

SCR 16 STAFF MEASURE SUMMARY**Carrier:** Sen. Hansell, Sen. Frederick**Senate Committee On Rules**

Action Date: 05/02/23
Action: Do adopt.
Vote: 5-0-0-0
Yeas: 5 - Hansell, Knopp, Lieber, Manning Jr, Steiner
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Leslie Porter, LPRO Analyst
Meeting Dates: 5/2

WHAT THE MEASURE DOES:

Declares legislative intent to address inequities facing Compact of Free Association (COFA) islanders residing in state, through legislation introduced during 2024 legislative session, that codifies right of COFA islanders to receive all safety net benefits in state provided to other Oregon residents.

ISSUES DISCUSSED:

- Importance of treaties with the U.S. government
- The unique nature of the Compact of Free Association (COFA) treaty
- The nuclear legacy of the U.S. government in the Marshall Islands
- Relationship between the U.S. and the Marshall Islands
- The failure of the U.S. government to fully honor the COFA treaty
- The unique legal status of COFA islanders in the U.S.

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

After World War II, the United States (U.S.) assumed administration of the Trust Territory of the Pacific Islands (TTPI). The TTPI controlled the development of the island economies and international relations and gave the U.S. military control within the islands in perpetuity. Each island territory in the TTPI was given the option of becoming either a commonwealth of the U.S. or an independent nation. Three island territories chose independence through a treaty termed the Compact of Free Association (COFA). These nations are the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. These COFAs allow citizens from these nations to freely migrate to the U.S. without work permits or student visas. They also allow the U.S. to have a strong military presence in perpetuity, while preventing other nations from having their own military agreements.

The COFA immigration status is considered to be a "nonimmigrant" status and, therefore, COFA islanders living in the U.S. pay state, federal, and local taxes, and are ineligible for certain federal benefits. Prior to 1996, COFA islanders living in the U.S. were eligible for certain federal benefits, such as Temporary Assistance for Needy Families, Supplemental Security Income, and Medicaid; however, because they were omitted from the definition of "qualified" immigrants for federal benefits eligibility purposes in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, they were permanently barred from benefits for which they were previously eligible.

The State of Oregon has addressed several of these, and other, issues, including the issuance of one-year driver licenses (House Bill 2517 (2013)), medical and dental insurance coverage (House Bill 2522 (2015), House Bill 4071 (2016), and Senate Bill 1538 (2022)), and higher education tuition rates (Senate Bill 553 (2021)).

SCR 16 STAFF MEASURE SUMMARY

Senate Concurrent Resolution 16 declares the legislative intent to make Oregon a model for the country by addressing inequities facing Compact of Free Association (COFA) islanders residing in the state, through legislation introduced in the 2024 legislative session, that codifies the right of COFA islanders to receive all safety net benefits in the state that are provided to other Oregon residents.