

## Enrolled

# Senate Concurrent Resolution 16

Sponsored by Senators HANSELL, DEMBROW, FREDERICK, GELSER BLOUIN, JAMA, MAN-  
NING JR; Senators GIROD, GORSEK, MEEK, TAYLOR, Representatives BYNUM, HIEB,  
HOLVEY, KROPF, MANNIX, NERON, PHAM K, RUIZ

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

Whereas the TTPI controlled the development of the island economies and international relations, and it also gave the United States military control within the islands in perpetuity; and

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

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

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

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

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

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

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

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

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

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

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

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

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

Whereas COFA residents are ineligible for such benefit programs as Temporary Assistance for Needy Families, welfare, child care or housing assistance, and COFA residents can receive food

stamps only if there is a child born in the United States within a family and the family meets income requirements; and

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

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

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

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

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

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

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

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

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

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

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

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

Adopted by Senate June 16, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Adopted by House June 23, 2023

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Dan Rayfield, Speaker of House