subsection (b)—
- 4 (I) in the first sentence, by strik-
5 ing “Government of the” before “Fed-
6 erated”; and
- 7 (II) in the second sentence, by
8 striking “Sections 321 and 323 of the
9 Compact” and inserting “Sections
10 211(b), 321, and 323. The Compact,
11 as amended,”; and
- 12 (iii) in the last sentence of subsection
13 (d), by inserting before the period at the
14 end the following: “and the Federal Pro-
15 grams and Services Agreement referred to
16 in section 231”;
- 17 (E) in the first sentence of section 215(b),
18 by striking “subsection(a)” and inserting “sub-
19 section (a)”;
- 20 (F) in section 221—
- 21 (i) in subsection (a)(6), by inserting
22 “(Federal Emergency Management Agen-
23 cy)” after “Homeland Security”; and

1 (ii) in the first sentence of subsection
2 (c), by striking “agreements” and inserting
3 “agreement”;

4 (G) in the second sentence of section 222,
5 by inserting “in” after “referred to”;

6 (H) in the second sentence of the first un-
7 designated paragraph of section 232, by strik-
8 ing “sections 102 (c)” and all that follows
9 through “January 14, 1986)” and inserting
10 “section 102(b) of Public Law 108-188, 117
11 Stat. 2726, December 17, 2003”;

12 (I) in the second sentence of section 252,
13 by inserting “, as amended,” after “Compact”;

14 (J) in the first sentence of the first undes-
15 igned paragraph of section 341, by striking
16 “Section 141” and inserting “section 141”;

17 (K) in section 342—

18 (i) in subsection (a), by striking “14
19 U.S.C. 195” and inserting “section 195 of
20 title 14, United States Code”; and

21 (ii) in subsection (b)—

22 (I) by striking “46 U.S.C.
23 1295(b)(6)” and inserting “section
24 1303(b)(6) of the Merchant Marine

1 Act, 1936 (46 U.S.C. 1295b(b)(6))”;

2 and

3 (II) by striking “46 U.S.C.
4 1295b(b)(6)(C)” and inserting “sec-
5 tion 1303(b)(6)(C) of that Act”;

6 (L) in the third sentence of section 354(a),
7 by striking “section 442 and 452” and insert-
8 ing “sections 442 and 452”;

9 (M) in section 461(h), by striking “Tele-
10 communications” and inserting “Telecommuni-
11 cation”;

12 (N) in section 462(b)(4), by striking “of
13 Free Association” the second place it appears;
14 and

15 (O) in section 463(b), by striking “Articles
16 IV” and inserting “Article IV”.

17 (2) U.S.-RMI COMPACT.—The Compact of Free
18 Association, as amended, between the Government of
19 the United States of America and the Government
20 of the Republic of the Marshall Islands (as provided
21 in section 201(b) of the Compact of Free Associa-
22 tion Amendments Act of 2003 (117 Stat. 2795)) is
23 amended—

24 (A) in section 174(a), by striking “court”
25 and inserting “courts”;

1 (B) in section 177(a), by striking the
2 comma before “(or Palau)”;

3 (C) in section 179(b), by striking “amend-
4 ed Compact,” and inserting “Compact, as
5 amended,”;

6 (D) in section 211—

7 (i) in the first sentence of subsection
8 (b), by striking “Agreement between the
9 Government of the United States and the
10 Government of the Republic of the Mar-
11 shall Islands Regarding Military Use and
12 Operating Rights” and inserting “Agree-
13 ment Regarding the Military Use and Op-
14 erating Rights of the Government of the
15 United States in the Republic of the Mar-
16 shall Islands concluded Pursuant to Sec-
17 tions 321 and 323 of the Compact of Free
18 Association, as Amended (Agreement be-
19 tween the Government of the United
20 States and the Government of the Republic
21 of the Marshall Islands Regarding Military
22 Use and Operating Rights)”;

23 (ii) in the last sentence of subsection
24 (e), by inserting before the period at the
25 end the following: “and the Federal Pro-

1 grams and Services Agreement referred to
2 in section 231”;

3 (E) in section 221(a)—

4 (i) in the matter preceding paragraph
5 (1), by striking “Section 231” and insert-
6 ing “section 231”; and

7 (ii) in paragraph (5), by inserting
8 “(Federal Emergency Management Agen-
9 cy)” after “Homeland Security”;

10 (F) in the second sentence of section 232,
11 by striking “sections 103(m)” and all that fol-
12 lows through “(January 14, 1986)” and insert-
13 ing “section 103(k) of Public Law 108-188,
14 117 Stat. 2734, December 17, 2003”;

15 (G) in the first sentence of section 341, by
16 striking “Section 141” and inserting “section
17 141”;

18 (H) in section 342—

19 (i) in subsection (a), by striking “14
20 U.S.C. 195” and inserting “section 195 of
21 title 14, United States Code”; and

22 (ii) in subsection (b)—

23 (I) by striking “46 U.S.C.
24 1295(b)(6)” and inserting “section
25 1303(b)(6) of the Merchant Marine

1 Act, 1936 (46 U.S.C. 1295b(b)(6))”;

2 and

3 (II) by striking “46 U.S.C.
4 1295b(b)(6)(C)” and inserting “sec-
5 tion 1303(b)(6)(C) of that Act”;

6 (I) in the third sentence of section 354(a),
7 by striking “section 442 and 452” and insert-
8 ing “sections 442 and 452”;

9 (J) in the first sentence of section 443, by
10 inserting “, as amended,” after “the Compact”;

11 (K) in the matter preceding paragraph (1)
12 of section 461(h)—

13 (i) by striking “1978” and inserting
14 “1998”; and

15 (ii) by striking “Telecommunications”
16 and inserting “Telecommunication”; and

17 (L) in section 463(b), by striking “Article”
18 and inserting “Articles”.

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