

Senate Concurrent Resolution 16

Sponsored by Senators HANSELL, DEMBROW, FREDERICK

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Declares legislative intent to address inequities facing Compact of Free Association islanders residing in State of Oregon.

CONCURRENT RESOLUTION

1
2 Whereas after World War II, the United States assumed administration of the Trust Territory
3 of the Pacific Islands (TTPI); and

4 Whereas the TTPI controlled the development of the island economies and international re-
5 lations, and it also gave the United States military control within the islands in perpetuity; and

6 Whereas each island territory in the TTPI was given the option of becoming a commonwealth
7 of the United States or an independent nation through a special agreement with the United States;
8 and

9 Whereas three island territories chose independence through a unique treaty known as the
10 Compact of Free Association (COFA); and

11 Whereas COFA agreements were made between the United States and the Republic of the
12 Marshall Islands (RMI) and the Federated States of Micronesia (FSM) in 1986 and the Republic of
13 Palau in 1993; and

14 Whereas COFA agreements allow citizens from each of these nations to freely migrate without
15 work permits or visas to study, live and work in the United States; and

16 Whereas COFA agreements also allow the United States to have a strong military presence in
17 the COFA nations in perpetuity, and no other nation may have a military agreement with a COFA
18 nation; and

19 Whereas one of the region's largest income sources is the Ronald Reagan Ballistic Missile De-
20 fense Test Site on the Kwajalein Atoll in the Marshall Islands, and the nonmilitary Marshallese that
21 work on the base are not allowed to live on the atoll and cannot utilize the American hospital; and

22 Whereas medical facilities are woefully inadequate in the Marshall Islands, where there is not
23 a single operational dialysis machine and basic medications like antibiotics are in extremely short
24 supply; and

25 Whereas the United States conducted 67 atmospheric nuclear weapons tests in the Marshall Is-
26 lands—the equivalent of 7,200 Hiroshima atomic bombs—spreading far-reaching nuclear fallout, and
27 the radiation levels in many of the islands remain extremely high: up to 7,600 milligrays (mGy),
28 compared to 10 mGy in a typical city in the mainland United States; and

29 Whereas Marshallese suffer higher-than-average rates of cancer and other radiation-related dis-
30 eases, and a significant number of migrants to the United States continue to suffer from radiogenic
31 diseases, birth defects and chronic illnesses directly tied to U.S. nuclear testing; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 Whereas Chuuk State in the FSM was the site of heavy bombing during World War II by U.S.
2 war planes against the largest Japanese naval base outside of Japan; and

3 Whereas Palau was the site of fierce fighting during World War II following the invasion of
4 Japanese-held islands by U.S. armed forces; and

5 Whereas COFA islanders voluntarily join U.S. armed services at higher per capita rates than
6 U.S. citizens because of their patriotism for the United States; and

7 Whereas COFA islanders residing in the United States pay state, federal and local taxes that
8 help pay for programs assisting low-income families, even though COFA residents are often not able
9 to access those services themselves; and

10 Whereas COFA residents are ineligible for such benefit programs as Temporary Assistance for
11 Needy Families, welfare, child care or housing assistance, and COFA residents can receive food
12 stamps only if there is a child born in the United States within a family and the family meets income
13 requirements; and

14 Whereas even though COFA residents are legally in the United States, they are considered
15 “nonimmigrants” and are ineligible for Supplemental Security Income (SSI) because they do not meet
16 the Permanent Residence Under Color of Law (PRUCOL) definition established by the Social Secu-
17 rity Administration, although most other legal immigrants meet the definition and are eligible to
18 receive Medicaid and SSI; and

19 Whereas Medicaid coverage was granted to COFA residents, it was taken away in 1996 by the
20 federal Personal Responsibility and Work Opportunity Reconciliation Act and, as a result, COFA
21 residents face significant barriers to accessing basic health care; and

22 Whereas although the State of Oregon has addressed several of the inequities facing COFA
23 residents since 2013—including problems caused by issuance of one-year driver licenses (House Bill
24 2517 in 2013), lack of medical and dental insurance coverage (House Bill 2522 in 2015, House Bill
25 4071 in 2016 and Senate Bill 1538 in 2022) and paying nonresident higher education tuition (Senate
26 Bill 553 in 2021)—many inequities remain; and

27 Whereas other inequities facing COFA residents come to light every year, such as issues related
28 to I-94 immigration forms, banking and housing; and

29 Whereas these inequities have continued to affect the lives of COFA residents in the United
30 States, impairing the ability of families to live in the United States freely, as the COFA promises;
31 and

32 Whereas COFA immigration status is an anomalous status that has unique challenges because
33 it is tied to the COFA treaties but is also written into federal law as P.L. 108-188, which creates
34 what is considered a nonimmigrant status with visa-free entry into the United States and with no
35 limits on the duration of stay in the United States and its territories; and

36 Whereas due to the fact that COFA status is not a traditional legal status under U.S. immi-
37 gration law, there is no pathway to legal permanent residency or citizenship for COFA islanders
38 who enter the United States under that status; and

39 Whereas benefits eligibility for COFA islanders is legally bound to the COFA treaties that en-
40 tered into force in 1986 (RMI and FSM) and 1994 (Palau), from which time COFA islanders became
41 eligible for all federal benefits until 1996; and

42 Whereas due to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,
43 COFA islanders were inadvertently left out of the category of “qualified” immigrants for federal
44 benefits eligibility purposes, and they were permanently barred from all benefits for which they were
45 eligible prior to 1996; now, therefore,

1 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

2 That we, the members of the Eighty-second Legislative Assembly, declare our intention to make
3 the State of Oregon a model for the rest of the nation by addressing the inequities described in this
4 resolution with legislation that is consistent with the spirit of the Compact of Free Association and
5 that codifies the right of COFA islanders to receive all safety net benefits in Oregon provided to
6 other Oregon residents; and be it further

7 Resolved, That this intention shall be fulfilled with legislation introduced in the 2024 session
8 of the Legislative Assembly.

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