



Freely Associated States
WASHINGTON, D.C.

October 31, 2018

The Honorable Ron Johnson
Chairman
Senate Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Building
Washington, DC 20510

The Honorable Claire McCaskill
Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill:

We write to you to encourage passage of the REAL ID Act Modification for Freely Associated States Act (H.R. 3398), pending before the Senate Homeland Security and Governmental Affairs Committee. This bipartisan bill led by Representatives Don Young (R-AK) and Tulsi Gabbard (D-HI) is a simple clarifying amendment to the REAL ID Act of 2005 to correct the inadvertent omission of the Freely Associated States (FAS). The Senate has previously passed this technical correction to the REAL ID Act by unanimous consent, as part of the Omnibus Territories Act of 2013 and 2015. We are asking you to act before the end of the current Congressional session.

We strongly support H.R. 3398 because it fixes an unintended legislative mistake that currently prevents the United States from fully recognizing and implementing the privileges it provides to our citizens in our Compact Agreements.¹ We kindly request your assistance in this matter which is of great importance to our citizens lawfully residing in the United States pursuant to our Compacts of Free Association.

¹ Since 1986, the United States has had parallel international agreements with the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) called the "Compact of Free Association" (COFA). The approval of COFA terminated the U.S. trusteeship over the former Trust Territory of the Pacific Islands (TTPI), established FSM and RMI as independent nations, and established a special relationship between the U.S. and these nations (also referred to as the FAS). Under the terms of the Compact agreements, citizens of the FAS have special immigration rights to enter the U.S. freely to work, study, and reside.

When Congress passed the REAL ID Act in 2005, which establishes minimum security standards for state-issued driver's licenses and identification cards, it clearly intended to define "State" in a way that incorporated the FAS of the Republic of the Marshall Islands (RMI), the Federated States of Micronesia (FSM), and the Republic of Palau. Unfortunately, the term used in the legislation was the "Trust Territories of the Pacific Islands" (TTPI), an entity that once included the FAS but has not existed since 1994. While the reference to TTPI served no operative purpose, it clearly demonstrates congressional intent to include FAS citizens under the Act.

As a practical matter, possession of state issued REAL ID-compliant document is essential for FAS citizens in the United States. Due to this oversight under current law, FAS citizens are denied anything more than a temporary ID or driver's license valid only for one year, resulting in the creation of undue burdens to maintain gainful employment and engage in other lawful activities in the states where they reside. Thus, our Embassies and Consulates have been inundated with calls over the past several years from our citizens in the U.S. who are unable to obtain a full-term state ID card and driver's license, even though they are lawfully residing in the United States under the terms of our Compacts. This limitation creates serious disruption and hardship for FAS citizens throughout the U.S. who seek to pursue their Compact privileges to work and reside in the country. Furthermore, this issue adds unnecessary costs and administrative time on states and local authorities to annually renew and process identification cards/drivers licenses.


Since the passage of the REAL ID Act, this inadvertent omission to the three countries or FAS has created confusion and inconsistent interpretations amongst individual states and local authorities regarding FAS citizens unique immigration privileges. As such, a legislative correction passed by Congress will provide necessary clarity for all states implementing the federal law and avoid creating a patchwork of new state laws.


We are appreciative that prior Congresses have tried to address this issue in legislation that passed one chamber or the other but never made it into law. We are hoping your committee can now move the House-passed legislation during the lame duck period to solve this problem once and for all.

The passage of H.R. 3398 will have a big impact by enabling thousands of FAS citizens to obtain essential state documentation. Thank you for your consideration of this matter.

Sincerely,


Hersey Kyota
Palau Ambassador


Gerald M. Zackios
RMI Ambassador


Akillino H. Susaia
FSM Ambassador