

**MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2009 (FIRST) REGULAR SESSION**

Bill No. *253-30 (cor)*

Introduced By:

J.P. GUTHERTZ *Jy*

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AN ACT TO ADDRESS THE FRUSTRATING LACK OF ACTION ON THE PRIORITY CONCERNS OF GUAM RELATIVE TO FEDERAL-TERRITORIAL ISSUES BY ADDING A NEW TITLE 5 GUAM CODE ANNOTATED, DIVISION 5 PUBLIC WORKS, CHAPTER 54A, ENTITLED "PRIORITY CONCERNS TOLL BOOTHS" TO IMPOSE A TOLL ON ALL VEHICLES ENTERING AND LEAVING UNITED STATES FEDERAL GOVERNMENT PROPERTY IN GUAM UNTIL ALL AMOUNTS DUE TO THE PEOPLE OF GUAM ARE FULLY REIMBURSED, AND TO ADD A NEW § 51821 (a) TO ARTICLE 8 OF CHAPTER 51 OF TITLE 10 OF THE GUAM CODE ANNOTATED TO AUTHORIZE THE USE OF \$5,000,000 (FIVE MILLION DOLLARS) IN EXCESS BOND PROCEEDS FOR THE PURPOSE OF BUILDING TEMPORARY TOLL-BOOTHES ON ALL ROADWAYS LEADING INTO AND FROM MILITARY FACILITIES IN GUAM.

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

2 **Section 1. A new Chapter 54A is added to Division 5, Public**
3 **Works, of Title 5 Guam Code Annotated to read:**

4 **"Chapter 54A**
5 **Priority Concerns Toll Booths**

6 **§54A 101. Title.**

7 **This Act shall be known and shall be cited as the "Priority**
8 **Concerns Toll Booths act of 2009."**

1 **§54A 102. Legislative Findings and Intent.**

2 *I Liheslaturan Guåhan* finds that the people of Guam have a long
3 list of priority concerns with our Federal Government that have not
4 been properly or fully addressed, and that the recent failure by the
5 Congress of the United States to pass Guam’s rightful war claims
6 legislation, despite two-thirds of a century of asking politely, the time
7 has come for decisive action in our own behalf.

8 *I Liheslatura* finds that our Federal Government wrongly
9 forgave our island’s invaders for the harsh treatment of the
10 Chamorro people during the occupation of Guam in World War II,
11 and in the ensuing 65 years has never provided adequate
12 compensation for those who were murdered, tortured, raped and
13 otherwise wrongfully treated.

14 *I Liheslatura* finds that since the Liberation of Guam in 1944, our
15 Federal Government has continued to impose its will on the people
16 of Guam relative to a number of issues, without full and adequate
17 compensation or recourse. On October 7, 2009, Congress removed the
18 Guam Loyalty Recognition Act from the 2010 Defense Authorization
19 Act, but agreed it could be placed in the 2011 Defense Authorization
20 Act. Such a move will have Congress considering an issue important
21 only to Guam during the midst of a mid-term election campaign,
22 thus lessening its chance for passage. This action relative to the Guam

1 Loyalty Recognition Act has made it clear to the people of Guam that
2 there is no real intent, desire or resolve on the part of any branch of
3 our Federal Government, to address war reparations for Guam in a
4 fair and just manner, or for due consideration of any of the other
5 issues, as enumerated in Resolution No. R30-15 adopted by *I*
6 *Liheslatura* on February 27, 2009 as follows:

7 “(a) Recognition of the right to self-determination of the
8 native inhabitants of Guam;

9 (b) The need for a just political status, and a political
10 status plebiscite;

11 (c) Resolution of the issue of unreturned ancestral lands
12 by way of a return of lands, either the actual land involved, or
13 equivalent parcels;

14 (d) Implementation of War Reparations recommendations
15 as provided for in the Guam Loyalty Recognition Act;

16 (e) Necessary funding, as identified by the Guam First
17 Commission, that is needed to meet capital infrastructure
18 obligations imposed on Guam as a result of the ongoing
19 buildup of U.S. military forces, including, utilities, educational
20 facilities and healthcare facilities;

21 (f) Inclusion in the Supplemental Security Income (SSI)
22 program for the disabled, which applies to all fifty (50) States

1 and the Commonwealth of the Northern Mariana Islands
2 (CNMI), but *not* to Guam;

3 (g) Exemption from the Jones Act, which has an adverse
4 impact on our cost of living, and Guam being the only insular
5 area fully affected by this Act;

6 (h) Removal of funding caps on Medicaid and Public
7 Assistance programs mandated by the federal government;

8 (i) Full reimbursement for impact costs of the Compacts
9 of Free Association on our government resources;

10 (j) The provision of sufficient health care resources to
11 address the needs of Guam's Veterans and all of Guam's
12 families;

13 (k) Cleanup of environmental hazards that were created
14 or augmented by the federal government, and environmental
15 protections;

16 (l) Investigation and treatment of serious health problems
17 related to federal activity, including, "downwinders," those
18 individuals who resided in Guam at the time of nuclear
19 weapons testing in the Pacific;

20 (m) Full participation in the new Administration's
21 economic stimulus legislation, especially as it relates to public
22 facilities, structures and infrastructure projects and public

1 safety facilities;

2 (n) Greater participation in federal mass transit and other
3 public transportation programs;

4 (o) Establishment of a secure Guam-only Visa Waiver
5 program for visitors, in order to foster growth in our tourism
6 economy;

7 (p) Assistance with other economic development
8 initiatives; and

9 (q) Reimbursement of the Earned Income Tax Credits
10 (EITC) paid or owed to Guam tax filers by the government of
11 Guam since the inception of the program and payment of all
12 future EITC payments and obligations.”

13 It is therefore the intent of *I Liheslaturan Guåhan* to collect
14 reimbursements from our Federal Government by charging a toll on
15 vehicles of the Federal Government, those driven by Federal
16 employees, by Federal contractors, by businesses providing goods
17 and services, and by members of the Armed Forces, including
18 dependents, that leave and enter any Federal facilities in Guam, until
19 such time as all amounts due to the people of Guam are fully
20 reimbursed and all inequities in the treatment of the American
21 citizens of Guam relative to Federal laws have been addressed, at
22 which time the toll booths shall be dismantled.

1 **§ 54A 103. Priority Concerns Toll Booths.** The Department of
2 Public Works (hereinafter “The Department”) shall construct, or
3 cause to be constructed, Priority Concerns Toll Booths (hereinafter
4 “Toll Booths”) on each of the roadways leading into and from all
5 Federal facilities in Guam. All vehicles intending to enter or leave
6 Federal facilities in Guam *shall* pass through the toll area. The
7 Department shall provide for the operations of such Toll Booths on a
8 24-hour daily basis.

9 **§54A 104. Determination of Fees and Exemptions.** The Guam
10 First Commission (*I KUMISION GUÅHAN FINE’NANA*) or its
11 successor shall determine the toll fees per type of vehicle. In the
12 absence of the *Kumision* or successor, *I Liheslatura’s* standing
13 committee dealing with Federal issues shall determine fees and
14 exemptions. Fees shall reimburse the people of Guam for amounts
15 due from the Federal Government as provided in this Chapter 54A,
16 and shall also fund the operations and maintenance of the Toll
17 Booths on a 24-hour daily basis. Exemptions from the toll shall be
18 limited to emergency vehicles, military/federal retirees who are
19 residents and not employed by the Federal Government, residents of
20 Guam who are not employed by the Federal Government, and such
21 other exemptions as determined by *I Kumision.*”

1 **Section 2. A new § 51821 (a) is added to Article 8 of Chapter 51 of**
2 **Title 10 of the Guam Code Annotated to read:**

3 **“§ 51821 (a). Additional payments that shall be made out of**
4 **proceeds of bonds. The amount of Five Million Dollars (\$5,000,000)**
5 from the proceeds of grants and loans given to the government of
6 Guam from the United States Department of Agriculture for the
7 purposes set out in § 51821 of this Article 8 of Chapter 51 of Title 10
8 of the Guam Code Annotated, shall be subtracted from the amount
9 authorized to be paid for the purposes set out in the above cited §
10 51821, and shall be used for the following purpose:

11 **(1.) Construction of toll booths for all lanes on all**
12 **roadways that cross from property leased or owned by the**
13 **Government of Guam into property leased or owned by the**
14 **United States Federal Government or any entity of the United**
15 **States Federal Government. Such funds shall be managed in the**
16 **following manner:**

17 **i. The Department of Administration (DOA) shall establish**
18 **an account separate and apart from any other funds**
19 **within the Government of Guam, for the sole purpose of**
20 **construction of such toll booths as may be determined by**
21 **the Department of Public Works (DPW). Such funds shall**
22 **not be co-mingled with any other funds or accounts, and**

1 such funds shall only be utilized for expenditures relative
2 to the design, engineering, construction and equipping of
3 such toll booths as determined by DPW.

4 **ii.** Such funds shall be available to DPW for a period of four
5 (4) years or until all such toll booths have been
6 constructed and have become operational, whichever
7 comes first, after which time any remaining balance shall
8 revert to address the remaining purposes set out in §
9 51821 of this Article 8 of Chapter 51 of Title 10 of the
10 Guam Code Annotated.”

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