

By: Representative J. Williams

By: Senator L. Eads

HOUSE CONCURRENT RESOLUTION

TO ENCOURAGE THE GOVERNOR TO SUBMIT A STATE PLAN AMENDMENT TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO PROVIDE ACCESS TO COVERAGE FOR MIGRANT CHILDREN AND PREGNANT WOMEN FROM THE COMPACT OF FREE ASSOCIATION ISLANDS.

Subtitle

TO ENCOURAGE THE GOVERNOR TO SUBMIT A STATE PLAN AMENDMENT TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO PROVIDE ACCESS TO COVERAGE FOR MIGRANT CHILDREN AND PREGNANT WOMEN FROM THE COMPACT OF FREE ASSOCIATION ISLANDS.

WHEREAS, shortly after World War II, the United States of America assumed administration of the Trust Territory of the Pacific Islands under a United Nations strategic trusteeship that provided for control over development of the economies and international relations of the islands; and

WHEREAS, the area of the Trust Territory of the Pacific Islands includes three (3) groups of islands that have become the sovereign nations of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia; and

WHEREAS, these three (3) nations are also known as the "Compact of Free Association islands"; and



WHEREAS, the United States Atomic Energy Commission established the Pacific Proving Grounds in what is now the Republic of the Marshall Islands, one (1) of the three (3) Pacific island groups formerly under the trusteeship; and

WHEREAS, sixty-seven (67) atmospheric nuclear weapons were tested in the Marshall Islands between the years of 1946 and 1958 on a number of islands that were inhabited and on some islands that had not been evacuated; and

WHEREAS, many residents that were in the vicinity of the nuclear weapons test proving grounds and their descendants continue to exhibit medical conditions that may have resulted from exposure to the nuclear fallout that occurred and is still measurable on some islands; and

WHEREAS, under the Compact of Free Association treaty between the United States and the three (3) island nations of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia, citizens of the Compact of Free Association islands may freely enter the United States without visas to study, lawfully reside, and work; and

WHEREAS, prior to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, migrants from the Compact of Free Association islands were eligible for the traditional Arkansas Medicaid Program and other federally funded programs; and

WHEREAS, however, as a consequence of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, across the nation eligibility for Medicaid assistance and other federally funded programs was restricted to certain qualified immigrants excluding migrants from the Compact of Free Association islands; and

WHEREAS, while eligibility for federally funded programs has been incrementally restored for other legal immigrants to be considered qualified immigrants, migrants from the Compact of Free Association islands have

continued to be excluded; and

WHEREAS, the Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3, also known as CHIPRA, allows states the option to obtain federal matching dollars to cover certain lawfully residing children and pregnant women; and

WHEREAS, when this option is exercised, those covered include without limitation migrant children and pregnant women from the Compact of Free Association islands; and

WHEREAS, thirty-one (31) states and the District of Columbia have adopted provisions to allow lawfully residing children and pregnant women to access Medicaid and CHIP benefits under this federal law; and

WHEREAS, Arkansas has not yet adopted or implemented this option authorized under the federal law; and

WHEREAS, according to the United States Bureau of the Census, the Marshallese population in the United States from 2000 to 2010 has tripled; and

WHEREAS, currently, the vast majority of Marshallese migrants reside in Hawaii and Arkansas; and

WHEREAS, migrants from the Compact of Free Association islands continue to suffer from the effects of nuclear contamination and have high rates of cancer as well as chronic conditions, including without limitation obesity, diabetes, and cardiovascular disease; and

WHEREAS, the State of Arkansas incurs additional and significant uncompensated care costs for healthcare services provided to migrants from the Compact of Free Association islands,

NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL

ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

THAT the House of Representatives of the Ninety-First General Assembly, the Senate concurring, encourage the Governor to submit a state plan amendment to the Centers for Medicare and Medicaid Services to provide access to coverage for migrant children and pregnant women from the Compact of Free Association islands.

BE IT FURTHER RESOLVED THAT upon adoption of this resolution an appropriate copy be provided by the Chief Clerk of the House of Representatives to the office of the Governor and the Director of the Department of Human Services.