

**Calendar No. 42**110TH CONGRESS  
1ST SESSION**S. 283****[Report No. 110–17]**

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

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## IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2007

Mr. BINGAMAN (for himself and Mr. DOMENICI) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

FEBRUARY 15, 2007

Reported by Mr. BINGAMAN, without amendment

**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 2007”.

1 **SEC. 2. APPROVAL OF AGREEMENTS.**

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

4 (1) in the first sentence of subsection (a), by in-  
5 serting before the period at the end the following: “,  
6 including Article X of the Federal Programs and  
7 Services Agreement Between the Government of the  
8 United States and the Government of the Federated  
9 States of Micronesia, as amended under the Agree-  
10 ment to Amend Article X that was signed by those  
11 two Governments on June 30, 2004, which shall  
12 serve as the authority to implement the provisions  
13 thereof”; and

14 (2) in the first sentence of subsection (b), by in-  
15 serting before the period at the end the following: “,  
16 including Article X of the Federal Programs and  
17 Services Agreement Between the Government of the  
18 United States and the Government of the Republic  
19 of the Marshall Islands, as amended under the  
20 Agreement to Amend Article X that was signed by  
21 those two Governments on June 18, 2004, which  
22 shall serve as the authority to implement the provi-  
23 sions thereof”.

24 **SEC. 3. CONFORMING AMENDMENT.**

25 Section 105(f)(1) of the Compact of Free Association  
26 Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is

1 amended by striking subparagraph (A) and inserting the  
2 following:

3           “(A) EMERGENCY AND DISASTER ASSIST-  
4 ANCE.—

5           “(i) IN GENERAL.—Subject to clause  
6 (ii), section 221(a)(6) of the U.S.–FSM  
7 Compact and section 221(a)(5) of the  
8 U.S.–RMI Compact shall each be con-  
9 strued and applied in accordance with the  
10 two Agreements to Amend Article X of the  
11 Federal Programs and Service Agreements  
12 signed on June 30, 2004, and on June 18,  
13 2004, respectively.

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

1 **SEC. 4. CLARIFICATIONS REGARDING PALAU.**

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

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

8 (2) in clause (iii)(II), by striking “, or the Re-  
9 public of the Marshall Islands” and inserting “, the  
10 Republic of the Marshall Islands, or the Republic of  
11 Palau”; and

12 (3) in clause (ix)—

13 (A) by striking “Republic” both places it  
14 appears and inserting “government, institu-  
15 tions, and people”;

16 (B) by striking “2007” and inserting  
17 “2009”; and

18 (C) by striking “was” and inserting  
19 “were”.

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

21 Section 105(f)(1)(C) of the Compact of Free Associa-  
22 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C))  
23 is amended by inserting before the period at the end the  
24 following: “, which shall also continue to be available to  
25 the citizens of the Federated States of Micronesia, the Re-  
26 public of Palau, and the Republic of the Marshall Islands

1 who legally reside in the United States (including terri-  
2 tories and possessions)”.

3 **SEC. 6. TECHNICAL AMENDMENTS.**

4 (a) TITLE I.—

5 (1) SECTION 177 AGREEMENT.—Section  
6 103(c)(1) of the Compact of Free Association  
7 Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is  
8 amended by striking “section 177” and inserting  
9 “Section 177”.

10 (2) INTERPRETATION AND UNITED STATES  
11 POLICY.—Section 104 of the Compact of Free Asso-  
12 ciation Amendments Act of 2003 (48 U.S.C. 1921c)  
13 is amended—

14 (A) in subsection (b)(1), by inserting “the”  
15 before “U.S.–RMI Compact,”;

16 (B) in subsection (e)—

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

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

22 (iii) in paragraph (10), by striking  
23 “related to service” and inserting “related  
24 to such services”; and

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

3 (3) SUPPLEMENTAL PROVISIONS.—Section  
4 105(b)(1) of the Compact of Free Association  
5 Amendments Act of 2003 (48 U.S.C. 1921d(b)(1))  
6 is amended by striking “Trust Fund” and inserting  
7 “Trust Funds”.

8 (b) TITLE II.—

9 (1) U.S.—FSM COMPACT.—The Compact of  
10 Free Association, as amended, between the Govern-  
11 ment of the United States of America and the Govern-  
12 ment of the Federated States of Micronesia (as  
13 provided in section 201(a) of the Compact of Free  
14 Association Amendments Act of 2003 (117 Stat.  
15 2757)) is amended—

16 (A) in section 174—

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

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

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

23 (C) in section 179(b), by striking “amend-  
24 ed Compact” and inserting “Compact, as  
25 amended,”;

1 (D) in section 211—

2 (i) in the fourth sentence of sub-  
3 section (a), by striking “Compact, as  
4 Amended, of Free Association” and insert-  
5 ing “Compact of Free Association, as  
6 amended”;

7 (ii) in the fifth sentence of subsection  
8 (a), by striking “Trust Fund Agreement,”  
9 and inserting “Agreement Between the  
10 Government of the United States of Amer-  
11 ica and the Government of the Federated  
12 States of Micronesia Implementing Section  
13 215 and Section 216 of the Compact, as  
14 Amended, Regarding a Trust Fund (Trust  
15 Fund Agreement),”;

16 (iii) in subsection (b)—

17 (I) in the first sentence, by strik-  
18 ing “Government of the” before “Fed-  
19 erated”; and

20 (II) in the second sentence, by  
21 striking “Sections 321 and 323 of the  
22 Compact of Free Association, as  
23 Amended” and inserting “Sections  
24 211(b), 321, and 323 of the Compact

1 of Free Association, as amended,”;

2 and

3 (iv) in the last sentence of subsection

4 (d), by inserting before the period at the

5 end the following: “and the Federal Pro-

6 grams and Services Agreement referred to

7 in section 231”;

8 (E) in the first sentence of section 215(b),

9 by striking “subsection(a)” and inserting “sub-

10 section (a)”;

11 (F) in section 221—

12 (i) in subsection (a)(6), by inserting

13 “(Federal Emergency Management Agen-

14 cy)” after “Homeland Security”; and

15 (ii) in the first sentence of subsection

16 (c), by striking “agreements” and inserting

17 “agreement”;

18 (G) in the second sentence of section 222,

19 by inserting “in” after “referred to”;

20 (H) in the second sentence of section 232,

21 by striking “sections 102 (c)” and all that fol-

22 lows through “January 14, 1986)” and insert-

23 ing “section 102(b) of Public Law 108–188,

24 117 Stat. 2726, December 17, 2003”;

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

3 (J) in the first sentence of the first undesignated  
4 paragraph of section 341, by striking  
5 “Section 141” and inserting “section 141”;

6 (K) in section 342—

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

10 (ii) in subsection (b)—

11 (I) by striking “46 U.S.C.  
12 1295(b)(6)” and inserting “section  
13 1303(b)(6) of the Merchant Marine  
14 Act, 1936 (46 U.S.C. 1295b(b)(6))”;  
15 and

16 (II) by striking “46 U.S.C.  
17 1295b(b)(6)(C)” and inserting “section  
18 1303(b)(6)(C) of that Act”;

19 (L) in the third sentence of section 354(a),  
20 by striking “section 442 and 452” and inserting  
21 “sections 442 and 452”;

22 (M) in section 461(h), by striking “Telecommunications”  
23 and inserting “Telecommunication”;  
24

1 (N) in section 462(b)(4), by striking “of  
2 Free Association” the second place it appears;  
3 and

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

6 (2) U.S.–RMI COMPACT.—The Compact of  
7 Free Association, as amended, between the Govern-  
8 ment of the United States of America and the Gov-  
9 ernment of the Republic of the Marshall Islands (as  
10 provided in section 201(b) of the Compact of Free  
11 Association Amendments Act of 2003 (117 Stat.  
12 2795)) is amended—

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

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

17 (C) in section 179(b), by striking “amend-  
18 ed Compact,” and inserting “Compact, as  
19 amended,”;

20 (D) in section 211—

21 (i) in the fourth sentence of sub-  
22 section (a), by striking “Compact, as  
23 Amended, of Free Association” and insert-  
24 ing “Compact of Free Association, as  
25 amended”;

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

17 (iii) in the last sentence of subsection  
18 (e), by inserting before the period at the  
19 end the following: “and the Federal Pro-  
20 grams and Services Agreement referred to  
21 in section 231”;

22 (E) in section 221(a)—

23 (i) in the matter preceding paragraph  
24 (1), by striking “Section 231” and insert-  
25 ing “section 231”; and

1           (ii) in paragraph (5), by inserting  
2           “(Federal Emergency Management Agen-  
3           cy)” after “Homeland Security”;

4           (F) in the second sentence of section 232,  
5           by striking “sections 103(m)” and all that fol-  
6           lows through “(January 14, 1986)” and insert-  
7           ing “section 103(k) of Public Law 108–188,  
8           117 Stat. 2734, December 17, 2003”;

9           (G) in the first sentence of section 341, by  
10          striking “Section 141” and inserting “section  
11          141”;

12          (H) in section 342—

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

16           (ii) in subsection (b)—

17           (I) by striking “46 U.S.C.  
18           1295(b)(6)” and inserting “section  
19           1303(b)(6) of the Merchant Marine  
20           Act, 1936 (46 U.S.C. 1295b(b)(6))”;  
21           and

22           (II) by striking “46 U.S.C.  
23           1295b(b)(6)(C)” and inserting “sec-  
24           tion 1303(b)(6)(C) of that Act”;

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

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

6 (K) in the matter preceding paragraph (1)  
 7 of section 461(h)—

8 (i) by striking “1978” and inserting  
 9 “1998”; and

10 (ii) by striking “Telecommunications”  
 11 and inserting “Telecommunication Union”;  
 12 and

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

15 **SEC. 7. TRANSMISSION OF VIDEOTAPE PROGRAMMING.**

16 Section 111(e)(2) of title 17, United States Code, is  
 17 amended by striking “or the Trust Territory of the Pacific  
 18 Islands” and inserting “the Federated States of Micro-  
 19 nesia, the Republic of Palau, or the Republic of the Mar-  
 20 shall Islands”.

21 **SEC. 8. PALAU ROAD MAINTENANCE.**

22 The Government of the Republic of Palau may de-  
 23 posit the payment otherwise payable to the Government  
 24 of the United States under section 111 of Public Law  
 25 101–219 (48 U.S.C. 1960) into a trust fund if—

1           (1) the earnings of the trust fund are expended  
2 solely for maintenance of the road system con-  
3 structed pursuant to section 212 of the Compact of  
4 Free Association between the Government of the  
5 United States of America and the Government of  
6 Palau (48 U.S.C. 1931 note); and

7           (2) the trust fund is established and operated  
8 pursuant to an agreement entered into between the  
9 Government of the United States and the Govern-  
10 ment of the Republic of Palau.

11 **SEC. 9. CLARIFICATION OF TAX-FREE STATUS OF TRUST**  
12 **FUNDS.**

13           In the U.S.–RMI Compact, the U.S.–FSM Compact,  
14 and their respective trust fund subsidiary agreements, for  
15 the purposes of taxation by the United States or its sub-  
16 sidiary jurisdictions, the term “State” means “State, ter-  
17 ritory, or the District of Columbia”.



**Calendar No. 42**

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 283**

[Report No. 110-17]

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**A BILL**

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

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FEBRUARY 15, 2007

Reported without amendment