Resolution No. 27-GA-13 CD1

"Relative to requesting the United States Congress to properly reimburse the governments of the Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii their actual costs for services provided as a result of the Compacts of Free Association Acts, and to render individuals from the Freely Associated States as "Qualified Non-immigrants" residing in the Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii, and to grant increased financial impact assistance for providing services to citizens of the Freely Associated States who reside in the Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii under the respective Compacts of Free Association."

WHEREAS, the Compact of Free Association Acts implemented in 1986 and in 1994, established the relationship between the United States and the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Belau; and

WHEREAS, Compact immigration provisions authorized unrestricted immigration into the United States, its territories and possessions, enabling citizens of these nations to enter into, and to lawfully engage in occupations and establish residence as non-immigrant aliens; and

WHEREAS, when the Compacts were initially executed, Congress recognized there could be a significant effect on the resources of the places to which the citizens of the Freely Associated States migrated and explicitly stated that "it is not the intent of Congress to cause any adverse consequences for an affected jurisdiction." P.L. 108-188, section 104(e)(1)(emphasis added); and

WHEREAS, in recognition of the adverse impact to the economies of the Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii for providing health care, Congress promised to appropriate sums to cover costs incurred by the governments of the Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii resulting from any increased demands placed on health, education, and welfare services by immigrants from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Belau (collectively known as the Freely Associated States, or FAS); and

WHEREAS, the Compact Impact Reconciliation Reports from the Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii, attested by independent accounting firms, were submitted to the Department of the Interior; and
WHEREAS, the Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii have identified significant Compact migration impacts and have reported that costs have been concentrated in the areas of health and education, though other costs have also been identified; and

WHEREAS, the health care systems of the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Belau are viewed by the U.S. and island area governments as inadequate to meet the needs of the population, providing incentive to travel or move to the United States in order to receive appropriate health care; and

WHEREAS, the migration has clearly had a significant impact on the Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii and has required government services in key areas. Compact migrants have required expenditures in areas such as health and education and, further, have particularly affected the budgetary resources of the governments of the Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii; and

WHEREAS, because the Compact allows these citizens who have limited financial means and ability to pay for health care to enter the United States with few restrictions, U.S. island areas are absorbing much of the health care costs of these populations; and

WHEREAS, in 1997, Congress passed the Personal Responsibility Work Opportunities Reconciliation Act (PRWORA), which provided that most non-citizens in the U.S., with limited exceptions, became ineligible for federally funded welfare programs including Temporary Assistance for Needy Families, Medicaid, Food Stamps, and Supplemental Security Income; and

WHEREAS, Compact Of Free Association migrants were among the non-citizen groups excluded by PRWORA, and not included as one of the exceptions, despite the fact that they are legal residents in the United States, and are more like citizens than immigrants or other legally resident non-citizens, in terms of their ability to reside, work, and attend school in the U.S.; and

WHEREAS, despite losing access to federal funds for services to migrants from the Freely Associated States because of PRWORA, the CNMI, Guam and the State of Hawaii have continued to make the services available through equivalent state-funded services to address the social, educational, public safety, and medical needs of FAS citizens who legally reside in the State, just as it provides them to other legal residents; and

WHEREAS, in 2007, Senator Akaka and Senator Inouye introduced a bill in the United States Senate, S. 1676, which would extend eligibility for certain federal benefits to migrants from the Freely Associated States legally residing in the U.S.; and

WHEREAS, in 2007, Representative Abercrombie and Representative Hirono introduced a bill in the United States House of Representatives, H.R. 4000, which would extend eligibility for certain federal benefits to migrants from the Freely Associated States legally residing in the U.S.; and

WHEREAS, prior to the Compacts, citizens of what are now the Freely Associated States (FAS) were Trust Territory of the Pacific Islands (TTPI) citizens, and as such, received medical care from Department of Defense at the Naval Regional Medical Center and Tripler Army Hospital; and
WHEREAS, to improve the services and the ability to provide adequate healthcare in the hospitals in the
Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii, there must be a recognition and proper
reimbursement for the costs incurred as a result of the Compact migration; now, therefore,

BE IT RESOLVED, by Association of Pacific Island Legislatures, 27th General Assembly, May 5-7, 2008, in
Guam, that the President of the United States and the United States Congress are strongly urged to reimburse the
governments of the Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii the amounts still
owed for costs directly related to and associated with services provided as a result of the Compact of Free Association;
and to render individuals from the Freely Associated States as “Qualified Non-immigrants” residing in the
Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii, and to grant increased financial impact
assistance for providing services to citizens of the Freely Associated States who reside in the Commonwealth of the
Northern Mariana Islands, Guam and the State of Hawaii under the respective Compacts of Free Association; and

BE IT FURTHER RESOLVED by the Association of Pacific Island Legislatures, 27th General Assembly,
Island of Guam, May 5-7, 2008, that the Association of Pacific Island Legislatures hereby supports the bills currently in
Congress, S. 1676 and H.R. 4000, and urges that the bills be heard and moved out of Committee, to receive the
consideration of the full Senate and the full House of Representatives, and further to encourage Congress and the
President to enact the bills into law, which would benefit migrants from the Freely Associated States in the U.S.
regardless of the state or territory in which they reside and support the stated intent of Congress that the relationship
created by the Compacts not cause adverse consequences to the states; and

BE IT FURTHER RESOLVED that the President of the Association of Pacific Island Legislatures certifies,
and the Secretary of the Association of Pacific Island Legislatures attests to, the adoption hereof and that copies be
transmitted to the President of the United States, all members of the U. S. Congress, the Secretary of the Interior, the
Secretary of Health and Human Services, the Secretary of Agriculture, and the Presiding Legislative Officers and Chief
Executives of each of the APIL member jurisdictions.

DULY AND REGULARLY ADOPTED ON THE 7TH DAY OF MAY, 2008.

SABINO SAUCHOMAL
APIL PRESIDENT

WILLIAM NEIRAIKELAU
APIL SECRETARY