

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Resolution No. R36-30 (COR)

As substituted by the Author,
and amended on the Floor.

Introduced by:

F. F. Blas, Jr.
B. J.F. Cruz
J. V. Espaldon
T. C. Ada
F. B. Aguon, Jr
E. J.B. Calvo
Judith P. Guthertz, DPA
T. R. Muña Barnes
v. c. pangelinan
Adolpho B. Palacios, Sr.
M. J. Rector
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

Relative to earnestly requesting the President of the United States of America, the Secretary of the Department of Interior and members of the United States Congress to seriously consider the urgency of and expeditiously act on reimbursing Guam for the amounts unpaid resulting from the increased demands for educational and social services by Freely Associated States citizens who emigrated to Guam as permitted by the Compacts of Free Association and their off-spring.

1 **BE IT RESOLVED BY *I MINA'TRENTA NA LIHESLATURAN***
2 ***GUÅHAN*:**

3 **WHEREAS**, the governments of the United States of America, the Federated
4 States of Micronesia, and the Republic of the Marshall Islands freely entered into a

1 binding treaty through the enactment of United States Public Law 99-239, known as
2 the Compact of Free Association Act of 1985; and

3 **WHEREAS**, the government of the United States of America and the Republic
4 of Palau entered into another binding treaty through the enactment of United States
5 Public Law 99-658, known as the Compact of Free Association Act of October 1,
6 1994; and

7 **WHEREAS**, during the negotiations and discussions leading to the formulation
8 of the Compacts of Free Association, Guam was never consulted or invited to discuss
9 the possible consequences of the treaties; and

10 **WHEREAS**, Title 1, Article IV, Section 141(a) of the Compacts of Free
11 Association permits citizens of Freely Associated States to enter, reside, and attend
12 school in the United States as non-immigrant aliens without regard to the United
13 States laws regarding passport, visa, or work permit requirements, thereby entitling
14 FAS citizens to participate in U.S. education, welfare and social programs; and

15 **WHEREAS**, in 1985 and prior to the implementation of the Compacts of Free
16 Association, the U.S. House Committee on Interior and Insular Affairs reported that
17 upon passage of the Act(s), Guam should expect large numbers of migrants of FAS
18 citizens with corresponding demands upon public service; and

19 **WHEREAS**, in anticipation of the increased demands for services resulting
20 from the migration of FAS citizens, Congress included provisions in the Acts to
21 mitigate the adverse consequences; and

22 **WHEREAS**, Title I, Section 104(e)(1) of Public Law 99-239 stated that “*in*
23 *approving the Compact (of Free Association), it is not the intent of Congress to cause*
24 *any adverse consequences for the United States territories and commonwealths or the*
25 *State of Hawaii*”; and

1 **WHEREAS**, Title I, Section 104(e)(4) of Public Law 99-239 states that “*if*
2 *adverse consequences to the United States territories and commonwealths or the*
3 *State of Hawaii result from the implementation of the Compact of Free Association,*
4 *the Congress will act sympathetically and expeditiously to redress those adverse*
5 *consequences*”; and

6 **WHEREAS**, Title I, Section 104(e)(6) of Public Law 99-239 states that “*there*
7 *are hereby appropriated for fiscal years beginning after September 30, 1985, such*
8 *sums as may be necessary to cover costs, if any, incurred by the State of Hawaii, the*
9 *territories of Guam and American Samoa, and the Commonwealth of the Northern*
10 *Mariana Islands resulting from any increased demands placed on educational and*
11 *social services by immigrants from the Freely Associated States*”; and

12 **WHEREAS**, numerous resolutions and letters have been presented by previous
13 local and regional legislative bodies, and assemblies of the Western Chief Executives
14 to members of previous U.S. Congresses, previous U.S. Presidents, and previous
15 appropriate Secretaries requesting reimbursement of unpaid Compact impact costs;
16 and

17 **WHEREAS**, in 2003, United States Public Law 108-188 was enacted and
18 provided a mechanism to reconcile the unreimbursed amounts; however, the funds
19 necessary to go forward with the reconciliation were never appropriated and the costs
20 were not reimbursed; and

21 **WHEREAS**, in anticipation of the reconciliation as provided in Public Law
22 108-188, Guam prepared a report in April 2004 detailing its unpaid Compact impact
23 costs in the amount of Two Hundred Sixty-nine Million, Three Hundred Thirteen
24 Thousand, One Hundred Nineteen Dollars (\$269,313,119) for Fiscal Years 1986 to
25 2003; and

1 **WHEREAS**, in January 2008, the government of Guam submitted another
2 report that detailed the unpaid Compact impact costs for Fiscal Years 2004 to 2007 to
3 be one Hundred Thirty-one Million, Eight Hundred Seventy-four Thousand, Eight
4 Hundred Ninety Dollars (\$131,874,890); and

5 **WHEREAS**, the Department of Interior has not contested nor objected to the
6 amounts detailed in either the 2004 or 2008 reports; and

7 **WHEREAS**, neither the 2004 nor the 2008 report include the displacement
8 costs or the amounts owed to FAS citizens for Earned Income Credit; and

9 **WHEREAS**, an adverse consequence caused by the increased demand and
10 continued failure of the U.S. government to fully reimburse the government of Guam
11 for its Compact impact costs is the inability of the government of Guam to pay its
12 debts to service contractors and retirees, and to provide tax refunds in a timely
13 manner; and

14 **WHEREAS**, there are thousands of Guam residents, FAS citizens included,
15 who could use the money owed to them by the government to purchase medicines, to
16 obtain better healthcare, to buy education supplies, or just to put food on their table;
17 and

18 **WHEREAS**, the increasing unreimbursed Compact impact costs have greatly
19 contributed to the financial crisis of the government of Guam and that full
20 reimbursement will greatly assist in the government of Guam's fiscal recovery efforts;
21 and

22 **WHEREAS**, although Public Law 29-129, passed by the 29th Guam Legislature
23 and signed into law by Governor Felix P. Camacho on December 31, 2008, directs the
24 Attorney General of Guam to initiate all appropriate legal actions necessary for the
25 recovery of Compact impacts costs reimbursement from the Federal government,
26 there remains the optimism and hope that the new Congress and the incoming

1 Administration, led by an understanding, compassionate, and committed President,
2 will finally take action in reimbursing Guam for its costs, thereby negating the need to
3 sue; now, therefore, be it

4 **RESOLVED**, that *I Mina'Trenta Na Liheslaturan Guåhan* does hereby, on
5 behalf of the people of Guam, express its extreme disappointment with the United
6 States Government for its continued failure to appropriately and fully reimburse the
7 government of Guam for its Compact impact costs; and be it further

8 **RESOLVED**, that *I Mina'Trenta Na Liheslaturan Guåhan* does hereby, on
9 behalf of the people of Guam, earnestly request that the President of the United States
10 and the Secretary of the U.S. Department of Interior commit their unwavering support
11 and assistance to reimburse the amounts owed to the government of Guam for costs
12 resulting from increased demands placed on educational and social services by
13 immigrants and their off-spring from the Freely Associated States; and be it further

14 **RESOLVED**, that *I Mina'Trenta Na Liheslaturan Guåhan* does hereby, on
15 behalf of the people of Guam, also earnestly request the United States to act
16 sympathetically and expeditiously to redress the adverse consequences caused, and
17 appropriate the amounts necessary to fully reimburse the government of Guam for the
18 unpaid Compact impact costs incurred from Fiscal Years 1986 to 2007; and be it
19 further

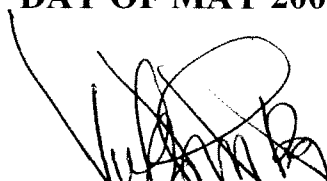
20 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to,
21 the adoption hereof, and that copies of the same be thereafter transmitted to the
22 Honorable Barack H. Obama, President of the United States of America; to the
23 Honorable Hillary R. Clinton, United States Secretary of State; to the Honorable
24 Joseph R. Biden, President of the Senate; to the Honorable Jeff Bingamen, Chairman
25 of the Senate Committee on Energy and Natural Resources; to the Honorable Ron
26 Wyden, Chairman of the Subcommittee on Public Lands and Forests; to the

1 Honorable Daniel K. Inouye, Chairman of the Senate Appropriations Committee; to
2 the Honorable Nancy Pelosi, Speaker of the United States House of Representatives;
3 to the Honorable Madeleine Z. Bordallo, Chairperson, and members of the House
4 Subcommittee on Insular Affairs, Oceans and Wildlife; to the Honorable Dave Obey,
5 Chairperson, and members of the House Committee on Appropriations; to the
6 Honorable Ken Salazar, Secretary of the Department of Interior; to the Honorable
7 Emmanuel Mori, President, Federated States of Micronesia; to the Honorable Isaac V.
8 Figir, Speaker of the FSM National Congress of Micronesia; to the Honorable Wesley
9 Simina, Governor, State of Chuuk; to the Honorable Singkoro Harper, Speaker of the
10 Chuuk State Legislature; to the Honorable Robert J. Weilbacher, Governor, State of
11 Kosrae; to the Honorable Lyndon H. Jackson, Speaker of the Kosrae State Legislature;
12 to the Honorable John Ehsa, Governor, State of Pohnpei; to the Honorable Nelson N.
13 Pelep, Speaker of the Pohnpei State Legislature; to the Honorable Sebastian L. Anefal,
14 Governor, State of Yap; to the Honorable Charles Chieng, Speaker of the Yap State
15 Legislature; to the Honorable Johnson Toribiong, President of the Republic of Palau;
16 to the Honorable Mlib Tmetuchl, Senate President of the Republic of Palau; to the
17 Honorable Noah Idechong, Speaker, Palau National Congress; to the Honorable
18 Litokwa Tomeing, President of the Republic of the Marshall Islands; to the Honorable
19 Jurelang Zedkaia, Speaker of the Marshall Island Nitijela; and to the Honorable Felix
20 P. Camacho, *I Maga'lahen Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTA NA LIHESLATURAN GUÅHAN* ON THIS 28TH DAY OF MAY 2009.



JUDITH T. WON PAT, Ed.D
Speaker



TINA ROSE MUÑA BARNES
Legislative Secretary

1