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**State Government & Tribal Relations  
Committee**

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**SSJM 8017**

**Brief Description:** Addressing compacts of free association.

**Sponsors:** Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Hasegawa, Hunt, Billig, Saldaña, Stanford and Wilson, C.).

**Brief Summary of Substitute Bill**

- Requests that Congress take action to renew a series of agreements with the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands, as well as restore federal benefits to citizens of those nations; ensure they are counted in the 2020 census; and exempt them from new immigration rules related to public charges.

**Hearing Date:** 2/26/20

**Staff:** Jason Zolle (786-7124).

**Background:**

The Compacts of Free Association.

The Compacts of Free Association (COFAs) are a series of treaties between the United States (U.S.) and the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands (together, the COFA states). The treaties were signed by the parties in 1982 and 1983, approved by the citizens of the COFA states in 1983, and enacted into federal law in 1986. The COFAs were partially established to compensate for losses associated with U.S. nuclear weapons testing in the Marshall Islands and nearby atolls shortly after World War II.

The COFAs allow the U.S. to operate armed forces in the COFA states and to exclude militaries of other countries without U.S. permission. The U.S. also protects the COFA states militarily and administers all of their international defense treaties and affairs. Citizens of COFA states

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may live and work in the U.S. without a visa, and generally have access to U.S. health and social services. The U.S. provides COFA states significant economic assistance.

The federal Personal Responsibility and Work Opportunities Reconciliation Act of 1996 restricted COFA citizens from receiving certain federal public benefits such as Medicare, Medicaid, State Children's Health Insurance Program, and Temporary Assistance to Needy Families. As of 2018, COFA citizens may be eligible for health care under Washington law through the COFA Premium Assistance Program.

The COFAs were renegotiated and amended in 2003 to last for an additional 20 years. The U.S. Government Accountability Office recently conducted a study to gather information about the impact of COFA migration on certain territories and states. In 2018, about 93 percent of all COFA migrants resided in Guam or Hawaii.

#### Additional Background About Relevant Federal Programs.

*Supplemental Nutrition Assistance Program (SNAP).* Formerly known as "food stamps," SNAP provides money to purchase certain healthy foods to supplement the food budget of low-income families.

*Medicaid.* Medicaid provides free or low-cost health coverage to certain low-income people, families and children, pregnant women, the elderly, and people with disabilities.

*Public Charge Rules.* The Immigration and Nationality Act precludes admission of noncitizens who are "likely at any time to become a public charge." For roughly the last 20 years, a public charge has been defined by the Department of Homeland Security (DHS) as a person "primarily dependent on the government for subsistence." In making this determination, immigration officers considered only whether a person was likely to receive cash public benefits, not non-cash benefits such as SNAP and Medicaid. A new rule promulgated by DHS in 2019 changed that definition and now defines a public charge as a noncitizen who receives certain benefits that include SNAP and Medicaid. The U.S. Supreme Court has allowed DHS to enforce its new definition of public charge while litigation over the legality of the new rule proceeds in federal courts of appeals.

#### **Summary of Bill:**

The Legislature requests that Congress:

- restore federal benefits to COFA migrants, including SNAP and Medicaid;
- ensure that COFA citizens are appropriately counted as part of the 2020 census;
- consider the uniqueness of COFA status in all immigration policies, including exempting COFA citizens from changes to the public charge rules; and
- immediately begin work on COFA renewal negotiations.

**Appropriation:** None.

**Fiscal Note:** Not requested.