



Freely Associated States
WASHINGTON, D.C.

November 29, 2017

The Honorable Lisa Murkowski
Chairwoman, Committee on Energy and Natural Resources
United States Senate
522 Hart Senate Building
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member, Committee on Energy and Natural Resources
United States Senate
511 Hart Senate Building
Washington, DC 20510

Dear Chairwoman Murkowski and Ranking Member Cantwell:

We write to kindly request your assistance in a matter of great importance to our citizens lawfully residing in the United States pursuant to our Compacts of Free Association. This issue concerns the REAL ID Act and its unintended negative impact on the rights of our citizens as agreed to by the United States under our Compacts.

When Congress passed the REAL ID Act in 2005, no reference was made to the Freely Associated States (FAS) of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau as among those classes having “lawful status” for the purpose of the Act. Instead, the law defined “State” to include 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. The consequence of the law as currently worded is that FAS citizens are denied anything more than a temporary ID or driver’s license valid only for one year, resulting in their inability to maintain employment and engage in other lawful activities where they reside. Thus, our Embassies and Consulates have been barraged 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.

Accordingly, we jointly propose that this issue be addressed through minor technical amendments to the REAL ID Act, a proposed draft of which is attached to this letter. This amendment makes minor changes to the definitions section by deleting reference to the anachronistic Trust Territory of the Pacific Islands and adds a subsection (x) under "Evidence of lawful status" that specifies citizens of each of the Freely Associated States admitted under the Compact of the Free Association, and Section 202(c)(2)(B) of the REAL ID Act of 2005 (49 U.S.C. 3030, Public Law 109-13). The text of this proposal was introduced in July and is currently pending in the House Oversight and Government Reform Committee (HR 3398/ Rep. Don Young (D-AK) and Rep. Tulsi Gabbard (D-HI)).

We are deeply appreciative of your successful efforts to move this proposal through the Senate during the 114th Congress with the passage of S.2360, the Omnibus Territories Act of 2015. Our fervent hope is that with the House proposal, the two congressional chambers can now align and enact this necessary technical fix into law. We believe that an adoption of this small proposal can have a big impact by enabling thousands of our citizens to obtain essential state documentation.

The support and assistance that you, your staff and the Committee provide to the FAS is always highly appreciated. We look forward to continuing our excellent working relationship in the future.

Thank you for your kind assistance in this matter.

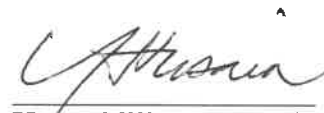
Sincerely,



H.E. Hershey Kyota
Palau Ambassador



H.E. Gerald M. Zackios
RMI Ambassador



H.E. Akillino H. Susaia
FSM Ambassador