



**MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN**

**TWENTY-NINTH GUAM LEGISLATURE**

155 Hessler Place, Hagåtña, Guam 96910

SDR MOKTERIA

150 Am

8-9-08

**FILE COPY**

August 9, 2008

The Honorable Felix P. Camacho  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Camacho:

Transmitted herewith is Bill No. 349(LS) which was passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on August 9, 2008.

Sincerely,

TINA ROSE MUÑA-BARNES

Senator and Secretary of the Legislature

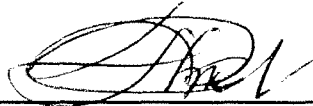
Enclosure (1)

**FILE COPY**

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN***  
**2008 (SECOND) Regular Session**

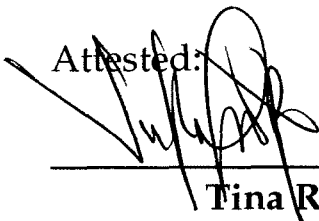
**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN***

This is to certify that Bill No. 349 (LS), "AN ACT TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FROM THE ENVIRONMENTAL HEALTH FUND TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY, FOR AN INDEPENDENT INVESTIGATION AND STUDY OF THE LEAKAGE OF RADIOACTIVE MATERIAL INTO APRA HARBOR BY A UNITED STATES NAVY NUCLEAR SUBMARINE, AND TO REQUIRE THAT A PERMANENT MONITORING DEVICE BE LOCATED AT THE ENTRANCE OF APRA HARBOR TO DETECT AND PROVIDE THE PEOPLE OF GUAM WITH AN EARLY WARNING OF THE PRESENCE OF RADIOACTIVE CONTAMINANTS THAT HAVE DISCHARGED INTO GUAM'S WATERS; AND TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) TO THE COCONUT RHINOCEROS BEETLE ERADICATION PROGRAM," was on the 9<sup>th</sup> day of August, 2008, duly and regularly passed.



**Judith T. Won Pat**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Senator and Secretary of the Legislature**

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This Act was received by *I Maga'lahaen Guåhan* this \_\_\_\_\_ day of \_\_\_\_\_, 2008, at  
\_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN***  
**2008 (SECOND) Regular Session**

**Bill No. 349 (LS)**

As amended on the Floor.

Introduced by:

B. J.F. Cruz  
Judith P. Guthertz, DPA  
R. J. Respicio  
Tina Rose Muña Barnes  
Frank F. Blas, Jr.  
Edward J.B. Calvo  
James V. Espaldon  
Mark Forbes  
Frank T. Ishizaki  
J. A. Lujan  
A. B. Palacios, Sr.  
v. c. pangelinan  
Dr. David L.G. Shimizu  
Ray Tenorio  
J. T. Won Pat, Ed.D.

**AN ACT TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FROM THE ENVIRONMENTAL HEALTH FUND TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY, FOR AN INDEPENDENT INVESTIGATION AND STUDY OF THE LEAKAGE OF RADIOACTIVE MATERIAL INTO APRA HARBOR BY A UNITED STATES NAVY NUCLEAR SUBMARINE, AND TO REQUIRE THAT A PERMANENT MONITORING DEVICE BE LOCATED AT THE ENTRANCE OF APRA HARBOR TO DETECT AND PROVIDE THE PEOPLE OF GUAM WITH AN EARLY WARNING OF THE PRESENCE OF RADIOACTIVE CONTAMINANTS THAT HAVE DISCHARGED INTO GUAM'S WATERS; AND TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) TO THE COCONUT RHINOCEROS BEETLE ERADICATION PROGRAM.**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that one of the common goals of the various military branches of the United States  
4 government is to maintain secrecy and deniability over various matters that are  
5 considered by the military hierarchy to be confidential, and for which they deem  
6 the general public need not be informed.

7           *I Liheslatura* finds that Guam has been affected, sometimes negatively, by  
8 the military's tight-lipped stance on topics that may and have caused unnecessary  
9 endangerment and injury to some of the American citizens who live and work in  
10 Guam. The military's actions have ranged from total denial, to neglecting to warn  
11 local residents of possible hazards, to downplaying the effects of any possible  
12 hazards.

13           The latest example is that of the U.S.S. Houston, a nuclear powered fast  
14 attack submarine stationed in Guam, which we now know through news reports,  
15 leaked what has been called a small amount of radiation into Guam's waters. The  
16 leaky valve in the vessel was not discovered until the ship was dry-docked at Pear  
17 Harbor Naval Shipyard in Hawaii last month, and it could have leaked radioactive  
18 material in Japan as well.

19           There is a long history of the Federal Government and its various entities,  
20 particularly the United States Armed Forces, withholding valuable information on  
21 potential life-threatening dangers from an innocent public in Guam. Examples  
22 include:

23           **Agent Orange.** While the United States government has acknowledged that  
24 there exists a correlation between herbicide agents containing dioxin *or* 2,4-  
25 dichlorophenoxyacetic acid, more commonly referred to as Agent Orange, they  
26 have never acknowledged that this powerful herbicide was ever used in Guam.

1           In spite of this lack of confirmation, in 2005 the U.S. Court of Appeals for  
2 Veterans ruled in favor of an airman who developed diabetes mellitus after  
3 exposure to defoliants while on duty at Andersen Air Force Base (AAFB) from  
4 1966 to 1968. In another case that was concluded in March of 2007, the Veterans  
5 Administration approved the claim of another Vietnam War veteran who  
6 developed cancer because of his exposure to Agent Orange at AAFB between 1968  
7 and 1969.

8           **Nuclear Fallout.** Between 1946 and 1962, the United States conducted tests  
9 on a total of sixty-seven (67) atomic and thermonuclear bombs on Enewetok and  
10 Bikini Atolls in the Marshall Islands, with a total yield of one hundred eight  
11 thousand four hundred ninety-two (108,492) kilotons, causing radiation fallout  
12 across a wide area of the Pacific, including Guam.

13           Shortly after the first hydrogen bomb test in 1952, the Radiological Safety  
14 Officer for Headquarters Command, Guam, detected a large amount of  
15 radioactivity in the air and his first thought was that Guam had been subjected to  
16 some kind of radioactive dust attack. That National Research Council has  
17 corroborated the Safety Officer's report of airborne radioactive fallout reaching  
18 Guam, one thousand two hundred (1,200) miles from the test site.

19           In addition, U.S. Navy ships present during the nuclear testing were  
20 decontaminated in Guam harbors with acidic detergents, with the runoff going  
21 directly into the local fishing and reef environments. Aircraft present during the  
22 testing were also brought to Guam and washed down here, with the runoff going  
23 into the earth.

24           The people of Guam were never warned about the testing *or* the potential  
25 hazards of radiation exposure. Although Guam now meets the eligibility criteria  
26 for Claims by Onsite Participants, it is because of the wash-down of ships and  
27 aircraft here. The possibility of airborne radioactivity contamination has *not* been

1 acknowledged by the military *or* the Federal Government.

2 *I Liheslatura* finds that other examples exist (such as the burial of tons of  
3 polychlorinated biphenyls (PCBs) in Guam by the United States military) in which  
4 the Federal Government *or* their agents have kept important health and safety  
5 information from the people of Guam in order to serve what they believe to be  
6 national security interests. While we are loyal Americans and understand the need  
7 for cooperation, secrecy and patriotism, we also recognize that in situations in  
8 which the health and safety of our island and people are threatened, we may need  
9 to act independently of our Federal Government.

10 It is, therefore, the intent of *I Liheslatura* to require that an independent  
11 investigation and test of the waters in Apra Harbor be conducted to ensure that  
12 radiation levels are indeed as low as the military suggests. It is further the intent of  
13 *I Liheslatura* that a permanent monitoring device be placed near the mouth of Apra  
14 Harbor in order for the people of Guam to have an early warning should vessels  
15 leaking nuclear radiation enter our harbor.

16 **Section 2. Appropriation for Independent Study and Investigation.**  
17 Notwithstanding §22107 of Chapter 2, Title 10, Guam Code Annotated, the sum of  
18 Two Hundred Fifty Thousand Dollars (\$250,000) is appropriated from the  
19 Environmental Health Fund to the Guam Environmental Protection Agency, to  
20 conduct *or* cause to be conducted an independent study and investigation into the  
21 contamination of Guam water's located in the inner and outer Apra Harbor, as well  
22 as the area utilized by the United States Navy for the berthing of the USS Houston.  
23 The findings of the study and investigation *shall* be reported to *I Maga'laha*  
24 *Guåhan* and *I Liheslaturan Guåhan* within one hundred eighty (180) days of the  
25 effective date of this Act.

1            *I Maga'lahi* may, as an alternative to this appropriation, utilize his transfer  
2 authority to fund this independent study and investigation. *If* another source of  
3 funds is used, this Section *shall* be null and void.

4            **Section 3. Monitoring Device.** Guam Environmental Protection Agency,  
5 *shall* determine the cost, feasibility and time frame to install a radioactivity  
6 monitoring device at *or* near the entrance to Apra Harbor, either on a buoy *or* on  
7 the floor of the harbor, that will monitor and report any sign of an increase in  
8 radioactivity in the waters of Guam's harbor, and the possible source *or* sources  
9 and reasons for such increase.

10           The findings of this study *shall* be reported to *I Maga'lahaen Guåhan* and *I*  
11 *Liheslaturan Guåhan* within one hundred eighty (180) days of the effective date of  
12 this Act.

13           **Section 4. Authorization to Expend General Fund Revenues in Excess**  
14 **of Fiscal Year 2008 Projections for Eradication of the Coconut Rhinoceros**  
15 **Beetle. (a) Statement of Intent.** The Coconut Rhinoceros Beetle (CRB) was  
16 first detected on Guam in September of 2007 in the Tumon Bay area. Since then,  
17 efforts have been made to control its spread through the distribution of pheromone  
18 bucket traps, a restriction on the disposal of coconut tree leaves from the  
19 quarantine area, and surveillance of adjacent areas to determine if the control  
20 methods were effective. Initially, these traps were put in place to ring the Tumon  
21 Bay quarantine area in the hopes of limiting the spread of the infestation.  
22 However, a July 13, 2008 report from the University of Guam Cooperative  
23 Extension Service (GCES), notes that there have been verified reports of beetle  
24 activity outside the quarantine area, including sightings in Adelup and Piti to the  
25 south and in Yigo to the north.

26           The Guam CRB Eradication Program is currently in a holding pattern due to  
27 budgetary issues. The delay of account establishment, payment and processing

1 within the government of Guam has resulted in the sanitation contractor stopping  
2 all work. Federal funds designated to the Guam Department of Agriculture have  
3 been redirected to the GCES to carry out the remainder of the work for Fiscal Year  
4 2008. This shift in funds has set the eradication efforts back sixty (60) days due to  
5 new paper work and the need to hire and retrain personnel. The CRB Incident  
6 Command is currently trying to secure federal funding to carry out most of the  
7 project work, but local funding must be released in a timely manner to cover the  
8 costs of the current operations.

9 As of July 2008, scouting and rapid response crews have been redeployed to  
10 sanitation and treatment, putting the quarantine area at risk of being breached.  
11 Newly discovered infestation reveals a new generation of beetle is ready to emerge  
12 within thirty to forty-five (30-45) days.

13 **(b)** Two Hundred Fifty Thousand Dollars (\$250,000) is hereby  
14 appropriated from Fiscal Year 2008 General Fund revenues that are in excess of  
15 the General Fund revenues, as adopted in P.L. 29-19, to the University of Guam  
16 Cooperative Extension Service for the funding of the Guam Coconut Rhinoceros  
17 Beetle (GCRB) Eradication Program. This funding *shall* continue to be available  
18 until expended, shall *not* be subject to *I Maga'lahi's* transfer authority, and is  
19 *exempt* from the Bureau of Budget and Management Research's allotment control.

20 **(c) Reporting Requirement.** The Guam CES *shall* submit quarterly  
21 reports to *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan* detailing the  
22 expenditure of funds authorized in this Act.





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**OFFICE OF THE SPEAKER  
29<sup>th</sup> GUAM LEGISLATURE  
JUDITH T. WON PAT, Ed.D**

August 8, 2008

To: *I Mina'Bente Nuebi Na Liheslaturan Guahan*

**RE: Emergency Certification of Bill 349**

After careful evaluation for a request to waive the requirements for a public hearing on bill 349;

***Bill No. 349 (LS) - B.J.F. Cruz / J.P. Guthertz, DPA / R.J. Respicio / T.R. Muña-Barnes - An act to appropriate One Hundred Thousand Dollars (\$100,000) from the General Fund to the Department of Public Health & Social Services, Environmental Health Division, for an independent investigation and study of the leakage of radioactive material into Apra Harbor by a United States Navy Nuclear Submarine, and to require that a permanent monitoring device be located at the entrance of Apra Harbor to detect and provide the people of Guam with an early warning of the presence of radioactive contaminants that have discharged into Guam's waters.***

I certify, pursuant to 2 GCA §2103, that an emergency condition exists and that the requirements for a public hearing on bill 349 is accordingly waived.

Senseramente,

Judith T. Won Pat, Ed.D.  
Speaker

cc: Senator Benjamin J.F. Cruz  
Clerk of the Legislature

Senator Benjamin J. F. Cruz  
ADA PLAZA CENTER  
E-MAIL: cjbjeruz@aol.com  
PHONE: (671)-472-3546/48 • FAX: (671)-472-3547



*I Mina'Bente Nuebi Na Libeslaturan Guåban*  
29th Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910  
OFFICE: Suite 205 Aspinal Avenue, Hagåtña, Guam 96910

August 8, 2008

TO: Judith T. Won Pat, Ed.D.  
Speaker

SUBJECT: Request for Emergency Certification of Bill No. 349 (LS)

I am requesting that Bill No. 349 (LS) be declared an emergency for the purpose of waiving the public hearing requirements.

Bill No. 349 seeks to appropriate \$100,000 from the General Fund to the Environmental Health Division of the Department of Public Health & Social Services to conduct an independent investigation and study of the leakage of radioactive material into Apra Harbor by a U.S. Navy Nuclear Submarine. The Bill also requires that a permanent monitoring device be located at the entrance of Apra Harbor to provide an early warning of the presence of radioactive contaminants discharged into Guam's waters.

As we were shocked to learn on August 7, the vessel has been leaking radioactive material for at least two years, and it has been in and out of Apra Harbor a number of times since 2006, spending more than a year of that time berthed in Guam. There is great concern in our community that the Navy and the Federal Government have not been totally forthcoming about this issue, and Lt. Governor Mike Cruz has said that the U.S. EPA will be examining the Navy's findings.

Lt. Governor Cruz has also directed government of Guam agencies to identify resources to begin independent testing of the waters in and around Apra Harbor as well as long-term environmental monitoring. This is the exact intent and purpose of Bill No. 349, and with the passage of this Bill, the resources will be made available and the process of long-term monitoring can begin.

I look forward to your consideration of this important request, and look forward to swift passage of the Bill.

  
Benjamin J.F. Cruz