

2023 Agreement to Amend the U.S.-RMI Compact.

(Pub. L. 118-42, div. G, title II, § 208, Mar. 9, 2024, 138 Stat. 434.)

Editorial Notes

REFERENCES IN TEXT

Section 1988 of this title, referred to in subsec. (d)(3)(E)(vi), was in the original “section 209”, meaning section 209 of title II of div. G of Pub. L. 118-42, which is classified principally to section 1988 of this title. For complete classification of section 209 to the Code, see Codification note set out under section 1988 of this title and Tables.

This title, referred to in subsec. (h)(1), is title II of div. G of Pub. L. 118-42, Mar. 9, 2024, 138 Stat. 419, known as the Compact of Free Association Amendments Act of 2024, which is classified principally to this subchapter. For complete classification of title II to the Code, see Short Title of 2024 Amendment note set out under section 1901 of this title and Tables.

§ 1988. United States policy regarding the Freely Associated States

(a) Authorization for veterans’ services

(1) Definition of Freely Associated States

In this subsection, the term “Freely Associated States” means—

(A) the Federated States of Micronesia, during such time as it is a party to the Compact of Free Association set forth in section 201 of the Compact of Free Association Act of 1985 (Public Law 99-239; 48 U.S.C. 1901 note);

(B) the Republic of the Marshall Islands, during such time as it is a party to the Compact of Free Association set forth in section 201 of the Compact of Free Association Act of 1985 (Public Law 99-239; 48 U.S.C. 1901 note); and

(C) the Republic of Palau, during such time as it is a party to the Compact of Free Association between the United States and the Government of Palau set forth in section 201 of Joint Resolution entitled “Joint Resolution to approve the ‘Compact of Free Association’ between the United States and the Government of Palau, and for other purposes” (Public Law 99-658; 48 U.S.C. 1931 note).

(2), (3) Omitted

(4) Legal issues

(A) Agreements to furnish care and services

(i) In general

Before delivering hospital care or medical services under subsection (f) of section 1724 of title 38, as added by paragraph (2)(B), the Secretary of Veterans Affairs, in consultation with the Secretary of State, shall enter into agreements with the governments of the Freely Associated States to—

(I) 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—

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

(bb) the scope of health services the Secretary may furnish, as well as the means for furnishing such services; and

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

(II) clarify the authority of the Secretary of Veterans Affairs to pay for tort claims as set forth under subparagraph (C); and

(III) clarify authority and responsibility on any other matters determined relevant by the Secretary of Veterans Affairs or the governments of the Freely Associated States.

(ii) Scope of agreements

The agreements described in clause (i) shall incorporate, to the extent practicable, the applicable laws of the Freely Associated States and define the care and services that can be legally provided by the Secretary of Veterans Affairs in the Freely Associated States.

(iii) Report to Congress

(I) In general

Not later than 90 days after entering into an agreement described in clause (i), the Secretary of Veterans Affairs shall submit the agreement to the appropriate committees of Congress.

(II) Appropriate committees of Congress defined

In this clause, the term “appropriate committees of Congress” means—

(aa) the Committee on Energy and Natural Resources, the Committee on Foreign Relations, and the Committee on Veterans’ Affairs of the Senate; and

(bb) the Committee on Natural Resources, the Committee on Foreign Affairs, and the Committee on Veterans’ Affairs of the House of Representatives.

(B) Omitted

(C) Payment of claims

The Secretary of Veterans Affairs may pay tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, when such claims arise in the Freely Associated States in connection with furnishing hospital care or medical services or providing medical consultation or medical advice to a veteran under the laws administered by the Secretary, including through a remote or telehealth program.

(5) Outreach and assessment of options

During the 1-year period beginning on March 9, 2024, the Secretary of Veterans Affairs shall, subject to the availability of appropriations—

(A) conduct robust outreach to, and engage with, each government of the Freely Associated States;

(B) assess options for the delivery of care through the use of authorities provided pursuant to the amendments made by this subsection; and

(C) increase staffing as necessary to conduct outreach under subparagraph (A).

(b) Authorization of education programs

(1) Eligibility

For fiscal year 2024 and each fiscal year thereafter, the Government of the United States shall—

(A) 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;

(B) 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;

(C) 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.);

(D) 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 of higher education, 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 of higher education in the United States and territories of the United States, grants under—

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

(ii) subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.); and

(iii) part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087-51 et seq.);

(E) require, as a condition of eligibility for a public institution of higher education in any State (as defined in section 103 of the

Higher Education Act of 1965 (20 U.S.C. 1003)) that is not a Freely Associated State to participate in or receive funds under any program under title IV of such Act (20 U.S.C. 1070 et seq.), that the institution charge students who are citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau tuition for attendance at a rate that is not greater than the rate charged for residents of the State in which such public institution of higher education is located; and

(F) continue to make available, to eligible institutions of higher education, secondary schools, and nonprofit organizations in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, competitive grants under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(2) Other formula grants

Except as provided in paragraph (1), 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.

(3) to (6) Omitted

(7) Coordination required

The Secretary of the Interior, in coordination with the Secretary of Education and the Secretary of Health and Human Services, as applicable, shall, to the maximum extent practicable, coordinate with the 3 United States appointees to the Joint Economic Management Committee described in section 1984(b)(1) of this title and the 2 United States appointees to the Joint Economic Management and Financial Accountability Committee described in section 1985(d)(1) of this title to avoid duplication of economic assistance for education provided under section 261(a)(1) of the 2023 Amended U.S.-FSM Compact or section 261(a)(1) of the 2023 Amended U.S.-RMI Compact of activities or services provided under—

(A) the Head Start Act (42 U.S.C. 9831 et seq.);

(B) subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.); or

(C) part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087-51 et seq.).

(c) Authorization of Department of Defense programs

(1) Department of defense 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 (as defined in section 1921c(e)(2) of this title).

(2) 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 secondary schools established under section 2164 of title 10 and located outside the United States.

(d) Judicial training

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 subsections (a) and (b) of Article 1 of the 2023 U.S.-Palau Compact Review Agreement, for each of fiscal years 2024 through 2043, the Secretary of the Interior shall use the amounts made available to the Secretary of the Interior under section 1990(c) of this title to train 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 judicial council of the ninth judicial circuit of the United States.

(e) Eligibility for the Republic of Palau

(1) 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 the same duration, as services are authorized to be provided to persons residing in any other areas within or outside the United States.

(2) Additional programs and services

The Republic of Palau shall be eligible for the programs and services made available to the Federated States of Micronesia and the Republic of the Marshall Islands under section 1921g(a) of this title.

(3) Programs and services of certain agencies

In addition to the programs and services set forth in the operative Federal Programs and Services Agreement between the United States and the Republic of Palau, the programs and services of the following agencies shall be made available to the Republic of Palau:

- (A) The Legal Services Corporation.
- (B) The Public Health Service.
- (C) The Rural Housing Service.

(f) Omitted

(g) Consultation with International Financial Institutions

The Secretary of the Treasury, in coordination with the Secretary of the Interior and the Secretary of State, shall consult with appropriate officials of the Asian Development Bank

and relevant international financial institutions (as defined in section 262r(c) of this title), as appropriate, with respect to overall economic conditions in, and the activities of other providers of assistance to, the Freely Associated States.

(h) Omitted

(i) Establishment of a unit for the Freely Associated States in the Bureau of East Asian and Pacific Affairs of the Department of State and increasing personnel focused on Oceania

(1) Definition of appropriate congressional committees

In this subsection, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) Requirements

The Secretary of State shall—

(A) assign additional full-time equivalent personnel to the Office of Australia, New Zealand, and Pacific Island Affairs of the Bureau of East Asian and Pacific Affairs of the Department of State, including to the unit established under subparagraph (B), as the Secretary of State determines to be appropriate, in accordance with paragraph (4)(A); and

(B) establish a unit in the Bureau of East Asian and Pacific Affairs of the Department of State to carry out the functions described in paragraph (3).

(3) Functions of unit

The unit established under paragraph (2)(B) shall be responsible for the following:

(A) Managing the bilateral and regional relations with the Freely Associated States.

(B) Supporting the Secretary of State in leading negotiations relating to the Compacts of Free Association with the Freely Associated States.

(C) Coordinating, in consultation with the Department of the Interior, the Department of Defense, and other interagency partners as appropriate, implementation of the Compacts of Free Association with the Freely Associated States.

(4) Full-time equivalent employees

The Secretary of State shall—

(A) not later than 5 years after March 9, 2024, assign to the Office of Australia, New Zealand, and Pacific Island Affairs of the Bureau of East Asian and Pacific Affairs, including to the unit established under paragraph (2)(B), not less than 4 additional full-time equivalent staff, who shall not be dual-hatted, including by considering—

(i) the use of existing flexible hiring authorities, including Domestic Employees Teleworking Overseas (DETOs); and

(ii) the realignment of existing personnel, including from the United States Mission in Australia, as appropriate;

(B) reduce the number of vacant foreign service positions in the Pacific Island region by establishing an incentive program within the Foreign Service for overseas positions related to the Pacific Island region; and

(C) report to the appropriate congressional committees on progress toward objectives outlined in this subsection beginning 1 year from March 9, 2024, and annually thereafter for 5 years.

(j) Omitted

(k) Continuing Trust Territory authorization

The authorization provided by the Act of June 30, 1954 (68 Stat. 330, chapter 423), shall remain available after the effective date of the 2023 Amended U.S.-FSM Compact and the 2023 Amended U.S.-RMI Compact with respect to the Federated States of Micronesia and the Republic of the Marshall Islands for transition purposes, including—

- (1) completion of projects and fulfillment of commitments or obligations;
- (2) termination of the Trust Territory Government and termination of the High Court;
- (3) health and education as a result of exceptional circumstances;
- (4) ex gratia contributions for the populations of Bikini, Enewetak, Rongelap, and Utrik; and
- (5) technical assistance and training in financial management, program administration, and maintenance of infrastructure.

(l) Omitted

(Pub. L. 118-42, div. G, title II, § 209, Mar. 9, 2024, 138 Stat. 438.)

Editorial Notes

REFERENCES IN TEXT

For the amendments made by this subsection, referred to in subsec. (a)(5)(B), see Codification note below.

The Individuals with Disabilities Education Act, referred to in subsec. (b)(1)(A), (B), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175. Parts B and D of the Act are classified generally to subchapters II (§1411 et seq.) and IV (§1450 et seq.), respectively, of chapter 33 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(1)(B), (C), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) of Title 20, Education. Part A of title I of the Act is classified generally to part A (§6311 et seq.) of subchapter I of chapter 70 of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (b)(1)(B), (C), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

The Adult Education and Family Literacy Act, referred to in subsec. (b)(1)(C), is title II of Pub. L. 113-128, July 22, 2014, 128 Stat. 1608, which is classified generally to subchapter II (§3271 et seq.) of chapter 32 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

The Higher Education Act of 1965, referred to in subsec. (b)(1)(D) to (F), (7)(B), (C), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of Title 20, Education. Title IV of

the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20. Subparts 1 and 3 of part A of title IV of the Act are classified generally to subparts 1 (§1070a et seq.) and 3 (§1070b et seq.), respectively, of part A of subchapter IV of chapter 28 of Title 20. Part C of title IV of the Act is classified generally to part C (§1087-51 et seq.) of subchapter IV of chapter 28 of Title 20. For complete classification of this Act to the Code, see section 1 of Pub. L. 89-329, set out as a Short Title note under section 1001 of Title 20 and Tables.

The Head Start Act, referred to in subsec. (b)(7)(A), is subchapter B of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

CODIFICATION

Section is comprised of section 209 of title II of div. G of Pub. L. 118-42. Subsec. (a)(2), (3) of such section 209 amended sections 1724 and 111 of Title 38, Veterans' Benefits. Subsec. (a)(4)(B) of such section 209 amended section 1730C of Title 38. Subsec. (b)(3), (4) of such section 209 amended sections 1411, 6331, and 7801 of Title 20, Education. Subsecs. (b)(5), (h), and (j) of such section 209 amended section 1921d of this title. Subsec. (b)(6) of such section 209 amended sections 9832 and 9835 of Title 42, The Public Health and Welfare. Subsec. (f) of such section 209 amended sections 1612, 1613, and 1641 of Title 8, Aliens and Nationality. Subsec. (l) of such section 209 amended section 201 of Title 42 and section 1921c of this title.

§ 1989. Additional authorities

(a) Agencies, departments, and instrumentalities

(1) In general

Appropriations to carry out the obligations, services, and programs described in paragraph (2) shall be made directly to the Federal agencies, departments, and instrumentalities carrying out the obligations, services and programs.

(2) Obligations, services, and programs described

The obligations, services, and programs referred to in paragraphs (1) and (3) are the obligations, services, and programs under—

(A) sections 131 and 132, paragraphs (1) and (3) through (6) of section 221(a), and section 221(b) of the 2023 Amended U.S.-FSM Compact;

(B) sections 131 and 132, paragraphs (1) and (3) through (6) of section 221(a), and section 221(b) of the 2023 Amended U.S.-RMI Compact;

(C) sections 131 and 132 and paragraphs (1), (3), and (4) of section 221(a) of the U.S.-Palau Compact;

(D) Article 6 of the 2023 U.S.-Palau Compact Review Agreement;

(E) with respect to the Federal Deposit Insurance Corporation, any applicable Federal programs and services agreement between the United States and the Republic of Palau; and

(F) section 1988 of this title.

(3) Authority

The heads of the Federal agencies, departments, and instrumentalities to which appro-