

Calendar No. 592

104TH CONGRESS
2^D SESSION

S. 1804

A BILL

To make technical and other changes to the laws dealing with the territories and freely associated States of the United States.

SEPTEMBER 13, 1996

Reported with an amendment

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104TH CONGRESS
2D SESSION**S. 1804**

To make technical and other changes to the laws dealing with the territories
and freely associated States of the United States.

 IN THE SENATE OF THE UNITED STATES

MAY 23, 1996

Mr. MURKOWSKI (for himself, Mr. JOHNSTON, and Mr. AKAKA) introduced
the following bill; which was read twice and referred to the Committee
on Energy and Natural Resources

SEPTEMBER 13, 1996

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To make technical and other changes to the laws dealing
with the territories and freely associated States of the
United States.

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. MARSHALL ISLANDS AGRICULTURAL AND**

4 **FOOD PROGRAMS.**

5 ~~Paragraph (2) of subsection (h) of section 103 of~~

6 ~~Public Law 99-239, as amended, is further amended by~~

1 striking the word “ten” and inserting in lieu thereof the
 2 word “fifteen” and by adding at the end of subparagraph
 3 (B) “Such technical assistance, programs and services
 4 shall ensure, on an ongoing basis, that the commodities
 5 provided reflect the changes in the population that have
 6 occurred since the effective date of the Compact.”.

7 **SEC. 2. AMERICAN MEMORIAL PARK.**

8 Section 5 of Public Law 95-348 is amended by strik-
 9 ing subsection (f), and renumbering subsections (g) and
 10 (h) as subsections (f) and (g), respectively.

11 **SEC. 3. TERRITORIAL LAND GRANT COLLEGES—TECH-**
 12 **NICAL AMENDMENT.**

13 Subsection (b) of section 1361 of Public Law 96-374
 14 is amended by striking the words “August 30, 1980 (7
 15 U.S.C. 327), commonly referred to as the Second” and
 16 inserting in lieu thereof the words “July 2, 1862 (7 U.S.C.
 17 305), commonly referred to as the First”.

18 **SEC. 4. AMENDMENT TO THE GUAM ORGANIC ACT.**

19 The Organic Act of Guam (48 U.S.C. 1421 et seq.),
 20 as amended, is further amended by adding at the end
 21 thereof the following new section:

22 “SEC. 36. (a) At least 180 days before transferring
 23 to any Federal agency excess real property located in
 24 Guam, the Administrator of General Services shall notify

1 the government of Guam that the property is available
2 under this section.

3 “(b) The Administrator shall transfer to the govern-
4 ment of Guam all right, title, and interest of the United
5 States in and to excess real property located in Guam,
6 by quit claim deed and without reimbursement, if the gov-
7 ernment of Guam, within 180 days after receiving notifica-
8 tion under subsection (a) regarding the property, notifies
9 the Administrator that the government of Guam intends
10 to acquire the property under this section.

11 “(c) For purposes of this section, the term ‘excess
12 real property’ means excess property (as that term is de-
13 fined in section 3 of the Federal Property and Administra-
14 tive Services Act of 1949, as in effect on the date of enact-
15 ment of the Guam Land Return Act) that is real prop-
16 erty.”.

17 **SEC. 5. REPEAL OF LIMITATION ON USE OF LANDS BY THE**
18 **GOVERNMENT OF GUAM.**

19 (a) **IN GENERAL.**—Section 818(b)(2) of Public Law
20 96-418 (94 Stat. 1782), is repealed.

21 (b) **EXECUTION OF INSTRUMENTS.**—The Secretary
22 of the Navy and the Administrator General Services shall
23 execute all instruments necessary to implement this sec-
24 tion.

1 **SEC. 6. CLARIFICATION OF ALLOTMENT FOR TERRITORIES.**

2 Section 901(a), Part 1, title I of the Act of June 19,
3 1968 (42 U.S.C. 3791(a)), as amended, is further amend-
4 ed in paragraph (2) by changing the proviso to read as
5 follows: “(2) “State” means any State of the United
6 States, the District of Columbia, The Commonwealth of
7 Puerto Rico, the Virgin Islands, American Samoa, Guam,
8 and the Commonwealth of the Northern Mariana Is-
9 lands.”

10 **SEC. 7. AMENDMENTS TO THE REVISED ORGANIC ACT OF**
11 **THE VIRGIN ISLANDS.**

12 (a) Section 7(a) of Public Law 90-496 (82 Stat.
13 839), as amended, is further amended by adding at the
14 end thereof “As used in this section, the term ‘temporary
15 absence’ shall not be construed as being physically absent
16 from the territory while on official Government busi-
17 ness.”

18 (b) Section 3 of Public Law 94-392 (90 Stat. 1195),
19 as amended, is further amended to read as follows—

20 (1) by inserting “hereinafter” between “obliga-
21 tions” and “issued”;

22 (2) by deleting “priority for payment” and in-
23 serting in lieu thereof “a parity lien with every other
24 issue of bonds or other obligations hereinafter issued
25 for payment”; and

1 ~~(3)~~ by deleting “in the order of the date of
2 issue”.

3 ~~(c)~~ The provisions of section ~~149(d)(3)(A)(i)(I)~~ and
4 ~~149(d)(2)~~ of the Internal Revenue Code of 1986, as
5 amended, shall not apply to bonds issued—

6 ~~(1)~~ by an authority created by statute of the
7 Virgin Islands legislature, the proceeds of which will
8 be used to advance refund certain bonds issued by
9 such authority on July 8, 1992; or

10 ~~(2)~~ by an authority created by statute of the
11 Virgin Islands legislature, the proceeds of which will
12 be used to advance refund certain bonds issued by
13 such authority on November 3, 1994.

14 ~~(d)~~ The amendments made by subsections ~~(b)~~ and ~~(c)~~
15 shall apply to obligations issued on or after the date of
16 enactment of this section.

17 **SEC. 8. COMMISSION ON THE ECONOMIC FUTURE OF THE**
18 **VIRGIN ISLANDS.**

19 ~~(a)~~ **ESTABLISHMENT AND MEMBERSHIP.—**

20 ~~(1)~~ There is hereby established a Commission
21 on the Economic Future of the Virgin Islands (the
22 “Commission”). The Commission shall consist of six
23 members appointed by the President, two of whom
24 shall be selected from nominations made by the Gov-
25 ernor of the Virgin Islands. The President shall des-

1 designate one of the members of the Commission to be
2 Chairman.

3 ~~(2)~~ In addition to the six members appointed
4 under paragraph ~~(1)~~; the Secretary of the Interior
5 shall be an ex-officio member of the Commission.

6 ~~(3)~~ Members of the Commission appointed by
7 the President shall be persons who by virtue of their
8 background and experience are particularly suited to
9 contribute to achievement of the purposes of the
10 Commission.

11 ~~(4)~~ Members of the Commission shall serve
12 without compensation, but shall be reimbursed for
13 travel, subsistence and other necessary expenses in-
14 curred by them in the performance of their duties.

15 ~~(5)~~ Any vacancy in the Commission shall be
16 filled in the same manner as the original appoint-
17 ment was made.

18 ~~(b) PURPOSE AND REPORT.—~~

19 ~~(1)~~ The purpose of the Commission is to make
20 recommendations to the President and Congress on
21 the policies and programs necessary to provide for a
22 secure and self-sustaining future for the local econ-
23 omy of the Virgin Islands through 2020 and on the
24 role of the Federal Government in providing for that

1 future. In developing recommendations, the Commis-
2 sion shall—

3 ~~(A) solicit information and advice from~~
4 ~~persons and entities that the Commission deter-~~
5 ~~mines have expertise to assist the Commission~~
6 ~~in its work;~~

7 ~~(B) examine and analyze historical data~~
8 ~~since 1970 on expenditures for infrastructure~~
9 ~~and services;~~

10 ~~(C) analyze the sources of funds for such~~
11 ~~expenditures;~~

12 ~~(D) assemble relevant demographic and~~
13 ~~economic data, including trends and projects for~~
14 ~~the future; and~~

15 ~~(E) estimate future needs of the Virgin Is-~~
16 ~~lands, including needs for capital improvements,~~
17 ~~educational needs and social, health and envi-~~
18 ~~ronmental requirements.~~

19 ~~(2) The recommendations of the Commission~~
20 ~~shall be transmitted to the President, the Committee~~
21 ~~on Energy and Natural Resources of the United~~
22 ~~States Senate and the Committee on Resources of~~
23 ~~the United States House of Representatives no later~~
24 ~~than December 1, 1997. The recommendations shall~~
25 ~~be accompanied by a report that sets forth the basis~~

1 for the recommendations and includes an analysis of
2 the capability of the Virgin Islands to meet projected
3 needs based on reasonable alternative economic, po-
4 litical and social conditions in the Caribbean, includ-
5 ing the opening in the near future of Cuba to trade,
6 tourism and development.

7 ~~(c)~~ POWERS.—

8 ~~(1)~~ The Commission may—

9 ~~(A)~~ hold such hearings, sit and act at such
10 times and places, take such testimony and re-
11 ceive such evidence as it may deem advisable;

12 ~~(B)~~ use the United States mail in the same
13 manner and upon the same conditions as other
14 departments and agencies of the United States;

15 ~~(C)~~ enter into contracts or agreements for
16 studies and surveys with public and private or-
17 ganizations and transfer funds to Federal agen-
18 cies to carry out such aspects of the Commis-
19 sion's functions as the Commission determines
20 can best be carried out in such manner; and

21 ~~(D)~~ incur such necessary expenses and ex-
22 ercise such other powers as are consistent with
23 and reasonably required to perform its func-
24 tions.

1 (2) The Secretary of the Interior shall provide
2 such office space, furnishings and equipment as may
3 be required to enable the Commission to perform its
4 functions. The Secretary shall also furnish the Com-
5 mission with such staff, including clerical support,
6 as the Commission may require and shall provide to
7 the Commission financial and administrative serv-
8 ices, including those relating to budgeting, account-
9 ing, financial reporting, personnel and procurement.

10 (3) The President, upon request of the Commis-
11 sion, may direct the head of any Federal agency or
12 department to assist the Commission and if so di-
13 rected such head shall—

14 (A) furnish the Commission to the extent
15 permitted by law and within available appro-
16 priations such information as may be necessary
17 for carrying out the functions of the Commis-
18 sion and as may be available to or procurable
19 by such department or agency; and

20 (B) detail to temporary duty with the
21 Commission on a reimbursable basis such per-
22 sonnel within his administrative jurisdiction as
23 the Commission may need or believe to be use-
24 ful for carrying out its functions; each such de-

1 tail to be without loss of seniority, pay or other
2 employee status.

3 (d) CHAIRMAN.—Subject to general policies that the
4 Commission may adopt, the Chairman of the Commission
5 shall be the chief executive officer of the Commission and
6 shall exercise its executive and administrative powers. The
7 Chairman may make such provisions as he may deem ap-
8 propriate authorizing the performance of his executive and
9 administrative functions by the staff of the Commission.

10 (e) APPROPRIATIONS.—There are authorized to be
11 appropriated such sums as may be necessary to carry out
12 the purposes of this section.

13 (f) TERMINATION.—The Commission shall terminate
14 three months after the transmission of the report and rec-
15 ommendations under subsection (b)(2).

16 **SECTION 1. MARSHALL ISLANDS AGRICULTURAL AND FOOD**
17 **PROGRAMS.**

18 *Section 103(h)(2) of the Compact of Free Association*
19 *Act of 1985 (48 U.S.C. 1903(h)(2) is amended by striking*
20 *“ten” and inserting “fifteen” and by adding at the end of*
21 *subparagraph (B) the following: “The President shall en-*
22 *sure that the amount of commodities provided under these*
23 *programs reflects the changes in the population that have*
24 *occurred since the effective date of the Compact.”.*

1 **SEC. 2. AMERICAN MEMORIAL PARK.**

2 *Section 5 of Public Law 95–348 is amended by strik-*
 3 *ing subsection (f).*

4 **SEC. 3. TERRITORIAL LAND GRANT COLLEGES.**

5 (a) *LAND GRANT STATUS.*—*Section 506(a) of the Edu-*
 6 *cation Amendments of 1972 (Public Law 92–318, as*
 7 *amended; 7 U.S.C. 301 note) is amended by striking “the*
 8 *College of Micronesia,” and inserting “the College of the*
 9 *Marshall Islands, the College of Micronesia-FSM, the Palau*
 10 *Community College.”.*

11 (b) *ENDOWMENT.*—*The amount of the land grant trust*
 12 *fund attributable to the \$3,000,000 appropriation for Mi-*
 13 *cronesia authorized by the Education Amendments of 1972*
 14 *(Public Law 92–318, as amended; 7 U.S.C. 301 note) shall,*
 15 *upon enactment of this Act, be divided equally among the*
 16 *Republic of the Marshall Islands, the Federated States of*
 17 *Micronesia, and the Republic of Palau for the benefit of the*
 18 *College of the Marshall Islands, the College of Micronesia-*
 19 *FSM, and the Palau Community College.*

20 (c) *TREATMENT.*—*Section 1361(c) of the Education*
 21 *Amendments of 1980 (Public Law 96–374, as amended; 7*
 22 *U.S.C. 301 note) is amended by striking “and the Trust*
 23 *Territory of the Pacific Islands (other than the Northern*
 24 *Mariana Islands)” and inserting “the Republic of the Mar-*
 25 *shall Islands, the Federated States of Micronesia, and the*
 26 *Republic of Palau”.*

1 **SEC. 4. AMENDMENT TO THE GUAM ORGANIC ACT.**

2 *Section 28 of the Organic Act of Guam (48 U.S.C.*
 3 *1421f) is amended by adding at the end the following new*
 4 *subsection:*

5 *“(d) TRANSFER OF EXCESS LAND.—(1) At least 180*
 6 *days before transferring to any Federal agency excess real*
 7 *property located in Guam, the Administrator of General*
 8 *Services shall notify the government of Guam that the prop-*
 9 *erty is available under this section.*

10 *“(2) The Administrator shall transfer to the govern-*
 11 *ment of Guam all right, title, and interest of the United*
 12 *States in and to excess real property located in Guam, by*
 13 *quitclaim deed and without reimbursement, if the govern-*
 14 *ment of Guam, within 180 days after receiving notification*
 15 *under paragraph (1) regarding the property, notifies the*
 16 *Administrator that the government of Guam intends to ac-*
 17 *quire the property under this section.*

18 *“(3) For purposes of this subsection, the term ‘excess*
 19 *real property’ means excess property (as that term is de-*
 20 *finied in section 3 of the Federal Property and Administra-*
 21 *tive Services Act of 1949 that is real property.”.*

22 **SEC. 5. REPEAL OF LIMITATION ON USE OF LANDS BY THE**
 23 **GOVERNMENT OF GUAM.**

24 *(a) IN GENERAL.—Section 818(b)(2) of the Military*
 25 *Construction Act, 1981 (Public Law 96–418; 94 Stat.*
 26 *1782), is repealed.*

1 (b) *EXECUTION OF INSTRUMENTS.*—*The Secretary of*
 2 *the Navy and the Administrator General Services shall exe-*
 3 *cute all instruments necessary to implement this section.*

4 **SEC. 6. CLARIFICATION OF ALLOTMENT FOR TERRITORIES.**

5 *Section 901(a)(2) of the Omnibus Crime Control and*
 6 *Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is amended*
 7 *to read as follows:*

8 “(2) ‘State’ means any State of the United
 9 States, the District of Columbia, the Commonwealth
 10 of Puerto Rico, the Virgin Islands, American Samoa,
 11 Guam, and the Commonwealth of the Northern Mari-
 12 ana Islands;”.

13 **SEC. 7. AMENDMENTS TO THE REVISED ORGANIC ACT OF**
 14 **THE VIRGIN ISLANDS.**

15 (a) *TEMPORARY ABSENCE OF OFFICIALS.*—*Section 14*
 16 *of the Revised Organic Act of the Virgin Islands (48 U.S.C.*
 17 *1595) is amended by adding at the end the following new*
 18 *subsection:*

19 “(g) *An absence from the Virgin Islands of the Gov-*
 20 *ernor or the Lieutenant Governor, while on official business,*
 21 *shall not be a ‘temporary absence’ for purposes of this sec-*
 22 *tion.*”.

23 (b) *PRIORITY OF BONDS.*—*Section 3 of Public Law*
 24 *94–392 (48 U.S.C. 1574c) is amended—*

1 (1) *by striking “priority for payment” and in-*
 2 *serting “a parity lien with every other issue of bonds*
 3 *or other obligations issued for payment”; and*

4 (2) *by striking “in the order of the date of*
 5 *issue”.*

6 (c) *APPLICATION.—The amendments made by sub-*
 7 *section (b) shall apply to obligations issued on or after the*
 8 *date of enactment of this section.*

9 **SEC. 8. COMMISSION ON THE ECONOMIC FUTURE OF THE**
 10 **VIRGIN ISLANDS.**

11 (A) *ESTABLISHMENT AND MEMBERSHIP.—*

12 (1) *There is hereby established a Commission on*
 13 *the Economic Future of the Virgin Islands (the “Com-*
 14 *mission”). The Commission shall consist of six mem-*
 15 *bers appointed by the President, two of whom shall be*
 16 *selected from nominations made by the Governor of*
 17 *the Virgin Islands. The President shall designate one*
 18 *of the members of the Commission to be Chairman.*

19 (2) *In addition to the six members appointed*
 20 *under paragraph (1), the Secretary of the Interior*
 21 *shall be an ex-officio member of the Commission.*

22 (3) *Members of the Commission appointed by the*
 23 *President shall be persons who by virtue of their back-*
 24 *ground and experience are particularly suited to con-*

1 *tribute to achievement of the purposes of the Commis-*
2 *sion.*

3 *(4) Members of the Commission shall serve with-*
4 *out compensation, but shall be reimbursed for travel,*
5 *subsistence, and other necessary expenses incurred by*
6 *them in the performance of their duties.*

7 *(5) Any vacancy in the Commission shall be*
8 *filled in the same manner as the original appoint-*
9 *ment was made.*

10 *(b) PURPOSE AND REPORT.—*

11 *(1) The purpose of the Commission is to make*
12 *recommendations to the President and Congress on*
13 *the policies and programs necessary to provide for a*
14 *secure and self-sustaining future for the local economy*
15 *of the Virgin Islands through 2020 and on the role of*
16 *the Federal Government in providing for that future.*
17 *In developing recommendations, the Commission*
18 *shall—*

19 *(A) solicit information and advice from*
20 *persons and entities that the Commission deter-*
21 *mines have expertise to assist the Commission in*
22 *its work;*

23 *(B) examine and analyze historical data*
24 *since 1970 on expenditures for infrastructure*
25 *and services;*

1 (C) analyze the sources of funds for such ex-
2 penditures;

3 (D) assemble relevant demographic and eco-
4 nomic data, including trends and projects for the
5 future; and

6 (E) estimate future needs of the Virgin Is-
7 lands, including needs for capital improvements,
8 educational needs and social, health and envi-
9 ronmental requirements.

10 (2) *The recommendations of the Commission*
11 *shall be transmitted to the President, the Committee*
12 *on Energy and Natural Resources of the United*
13 *States Senate and the Committee on Resources of the*
14 *United States House of Representatives no later than*
15 *December 1, 1997. The recommendations shall be ac-*
16 *companied by a report that sets forth the basis for*
17 *the recommendations and includes an analysis of the*
18 *capability of the Virgin Islands to meet projected*
19 *needs based on reasonable alternative economic, polit-*
20 *ical and social conditions in the Caribbean, including*
21 *the opening in the near future of Cuba to trade, tour-*
22 *ism and development.*

23 (c) *POWERS.*—

24 (1) *The Commission may—*

1 (A) hold such hearings, sit and act at such
2 times and places, take such testimony and re-
3 ceive such evidence as it may deem advisable;

4 (B) use the United States mail in the same
5 manner and upon the same conditions as other
6 departments and agencies of the United States;

7 (C) enter into contracts or agreements for
8 studies and surveys with public and private or-
9 ganizations and transfer funds to Federal agen-
10 cies to carry out such aspects of the Commis-
11 sion's functions as the Commission determines
12 can best be carried out in such manner; and

13 (D) incur such necessary expenses and exer-
14 cise such other powers as are consistent with and
15 reasonably required to perform its functions.

16 (2) The Secretary of the Interior shall provide
17 such office space, furnishings and equipment as may
18 be required to enable the Commission to perform its
19 functions. The Secretary shall also furnish the Com-
20 mission with such staff, including clerical support, as
21 the Commission may require and shall provide to the
22 Commission financial and administrative services,
23 including those relating to budgeting, accounting, fi-
24 nancial reporting, personnel and procurement.

1 (3) *The President, upon request of the Commis-*
2 *sion, may direct the head of any Federal agency or*
3 *department to assist the Commission and if so di-*
4 *rected such head shall—*

5 (A) *furnish the Commission to the extent*
6 *permitted by law and within available appro-*
7 *priations such information as may be necessary*
8 *for carrying out the functions of the Commission*
9 *and as may be available to or procurable by such*
10 *department or agency; and*

11 (B) *detail to temporary duty with the Com-*
12 *mission on a reimbursable basis such personnel*
13 *within his administrative jurisdiction as the*
14 *Commission may need or believe to be useful for*
15 *carrying out its functions, each such detail to be*
16 *without loss of seniority, pay or other employee*
17 *status.*

18 (d) *CHAIRMAN.—Subject to general policies that the*
19 *Commission may adopt, the Chairman of the Commission*
20 *shall be the chief executive officer of the Commission and*
21 *shall exercise its executive and administrative powers. The*
22 *Chairman may make such provisions as he may deem ap-*
23 *propriate authorizing the performance of his executive and*
24 *administrative functions by the staff of the Commission.*

1 (e) *APPROPRIATIONS.*—*There are authorized to be ap-*
 2 *propriated such sums as may be necessary to carry out the*
 3 *purposes of this section.*

4 (f) *TERMINATION.*—*The Commission shall terminate*
 5 *three months after the transmission of the report and rec-*
 6 *ommendations under subsection (b)(2).*

7 **SEC. 9. HOSPITAL TO SERVE THE REPUBLIC OF THE MAR-**
 8 **SHALL ISLANDS.**

9 *The Secretary of the Interior shall, within 180 days*
 10 *after the date of the enactment of this section, submit a re-*
 11 *port to Congress on alternatives to provide adequate hos-*
 12 *pital services to the population of the Republic of the Mar-*
 13 *shall Islands. The report shall include a design, specifica-*
 14 *tions, and cost estimates for a facility to be located on*
 15 *Majuro Atoll to provide such services. The Secretary may*
 16 *spend up to \$200,000 from technical assistance funds avail-*
 17 *able during the Fiscal Year ending September 30, 1997 to*
 18 *implement this section.*

19 **SEC. 10. PUBLIC HEALTH SERVICE PHYSICIANS.**

20 *The Secretary of Health and Human Services shall*
 21 *provide, on a nonreimbursable basis, technical and training*
 22 *assistance to the Government of the Marshall Islands to*
 23 *carry out direct radiation related medical surveillance and*
 24 *treatment programs under section 177(b) of the Compact*
 25 *of Free Association. Such programs may include the serv-*

1 *ices of physicians, surgeons, dentists, nurses, and other*
 2 *health care practitioners.*

3 **SEC. 11. ELIGIBILITY FOR HOUSING ASSISTANCE.**

4 *Section 214(a) of the Housing Community Develop-*
 5 *ment Act of 1980 (42 U.S.C. 1436a(a)) is amended—*

6 *(1) by striking “or” at the end of paragraph (5);*

7 *(2) by striking the period at the end of para-*
 8 *graph (6) and inserting “; or”; and*

9 *(3) by adding at the end the following new para-*
 10 *graph:*

11 *“(7) an alien who is lawfully resident in the*
 12 *United States and its territories and possessions*
 13 *under section 141 of the compacts of free association*
 14 *between the Government of the United States and the*
 15 *Government of the Marshall Islands, Federated States*
 16 *of Micronesia (48 U.S.C. 1901 note) and Palau (48*
 17 *U.S.C. 1931 note)—*

18 *“(A) while the applicable section is in effect;*

19 *and*

20 *“(B) to the extent that the alien was eligible*
 21 *to receive financial assistance in 1994.”.*

22 **SEC. 12. RADIOLOGICAL HEALTH CARE PROGRAM.**

23 *(a) ELIGIBILITY LIMITATION.—The President is au-*
 24 *thorized to negotiate an amendment to the Agreement Be-*
 25 *tween the Government of the United States and the Govern-*

1 *ment of the Marshall Islands for the Implementation of Sec-*
2 *tion 177 of the Compact of Free Association to limit eligi-*
3 *bility for radiological monitoring, medical surveillance, and*
4 *treatment under section 177(b) of the Compact of Free Asso-*
5 *ciation to persons that were directly affected by the nuclear*
6 *testing program conducted by the United States Govern-*
7 *ment in the Marshall Islands between June 30, 1946, and*
8 *August 18, 1958.*

9 **(b) INFLATION ADJUSTMENT.**—*If the Government of*
10 *the Marshall Islands agrees to the amendment under sub-*
11 *section (a), the Secretary of Energy shall adjust the amount*
12 *of the annual grant provided to the Government of the Mar-*
13 *shall Island for health and medical programs under section*
14 *103(h)(1) of the Compact of Free Association by the percent*
15 *which equals two-thirds of the percentage change in the*
16 *United States Gross National Product Implicit Price*
17 *Deflator, or 7 percent, whichever is less in any one year,*
18 *using the beginning of fiscal year 1981 as the base—*

19 *(1) notwithstanding the second sentence in sec-*
20 *tion 103(h)(1) of the Compact of Free Association Act*
21 *of 1985 (48 U.S.C. 1903(h)(2)); and*

22 *(2) subject to appropriation.*