

Enrolled
House Bill 2522

Sponsored by Representative CLEM; Representatives EVANS, KENY-GUYER, OLSON, Senator JOHNSON (Presession filed.)

CHAPTER

AN ACT

Relating to health care for Pacific Islanders legally residing in the United States under a Compact of Free Association treaty; and declaring an emergency.

Whereas shortly after World War II, the United States assumed administration of the Trust Territory of the Pacific Islands, under a United Nations strategic trusteeship that provided for American control over development of the islands' economies and international relations and gave the United States military access to territory within the islands; and

Whereas the United States was allowed by the United Nations to treat the islands as a strategic trust territory, and so the United States Atomic Energy Commission established the Pacific Proving Grounds in the Marshall Islands and tested 67 atmospheric nuclear weapons between 1946 and 1958; and

Whereas some of the testing in the trustee territories caused nuclear fallout on a number of the islands, including several that were inhabited; and

Whereas some island citizens were residing in the vicinity of the Pacific Proving Grounds, and their descendants continue to exhibit medical conditions that may have resulted from exposure to the nuclear fallout that is still measurable on some islands; and

Whereas the area now includes three groups of islands, called the Compact of Free Association (COFA) islands, that are independent nations and include the Republic of Palau, the Republic of the Marshall Islands and the Federated States of Micronesia; and

Whereas, notwithstanding the COFA islands' independent nation status, the economies of these islands are heavily dependent on United States government grants under the COFA treaty and the United States military presence; and

Whereas treaties arising out of the special and unique relationship that has existed between the three COFA island nations and the United States allow island citizens to enter the United States without work permits or visas to study, live and work and to access benefits available to United States citizens, such as driver licenses and health care; and

Whereas, since the COFA treaties went into effect in 1986, stagnant island economies have made it difficult for island citizens to find jobs or obtain a decent education, so island citizens have moved to the United States for education and work opportunities; and

Whereas COFA island citizens volunteer to serve in the United States armed services at a higher per capita rate than United States citizens; and

Whereas, while the United States retains a strong military and economic presence in the COFA islands, recently some states and the United States Congress have unilaterally reduced some benefits, including access to driver licenses and health care, for the COFA island citizens residing in the United States; and

Whereas the COFA island families residing in this country should be fairly treated in recognition of the special and unique relationship between the COFA islands and the United States and of the need for the United States to maintain a strong military and economic presence in the COFA islands; and

Whereas many of the benefits and services denied to COFA island citizens are administered by states, and the United States Congress has not taken steps to extend federal government services to COFA island citizens residing in the United States; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) “COFA islander” means an individual who legally entered the United States under a Compact of Free Association treaty between the United States and any of the following countries:

(A) The Republic of Palau.

(B) The Republic of the Marshall Islands.

(C) The Federated States of Micronesia.

(b) “Health insurance exchange” has the meaning given that term in ORS 741.300.

(c) “Premium assistance” means the payment or reimbursement of premium costs for a qualified health plan and the out-of-pocket costs associated with receiving services covered by the plan.

(2) The Department of Consumer and Business Services shall develop recommendations for the creation of a premium assistance program for low-income COFA islanders to enable them to purchase health benefit plans through the health insurance exchange and to pay the out-of-pocket expenses incurred under the plans.

(3) The recommendations may include, but are not limited to:

(a) Eligibility requirements;

(b) The amount of assistance;

(c) How the assistance should be distributed among eligible individuals; and

(d) The cost and financing of the program, including whether federal funds or other funds may be available.

(4) The department shall convene an advisory group that includes COFA islanders from each of the affected communities and other stakeholders to assist and advise the department in developing the recommendations.

(5) The department shall report its recommendations to the Legislative Assembly and to the interim committees of the Legislative Assembly related to health, in the manner provided in ORS 192.245, no later than September 15, 2016.

SECTION 2. Section 1 of this 2015 Act is repealed on January 2, 2018.

SECTION 3. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House June 30, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 2, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State