

113TH CONGRESS
1ST SESSION

H. R. 1222

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

MARCH 15, 2013

Ms. HANABUSA (for herself, Ms. BORDALLO, Mr. FALEOMAVAEGA, and Ms. GABBARD) 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 Aid
5 Act of 2013”.

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 States, territories, and other
4 jurisdictions of the United States.

5 (2) Congress declared that if any adverse con-
6 sequences to States, territories, and other jurisdic-
7 tions of the United States resulted from implementa-
8 tion of the Compact of Free Association, Congress
9 would act sympathetically and expeditiously to re-
10 dress those adverse consequences.

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

17 (4) By placing demands on local governments
18 for health, educational, and other social services, mi-
19 gration under the Compact has adversely affected
20 the budgetary resources of several States and terri-
21 tories.

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

9 **SEC. 3. 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 fiscal year 2013,
21 \$185,000,000 with subsequent increases as
22 needed to address significant increases in
23 migration for grants to any local govern-
24 ment of the United States that dem-
25 onstrates financial strain due to demands

1 on public services by significant immigra-
2 tion of individuals from the Federated
3 States of Micronesia, the Republic of the
4 Marshall Islands, and the Republic of
5 Palau, and to aid in defraying costs in-
6 curred by their governments as a result of
7 increased demands placed on health, edu-
8 cational, social, or public safety services, or
9 infrastructure related to such services due
10 to the residence of qualified non-
11 immigrants.

12 “(ii) AWARDING.—The grants under
13 clause (i) shall be—

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

21 “(II) used only for health, edu-
22 cational, social, or public safety serv-
23 ices, or infrastructure related to such
24 services, specially affected by qualified
25 nonimmigrants.

1 “(iii) ENUMERATION.—For purposes
2 of carrying out this subparagraph, the Sec-
3 retary of the Interior shall provide for peri-
4 odic enumerations of qualified non-
5 immigrants in the States and territories of
6 the United States. The enumerations—

7 “(I) shall be conducted at such
8 intervals as the Secretary of the Inte-
9 rior shall determine; 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 qualified affected areas,
17 grants under clause (i) for a fiscal year on
18 the basis of the ratio of the number of
19 qualified immigrants (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 during or after fiscal year 2013.

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