



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2008 DEC -5 PM 2:12

02 DEC 2008

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina Bente Nuebe Na Liheslaturan Guahan
155 Hessler Street
Hagatna Guam 96910

Handwritten notes: 29-08-0915, 12/03/08, 10:30

Dear Speaker Won Pat:

I am returning herewith Bill No.378 (EC), AN ACT TO ADD A NEW CHAPTER 23 TO TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO CREATING I KUMISION GUAHAN FINE'NANA (THE GUAM FIRST COMMISSION) ON THE MILIARY MISSION IN GUAM; AND TO AMEND §2105 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REPRESENTATION OF BOTH GENDERS ON BOARDS AND COMMISSIONS," which I have vetoed.

Though I fully understand the Legislature's desire to make Guam "first" in all matters concerning the pending Guam Buildup, I am forced to veto this legislation because its passage would irrevocably compromise the work already being done to achieve that goal.

As written, this legislation would unseat all CMTF sub-committee Chairs and potentially impede or undo nearly three years of progress. In that time, the CMTF has produced Guam's revised needs assessment which reflects the financial and infrastructural needs of our island, resulting from a large and rapid increase to our population. The CMTF have also assisted in the publication of a port improvement plan, as well as the 2030 transportation plan. This is just some of the crucial work that has become the basis of our data-driven FY 2010 budget request, presently with the Office of Management and Budget.

Since its inception, the CMTF has undertaken a "Team Guam" approach to all matters concerning the Guam Buildup. Stakeholders from every sector of our community have been working diligently to understand the complex challenges facing Guam--actively seeking sustainable solutions that improve our people's quality of life.

A tangible plan to move our island forward is taking shape--as a result of each subcommittee's work. These plans include meeting pre-buildup requirements, enhancing our capacity to deal with challenges during the buildup's construction phase, and more importantly, making this buildup work first for the people of Guam and the region.

CMTF subcommittee chairs and their members represent decades of subject-matter expertise, spanning nearly every area of importance cited in this legislation. Each of them possesses the institutional knowledge and individual expertise to advocate our needs, meet our challenges and execute plans with vigor and purpose.

Every CMTF meeting has been open to the public. Every member of the legislative branch remains welcome to be an active participant in this process. Since the inception of CMTF, Senators have been named as members of the CMTF. Subcommittees can be added, membership can be expanded and a more proactive communications approach is already underway.

Like you, I share the legislature's valid need to advance issues related to Guam's political relationship with the United States, but the CMTF must not abdicate its responsibility to plan for tomorrow specifically for the buildup, while we actively work to settle the sensitive issues of our past. For nearly thirty years our island's leaders have made political status, the return of ancestral lands, Chamorro self-determination, and war reparations the basis of our federal policy agenda. These issues are of the utmost importance to me and the members of my administration, but the complexity of these issues and their importance deserve our full attention, and that is why our statutes created the Committee on Decolonization, the former Land Re-use Authority, and the congressionally empowered Sub-committee on war reparations. Though I strongly empathize with all of these concerns, our community remains divided on the approaches we must take to resolve these longstanding and complex issues. These issues must and should stand on their own merit.

The CMTF must remain focused on the tangible outcomes necessary to benefit from the Guam buildup and therefore it is not the most efficient venue for the resolution of these concerns.

We are all concerned with Guam's future, we all want to ensure the right decisions are made for our people but I cannot ignore the body of work already produced by the CMTF or its momentum going forward.

*Sins eru yan Magåhet,*

A handwritten signature in black ink, appearing to read 'W. CRUZ', with a long horizontal stroke extending to the left.

**MICHAEL W. CRUZ, M.D.**

*I Maga 'låhen Guåhan, para pa'go*

Acting Governor of Guam

cc: All Senators

Attachment

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

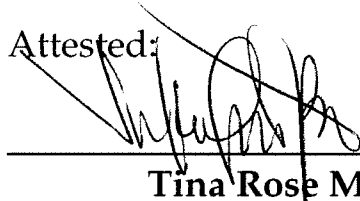
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 378 (EC)**, "AN ACT TO ADD A NEW CHAPTER 23 TO TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO CREATING I KUMISION GUÅHAN FINE'NANA (THE GUAM FIRST COMMISSION) ON THE MILITARY MISSION IN GUAM; AND TO AMEND §2105 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REPRESENTATION OF BOTH GENDERS ON BOARDS AND COMMISSIONS," was on the 21<sup>st</sup> day of November, 2008, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

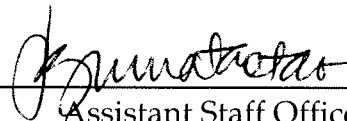
Attested:



Tina Rose Muña Barnes  
Senator and Secretary of the Legislature

.....

This Act was received by *I Maga'lahaen Guåhan* this 25 day of Nov., 2008, at 09:41 o'clock A.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

**VETO**

FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

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

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

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

**Bill No. 378 (EC)**

As amended on the Floor.

Introduced by:

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

**AN ACT TO *ADD* A NEW CHAPTER 23 TO TITLE 1, GUAM  
CODE ANNOTATED, RELATIVE TO CREATING *I*  
*KUMISION GUÅHAN FINE'NANA* (THE GUAM FIRST  
COMMISSION) ON THE MILITARY MISSION IN GUAM;  
AND TO *AMEND* §2105 OF TITLE 4, GUAM CODE  
ANNOTATED, RELATIVE TO REPRESENTATION OF  
BOTH GENDERS ON BOARDS AND COMMISSIONS.**

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

**Section 1. Statement of Legislative Findings and Intent.** *I Liheslaturan*

*Guåhan* finds that the people of Guam have valid concerns about our island's ongoing military buildup. Although the U.S. military presence makes a significant contribution to our island's economy and the military presence is a major factor in

1 Guam's economic growth, *I Liheslatura* also recognizes that serious concerns  
2 continue to plague our island's relationship with the Federal Government. These  
3 concerns include, but are *not limited to*, political status, ancestral lands, the right of  
4 the *Chamorro* people to self-determination, cleanup of environmental hazards,  
5 unexplained high incidences of serious health problems that may be related to  
6 military activity, and immigration.

7 *I Liheslatura* finds that our island's ideal location in the Asia-Pacific area is  
8 both its blessing and its curse. Positioned as we are within a few hours flying time  
9 from nearly two-thirds of the world's population, Guam will forever be a desirable  
10 spot for both military interests and tourism.

11 Guam's visitor industry is the island's largest employer and our most  
12 important economic engine. Of no surprise to most, is that the Federal  
13 Government is the second most important contributor to our economy and the U.S.  
14 military has long recognized Guam's strategic global position.

15 There is no question that Guam has great value to the Department of  
16 Defense, and the ongoing military buildup in Guam is an important part of their  
17 global strategy. There is also no question that the Congress holds the purse strings  
18 of the U.S. Armed Forces, and before the buildup can continue in earnest, funding  
19 of projects in Guam must receive Congressional approval.

20 Although the military classifies its bases in Guam as "overseas," our island  
21 is part of the United States and we are American citizens carrying U.S. passports.  
22 Guam is an American community and, at the very least, we deserve to be treated in  
23 the same manner as any other American community that cohabits an area with  
24 military interests.

25 *I Liheslatura* has determined that, as the U.S. military buildup in Guam  
26 continues, it is in the people of Guam's interest to have a unified front when we  
27 bring our serious concerns to the forefront in talks with Congress and the

1 Department of Defense. Guam must speak with one voice when it deals with  
2 representatives of the Federal Government in order to properly and more  
3 effectively coordinate policies affecting *or* related to Guam’s political, social,  
4 economic, environmental, and infrastructural concerns on an ongoing basis.

5 Guam’s people and government must have the goal of developing strategies  
6 to first reach greater mutual understanding and then to achieve measurable results  
7 on those concerns that directly affect the *Chamorro* people.

8 It is the intent of *I Liheslatura* that these goals are directly addressed and  
9 solutions are developed by adopting a “Team Guam” approach to issues regarding  
10 federal-local relations and the military mission in Guam.

11 It is additionally the intent of *I Liheslatura* to establish in law a commission  
12 to assume the duties of *I Maga’lahi’s* Civilian-Military Task Force created in  
13 Executive Order No. 2006-10, and to refine and deliver the “Team Guam” message  
14 that puts the needs of Guam first in coordinating all aspects of government and  
15 private sector efforts to achieve the best results possible for the people of Guam.

16 **Section 2. Creation of *I Kumision Guåhan Fine’nana* on the Military**  
17 **Mission in Guam.** A new Chapter 23 is *added* to Title 1, Guam Code Annotated,  
18 to read:

19 **“Chapter 23**

20 ***Kumision Guåhan Fine’nana* on the Military Mission in Guam**

21 **§2301. Creation of *I Kumision Guåhan Fine’nana* on the Military**  
22 **Mission in Guam.**

23 **§2302. Membership of *I Kumision*.**

24 **§2303. Eligibility; Term of Service.**

25 **§2304. Vice Chairperson; Subcommittees.**

26 **§2305. Goals and Purposes of *I Kumision*.**

27 **§2306. Quorum; Voting.**

1           **§2307. Coordination of Activities; Technical and Staff Support.**

2           **§2301. Creation of *I Kumision Guåhan Fine'nana* on the Military**  
3 **Mission in Guam.** There is hereby established a “*Kumision Guåhan*  
4 *Fine'nana* (Guam First Commission) on the Military Mission in Guam” (the  
5 *Kumision*). The *Kumision shall* replace and assume the duties of *I*  
6 *Maga'lahi's* Civilian-Military Task Force (CMTF) created in Executive  
7 Order No. 2006-10 and restructured by Executive Order 2008-09; the role  
8 and duties of the Guam Buildup Office (GBO), also established by  
9 Executive Order 2008-09; and those duties as further directed by this Act.

10           Among other things, the *Kumision shall*: (a) Be the government of  
11 Guam's single point of contact for the military expansion;

12           (b) Act as Guam's local counterpart to the Joint Guam Program  
13 Office (JGPO). All JGPO interaction with the government of Guam *shall*  
14 originate from the *Kumision*, subject to the laws of Guam;

15           (c) The *Kumision* is also tasked with monitoring all federal and  
16 international activities relative to the military expansion and providing all  
17 relevant information to *I Maga'lahi'* and *I Liheslatura*. The *Kumision* will  
18 be the initial contact point for public information, official requests, and any  
19 other inquiries regarding the buildup;

20           (d) The *Kumision* will serve as program oversight office for the  
21 Guam Buildup planning and implementation;

22           (e) The *Kumision* may manage all operational and administrative  
23 support functions for CMTF relative to the buildup as necessary;

24           (f) The *Kumision* will serve as the central clearinghouse for all  
25 communications and policy directives relative to the buildup, providing  
26 policy synchronization, oversight, and integration planning for the Guam  
27 Buildup; and

1           (g) The *Kumision shall* monitor all policies, plans and activities  
2 relative to the buildup from the U. S. Federal Government, U.S. Congress,  
3 DOD, the local government, *I Liheslatura* (Legislature), *or* any other  
4 organization regarding all relevant developments relative to the Guam  
5 Buildup.

6           **§2302. Membership of *I Kumision*.** The *Kumision shall* be  
7 composed of fifteen (15) voting members and three (3) ex-officio non-voting  
8 members:

9           (a) *I Maga'lahi shall* serve as Chairperson of the *Kumision*;

10           (b) Four (4) members of the *Kumision shall* be appointed by  
11 *I Maga'lahi*, of which one (1) *shall* be a member of the Guam  
12 Chamber of Commerce; one (1) *shall* be a member of a *Chamorro*  
13 rights organization who has been selected by the combined  
14 memberships of the various organizations; one (1) *shall* be a senior  
15 citizen who is *not* an employee of the government of Guam *or* the  
16 Federal Government at any time during his tenure on the *Kumision*,  
17 and one (1) *shall* be a member of the general public who is *not* an  
18 employee of the government of Guam *or* the Federal Government at  
19 any time during his tenure on the *Kumision*;

20           (c) Four (4) members *shall* represent *I Liheslatura*, of which  
21 one (1) *shall* be a member of and be selected by, *I Liheslatura's*  
22 minority; one (1) member *shall* be the Chairperson of the standing  
23 committee with specific jurisdiction over Federal Affairs; one (1)  
24 member *shall* be the Chairperson of the standing committee with  
25 specific jurisdiction over Military Affairs; and one (1) member *shall*  
26 be appointed by the Speaker, who may appoint himself;



1 (d) One (1) member *shall* be appointed by the Mayors  
2 Council from among the membership of the Mayors Council;

3 (e) One (1) member *shall* be appointed by the Chief Justice  
4 of the Supreme Court of Guam, who may appoint himself;

5 (f) One (1) member to represent the youth of Guam *shall* be  
6 appointed from among the qualified members of the Guam Youth  
7 Congress by the Speaker of the Youth Congress, who may appoint  
8 himself;

9 (g) One (1) member to represent *Fuetsan Famalao'an* *shall*  
10 be selected by the organization from among its membership;

11 (h) The Administrator of the Guam Economic Development  
12 and Commerce Authority *or* his designee *shall* be a member of the  
13 *Kumision*;

14 (i) The General Manager of the Guam Visitors Bureau *or* his  
15 designee *shall* be a member of the *Kumision*;

16 (j) Guam's Delegate to the United States Congress *shall* be  
17 an ex-officio non-voting member;

18 (k) The Chairperson of the Consolidated Commission on  
19 Utilities *shall* be an ex-officio non-voting member; and

20 (l) The Adjutant General of the Guam National Guard *shall*  
21 be an ex-officio non-voting member.

22 **§2303. Eligibility; Term of Service.** No person *shall* be eligible to  
23 serve as a member of the *Kumision* unless he *or* she *shall* be a citizen of the  
24 United States qualified to vote in Guam.

25 Members *shall* serve so long as they retain the positions they occupy  
26 *or* are members of the groups they represented when they were appointed.  
27 The term of any non-elected member appointed by *I Maga'lahi* *or* serving as

1 a designee *shall* expire with the term of the appointing authority *except* that  
2 any non-elected member appointed by *I Maga'lahi* or serving as a designee  
3 who is *not* present at three (3) consecutive meetings, and whose absences are  
4 unexcused, *shall* no longer be eligible to serve, and the appointing *or*  
5 designating authority *shall* name a replacement. Vacancies in membership  
6 *shall* be filled in the same manner as the original appointment.

7 **§2304. Vice-Chairperson; Subcommittees.** The *Kumision shall*  
8 choose a vice-chairperson from among the voting members of the *Kumision*.  
9 The *Kumision* may form subcommittees as necessary at its own discretion.  
10 A member of the *Kumision shall* chair each subcommittee.

11 **§2305. Goals and Purposes of *I Kumision*.** The *Kumision shall*  
12 have the following purposes:

13 (a) The formation of a “Team Guam” approach in all  
14 dealings with the Congress of the United States and the Department of  
15 Defense relative to the military buildup and relations with the Armed  
16 Forces.

17 (b) Development of a plan that envisions Guam fifteen (15)  
18 years and more into the future. The plan should take into account the  
19 needed and necessary construction, upgrades and expansion of  
20 Guam’s economy, infrastructure and government services. The plan  
21 *shall* include positions for negotiation, discussion and resolution with  
22 the Federal Government on Federal and local issues that the *Kumision*  
23 determines are of significant concern, including, but *not limited to*, the  
24 following:

- 25 (1) Political status;
- 26 (2) Return of ancestral lands;
- 27 (3) *Chamorro* self-determination;

- 1 (4) Cleanup of environmental hazards;
- 2 (5) Investigation of serious health problems possibly
- 3 related to federal activity;
- 4 (6) Immigration policies and controls;
- 5 (7) Section 30 and Compact Impact funding;
- 6 (8) Mass transit and public transportation;
- 7 (9) Utilities and telecommunications;
- 8 (10) Public education;
- 9 (11) Public health;
- 10 (12) Public safety and homeland security;
- 11 (13) Protecting the environment;
- 12 (14) Economic development; and
- 13 (15) War reparations.

14 (c) Conducting local scoping hearings and town meetings on  
15 each aspect of the military buildup.

16 (d) Meeting with Federal officials and representatives and  
17 serving as the focal point for all discussions with the Federal  
18 Government on the military buildup.

19 (e) Seeking Federal funding and grants-in-aid to achieve the  
20 goals and objectives of the *Kumision*.

21 (f) To participate in the procurement process, to include, but  
22 *not be limited to*, the development of scope of work, the selection and  
23 evaluation process, and to provide *I Maga'lahaen Guahan* with a  
24 recommendation for an award of contract with any procurement by  
25 the government of Guam associated with the military buildup.

26 **§2306. Quorum; Voting.** Eight (8) members of the *Kumision shall*  
27 be required for a quorum. *No meetings shall be held if a quorum is not*

1 present. Eight (8) affirmative votes are required for passage of any  
2 *Kumision* motion *or* resolution.

3 **§2307. Coordination of Activities; Technical and Staff Support.**

4 All government of Guam departments and agencies *shall* extend their full  
5 cooperation to the *Kumision*, and *shall* coordinate activities associated with  
6 the military buildup with the *Kumision*.

7 The members of *I Maga'lahi's* Civilian-Military Task Force created  
8 in Executive Order No. 2006-10 and amended by Executive Order No. 2008-  
9 09, along with the Guam Economic Development and Commerce Authority,  
10 the Bureau of Statistics and Plans, and the staff of the GBO originally  
11 established in the Governor's Office by Executive Order No. 2008-09, *shall*  
12 provide technical and staff support to the *Kumision*.”

13 **Section 3.** §2105 of Chapter 2 of Title 4, Guam Code Annotated, is  
14 *amended* to read:

15 “**§2105. Same: Representation of Both Genders on Boards.** Each  
16 Board *or* Commission, of which at least four (4) members are appointed by *I*  
17 *Maga'lahi*, *shall* include at least two (2) members from each gender.”

18 **Section 4. Effective Date.** The provisions of this Act *shall* take effect  
19 upon enactment into Law.