



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 ·PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 25, 2013  
Conference Room 016  
1:34 p.m.

To: The Honorable J. Kalani English, Chair  
Members of the Senate Committee on Transportation and International Affairs

The Honorable Suzanne Chun Oakland, Chair  
Members of the Senate Committee on Human Services

The Honorable Will Espero, Chair  
Members of the Senate Committee on Public Safety, Intergovernmental and  
Military Affairs

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.C.R. No. 108, S.R. No. 74

The Hawai‘i Civil Rights Commission (“HCRC”) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that “no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry”. Art. I, Sec. 5.

The HCRC supports S.C.R. No. 108 and S.R. No. 74, urging the United States Congress to include citizens of Compact of Free Association (“COFA”) nations who reside lawfully in Hawai‘i as “qualified aliens” under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“PRWORA”, popularly known as “Welfare Reform Act”).

After WWII, these COFA nations (The Federated States of Micronesia (“FSM” - Yap, Pohnpei, Chuuk, Kosrae), the Republic of the Marshall Islands (“RMI”), and the Republic of Palau) were part of the Trust Territory of the Pacific Islands, with the Micronesian Trust Region under U.S. trusteeship. From 1946-1958, the U.S. conducted 67 nuclear tests in the Marshall Islands, with above-ground testing on Bikini and Enewetak islands, including detonation of the largest bomb (codenamed “Bravo”) ever tested by the U.S., with a magnitude of over 1,000 times that of the Hiroshima bombing. The U.S. has a significant and continuing military interest and presence in region, and U.S. nuclear testing and military entrenchment have resulted in environmental degradation and economic dependency.

In the 1980s the FSM and RMI entered into compacts of free association with the U.S., followed by Palau in the 1990s. Under these treaties, citizens of COFA nations can travel freely to live and work in the U.S., and are eligible for some, but not all, benefits that U.S. citizens can receive. As “non-qualified” aliens, Hawai‘i residents from the COFA nations are ineligible for Medicaid and other federal welfare programs, and, unlike other legal immigrants, are not eligible for benefits even after residing in the U.S. for five years.

Driven by poor health conditions (including some due to the impact of nuclear testing and contamination) and insufficient health care, displacement due to nuclear testing and contamination, and weak economies in their homelands, the number of Hawai‘i residents from COFA nations has dramatically increased over the past decade.

As has historically been the case with most recent newcomers, these Hawai‘i residents from COFA nations have been scapegoated and described negatively as a burden and a drain on resources, particularly in health and human services. While much of the discussion is focused on the federal government’s responsibility to offset the impact of in-migration from COFA nations

under the compacts, there has been a disturbing rise in the use of vitriolic rhetoric not unlike that historically used against other immigrants and minority groups. Seiji Yamada, an associate professor at the University of Hawai'i John A. Burns School of Medicine, has described this trend in these terms: "... discourse among the politically powerful is paralleled by popular discourse." Media reports and anecdotal accounts indicate that these kinds of negative attitudes are manifested in discrimination against these COFA citizens residing in Hawai'i, who report experiencing exclusion and discrimination in Hawai'i.

Congressional approval and enactment of H.R. 912, "Restoring Medicaid for Compact of Free Association Migrants Act of 2013", introduced by Hawai'i Representative Colleen Hanabusa, will include COFA citizens who lawfully reside in the United States as "qualified aliens" under the PRWORA, providing federal relief from the burdens imposed on the State of Hawai'i by the combination of COFA migration and PRWORA restrictions, and promoting fairness and an end to discriminatory attacks and exclusion faced by Hawai'i residents from COFA nations.

The HCRC supports S.C.R. No. 108 and S.R. No. 74.



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SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Senator J. Kalani English, Chair

SENATE COMMITTEE ON HUMAN SERVICES

Senator Suzanne Chun Oakland, Chair

SENATE COMMITTEE ON PUBLIC SAFETY , INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Will Espero, Chair

Conference Room 224

March 25, 2013 at 1:34 p.m.

**Supporting SCR 108 / SR 74.**

The Healthcare Association of Hawaii advocates for its member organizations that span the entire spectrum of health care, including all acute care hospitals, a majority of home health agencies and hospices, as well as long term care facilities and other health care organizations. Our members contribute significantly to Hawaii's economy by employing nearly 20,000 people statewide, delivering quality care to the people of Hawaii.

Thank you for the opportunity to testify in support of SCR 108 / SR 74, which urges Congress to include Citizens of Compacts of Free Association (COFA) nations who live in the United States as "Qualified Aliens" who are eligible for matching federal Medicaid funds.

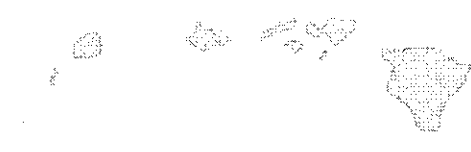
Under the international agreement that the U.S. government has with the Freely Associated States, COFA citizens may travel freely to the United States. A disproportionately large number of them live in Hawaii, and they use a disproportionately large share of government services compared with other residents. For example, in 2013 the State spent \$185 million for education, health, social services, and other government services for COFA migrants. However, the federal government compensated Hawaii with only \$11 million.

A substantial number of COFA citizens come to Hawaii because they have chronic medical conditions, such as diabetes. Others come to Hawaii for cancer treatment. Many do not have the capacity to pay for their expensive care, so they depend on Medicaid. Although the federal government shares in the cost of Medicaid coverage for U.S. citizens on a better than 1:1 basis, the State receives no such federal support in covering COFA migrants. The State currently spends \$52 million annually on Medicaid for COFA citizens.

The Compacts of Free Association benefit the entire United States. Hawaii is paying disproportionately for services to COFA migrants that should be shared by the entire nation. This resolution seeks fairness in funding by having COFA migrants designated as "qualified aliens" so that the State may receive federal funds to help pay for their Medicaid coverage.

For the foregoing reasons, the Healthcare Association of Hawaii supports SCR 108 / SR 74.

hscadv



**HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE**

To: Senator J. Kalani English, Chair  
Senator Donovan M. Dela Cruz, Vice Chair  
COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Senator Suzanne Chun Oakland, Chair  
Senator Josh Green, Vice Chair  
COMMITTEE ON HUMAN SERVICES

Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair  
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS

From: Veronika Geronimo, Executive Director  
Hawaii State Coalition Against Domestic Violence

Hearing Date and Time: Monday, March 25, 2013; 1:34 p.m.

Place: Conference Room 224

RE: SCR 108 / SR 74 - SUPPORT

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The Hawai'i State Coalition Against Domestic Violence is a statewide coalition of domestic violence service providers, our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice. The Hawaii State Coalition Against Domestic Violence writes in support of SCR 108 / SR 74.

Thank you for the opportunity to provide testimony in support of SCR108 and SR74, which seek to restore access to important and fundamental federal programs for U.S. resident workers, taxpayers, students, and community members present under the Compacts of Free Association, many of whom are also members of Hawai'i's Pacific Islander community.

A lack of access to basic federal programs such as financial supports and healthcare can be devastating to domestic violence survivors who face dire personal and economic hardship. These debilitating constraints may possibly place them in the unconscionable position of having to return to violent homes. In fact, domestic violence is a leading cause of homelessness for women, as abusers are often the ones in control of financial resources. This issue is compounded for migrant survivors who may not be eligible for financial supports or other

resources to assist them; and are economically dependent on abusers if they are ineligible for public assistance.

The profound ripple effects of the inability to achieve self-sufficiency or access social safety-net supports can subject victims of crime to additional risks of violence, exploitation, and manipulation, including the loss of custody of their children.

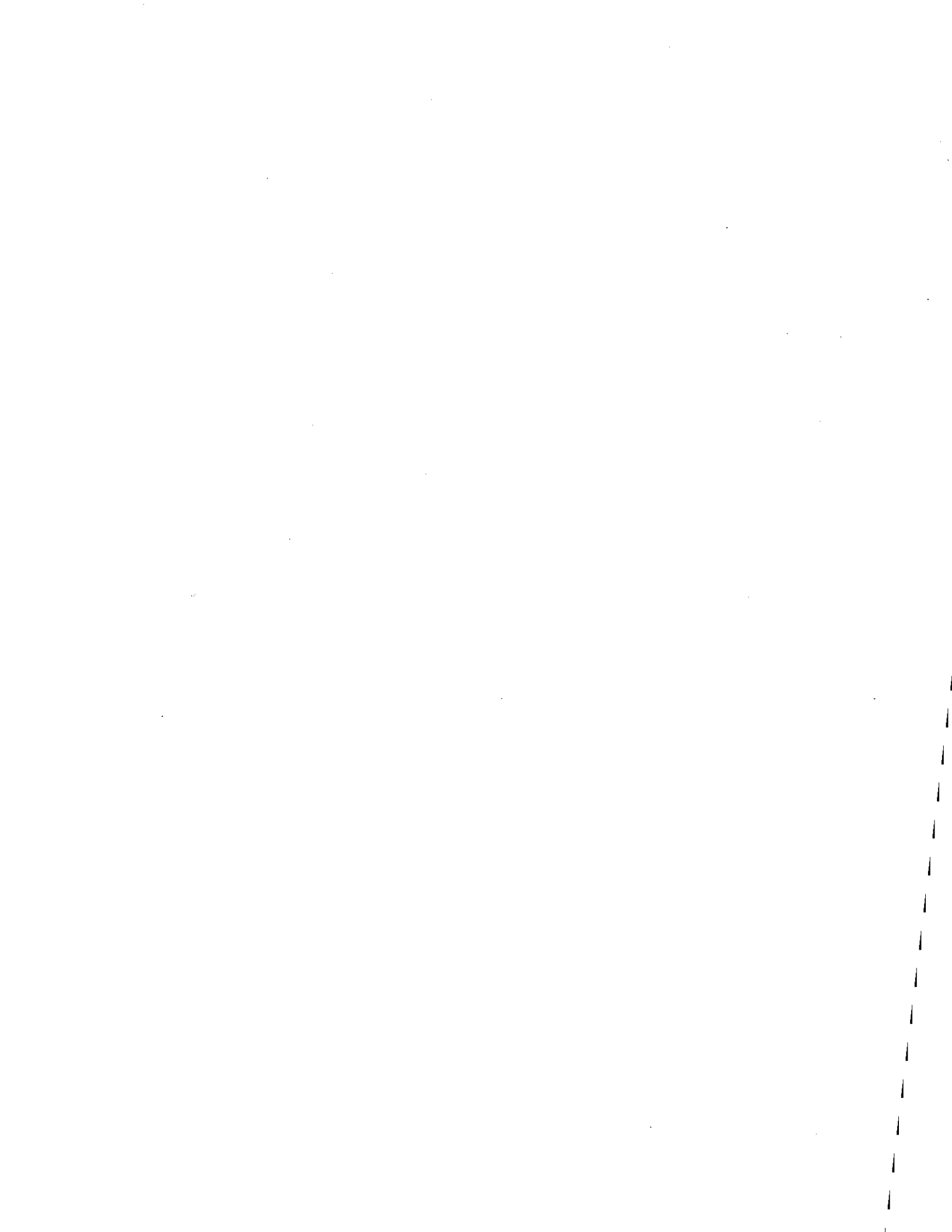
Furthermore, this resolution seeks to address this injustice and restore access to basic federal programs for FAS members of our Pacific Islander community, so that they may have an equal opportunity to fully participate in our society and pursue the American Dream as promised under the Compacts of Free Association.

For these reasons, we respectfully urge the Committees to **PASS** SCR108 and SR74, and help Hawai'i make a strong statement about justice and equality for these U.S. resident workers, taxpayers, students, and members of our island community.

Thank you for your consideration.

Hawaii State Coalition Against Domestic Violence  
810 Richards Street, Suite 960  
Honolulu, HI 96813  
vgeronimo@hscadv.org | [www.hscadv.org](http://www.hscadv.org)  
Tel: 808-832-9316 ext. 104 | Fax: 808-841-6028







**Sharon Lum Ho**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 25, 2013 8:55 AM  
**To:** TIATestimony  
**Cc:** Everett.ohta@gmail.com  
**Subject:** Submitted testimony for SCR108 on Mar 25, 2013 13:34PM

**SCR108**

Submitted on: 3/25/2013

Testimony for TIA/HMS/PSM on Mar 25, 2013 13:34PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Everett Ohta	Individual	Support	No

Comments: I testify in STRONG SUPPORT of SCR108 and SR74, which will bolster the efforts of Congresswoman Hanabusa (via HR912) to restore Medicaid access to our COFA community. Access to health care benefits is one way that the U. S. government fulfills its responsibilities to the people of the Freely Associated States.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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## Sharon Lum Ho

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 25, 2013 8:45 AM  
**To:** TIATestimony  
**Cc:** pbsana@gmail.com  
**Subject:** Submitted testimony for SCR108 on Mar 25, 2013 13:34PM

### **SCR108**

Submitted on: 3/25/2013

Testimony for TIA/HMS/PSM on Mar 25, 2013 13:34PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Peter Boone Sana	Individual	Support	No

Comments: Aloha Kākou e Committee Chair English, Committee Chair Chun Oakland, and Committee Chair Espero, Committee Vice Chair Dela Cruz, Committee Vice Chair Green, and Committee Vice Chair Baker, and the Honorable Members of the Senate Committees on Transportation and International Affairs, Human Services, and Public Safety, Intergovernmental and Military Affairs, Mahalo nui loa for the opportunity to testify in STRONG SUPPORT of SCR108 and SR74, which seek to restore access to important and fundamental federal programs for U.S. resident workers, taxpayers, students, and community members present under the Compacts of Free Association, many of whom are also members of Hawai'i's Pacific Islander community. As these resolutions remind us, the former trust territories of the Freely Associated States (FAS) have over sixty years of history of sacrifices and contributions to the United States, and to Hawai'i. As a result, FAS citizens have earned the right to reside, work, and seek educational and healthcare opportunities in the United States, much like any other U.S. citizen or legal permanent resident. Unfortunately, the 1996 PRWORA law overlooked these ongoing contributions and sacrifices when it neglected to include our FAS residents as "qualified aliens" eligible for such basic federal programs as Medicaid, SSI, nutritional supplements, and others. By effectively revoking their previous eligibility for these programs, this law has resulted in harsh consequences for Hawai'i's community members, particularly for those seeking necessary medical treatment or basic educational or economic opportunity here in the U.S. and Hawai'i, and especially for those who continue to face significant cultural, economic, linguistic, and social barriers to equal opportunity here in the states. This resolution seeks to address this injustice and restore access to basic federal programs for FAS members of our Pacific Islander community, so that they may have an equal opportunity to fully participate in our society and pursue the American Dream as promised under the Compacts of Free Association. Therefore, I respectfully urge the Committees to PASS SCR108 and SR74, and help Hawai'i make a strong statement about justice and equality for these U.S. resident workers, taxpayers, students, and members of our island community. Sincerely, Peter Boone Sana

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**Sharon Lum Ho**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 25, 2013 8:04 AM  
**To:** TIATestimony  
**Cc:** abraggs@aol.com  
**Subject:** Submitted testimony for SR74 on Mar 25, 2013 13:34PM

**SR74**

Submitted on: 3/25/2013

Testimony for TIA/HMS/PSM on Mar 25, 2013 13:34PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
alphonso braggs	NAACP	Support	No

Comments: Aloha, The Honolulu Hawaii NAACP STRONGLY SUPPORTS passage of SCR108 and SR74, which seek to restore access to important and fundamental federal programs for U.S. resident workers, taxpayers, students, and community members present under the Compacts of Free Association, many of whom are also members of Hawaii's Pacific Islander community. We believe the resolution will address the injustice and work to restore access to basic federal programs for FAS personnel as promised under the Compacts of Free Association. Sincerely, Alphonso Braggs  
President Honolulu-Hawaii NAACP P O Box 6 Honolulu, Hawaii 96813 808-783-8969  
[naacphawaii@aol.com](mailto:naacphawaii@aol.com)

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