

112TH CONGRESS  
1ST SESSION

# H. R. 3320

To amend the Compact of Free Association of 1985 to provide for adequate Compact-impact aid to affected States and territories, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2011

Ms. HANABUSA (for herself, Ms. BORDALLO, and Ms. HIRONO) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, 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

---

## A BILL

To amend the Compact of Free Association of 1985 to provide for adequate Compact-impact aid to affected States and territories, 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 “Compact-Impact Reim-  
5        bursement Act of 2011”.

6        **SEC. 2. FINDINGS AND PURPOSE.**

7        (a) FINDINGS.—Congress finds the following:

1           (1) In approving the Compact of Free Associa-  
2           tion it was not the intent of Congress to cause ad-  
3           verse consequences for Guam, American Samoa, the  
4           Commonwealth of the Northern Mariana Islands, or  
5           the State of Hawaii.

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

13          (3) The Government Accountability Office has  
14          reported that migration from the Freely Associated  
15          States has had a significant impact on Guam, the  
16          Commonwealth of the Northern Mariana Islands,  
17          and the State of Hawaii.

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

24          (5) Insufficient sums have been appropriated to  
25          cover the costs incurred by Guam, the Common-

1 wealth of the Northern Mariana Islands, and the  
2 State of Hawaii, resulting from increased demands  
3 placed on health, educational, and other social serv-  
4 ices by individuals from the Federated States of Mi-  
5 cronesia, the Republic of the Marshall Islands, and  
6 the Republic of Palau.

7 (b) PURPOSE.—It is the purpose of this Act to ad-  
8 dress the unfunded mandate and adverse financial con-  
9 sequences resulting from the Compact by meeting the obli-  
10 gations set forth in the Compact.

11 **SEC. 3. ENSURING MANDATORY APPROPRIATIONS AND**  
12 **HEALTH SERVICES REIMBURSEMENT AS**  
13 **PART OF COMPACT-IMPACT AID.**

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

17 “(6) IMPACT COSTS.—

18 “(A) AUTHORIZATION AND CONTINUING  
19 APPROPRIATIONS.—

20 “(i) IN GENERAL.—There is hereby  
21 authorized and appropriated to the Sec-  
22 retary of the Interior, for each fiscal year  
23 from 2012 through 2024, \$185,000,000  
24 for grants to Guam, the State of Hawaii,  
25 the Commonwealth of the Northern Mar-

1 iana Islands, and American Samoa to aid  
2 in defraying costs incurred by their govern-  
3 ments as a result of increased demands  
4 placed on health, educational, social, or  
5 public safety services, or infrastructure re-  
6 lated to such services due to the residence  
7 of qualified nonimmigrants.

8 “(ii) AWARDING.—The grants under  
9 clause (i) shall be—

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

17 “(II) used only for health, edu-  
18 cational, social, or public safety serv-  
19 ices, or infrastructure related to such  
20 services, specially affected by qualified  
21 nonimmigrants.

22 “(iii) ENUMERATION.—For purposes  
23 of carrying out this subparagraph, the Sec-  
24 retary of the Interior shall provide for peri-  
25 odic enumerations of qualified non-

1 immigrants in Guam, the State of Hawaii,  
2 the Commonwealth of the Northern Mar-  
3 iana Islands, and American Samoa. The  
4 enumerations—

5 “(I) shall be conducted at such  
6 intervals as the Secretary of the Inte-  
7 rior shall determine, but not less fre-  
8 quently than once every five years, be-  
9 ginning in fiscal year 2012; and

10 “(II) shall be supervised by the  
11 United States Bureau of the Census  
12 or any other organization that the  
13 Secretary of the Interior selects.

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

1           “(B) TREATMENT OF CERTAIN HEALTH  
2 CARE IMPACT COSTS.—Notwithstanding any  
3 other provision of law, for purposes of providing  
4 medical assistance for qualified nonimmigrants  
5 under title XIX of the Social Security Act in  
6 the case of a State or territory referred to in  
7 subparagraph (A)(i)—

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

12           “(ii) the Federal medical assistance  
13 percentage shall be the same percentage as  
14 is applied to medical assistance for services  
15 which are received through an Indian  
16 Health Service Facility; and

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

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

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

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

6           (b) EFFECTIVE DATE.—Section 104(e)(6)(B) of the  
7 Compact of Free Association Act of 1985, as amended by  
8 subsection (a), shall apply to medical assistance for items  
9 and services furnished during or after fiscal year 2012.

○