



Senator Christopher M. Dueñas
I Mina'trentai Dos Na Liheslaturan Guåhan

238 Archbishop Flores Street DNA Bldg. Ste 701A Hagåtña, Guåhan 96910

June 12, 2013

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

2013 JUN 14 AM 9:26

RE: Sponsor's Report on Res. No. 135-32 (COR)

Dear Speaker Won Pat:

Håfa Adai! Transmitted herewith for consideration by the body is the Sponsor Report on **Resolution 135-32 (COR) – “Relative to requesting the introduction of legislation by Guam’s Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated State,”** sponsored by Senators Chris M. Dueñas, V.Anthony Ada, Thomas A. Morrison, Benjamin J.F. Cruz, Michael T. Limtiaco, Brant T. McCreadie.

Sponsor Votes Are As Follows:

- 5 To Do Pass
- 0 To Not Pass
- 1 To Report Out Only
- 0 To Abstain
- 0 To Place In Inactive File

Saina Ma'åse'

Chris M. Dueñas



SENATOR CHRISTOPHER M. DUEÑAS
I Mina'trentai Dos Na Liheslaturan Guahan

238 ARCHBISHOP FLORES STREET DNA BLDG. STE 701A HAGATÑA, GUAHAN 96910

SPONSOR'S REPORT ON Resolution 135-32 (COR)

“Relative to requesting the introduction of legislation by Guam’s Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated State.” Sponsored by Senators Chris M. Dueñas, V. Anthony Ada, Thomas A. Morrison, Benjamin J.F. Cruz, Michael T. Limtiaco, Brant T. McCreadie.



SENATOR CHRISTOPHER M. DUEÑAS

I Mina'trentai Dos Na Liheslaturan Guåhan

238 ARCHBISHOP FLORES STREET DNA BLDG. STE 701A HAGATÑA, GUÅHAN 96910

June 12, 2013

MEMORANDUM

To: All Senators

FROM: Senator Chris M. Dueñas 

SUBJECT: Sponsor's Report on Res. No. 135-32 (COR)

Transmitted herewith for your review and consideration is the Sponsor's Report on **Resolution 135-32 (COR)** – **“Relative to requesting the introduction of legislation by Guam’s Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated State.”**

This report includes the following supporting documents:

- Vote Sheet
- Report Digest
- Copy of Resolution No. 135-32 (COR)
- Public Hearing Sign-in sheet
- Submitted written testimony (none)
- Copy of COR Referral of Resolution No. 135-32 (COR)
- Public Hearing Notices
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åsel



SENATOR CHRISTOPHER M. DUEÑAS
I Mina'trentai Dos Na Liheslaturan Guåhan

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VOTING SHEET

Resolution 135-32 (COR) – “Relative to requesting the introduction of legislation by Guam’s Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated State,”

Senators	Signature	To Do Pass	To Not Pass	To Report Out Only	To Abstain	To Place Inactive File
Judith T. Won Pat Speaker				6/12/13		
Benjamin JF Cruz Vice Speaker		6/12/13				
Tina Rose Muna-Barnes Senator						
Rory J. Respicio Senator				6/12/13		
Dennis G. Rodriguez, Jr. Senator						
Vicente A. Pangelinan Senator						
Thomas C. Ada Senator				6/12/13		
Frank B. Aguon, Jr. Senator				6/12/13		
Michael FQ San Nicolas Senator				6/12/13		
V. Anthony Ada Senator		6/12/13				
Christopher M. Duenas Senator		✓				
Aline A. Yamashita Senator				6/14/13		
Michael Limtiaco Senator				6/12/13		
Brant McCreddie Senator						
Thomas A. Morrison Senator		6/12/13		6/12/13		

Report Digest

I. OVERVIEW

Resolution 135-32 (COR) – “Relative to requesting the introduction of legislation by Guam’s Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated State,” was introduced by Senator Chris M. Dueñas, V.Anthony Ada, Thomas A. Morrison, Benjamin J. Cruz, Michael T. Limtiaco, and Brant T. McCreddie on May 14, 2013 and was subsequently referred to the Office of Senator Chris Dueñas on May 14, 2013.

Senator Chris M. Dueñas convened a public hearing on **Resolution 135-32 (COR)** on Wednesday, May 29, 2013 at 5:30 P.M. in the Legislature’s Public Hearing Room to receive public testimony on the measure.

Public Notice Requirements

In accordance with the Open Government Law, notices were disseminated to all Senators and to all main media broadcasting outlets first on May 22, 2013 and again on May 27, 2013.

Senators Present

Senator Chris M. Dueñas
Senator Mike Limtiaco
Senator Thomas Morrison

II. SUMMARY OF TESTIMONY & DISCUSSION

Mr. Frances Wolford provided oral testimony
Former FSM Governor Robert Ruecho provided oral testimony
Mr. John Martinez provided oral testimony

Senator Chris Dueñas called the public hearing to order at 5:30 P.M. and as the main sponsor of Res. No. 135-32 (COR), provided opening remarks.

Senator Chris Dueñas

This Public Hearing on Resolution 135-32 (COR), “Relative to requesting the introduction of legislation by Guam’s Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated State, is now called to order.

Today is Wednesday, May 29, 2013. The time is now 5:30 pm. In accordance with the Open Government Law Public Law 24-109, relative to the Notice for Public Meetings, Notification of today’s public hearing was published in the

Marianas Variety, Guam Edition, on May 22, 2013 and May 27, 2013. Electronic notification of today's public hearing was made to all media outlets and to all Senators on May 22 and 27, 2013.

I'll be chairing this public hearing tonight, I am Senator Chris Dueñas, Assistant Minority Leader of the 32nd Guam Legislature.

I would like to express my appreciation to the Chairman of the Committee on Rules, Senator Rory Respicio, for allowing me the opportunity to conduct this public hearing on Resolution 135-32 (COR), pursuant to the Legislature's Standing Rule VII, Section 7.03 (e).

Good Evening Senators, the listening audience and those in attendance today. I would like to welcome to my left, two cosponsors on this particular Resolution, Senators who are also cosponsors, Senator Limtiaco, and Senator Morrison.

Just for a moment, I'm going to read a short sponsor statement, and then we have a couple people signed up to testify, and we'll have them come forward.

At this point, colleagues, people of Guam, and citizens of FSM, States of Micronesia, and the RMI, The Marshall Islands, and the Republic of Palau, I'm humbly requesting your support for the passage of Resolution 135-32 (COR).

We are gathered here this evening to discuss the ever present issue of compact impact funding, and to provide a united stance, via this Resolution, to encourage our Congresswoman to introduce legislation that will allocate additional funding in line with the actual costs associated with compact migration to our island.

This resolution comes at a time when the costs of providing basic services to our community are on the rise. It is evident in our day to day operations, that our current revenue stream is insufficient to maintain even current operations.

This is not a new issue. It has been exhaustively discussed throughout the community, with the resounding message, that we must call on Congress to take swift action to resolve this issue. Even more significant, is the fact that this issue was created by Congress without much input from those areas where the migration would adversely affect.

To add clarity to the movement of this resolution, it is my hope that Congresswoman Bordallo will continue to diligently fight for Guam's causes, which she has done passionately, for the past eleven years in Washington. More importantly, we ask that Congresswoman Bordallo brings this message to the Nation's Capital and pursues the quest for additional funding to help the areas affected by the Compact Migration.

The simple fact is that the mandate imposed by the Compact agreement has gravely affected how we as a government can fully fund basic services that you deserve.

US Communities impacted by the Compact of Free Association, known as COFA, are more likely to recover costs associated with hosting COFA beneficiaries because of their ability to lobby Congress with their voting delegates. However, with Guam's proximity to the FSM, RMI and Palau and the per capita rate of immigrants from these areas to Guam versus stateside communities, there is an undeniable factor that cannot be ignored. With our Guam Delegate unable to vote, one begs to ask the question if Guam is treated fairly through this agreement. And so I dare to ask, what can we do to secure our financial stability while acting as gracious hosts to our brothers and sisters from the FSM, RMI and Palau?

I spoke with Hawaii's Sen. English at the Association of Pacific Island Legislatures meeting, and learned that Hawaii has taken steps to forcibly gain what is due to them out of the COFA beneficiaries' impact on the state by executing a balance budget that exempts costs attributed by the COFA agreement. I ask, do we want to head down that road and alienate our brothers and sisters from the neighboring island nations? I certainly do not... It is not our culture... it is not Chamorro.

It is time that we stand together to bring a united message to Congress: that Guam, and our Compact Brothers and Sisters, can no longer accept unequal treatment. There is much work to be done and this Resolution is just the beginning.

I encourage the Congresswoman to be open to new directions in attaining funding that Guam is in dire need of through the un-reimbursed funds of the Compact Impact, and congratulate her to the simple fact that the mandate imposed by the Compact Agreement has gravely affected how we as a government can fully fund basic services that you deserve. U.S. Communities affected by the compact COFA agreement are more likely to recover the cost, as we went over earlier, because of their proximity. I encourage the Congresswoman to be open to new directions as we discussed earlier, and I also, once again reiterate my congratulations to her for the introduction of HR 2200 as a cosponsor in Congress that will bring much needed funding for the compact issues as she has prescribed by using un-reimbursed compact funding for that purpose, for offsets of agreements that are made in HR2200, she is joined Congressman Kalili, and other consular area individuals in sponsoring HR 2200. So the precedent has been set already on introducing this type of legislation.

At this point we'll be calling for testimonials, and I'll be calling those who have signed up to provide testimony in the order that they appear in the sign up log sheet. Written testimony submitted tonight will be accepted by my office.

I ask that the protocol staff to please avail themselves to those needing assistance in copying testimonies, and we have it to be available for the panel.

At this time I would like to call up Frances Wolford, Uncle Bobing, please come up. I will also call up Governor Robert Ruecho, please come forward, and I would also like to call John Martinez to come forward at this time.

Thank you gentlemen, for your presence here tonight, so in the order of sign-up and out of respect, also, to my good friend and mentor, and bus driver, Uncle Bobing, please proceed.

Frances Wolford (Uncle Bobing)

Good Afternoon, guys. I believe all of you three were my best students in the bus (laughing) and now you are Senators. According to my testimony for Compact Impact, that's \$50,000 every year?

Senator Chris Dueñas

50 million every year

Frances Wolford (Uncle Bobing)

Boy, that's too much... good for the people of Guam. We need that, especially they owe us. And they have to return everything that they owe us. I hope that the Senate and the representative of Guam, Si Madeline, I sure agree on this and I will boast freely, I will not deny, because you three, I hope everybody will support it, so we can have this money, so we can get our senior citizens, and all those people, they need that money... because they owe us.

I'm a Vietnam vet, and I still remember all the facts, that Guam needs. I hope President Obama will let Guam have that money; boy 50 million. What if they give us 30 million that will be the most for Guam, and the people of Guam need that, especially the manamko.

(Begins speaking in Chamorro)

I sure thank you very much.

Senator Chris Dueñas

Governor, please proceed.

(Governor waived and asked that the person next to him speak first)

John Martinez

My name is John Martinez; I was the former Director of the Guam Economic Development Authority. I was the last of the working group that was involved in this study, and helped come up with the working papers with a group out of Hawaii. Since 1987, I've gone to numerous public hearings, I'm sitting in front of the Governor, and so I don't want to say anything that will be offensive in any way. Anyway, this was a trade mission out of Hawaii, and it was myself, and former Lt. Governor Frank Blas, the Governor of Hawaii, and his economic development group.

One of the points that was brought up here, in our trade mission, was to open up trade for economic development purposes, but one of the things that was very troubling, was that the Governor of Hawaii and I were smokers, so every now and then, in that trade mission, he'd flag me down and say Martinez, let's go take a huff here.

One of the things he asked me was, 'how far are you guys with the Compact Impact?' And I said 'I don't have any idea what it is.' And he says 'Excuse me, John, Martinez are you sure?' And I said 'I have no idea what it is.' This is of course 1987, the year after this compact agreement; so he says 'you know what, let me hook you up with my development team, because I'm really surprised, this is really an issue that you should be aware of.' Anyway, the guy that was spearheading this issue for Hawaii at the time was actually in that trade mission. So he (the Governor of Hawaii) said 'you know there were actually already 2-sessions, and Guam was never involved, and we were wondering what was the reason, why.' So I said 'well we were never involved, we were never aware.'

So I have some talking points, if you'd allow me:

- The Compact provided the Freely Associate States with critical economic development aid in exchange for the exclusive use of its land, airspace, and territorial waters by the United States for military purpose. The goal of this aid, which has been substantiated only \$100 million annually since 1986. Guam was not a party to the Compact negotiations with the Freely Associated States that terminate the structure of the United States, assigned by the United Nations over the trust area of the Pacific Islands, we were blindsided!

It was at this time that the defense needed control of the airspace, waters, and everything; this was at that time that they needed it to complete their mission in the Pacific Rim, and the only way to do this with the acquisition was to take control of their land.

- In 1987, the governor of Hawaii's economic development authority advised me that if we played our cards right, the so called Compact Impact reimbursement could bring huge sums of Federal dollars into Guam. At this time, Hawaii had one interest on this. Hawaii actively recruited immigrants, primarily from the Marshall Islands to work within the state, partly to allow economic ascensions of Hawaiian's, placing them in

lower level employment, but also so that the state could capture as much as possible of the Compact Impact Funding.

This is at the time when Hawaii was trying to develop a block of the higher paying jobs, but in order for them to do that, they had to fill in the menial jobs. This was an opportunity to have free migration, particularly with the Marshallese at the time, who would work the fields, for the banana pickers, and pineapple, and so forth, and this worked real well at the time.

- The cost that Guam was incurring associated with the immigration of habitual residents primarily from the Federated States of Micronesia were overwhelming; but we expected to be fully reimbursed in a clear accordance with the intent of the US Congress, and the letter of the law. Unfortunately, the Department of Interior was assigned oversight for the Compact Impact reimbursement, and they initially did nothing to ensure that we were made whole. In fact, they insisted that we were responsible for measuring the cost that our government bore, and then denied pay because they didn't like our calculations. They told us to try again, without even telling us what we did wrong.

One of the things that is puzzling here is that Hawaii knows exactly we were at. One of the things that was very baffling at the time was that Hawaii's (governor) said 'Martinez, we have already set our standards on how we were going to handle this. In Hawaii, we cannot let the migrants exceed more than 1% of our population. Otherwise we will encounter socio economic, and everything else.' So throughout that period, everything was fine. Most of the migrants at the time were actually invited, and some of them, they even paid their fare to come in, because they needed them, and they also thought they were going to be reimbursed.

They said, but Guam, you have a 4-5% limitation of allowable migrants where it will not cause any social, economic, so forth, on your island. But how do they know that? We don't even know that. They already know about us, they know about themselves, but they kept emphasizing how important this issue was, and how we should caution ourselves with this situation.

- We tried again, and we were able to document and substantiate the cost to our government, but the Department of Interior still thought that the costs were too high, so they took a different approach. In doing so, they explicitly disregarded the intent of Congress and the letter of the law. Instead of reimbursing us for the documented cost, DOI arbitrarily decided that the total amount of financial impact of the FAS immigration to Guam, Hawaii, Commonwealth of the Northern Marianas would be 30 million. Just out of the blue, they just said 30 million, that's what you're going to get.

At this time, before this amount came out, we have enjoined ourselves with Hawaii, and we had a set of working papers. In the last public hearing, I said that I left a whole set of those working papers with GEDA, and one was sent over to the Governor's office. This banked a wealth of information as to how

this thing would be treated. A portion of the law was there, and stuff that Hawaii had already programed, for us.

Our cost at the time was about 4,000 to 4,500 per migrant per annum. In 1990, when that was calculated, we had 4,200 migrants here, and our direct cost came out to 15.4 million.

The migrants came into Hawaii primarily for employment, so the costs bore by the government of Hawaii were nominal, particularly in proportion to the population of the state. Only a fraction of the migrants came into Guam for work, many came to take advantage of our welfare programs. Adding insult to injury, the only costs bore by the federal government for these programs were in providing food stamps for the children of the FAS citizens born in Guam, who automatically became US citizens, their parents were not eligible. They were eligible for all other welfare programs, though because the caps for the federal expenditures were already far below the promised proportion of matching funds. Govguam and the tax payers bore the additional burden on the system.

At the time, I got a letter while I was still at GEDA to drop the Compact Impact issue, and let the Congressman handle it. However, Hawaii had backed us up on our figures, and Congress had accepted our number of 15.4 million, and that was fine at the time. From there on, we never heard anything back from them. Afterwards, we were clapping our hands at \$2 million, and the first disbursement of 1.8 million. But that amount was actually to assist the survey in finding our figures.

Every year I submit these documents, but it's been 25-years, I no longer have any faith that we'll see any compensation for our efforts; it just keeps going on and on.

Looking around, there's only three of you up there- do you know how important this issue is?! This is our last true source of income. If you look at our present situation now, our cost is about 120-130 million dollars that we've spent to subsidize these amounts of money that are a direct cost to us, that's supposed to be funded by the federal government. Another thing to understand is that there is a law, that this thing should be reimbursed! For example, the hospital... the first thing is the military hospital. The only time they are supposed to be going to our hospital is if it's an emergency, or there is a priority at the military hospital, but that never came about.

- As a community we bear an enormous social economic cost that was never intended to be reimbursed. The private sector is beset by increased levels of crime, vandalism, graffiti, squatting on public and private property, and many more social and economic injustices and insults.
- The quality of education in our school system already lacking is deteriorating as the system tries to deal with students who have no

interest, and whose parents themselves place no value on education, seemingly sending their children to school only to get them out of the house, and get them free meals.

- Our own people, citizens of the United States are displaced from public support system because our budgets we're required by the federal government to accommodate FAS citizens instead. Our people are even displaced in fully federally funded programs, as FAS migrants constitute as much as 12%, (and this document is 4 years old), of our population. From what I understand now, we're hitting 17-18%. They now account for as many as 40% of the clients of the subsidized housing programs granted by the Guam housing and Urban Renewal Authority; while an increasing number of our citizens are left homeless. From what I understand now, it's over 50%, that's the clients of the subsidized housing programs, are FAS residents.

There are certain criteria here that have to be looked at. Every now and then, we'll have someone from the Interior come down here, and they come up with the same thing. They say that our numbers are different from Hawaii's, and they'll be back in three years so we can get our numbers straight. What needs to be pointed out is that there is a distinct formula with Hawaii and Guam. From the time that this thing has started, their migrant population has never exceeded more than 0.8%. Three times, the state has said that their funding has been capped, and they will not provide funding to migrants anymore. Another thing to remember is that of the migrant population, 72-73% is contributory! In Guam, it's less than 20%, 70 some % are non-contributory! Fully subsidized! Big difference!

We're going to have to look at reality right now, and we're going to have to look at the condition of the migrants that are here; they're destitute. They are severe hardship cases. As much as we try to help them, we cannot totally help them.

The reality is that we've tried everything here, and nothing seems to ever happen. The biggest concern is that we have all these unfunded mandates, because we have all these federal mandates; if you get right down to it, we're really not doing too badly. With the schools, I guarantee you I can find that document that schools are never supposed to be segregated; Department of Defense is not supposed to segregate because of the populous and the proportionate factor; it is important to keep together because that is the tie in between the locals and the military. This is how we've always had a good tie in before.

Senators, I think this is our last chance. The single most important piece of legislation is to pull this thing through at this point right now, and that has to be done! You have to run it through, don't drive, and then stop.

What's disturbing here is that the law is very specific. This is part of the law: 'any alien who has been admitted under the compact or the compact as amended, and who is not earning a livelihood, or cannot otherwise show that he or she has sufficient means of support in the United States, is deportable,' by law! This goes on further to identify that it is the job of the CIS, which is Immigration, to monitor this.

It's out of control, that's what it is. There are two things that have happened here... you've got no classifications to begin with. There's nothing in the books to say that they're H what or D or B or Z or what? The law is very specific, it states in clear language...

Senator Chris Dueñas

While you're looking for the documents, I just want to say that I'll have my staff work with you because of your extensive knowledge, and your experience and having prepared documentation for the government of Guam in your official capacity as the former GEDA Director, and obviously as a businessman and concerned citizen. We will take all of your points, and we have many days to go for the Committee Report to be assembled, but if you've found some information, please continue.

John Martinez

Section 141 relates to the applicability of the INA to habitual residents, or those seeking to become habitual residents, and clearly states that the US and the compact retain any ground of inadmissibility or deportation under such act, except section _ subsection_, who has been admitted under the compact, or the compact as amended, who is not earning a livelihood, or cannot otherwise show that he or she has sufficient means of support in the United States, is deportable.

If you look at that 'is deportable,' what that idea is, is that there is an eligibility requirement; it specifically states that they have to be deported. If you look at where we're at, and our financial situation, the reality is that there's something that's pulling at us...where else are we going to cut here? Look at the way our government is. Employees of the government, we've broken their spirit because if they have work, they don't have the equipment. We've never had this problem before.

The bottom line is we're at \$1.3 billion owed, that's basically the bottom line; 800 because that's something that can be tapped. If you take this from the beginning and follow this along, and if you use their own system, it's by impact, and the impact is categorized.

Since 2010, the FAS has been very successful in collecting \$3.4 billion in federal funding from this Compact Impact. From what I understand, now, we're up to about \$8 million per month (owed).

This is one piece of Legislation that's so important right now.

Senator Chris Dueñas

Mr. Martinez, I thank you for your comments, and I just want to make a couple observations. We'll go to the Governor, and I want to defer also to my colleagues who have worked hard on this.

We really are not doing that bad, and I appreciate that coming from you. I think that's why we still aspire to leadership, because our hearts are like your heart, we believe.

I also want to say, that publicly, the current acting Council General Robson Romolow, has openly supported his legislation, and we'll ask him for written testimony as well. He made a call out saying that he will work with the community to understand that this is one Guam, and we need to unite on this issue, for a better quality of life for all.

I'll go to the Governor now, so we can complete the testimony, and have dialogue to move from there.

I want to recognize before we move on, former Vice Speaker, Ted Nelson who has joined us. Thank you for being here, sir.

Governor **Ruecho**, please provide your testimony.

Governor Robert Ruecho

Thank you very much Mr. Chairman, and Honorable Senators. I came here with the intention to just observe the hearing, and hear the testimonies, but after listening to my friend here, I just want to focus on the title of the Resolution. I wonder if the other governments will let me put it this way; has APIL done anything in support of the intent of this Resolution?

Senator Chris Dueñas

Governor, I'm going to prepare to present this Resolution, hopefully as passed by the body. The APIL meeting is scheduled for the 23rd of June. Going forward, I recognized in my testimony, and I can give you a copy of our testimony, that there was also a mention of state Senator Kalani English two years ago, in the Palau FSM meeting with regard to what Mr. Martinez was talking about. Hawaii's position, and consistent position and the FSM representative were aware of efforts like this, but at this point, this is in a stage of introduction, and I'm hoping that it'll be passed, and presented in the APIL meeting next month.

Governor Robert Ruecho

Thank you Chairman. I'm saying this because I think the CNMI, FSM, American Samoa, and Guam are all members of APIL, and their constituents are being

impacted by migrants from FAS, so maybe as a team, a resolution from APIL will take this some way.

I was listening to my friend talk about the \$30 million, and to me personally, I think that was an arbitrary figure, because in the beginning, no one knew what the impact would be. And I think the enumeration that's supposed to be done every 5-years, should be able to show how much impact we're experiencing, and that figure can change to increase, or decrease, pending the numbers from the enumeration.

Mr. Chairman, I think my friend has covered everything, so I don't really have much to add, except that personally, I think that Uncle Sam should reimburse all the jurisdictions based on the report that the Governor of each submits to the Department of the Interior, as far as compact Impact.

Thank You

Senator Chris Dueñas

Thank You, Governor, and before I open it up to my colleagues, I just want to reiterate, as I mentioned in my testimony, the Congresswoman has joined the insular areas on HR2200, and if you read the release from the Congresswoman, this HR2200 it's introduced by CNMI Congressman Sablan "Kilili", she includes unreimbursed Compact Impact as an in-kind matching source for programs that are identified in the legislation. So this is a start.

One of the key things in the Resolution is that it calls for the hearing to be held on Guam when these bills are introduced. We have Codels that come through here, twice, three times a year. The least they could do is stay for a day, and see, hear, and feel the impact of their bilateral agreement first hand.

This is a pro-Guam, one-Guam initiative. This is not an anti FSM, or anything like that. It would be the same as a state to state recognition of a federal impact, should they impose something of that nature within the states. This is actually no different than the civilian task force that Governor Camacho put together to talk about the impacts of the military, even though that brought dreams of prosperity, but here was still going to be a displacement of infrastructure requirement to build our island up in 4-5 years by upwards of 10-12% of our population unprecedented.

There are 3-other co-sponsors on this, and I am pushing this for the June session, and as the minority representative in APIL, I will present this.

I'm going to open up to my colleagues first, and recognize them, and we can wrap up the discussion. Senator Limtiaco, please

Senator Limtiaco

Thank you Mr. Chair. Governor, Mr. Martinez, and Uncle Bobing, thank you so much for your testimony. Mr. Martinez thank you for your testimony, it was very enlightening, and your sincerity in saying that the time is now, you referred to the time in 1986 when we didn't get it right, and we didn't get it right back then, but I believe with reference to this resolution, that we do need to take it in our own hands, and figure out how to solve it ourselves. If we can't get the federal government to assist us on it, then we do need to start enforcing, as you mentioned in the mandates of the Compact Impact. Whether or not we fund it ourselves, and figure out a way to enforce it, that might be the ultimate alternative. Obviously, that's an extreme measure, but I think we've come to the point where we need to take matters into our own hands, and start enforcing the mandates of the compact impact.

Thank you for your testimony, I just want to couple the effects and the financial impact the compact impact agreement has had on our community, with other unfunded mandates, for example, our earned income tax credit, that comes out of our general fund. Of the 100 million that's set aside for tax refunds, \$45 million is set aside for earned income tax credit, and I would guess that the similar non-contributing FAS citizens, at some point may be taking advantage of the earned income tax credit on top of the effects of compact impact. So you have a compounding effect on what our general fund is having to fund in the form of EITC refunds, as well as compact impact funds that are being affected.

You know that just goes to the point of requesting our speaker to convene the legislative review tax commission so that we can take a look at not only the compact impact, but our tax system, and how compact impact, or citizens of the freely Associated States of Micronesia have an impact on our tax system because the number is approaching 100 million annually, and if we can solve those two problems, then yes, you're right, we're not too far off from being in a better place.

Once again thank you for your testimony, and all those that attended today, thank you.

John Martinez

If I might just add on, that there's already an insert. If the CIS is unable or unwilling to meet its legal obligations, it is time for us to push the issue, first by petition, but failing in that by seeking a writ of mandate in federal court.

The law is straight forward, and it has been simplified.

Senator Chris Dueñas

Mr. Martinez, Governor Calvo touched on that issue in his recent state of the territory address, so I think that that realization is striking home, even better.

Once again Governor, one Guam, the better life for all of us is really what's at stake here, and realizing the true impact cost.

Senator Morrison?

Senator Tommy Morrison

Thank you Mr. Chair. To the panel, Governor, Mr. Martinez, and Uncle Bobing, Speaker Nelson, thank you all for being here.

We have not given up any hope as far as trying to pursue what is right as far as compact impact reimbursement. I know as you stated earlier, you were part of the working group following through what should have been at that time. Unfortunately, that did not fall through. I know when I was at BS, we served as the point of contact for the GAO, and the working group and you brought up concerns that they brought up at that time as far as the methodology and the numbers. And how do we come up with these numbers. You probably worked with Mr. Calvin Saruwatari up at BSP, as he's been there the longest, and has done a wonderful job up there as far as consistently submitting those reports to DOI.

Mr. Martinez, I'm really impressed with your extensive knowledge, and I'm learning a lot from your historical knowledge. Was the GAO ever part of the working group or did you work with them to have a scope of work to provide to Congress as far as the methodology?

John Martinez

At the time, I was working with then Lt. Governor Blas, and there was so much put together already. The documents were something that was really accessible. In 1987, Roger A. Hoveli was the Director of the Hawaii economic Development, and he had a staffer that worked on these documents that say that there was no impact on Hawaii at the time, but were they overly concerned? Yeah. The way it was laid out was that it was based on the number of migrants that came in, and they would take a 5-year advantage of this, or 4-year. Then, every 4-years, it would be re-evaluated, but they never exceeded a certain percentage of their population, then here we are in 1990, at 4,200 migrants, we calculated the direct expense for all the different agencies involved with the migrants, and it was punched out to be 15.2 million. Then when we sent that number out, it was acceptable in Washington, because it was all carried together with Hawaii, because back then we were together with them; what an opportunity at the time! If you take that amount, at each individual migrant at the time, it was 4,500 per migrant. It was moving so fast at the time, but then we were old to just let everything go, and let the Congressman handle it from there.

I mentioned it in the last public hearing, but you just got to see if you can find the working documents, somehow, because there are these documents around somewhere.

There is very vital information in there, and the good thing about that is that it caps off the unity of our good neighbors. That's what made this thing a good document. The Compact impact is actually good, and it was supposed to be good for everybody.

The end result is that it unifies the human values. Also, you're going to have to do some research, because of the 3.8 million dollars that was distributed, there's a certain amount that was supposed to be for the trust fund, and that trust fund was supposed to be for the enhancement of everybody involved, and that was affected, and so forth.

Also, every time the FAS requests money, they're always successful! They requested 500 million, and they gave them 65 million, because they calculated for them and said well you might be short, and we're going to achieve what you want. And here we are!

Senator Tommy Morrison

Thank you Mr. Martinez, I appreciate that response. I've been talking with the sponsor about many different types of ideas. You know, Governor, we really want to work with our brothers and sisters in Micronesia, and we're part of Micronesia as well, and we have a lot of friends there as well. We want to ensure everything goes smoothly going forward. The Chairman stated, this is not to be negative toward our brothers and sisters in Micronesia. I came up with an idea a couple of weeks ago as far as the assimilation of migrants to Guam, and I'm talking closely with the author on how we can build into the resolution, some of requests for an assimilation or a certification so that we can help our brothers and sisters assimilate much better into Guam, and I just want to get your thoughts on that. I know they tried in the past. Do you have any thoughts on an assimilation or a certification process?

Governor Robert Ruecho

Thank you Senator, I've heard some talks about an orientation, prior to the states in the FSM. But I understand that the international office of migration has something in Phonpei. I was talking with someone from that office, and they are looking into that, and how to require an orientation prior to departure.

Senator Tommy Morrison

Thank you Governor.

John Martinez

You know, one of the things here was that when the issue of deportation was came out; it was part of the law. The response to the deportation is that it's really real. If you are not working at a certain age, you are deportable, but that will not come about. From what I understand, the US won't allow that because that particular thing is a result of the US. It's a result of the system which causes them

not to come in, not to be employed, not to be so forth. But crime in inexcusable and that is a direct violation of (the compact) and that specifically has to be (deportable). Then of course there is the issue of how it's going to be done with the CIS, then things just carry on and nothing happens. However I don't think the US will ever allow deportation because you are a hardship case; it might get their attention to do something.

We did this thing for a reason, we did this for the full rights of the FAS, the land, the water, it's very clear in the way it is written, and as it specifically states, 'as accepted, the compact provided the FSM with critical economic aid in exchange for exclusive use of its land, airspace, and territorial waters by the United States for military purposes. The goal of this aid which has been substantial, nearly at \$100 million annually since 1986 was to facilitate the island nations efforts to establish a stable democratic government, and move towards a great economic independence.'

That exchange gave the United States ownership rights of their lands, and it was an exchange. In doing so, it gave them limitations which would prevent developments on their end, in exchange for the green dollar.

This is where we're at, and it's a serious problem. Again Senator, I just want to reiterate that I think this is going to be the last run for this. Time is running out, gentleman, and this has to be done.

Senator Chris Dueñas

Thank You Mr. Martinez, I agree with you.

Just a couple comments before we close, my staff prepared the budget in terms of what is the annual budget for fiscal year 2013 for the Department of the Interior, and it is \$13.5 billion. This request represents less than .5% of their budget. I say that because it's very critical in working with our Congresswoman. I made it very clear to the Congresswoman to be cautious on the section 30 funds to pay war reparations. I and my other colleagues told her that the Compact Impact reimbursement really should be (pushed). So when it was mentioned that it needs, and requires a funding source, so this Resolution identifies the single point of contact on this issue as the Department of Interior. Just as you mentioned, Mr. Martinez, this has been the point of frustration for many Senators, Directors, Governors, Congress people. When you go to Washington, they send you to every door, time is of the essence, and that is why I've identified them as the contact.

With the introduction, recently, of the legislation that the Congresswoman has cosponsored, to be the one to introduce the legislation, and to let the states such as California, Washington State, Arkansas, Hawaii, and the rest come to register their issues as well, and to support this issue so that once and for all we can all realize the true impact of the Compact, and be successful like the Compact States has been.

We need this kind of bold movement to move this thing forward, and to get the recognition. So I thank all of you once again.

Any comments? Mr. Martinez

John Martinez

I just want to say one more issue. This is the first time that a Governor or any official has sat before this panel. I think this is very significant. Senator, this is a very notable thing here, with the Governor being here in support of this.

One more item, as a second option, one of the biggest stumbling blocks that I've gotten, and what has always been questioned is, could you consider deferring that big amount?

Senator Chris Dueñas

The Resolution, which I will provide you with a copy of, recognizes here going forward, that the annual appropriation for Guam should be \$50 million. So at least, it's a start in addition to sums that have already been recognized, so 66 million; 50 million annually plus 16 million just for Guam for the appropriation is what the resolution calls for.

I'm sure the good Congresswoman would have to separate these introductions for past due and current. But you're right, if we've got that recognition, and we get on the record at least for the accepted true cost moving forward of ^^ million annually, we can work on the unreimbursed. If we have to start offsetting what is due, it's as good as cash! If the federal government, in terms of their mandates, and consent decrees, they write off that debt; that's as good as cash.

There is lot of opportunity here. The main thing is to get the resolution passed, to get the Congresswoman behind us, to introduce things, and to hopefully get a hearing on Guam. At a minimum, we're trying to stir the pot so that the others states come together and say 'let's resolve this once and for all, and let's make sure that the infrastructure there, the hospital, the schools, the law enforcement, and everything is there to serve all, and to benefit all,' so that we can take that 70% of unproductive citizens, and change it to maybe only 10%, because we have the infrastructure to help everybody. That's the goal here.

All of this will be for the record for the committee report to try to get this for June Session, which I think we'll be successful.

The last issue is, once again, I will reach out to the acting chairman, and request written support as he was on the news clearly in support of this resolution.

Thank you once again gentleman. I would just like to let the public know that for 10-more days, the committee will be accepting testimony on Resolution 135-32

for those who could not make it. You can email me; my address is on the Guam Legislature website, duenasenator@gmail.com, you can also send a fax to my office in Hagåtña 472-3403, or hand deliver to our office in the DNA building, 7th floor, Suite 701A. Our office number is 989-9944/55, once again, all this information is on the website. You can also send to Senator Limtiaco's office or Senator Morrison's office, and they'll compile information. At this point now, it is 7:08 P.M. and we will call this hearing to a close, and adjourned. Thank you for joining us.

III. WRITTEN TESTIMONY

(No written testimony was provided)

IV. FINDINGS AND RECOMMENDATIONS

The Office of Senator Chris M. Dueñas hereby reports out **Resolution No. 135-32 (COR)** with the recommendation **TO PASS**.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2013 (FIRST) REGULAR SESSION

2013 MAY 11 PM 12:59
wpe

Resolution No. 135-32 (CR)

Introduced by:

Chris M. Duenas
V.A. Ada
T.A. Morrissan
B.J.F. Cruz
Michael T. Luptiaco
Brant T. McCreddie

Relative to requesting the introduction of legislation by Guam's Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated States.

1 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I MINA' TRENTAI DOS***
2 ***NA LIHESLATURAN GUÁHAN:***

3 **WHEREAS**, the people of Guam continue to host citizens of the Freely Associated States
4 seeking better lives through education and employment; and

5 **WHEREAS**, the impact upon government services has been well documented, with reports
6 on the unreimbursed costs to the government of Guam being submitted to the Department of Interior
7 in a format following each successive federal government requirement for seeking reimbursement of
8 costs; and

9 **WHEREAS**, the amount of reimbursement due from the federal government continues to
10 increase annually at a rate *not* equal to the documented costs to the government of Guam resulting in
11 an amount of Two Hundred Sixty-nine Million Dollars (\$269,000,000.00) identified as
12 unreimbursed Compact Impact costs as of the close of Fiscal Year 2003; and

13 **WHEREAS**, an additional Five Hundred Fifty-nine Million Three Hundred Thirty-six
14 Thousand Four Hundred Seventy-nine Dollars (\$559,336,479.00) has been identified as
15 unreimbursed Compact Impact costs due and payable for the period of Fiscal Year 2004 through
16 Fiscal Year 2012; and

1 **WHEREAS**, it is the intent of *I Liheslaturan Guåhan* to propose a different approach to
2 resolving the United States Congress' approach to appropriating a sum equal to the identified and
3 verified unreimbursed costs of Compact Impact; now therefore, be it

4 **RESOLVED**, *I Liheslaturan Guåhan* does hereby respectfully request that the Guam
5 Delegate to Congress introduce legislation that appropriates Fifty Million Dollars (\$50,000,000.00)
6 directly to the government of Guam each year as reimbursement for the outstanding amount of all
7 unreimbursed Compact Impact costs due and payable as reported to the Department of Interior for
8 the periods ending September 30, 2003 and September 30, 2011, and that this annual appropriation
9 continue until the entire amount has been paid in full; and, be it further

10 **RESOLVED**, *I Liheslaturan Guåhan* requests that the annual appropriation of Fifty Million
11 Dollars (\$50,000,000.00) be *in addition to* sums that are currently being appropriated each fiscal
12 year by the United States Congress for compact impact reimbursement costs; and, be it further

13 **RESOLVED**, per the House of Representatives rules on identifying the source of funding for
14 any appropriation, this *additional* appropriation's source of funding *shall* be taken from the annual
15 operating budget of the Department of Interior; and, be it further

16 **RESOLVED**, *I Liheslaturan Guåhan* requests that the congressional hearing on such
17 legislation be held on Guam at a time and location convenient to the House of Representatives and
18 the people of Guam; and, be it further

19 **RESOLVED**, the Committee on Rules of *I Mina' Trentai Dos na Liheslaturan Guåhan*, on
20 behalf of *I Liheslaturan Guåhan* and the people of Guam does hereby approve the passage of this
21 Rules Resolution; and, be it further

22 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules certify, and
23 the Legislative Secretary attest to, the adoption hereof, and that copies of the same be thereafter
24 transmitted to: The Honorable Madeleine Z. Bordallo, Guam's Delegate to Congress; and to the
25 Honorable Edward J. B. Calvo, *I Maga'lahaen Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF I MINA'
TRENTAI DOS NA LIHESLATURAN GUÅHAN ON THIS __ DAY OF _____, 2013.**

JUDITH T. WON PAT, Ed.D
Speaker

RORY J. RESPICIO
Committee on Rules

TINA ROSE MUNA-BARNES
Legislative Secretary



COMMITTEE ON RULES

I Mina'trentai Dos na Lihelaturan Guåhan • The 32nd Guam Legislature

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

May 14, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM

Senator
Vicente (Ben) C. Pangelinan
Member

To: Rennae Meno
Clerk of the Legislature

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Attorney Therese M. Terlaje
Legislative Legal Counsel

Senator
Dennis G. Rodriguez, Jr.
Member

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Vice-Speaker
Benjamin J.F. Cruz
Member

Subject: Referral of Resolution No. 135-32 (COR)

Legislative Secretary
Tina Rose Muña Barnes
Member

As Chairperson of the Committee on Rules, I am forwarding my referral of Resolution No. 135-32 (COR). Please ensure that the subject resolution is referred, in my name, to the respective sponsor, as shown on the attachment.

Senator
Frank Blas Aguon, Jr.
Member

I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Lihelaturan Guåhan*.

Senator
Michael F.Q. San Nicolas
Member

Should you have any questions, please feel free to contact our office at 472-7679.

Senator
V. Anthony Ada
Member
MINORITY LEADER

Si Yu'os ma'åse!

(1) Attachments

Senator
Aline Yamashita
Member

I Mina' Trentai Dos Na Liheslaturan Guåhan
Resolutions Log Sheet

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Referred	Committee / Ofc Referred	Date Adopted
135-32 (COR)	Chris M. Dueñas V.A. Ada T.A. Morrisson B.J.F. Cruz Michael T. Limtiaco Brant T. McCreddie	Relative to requesting the introduction of legislation by Guam's Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated States.	5/14/13 12:59 P.M.		5/14/2013	Sponsor	



Eugene Santos <santos.duenas@gmail.com>

FIRST NOTICE OF PUBLIC HEARING-MAY 29, 2013

Eugene Santos <santos.duenas@gmail.com>

Wed, May 22, 2013 at 5:22 AM

To: The Big Show <thebigshow@k57.com>, Ken Quintanilla <kenq@kuam.com>, geraldine@mvguam.com, Duane George <dmgeorge@guampdn.com>, dkaoki@guampdn.com, Oyaol Ngirairiki <odngirairiki@guam.gannett.com>, Nick Delgado <nick@kuam.com>, Mindy Aguon <mindy@kuam.com>, Krystal Paco <krystal@kuam.com>, KUAM <hottips@kuam.com>, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Josh Tyquiengco <jtyquiengco@spbg Guam.com>, Betsy Brown <betsy@spbg Guam.com>, Kevin Kerrigan <kevin@spbg Guam.com>, Jon Anderson <editor@mvguam.com>, Newtalk K57 <news@k57.com>, gdumatol@guampdn.com, dtamondong@guampdn.com, Louella Losinio <louella@mvguam.com>, Gerry Partido <gerry@mvguam.com>, news@spbg Guam.com, joy@mvguam.com, Zita Taitano <zytaitano@gmail.com>, Clynt Ridgell <clynt@spbg Guam.com>, joleen@kuam.com, Jason Salas <jason@kuam.com>, phnotice@guamlegislature.org, patisfive@yahoo.com, fsmguam <fsmguam@ite.net>, johnnymeippen@hotmail.com, andrew.tenorio@mail.house.gov, "Lai, Breanna" <breanna.lai@mail.house.gov>

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Chris Duenas

SUBJECT: FIRST NOTICE OF PUBLIC HEARING-MAY 29, 2013

Buenas yan Hafa Adai!

The Office of Senator Chris Duenas has scheduled a Public Hearing for Wednesday, May 29, 2013 at 5:30 p.m. The item on the agenda is as follows:

5:30 P.M.

Resolution 135-32 (COR): "Relative to requesting the introduction of legislation by Guam's Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated States".

Attached to this is notice is a copy of the resolution.
Thank you and I look forward to your presence and participation.

--

Eugene H. Santos
Office of Senator Christopher M. Duenas
Guam Legislature

2 attachments



Eugene Santos #santos.duenas@gmail.com

SECOND NOTICE OF PUBLIC HEARING-MAY 29, 2013

Eugene Santos <santos.duenas@gmail.com>

Mon, May 27, 2013 at 7:40 AM

To: The Big Show <thebigshow@k57.com>, Ken Quintanilla <kenq@kuam.com>, geraldine@mvguam.com, Duane George <dmgeorge@guampdn.com>, dkaoki@guampdn.com, Oyaol Ngirairiki <odngirairiki@guam.gannett.com>, Nick Delgado <nick@kuam.com>, Mindy Aguon <mindy@kuam.com>, Krystal Paco <krystal@kuam.com>, KUAM <hottips@kuam.com>, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Josh Tyquiengco <jtyquiengco@spbg Guam.com>, Betsy Brown <betsy@spbg Guam.com>, Kevin Kerrigan <kevin@spbg Guam.com>, Jon Anderson <editor@mvguam.com>, Newtalk K57 <news@k57.com>, gdumat-ol@guampdn.com, dtamondong@guampdn.com, Louella Losinio <louella@mvguam.com>, Gerry Partido <gerry@mvguam.com>, news@spbg Guam.com, joy@mvguam.com, Zita Taitano <zytaitano@gmail.com>, Clynt Ridgell <clynt@spbg Guam.com>, joleen@kuam.com, Jason Salas <jason@kuam.com>, phnotice@guamlegislature.org, patisfive@yahoo.com, fsmguam <fsmguam@ite.net>, johnnymeippen@hotmail.com, andrew.tenorio@mail.house.gov, "Lai, Breanna" <breanna.lai@mail.house.gov>, Chris Duenas <duenasenator@gmail.com>

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Chris Duenas

SUBJECT: SECOND NOTICE OF PUBLIC HEARING-MAY 29, 2013

Buenas yan Hafa Adai!

The Office of Senator Chris Duenas has scheduled a Public Hearing for Wednesday, May 29, 2013 at 5:30 p.m. The item on the agenda is as follows:

5:30 P.M.

Resolution 135-32 (COR): "Relative to requesting the introduction of legislation by Guam's Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated States".

Attached to this is notice is a copy of the resolution.

Thank you and I look forward to your presence and participation.

—
Eugene H. Santos
Office of Senator Christopher M. Duenas
Guam Legislature

**Listserv: phnotice@guamlegislature.org
As of April 23, 2013**

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As of April 23, 2013**

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SENATOR CHRISTOPHER M. DUEÑAS
I Mina'trentai Dos Na Liheslaturan Guahan

238 ARCHBISHOP FLORES STREET DNA BLDG. STE 701A HAGATÑA, GUÅHAN 96910

AGENDA

Wednesday, May 29, 2013, 5 pm, Public Hearing Room, I Liheslaturan Guahan

The following item is on today's agenda;

Resolution 135-32 (COR) – “Relative to requesting the introduction of legislation by Guam’s Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated State”.

Sponsored By Senator Chris Duenas and Co Sponsors; Senators V.A. Ada, T.A. Morrison, B.J. F Cruz, Michael T. Limtiaco and Brant McCreadie.

UOG holds Spring 2013 Commencement Ceremony

By Louella Losinio
louella@mvguam.com
Variety News Staff

THE University of Guam yesterday recognized 295 graduates during its Spring 2013 Commencement Ceremony – one of the largest graduating classes to ever pass through the halls of the island's institution for higher learning.

Combined with the graduates



The Office of Sen. Chris Duenas will be conducting a Public Hearing on **Resolution 135-32 (COR)** Relative to requesting the introduction of legislation by Guam's Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated States on Wednesday, May 29, 2013 from 5:30 pm to 7:00 pm at the Guam Legislature Building, Public Hearing Room. For special accommodations and further information contact 989-9944.

San Agustin re-arrested for manslaughter

San Agustin was re-arrested and is now at the Hagåtña Detention Facility in connection with the death of Frazier, his 56-year-old sister.

By Gina Tabonares-Reilly
gina@mvguam.com
Variety News Staff

THE case against Anthony Acfalle San Agustin has been amended and has now become a manslaughter case after the death of his alleged victim, Maria San Agustin Frazier.

San Agustin was re-arrested and is now at the Hagåtña Detention Facility in connection with the death of Frazier, his 56-year-old sister.

Frazier, of Dededo, slipped into a coma after she fell unconscious after San Agustin allegedly pushed her. She fell backward on the floor.

Ronald Frazier, Maria's husband, earlier told Variety that

to her parents' house in Aurora St. Swamp Road, Dededo, where the defendant resides. Frazier said an altercation ensued when Maria asked about a fence on her parents' property. "Anthony, the family's black sheep, just went ahead and attacked my wife," Frazier said.

Guam Medical Examiner Dr. Aurelio Espinola told Variety that during his autopsy examination of Frazier, he went to the crime scene and studied the area where the victim fell.

Espinola noted that the area where Frazier fell has a hard, concrete surface that could cause a serious head trauma to the victim.

On May 6 a magistrate complaint charged Anthony with

observed Maria on the floor. Officers interviewed Frazier's sister, Dorothea San Agustin Obina, who stated that their brother – San Agustin – had pushed Frazier, causing her to fall. Obina said she checked Frazier, "noted that she was unconscious, and shook her in an attempt to wake her."

Officers noticed that Frazier appeared to be confused and disoriented, stating she was dizzy. Frazier was also continuously asking where she was and what had happened. The GPD officers also noted what appeared to be blood settling within the inner portion of her right ear. When police advised Anthony of his rights, they said he immediately stated, "I'm going to jail" and



GUAM HOUSING CORPORATION

P.O. Box 3457, Hagåtña, Guam 96932

INVITATION FOR BID

BID NO: GHC 003-13
FOR: Fire and Earthquake with General Liability
BID OPENING TIME/DATE: 3:00 p.m., June 10, 2013
PLACE: GHC Main Office, Tamuning

Interested party may purchase a bid packet from Guam Housing Corporation main office located on the 5th floor, Ste. 590 FCC bldg., Tamuning, Guam from 8:00 a.m. to 4:00 p.m., Monday thru Friday (excluding holidays). A non-refundable fee of \$10.00 will be assessed. No cash personal or company checks will be accepted.

For more information, please contact Administration Office at 647-4143 or e-mail cassandra.santos@ghc.guam.gov

/s/ MARTIN C. BENAVENTE



the Solomon Islands last year with performers, artists and representatives
riety file photo

Benito won't apply for reappointment to PAG



Port Authority of Guam board member and former vice chairman Mike Benito will not be submitting an application for reappointment to the PAG board.

Variety file photo

By Joy White

Also at yesterday's meeting, PAG General Manager Joanne Brown emphasized the need

for PAG to be able to procure Services Agency before bringing the topic to the Legislature in "baby steps."

...three committee members funds and programs. nds to DFS allegations

...ntly recused themselves from voting on the contract.

The DFS letter also stated: We also note from GIAA's press release that Lotte was apparently given the opportunity to revise their financial offer to the airport following their selection as the first-ranked proposer."

In response, Gerry Perez, the position director for Lotte on Guam, said in a statement, "Any contention that Lotte changed its bid proposal post-bid is false." He also questioned how such information could have been obtained from sealed bid documents. "Lotte's rent proposal came directly from the company's original bid tender submitted to the airport in response to the airport [request for proposal]. Any contention to the contrary is just not true."

Unfortunate

The statement also said, "It is unfortunate that these issues are being raised by a company whose proposal ranked third or

fourth as reported in the local media.

"Plain and simple, the airport picked Lotte's proposal because it offered the best overall value to the people of Guam."


Perez also said the people of Guam "are hurt by delays that result from frivolous protest maneuvers."

According to the announcement from the airport on Monday, the agreement is for an exclusive term of five years with an additional five-year term on a non-exclusive basis.

The guaranteed rental revenues are \$15.4 million in minimum annual guaranteed rent to be paid by Lotte. The agreement includes the potential for further increased revenues based on percentage rent, which the airport expects to be substantial.


Moreover, the airport was able to negotiate additional revenue of 1 percent of all non-airport sales made by Lotte on Guam, according to the release.

The Office of Sen. Chris Duenas will be conducting a Public Hearing on Resolution 135-32 (COR). Relative to requesting the introduction of legislation by Guam's Delegate to Congress appropriating funds from the annual budget of the Department of Interior as an additional payment to the Government of Guam for unreimbursed Compact Impact costs for the hosting of Citizens of the Freely Associated States on Wednesday, May 29, 2013 from 5:30 pm to 7:00 pm at the Guam Legislature Building, Public Hearing Room. For special accommodations and further information contact 989-9944.



GSA
Eddie Baza Calvo
Governor

GSA General Services Agency
(Ahension Setbision Hinirat)
Department of Administration
Government of Guam
148 Route 1 Marine Drive, Piti, Guam 96915
Tel: 475-1707-13 Fax: 472-4217/475-1716/475-1727



Ray Tenorio
Lt. Governor

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DEPARTMENT OF AGRICULTURE

A non-refundable fee of \$10.00 per bid package will be assessed.
Certified Check, Cashier's Check, Cash will be accepted. No personal or company check.
Payment for bid package picked up after 3:00 pm will not be accepted.

INVITATION FOR BID

BID NO: GSA-095-13

FOR: 4x4 Sports Utility Vehicle, 5 Passenger (Latest Model)

Opening Date: June 6, 2013 **Time:** 10:00 AM

INTERESTED PARTY MAY PICK UP FORM/SPECIFICATIONS AT SAID PLACE

/s/ CLAUDIA S. ACFALLE
Chief Procurement Officer