
HOUSE CONCURRENT 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

7
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



1 programs including Temporary Assistance for Needy Families,
2 Medicaid, Food Stamps, and Supplemental Security Income; and
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4 WHEREAS, COFA migrants were among the non-citizen groups
5 excluded by PRWORA, and not included as one of the exceptions,
6 despite the fact that they are legal residents in the United
7 States, and are more like citizens than immigrants or other
8 legally resident non-citizens, in terms of their ability to
9 reside, work, and attend school in the U.S.; and
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11 WHEREAS, despite losing access to federal funds for
12 services to COFA migrants because of PRWORA, the State of Hawai'i
13 has continued to make the services available through equivalent
14 state-funded services to address the social, educational, public
15 safety, and medical needs of COFA citizens who legally reside in
16 the State, just as it provides them to other legal residents;
17 and
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19 WHEREAS, the State has consistently reported increasing
20 costs each year for the services provided to COFA migrants, the
21 majority of which are not reimbursed by the federal government;
22 and
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24 WHEREAS, in 2006, the cost reported by the state agencies
25 to provide services for COFA migrants was over \$91,000,000,
26 while the federal assistance to the State as Compact Impact
27 Assistance was approximately \$10,600,000; and
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29 WHEREAS, the federal government created the relationship
30 with the Freely Associated States that allows their citizens to
31 freely reside in the U.S. with few limitations; and
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33 WHEREAS, extending eligibility for federal assistance to
34 the COFA migrants would better support the purposes underlying
35 the COFA; and
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37 WHEREAS, providing federal assistance for COFA migrants
38 additionally would alleviate much of the burden on the State's
39 budget while still maintaining the same level of services for
40 the COFA migrants; and
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42 WHEREAS, Governor Lingle has repeatedly suggested in
43 reports and letters to the U.S. Department of the Interior that



1 COFA migrants should be made eligible for federal financial
 2 assistance, and the Hawai'i Congressional Delegation has
 3 consistently supported the idea of extending federal assistance
 4 to COFA migrants; and

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

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 11 WHEREAS, in 2007, Representative Abercrombie and
 12 Representative Hirono introduced a bill in the United States
 13 House of Representatives, H.R. 4000, which would extend
 14 eligibility for certain federal benefits to COFA migrants
 15 legally residing in the U.S.; now, therefore,

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 17 BE IT RESOLVED by the House of Representatives of the
 18 Twenty-fourth Legislature of the State of Hawai'i, Regular
 19 Session of 2008, the Senate concurring, that the Legislature
 20 supports the bills currently in Congress, S. 1676 and H.R. 4000,
 21 and urges that the bills be heard and moved out of Committee, to
 22 receive the consideration of the full Senate and the full House
 23 of Representatives, and further to encourage Congress and the
 24 President to enact the bills into law, which would benefit COFA
 25 migrants in the U.S. regardless of the state or territory in
 26 which they reside and support the stated intent of Congress that
 27 the relationship created by the Compacts not cause adverse
 28 consequences to the states; and

29
 30 BE IT FURTHER RESOLVED that certified copies of this
 31 Concurrent Resolution be transmitted to the President of the
 32 United States, all members of Congress, the Secretary of the
 33 Interior, the Secretary of Health and Human Services, the
 34 Secretary of Agriculture, the Governor of Hawai'i, the President
 35 of the Republic of Palau, the President of the Federated States
 36 of Micronesia, and the President of the Republic of the Marshall
 37 Islands.

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OFFERED BY: _____

[Handwritten signatures and names: Paul O'Keefe, Tom Berman, Steve Iwano, Greg Iwano, Gene Uweia]

