



Association of Pacific Island Legislatures

American Samoa
Commonwealth of the Northern Mariana Islands
FSM, State of Chuuk
FSM, State of Kosrae
FSM, State of Pohnpei
FSM, State of Yap
Island of Guam
Republic of Kiribati
Republic of the Marshall Islands
Republic of Nauru
Republic of Palau
State of Hawaii

A RESOLUTION

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.”

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

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

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

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

17 **WHEREAS**, the Compact Impact Reconciliation Reports from the Commonwealth of the Northern Mariana
18 Islands, Guam and the State of Hawaii, attested by independent accounting firms, were submitted to the Department of
19 the Interior; and

1 **WHEREAS**, the Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii have
2 identified significant Compact migration impacts and have reported that costs have been concentrated in the areas of
3 health and education, though other costs have also been identified; and

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

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

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

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

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

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

28 **WHEREAS**, in 2007, Senator Akaka and Senator Inouye introduced a bill in the United States Senate, S.
29 1676, which would extend eligibility for certain federal benefits to migrants from the Freely Associated States legally
30 residing in the U.S.; and

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

34 **WHEREAS**, prior to the Compacts, citizens of what are now the Freely Associated States (FAS) were Trust
35 Territory of the Pacific Islands (TTPI) citizens, and as such, received medical care from Department of Defense at the
36 Naval Regional Medical Center and Tripler Army Hospital; and

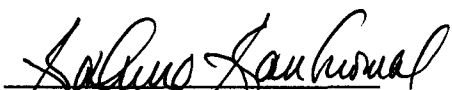
1 **WHEREAS**, to improve the services and the ability to provide adequate healthcare in the hospitals in the
2 Commonwealth of the Northern Mariana Islands, Guam and the State of Hawaii, there must be a recognition and proper
3 reimbursement for the costs incurred as a result of the Compact migration; now, therefore,

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

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

19 **BE IT FURTHER RESOLVED** that the President of the Association of Pacific Island Legislatures certifies,
20 and the Secretary of the Association of Pacific Island Legislatures attests to, the adoption hereof and that copies be
21 transmitted to the President of the United States, all members of the U. S. Congress, the Secretary of the Interior, the
22 Secretary of Health and Human Services, the Secretary of Agriculture, and the Presiding Legislative Officers and Chief
23 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

