

# COMPACT of Free Association

*Pacific Global Public Health Conference*

*October 9, 2012*

*Honolulu, Hawaii*

Neal A. Palafox MD MPH  
Dept. of Family Medicine and Community Health  
John A. Burns School of Medicine  
University of Hawaii

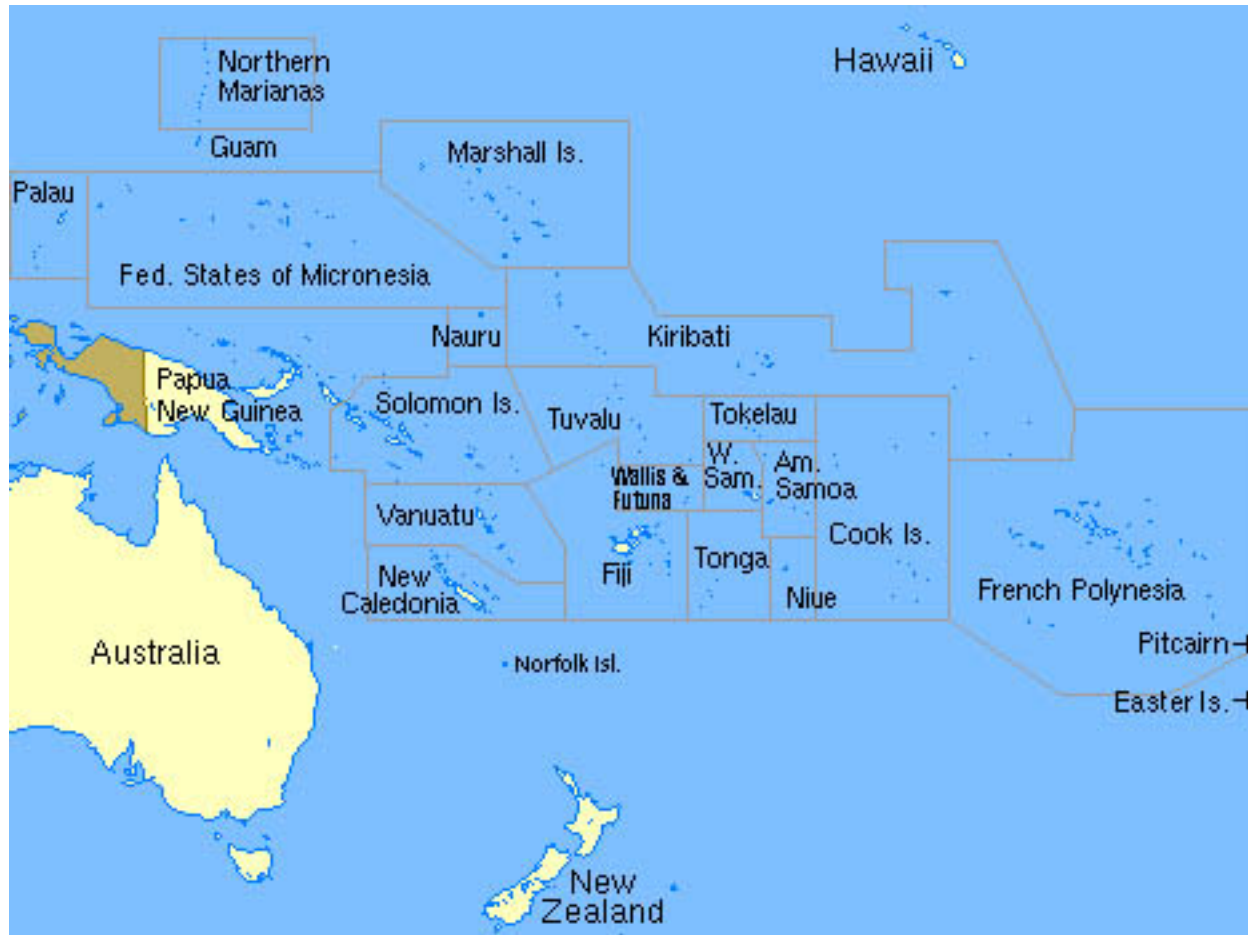
# Objectives:

- Structure for Compact Panels:
  - 3 panels: groundwork, perspectives and problem solving
- What is the Compact of Free Association
- What is the Compact Impact
- What is Basic Health Hawaii and its legal /political implications
- Community Perspective on the Impact

# Micronesian: history

- Geo-cultural term
- Total area equal to entire United States,: land mass area size of Rhode Island
- Micronesia = Marshall Islands, Pohnpei, Yap, Palau, Chuuk, Kosrae, Northern Marianas, Guam, Nauru, Kiribati

# Map



# Micronesian

- Implications of term
- Peoples from geographic Micronesia
- People from the Federated States of Micronesia (FSM)
  - Yap, Kosrae, Chuuk, Pohnpei
- People from US Micronesia
  - Guam, CNMI, FSM, Rep Palau, Rep Marshall Islands

# Colonial and Political Rule

- ◎ Under Colonial Rule for 400 yrs
- ◎ Spain 1500 → Germany 1860 → Japan end WWI
- ◎ US, end of WWII, under UN Trusteeship Agreement, obtained Administrative Oversight of Northern Marianas, Palau, Truk, Yap, Kusaie, Pohnpei, and Marshall Islands
  - ◎ General Assembly vs Security Council
- ◎ Became TTPI ( Trust Territory of the Pacific Islands) as “Strategic Trust of US” under UN Security Council

# US - TTPI

- US set up Military base in Marshall Islands (Kwajalein Missile Range) and began US Nuclear Weapon Testing Program
- Trusteeship Agreement main objective : economic development and self – reliance of TTPI

# Atoll Lagoon





# US Associated Micronesian History

- 1960 UN issued report that criticized US for not preparing Micronesia for self government
- Mid 60' s US increases financial assistance to Trusteeship 10 fold
- Many Federal and education programs started, and large contingent of Peace Corps
- Public high schools see first graduates and increase in college bounds

# Freely Associated States (FAS)

- 1977 offered political self-determination to Northern Mariana, Palau, Marshalls, Chuuk, Yap, Korsrae , Pohnpei
  - Congress of Micronesia
- Net effect:
  - Northern Marianas became Commonwealth (CNMI);
  - Palau, Marshall Islands, FSM became FREELY ASSOCIATED STATES (FAS)
- US TTPI last of all UN Trusteeship

# Freely Associated States

- Formed Relationship with US Governed by COMPACT of Free Association (COFA): Each entity has own COMPACT with US
  - Military Relationship
    - Strategic Denial
  - Economic Provisions
    - Federal Grants , Operations \$
  - Political relationship
    - Migration (work indefinitely)
      - Immigrants, refugees, illegal immigrants, migrant farm workers
  - Other (differences)
    - 177 Nuclear
    - Duration: Term –Longer term -Imperpetuity

# COMPACT of Free Association

- COMPACT w/ FSM and RMI – 1986-2001; extended to 2003; amended 2003 to 2023
- Republic of Palau – different cycle. Initial COMPACT 1994, renegotiate with US 2010
- Terms: COMPACT 1 and COMPACT 2 (Amended COMPACT)

# COMPACT Objectives '86-' 03

- Three Objective from US
  - Democratic Governments
  - Strategic Denial (Military Security)
  - Self Sufficiency
- FSM and RMI in their efforts to advance economic development and self-sufficiency
  - US General Accounting Office (GAO) 2003 (goal has not been achieved)
- US GAO 2006- Economic Self Sufficiency Not Likely
  - Context for Health / Education

# Compact

- US GAO 2006- Economic Self Sufficiency Not Likely
  - Context for Health / Education
  - Economic Provisions
  - Trust Fund
    - Purpose
    - Implications of “not sufficient”
      - Now
      - models

# Compact Objectives

- Ensure certain national security rights for all parties
  - US Strategic Denial ( over water and land)
  - Military Base – ' 86- 2016; amended through 2066
  - US Army at Kwajelein Atoll- USAKA- Missile Range Testing Site
  - Nuclear Issues: Testing 1946-1958
  - Duration

# Compact of Free Association (COFA)

- FAS sovereign except for Military matters( Strategic Denial of access to FAS airspace and waters)

Affords FAS citizens broad migration rights ( right to reside and work), no visa or labor certification, no limitations of stay

- Passports: Country Passport (vs Guam, CNMI, Am Samoa)



# COMPACT

- Political Negotiation and Treaty
- Primary intent – Economic Development and Self – Reliance of FAS nations
- Consequences / intended -unintended –  
COMPACT IMPACT
- Federal support in place– funding decreases over life of Compact
- Not intended to reduce disparities

# COMPACT IMPACT

- COMPACT Impact on FAS nations
  - Poor health and Education Persists
  - Economic Development Challenged
  - Large out migration
  - Actual Nos. Unclear
- Out migration to US
  - 20,000 HI, Guam, CNMI
  - 9000 Marshallese in Arkansas, 4000 Marshallese Costa Mesa CA

# Economic Shortages



# Health Indicator- Infectious diseases

- dengue fever
- cholera epidemic
- syphilis epidemic
- hepatitis B endemic
- TB endemic
- Hansen's endemic

# Compact Impact Aid

- Hawaii -estimated \$90 million annually in uncompensated care from FAS Migrants
- Fed COMPACT IMPACT Aid = 30 million annual divided: Hawaii, CNMI, Guam
- Hawaii's share is 11.1 million ( based on Census)
- 2010 Hawaii State Gov \$114 million all sectors

# COMPACT IMPACT

- Next – Basic Health Hawaii

# COFA and Health Care- Medicaid Implications

- FAS categorized by INS initially as “Qualified Aliens” who are “Permanently Under Color of Law (PRUCOL)”, means they are legal residents in the US under administrative discretion
- 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) changed PRUCOL to “Non Qualified Aliens” status rendering FAS migrants ineligible for fed public assistance

# COMPACT Structure

- Funding
- Trust Fund



# FAS Nation Population

- Chuuk- 54 K
- Kosrae- 8K
- Pohnpei- 34K
- RMI- 60K
- ROB- 18K
- Yap- 11K
  
- Population depleting due to out migration

# Health Outcomes

- Infant Mortality: (RMI- 4 x US) (ROB- 4 x US)  
(FSM-6 x US)
- Longevity : (RMI 64 yrs) (FSM 65 yrs) (ROB 67 yrs) (US 77 yrs)
- Malnutrition and Vitamin A Def
- Rampant Suicide rate

# Health Indicators – lifestyle

- 50% of people over 50 with DM
- Diabetes – 75% of hospital days
- 50% of men and women overweight
- Ischemic Heart increasing
- CVA (strokes) increasing
- CA increasing
- Smoking/ ETOH high

# Legacy of US Nuclear Weapon Testing

- Testing 1948-1958, Above Ground, total 68 bombs
- Bravo Shot first hydrogen bomb power 1000 Hiroshima bombs
- Total yield power of 7200 Hiroshima bombs

# US Nuclear Legacy

- Irradiated inhabitants downwind from ground zero who were not evacuated
- Associated with 26 Cancers
- People uprooted from homelands
- Land and water radioactive contamination
- 2004 NCI Report- 530 excess CANCERS; now 2010 NCI report

# FAS Migrants in Hawaii

- 2000 US Census 8,725 Micronesians in Hawaii.
- Now estimated 15-17,000
- Key drivers: economic opportunity, employment, medical and subsistence ( Graham, 2008)

# Public Health Impact of Migrants

- Poor health status of FAS migrants reflecting health indicators in FAS nations
- FAS migrants have numerous health problems including communicable and chronic diseases
- Low immunization rate among FAS children
- Poor living conditions, language and cultural barriers issues

# Communicable Diseases among FAS migrants in Hawaii

- FAS migrant have high rates of hepatitis (FSM - 12 % to 15 %,RMI - 12 %,ROP - 12 % to 15 %)
- 2008 17.7% of new TB cases were from FAS
- Hansen's Disease FAS highest ( 94% of new cases in 2008 from FAS)
- Total of \$918,458 in 2007 attributable to communicable disease services



# Non communicable Diseases among FAS migrants in Hawaii

- ◎ Data lacking on chronic diseases
- ◎ Suffer high morbidities and mortality associated with obesity, diabetes, cardiovascular diseases, lifestyle associated cancers
- ◎ About 110 on renal dialysis and 130 – 160 on chemotherapy according to recent report
- ◎ 2004 NCI study predict more nuclear related cancers after 2004

# Socioeconomic Indicators

- Average household size – 6
- Range from 1-2 people to 17 in the household
- Age range <1 yr to 78 yrs, average age 23 yrs old
- Housing issues ( overcrowding, affordability, homeless)
- Education: 35% less than HS education, 34% with HS education, 15% some college or college degree
- Most in Service Occupations ( restaurants, security guards, airport/airline cargo services, hotels/cleaning services, retail sales, delivery services)
- Lack of Language Access Services
- Overrepresented in Homeless shelters
- Overrepresented in prison

# Key Health Disparity Issues

- LANGUAGE ACCESS
  - Limited English Proficiency (LEP) pervasive
- CENSUS
  - need for accurate demographic data

# LANGUAGE ACCESS SERVICE

- ◎ LEP barrier to Quality Health Care and services further increasing health disparity among FAS migrants
- ◎ Need State policy advocating for Culturally and Linguistically Appropriate Services (CLAS) for FAS migrants with LEP
- ◎ Language Access Service (LAS) ‘cross – cutting theme’ in all aspects of health care delivery
- ◎ CLAS provides the necessary health connect from access of care to quality of care ( i.e medical hx )

# CENSUS

- Better demographic data or Census specific to FAS migrants in HI
- Accurate Census to inform public health policies
- Accurate and meaningful Census can help eliminate health disparities
- Census has funding implications under the Compact Impact

# Health Crisis: State vs. FAS

- Basic Health Hawaii , State Plan to save State 20 million
- Reduce care, cut dialysis and chemotherapy to FAS Migrants
- Met with strong opposition from FAS migrants , State Legislature, Hawaii Congressional, local doctors
- Presently under Federal TRO

# What is BHH

- Public Government Health Ins: Medicaid and Medicare
- Federal Medicaid
- State: California Medi-Cal, Hawaii- Quest
- Territories and Commonwealth have Medicare and Medicaid – capped
- FAS: Do not have Medicare and Medicaid
- 1997 Fed Gov removed COFA peoples from ability to get Medicaid

# What doe BHH Provide

- 4 prescriptions per month
- 12 outpt MD visits per year
- 3 out patient vprocedures
- 10 in pt hospiital days



# Other Provisions

- Pregnant Women
- Children
- Emergency Medical Care
  - Dialysis
  - Limitations

# BHH Timeline:

©1997 State of Hawaii Quest- Medicaid

©July 2009 – Announcement that Sept 1 2009

- Two tears of COFA peoples
- 7500 on Quest : remain on new plan BHH
- New migrants cannot get on until less than 7000
- Sept 1, 2009 Federal Judge Injunction

©Feb through April 2010

- State Hearing and Administrative Process

©Sept 1, 2010

- State Administration – reinstate BHH

©New Injunction Filed

# Compact Remedies

- FEDERAL
- STATE
- COMMUNITY

# Federal Remedies

- Increase COMPACT IMPACT Funds
- Legislation to allow COFA Migrants onto Medicaid
- Increase Resources for Health and Education in COFA Nations
- Reverse 1996 Fed PRWORA – make FAS migrants eligible for federal assistance

# State Remedies

- 2004 Hawaii Un-insured Policy Brief: Impacts of the Compacts of Free Association on Hawaii's Health Care System.  
(Developed by the Hawaii Institute for Public Affairs)
  - Basically more Fed support needed for FAS migrants
- COMPACT of Free Association Task Force Report
  - Support services to FAS migrants thru preventive care and to support health services in their home

# Community Remedies

- ◎ Formation of community action groups
- ◎ MCN, MU, NOM
- ◎ Micronesian Health Advisory Coalition
  - ◎ new health advocacy
- ◎ Resource Center to reduce health disparities thru health advocacy and Culturally Competent Language Access Services

# Levels of Argument

- Moral and Fairness
- Historical
- Data (save money?)
- Legal (Process)

# Moral

- Do what's morally right
- Equity
- Fairness
  - Military
  - Nuclear Testing
  - Initial expectation when COMPACT 1 signed
  - Taxes
  - Recruitment
  - Take care of business as Territory



# Push and Pull

- Health
- Education
- Opportunity
- Workforce-- unskilled
- Military

# Hawaii and Guam Public: Impression

- Blogs
- Web

# Impact in Other part US

- Treatment by other States
- Guam
- Territories

# Navigation

- Find Ways of getting through system
- CHC
- Getting Meds
- Increase paper work for dialysis

# Migration Patterns

- Chuuk, Yap, Belau
  - To Guam and CNMI
  - College Age to Hawaii Continental US for School
- Marshall Islanders
  - To Hawaii
    - Oahu
    - Big Island – Ocean View- 1000
    - Maui
  - Costa Mesa California- 4000
  - Springdale Arkansas- 9000

# COMPACT IMPACT- Policy

- Policy Affects What you Do
- US Federal Support
- State Support
- Territory and Commonwealth Support
- Actions affect USAPI
- Economics Affects Policy
- Dialysis / Cheno , Referral Patterns

# COMPACT IMPACT - Planning

- Dialysis
- Cancer Therapy
- Migration
- Climate Change
- Military
- Collateral Damage

# Typical Island Sunset





# Thank you- Komol Tata

- [npalafox@hawaii.edu](mailto:npalafox@hawaii.edu)