

FEB 28 2008

SENATE RESOLUTION

SUPPORTING FEDERAL FINANCIAL ASSISTANCE FOR PERSONS PRESENT IN
THE UNITED STATES UNDER THE COMPACTS OF FREE ASSOCIATION.

1 WHEREAS, in 1986, the United States (U.S.) entered into a
2 Compact of Free Association (COFA or Compact) with the Federated
3 States of Micronesia, and the Republic of the Marshall Islands
4 and, in 1994, the U.S. entered into a similar Compact with the
5 Republic of Palau, that created a unique relationship between
6 the U.S. and the Freely Associated States; and
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8 WHEREAS, the terms of the Compacts set out mutually
9 beneficial rights and obligations in several areas, including
10 economic development and defense, and created the right of
11 citizens from the Freely Associated States to freely travel to,
12 and work and reside in the U.S. without durational limit; and
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14 WHEREAS, a significant number of COFA citizens travel to
15 and reside in the State of Hawai'i; and
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17 WHEREAS, many COFA migrants arrive in the State with
18 serious medical needs, and many need financial assistance or
19 housing assistance because of the relative lack of resources
20 they have available; and
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22 WHEREAS, when the Compacts were initially executed,
23 Congress recognized there could be a significant effect on the
24 resources of the places to which the COFA citizens migrated and
25 explicitly stated that "it is not the intent of Congress to
26 cause any adverse consequences for an affected jurisdiction."
27 P.L. 108-188, section 104(e)(1) (emphasis added); and
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29 WHEREAS, in 1997, Congress passed the Personal
30 Responsibility Work Opportunities Reconciliation Act (PRWORA),
31 which provided that most non-citizens in the U.S., with limited
32 exceptions, became ineligible for federally funded welfare
33 programs including Temporary Assistance for Needy Families,
34 Medicaid, Food Stamps, and Supplemental Security Income; and
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1 WHEREAS, COFA migrants were among the non-citizen groups
2 excluded by PRWORA, and not included as one of the exceptions,
3 despite the fact that they are legal residents in the United
4 States, and are more like citizens than immigrants or other
5 legally resident non-citizens, in terms of their ability to
6 reside, work, and attend school in the U.S.; and
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8 WHEREAS, despite losing access to federal funds for
9 services to COFA migrants because of PRWORA, the State of Hawai'i
10 has continued to make the services available through equivalent
11 state-funded services to address the social, educational, public
12 safety, and medical needs of COFA citizens who legally reside in
13 the State, just as it provides them to other legal residents;
14 and
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16 WHEREAS, the State has consistently reported increasing
17 costs each year for the services provided to COFA migrants, the
18 majority of which are not reimbursed by the federal government;
19 and
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21 WHEREAS, in 2006, the cost reported by the state agencies
22 to provide services for COFA migrants was over \$91,000,000,
23 while the federal assistance to the State as Compact Impact
24 Assistance was approximately \$10,600,000; and
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26 WHEREAS, the federal government created the relationship
27 with the Freely Associated States that allows their citizens to
28 freely reside in the U.S. with few limitations; and
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30 WHEREAS, extending eligibility for federal assistance to
31 the COFA migrants would better support the purposes underlying
32 the COFA; and
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34 WHEREAS, providing federal assistance for COFA migrants
35 additionally would alleviate much of the burden on the State's
36 budget while still maintaining the same level of services for
37 the COFA migrants; and
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39 WHEREAS, Governor Lingle has repeatedly suggested in
40 reports and letters to the U.S. Department of the Interior that
41 COFA migrants should be made eligible for federal financial
42 assistance, and the Hawai'i Congressional Delegation has



1 consistently supported the idea of extending federal assistance
2 to COFA migrants; and
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4 WHEREAS, in 2007, Senator Akaka and Senator Inouye
5 introduced a bill in the United States Senate, S. 1676, which
6 would extend eligibility for certain federal benefits to COFA
7 migrants legally residing in the U.S.; and
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9 WHEREAS, in 2007, Representative Abercrombie and
10 Representative Hirono introduced a bill in the United States
11 House of Representatives, H.R. 4000, which would extend
12 eligibility for certain federal benefits to COFA migrants
13 legally residing in the U.S.; now, therefore,
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15 BE IT RESOLVED by the Senate of the Twenty-fourth
16 Legislature of the State of Hawai'i, Regular Session of 2008,
17 that the Legislature supports the bills currently in Congress,
18 S. 1676 and H.R. 4000, and urges that the bills be heard and
19 moved out of Committee, to receive the consideration of the full
20 Senate and the full House of Representatives, and further to
21 encourage Congress and the President to enact the bills into
22 law, which would benefit COFA migrants in the U.S. regardless of
23 the state or territory in which they reside and support the
24 stated intent of Congress that the relationship created by the
25 Compacts not cause adverse consequences to the states; and
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27 BE IT FURTHER RESOLVED that certified copies of this
28 Resolution be transmitted to the President of the United States,
29 all members of Congress, the Secretary of the Interior, the
30 Secretary of Health and Human Services, the Secretary of
31 Agriculture, the Governor of Hawai'i, the President of the
32 Republic of Palau, the President of the Federated States of
33 Micronesia, and the President of the Republic of the Marshall
34 Islands.
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OFFERED BY: J. Keleni B. B. B.

