

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Resolution No. 312-30 (LS)

Introduced by:

v. c. pangelinan
Judith T. Won Pat, Ed.D.
T. C. Ada

F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Telo Taitague
Ray Tenorio

Relative to requesting that *I Maga'lahaen Guåhan* to submit a request to the Secretary of Interior to reprogram Fiscal Year 2010, and to prioritize Fiscal Year 2011, Compact Impact Funds for the lease of a temporary school facility for the students of John F. Kennedy High School.

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

3 **WHEREAS**, the United States Congress has committed and promised to
4 appropriate sums to offset the costs incurred by the Territories, inclusive of
5 Guam, due to the increased demand placed on educational and social services
6 by immigrants from the Freely Associated States; and

7 **WHEREAS**, the Compact of Free Association Amendments Act of 2003
8 authorizes the appropriation of Thirty Million Dollars (\$30,000,000), for each
9 fiscal year from 2004 to 2023, to reimburse the affected jurisdictions to aid
10 with services due to the residents from the Freely Associated States; and

11 **WHEREAS**, the basis for the reimbursement is the increased demand on
12 educational, social or public sector services, or infrastructure related to such
13 services, due to the residence of qualified non-immigrants from the Republic
14 of the Marshall Islands, the Federated States of Micronesia, and the Republic
15 of Palau; and

16 **WHEREAS**, the Guam Department of Education operates our schools
17 with student populations that *exceed* legislatively-mandated capacity
18 limitations; and

19 **WHEREAS**, the John F. Kennedy High School was condemned and
20 closed in June 2008, forcing over five thousand (5000) students to utilize
21 George Washington High School; and

1 **WHEREAS**, in June 2009, the Honorable Felix P. Camacho, *I Maga'lahen*
2 *Guåhan*, entered into a long-term lease agreement to temporarily house the
3 John F. Kennedy High School students, subject to the availability of funds,
4 during the construction of a new permanent facility located on the old *Tumon*
5 campus, as mandated by *I Mina'Bente Nuebi Na Liheslaturan Guåhan*; and

6 **WHEREAS**, the procurement of construction for the new John F.
7 Kennedy High School is delayed by multiple bid award protests; and

8 **WHEREAS**, the existing lease for the temporary John F. Kennedy High
9 School is desired by the Guam Department of Education for School Year 2010
10 - 2011; and

11 **WHEREAS**, the Guam Department of Education desires capital
12 improvements to the temporary John F. Kennedy High School for School Year
13 2010 – 2011, which will increase the cost of said lease; and

14 **WHEREAS**, the Executive Budget request for Fiscal Year 2011 *did not*
15 include any tax credits, rebates or offsets used for the purposes of funding the
16 temporary John F. Kennedy High School for School Year 2010 – 2011, as
17 mandated by Section 6 of Public Law 30-37; and

18 **WHEREAS**, the Executive Budget request for the Department of
19 Education for Fiscal Year 2011 is the same as the DOE's appropriation levels
20 in the Fiscal Year 2010 budget; and

1 **WHEREAS**, the Executive Budget request for the Department of
2 Education for Fiscal Year 2011 is silent about the funding of the temporary
3 John F. Kennedy High School; and

4 **WHEREAS**, in the Fiscal Year 2011 Executive Budget request, either the
5 temporary John F. Kennedy High School is *not* funded, or the operations
6 budget for the Department of Education is reduced from Fiscal Year 2010
7 levels; and

8 **WHEREAS**, in the interest of harmony for the people of *Guåhan*, it is
9 prudent for *I Maga'lahi* and *I Liheslatura* to prioritize the Fiscal Years 2010 and
10 2011 allocation of Compact Impact Funds first to our obligation to fund the
11 Lease Back commitment for the construction of school facilities for the
12 Department of Education; and

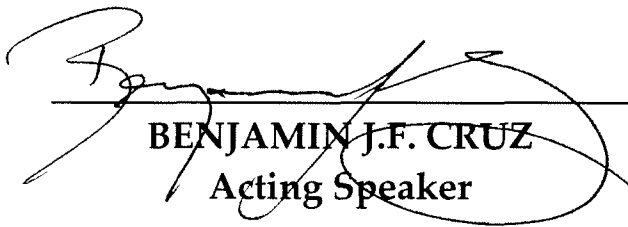
13 **WHEREAS**, in the interest of avoiding double sessions for the John F.
14 Kennedy and George Washington students, the next highest priority
15 allocation of Compact Impact Funds should be the lease for the temporary
16 John F. Kennedy High School, inclusive of any additional leasehold
17 improvements; now, therefore, be it

18 **RESOLVED**, that *I Mina'Trenta na Liheslaturan Guåhan* does hereby, on
19 behalf of the people of Guam, request that the Honorable Felix P. Camacho, *I*
20 *Maga'lahen Guåhan*, submit for consideration an amended Fiscal Year 2010
21 allocation of Compact Aid Funds, to include the lease cost of the temporary
22 John F. Kennedy High School, to the Secretary of Interior; and be it further

1 **RESOLVED**, that *I Mina'Trenta na Liheslaturan Guåhan* does hereby, on
2 behalf of the people of Guam, request that the Honorable Felix P. Camacho, *I*
3 *Maga'lahaen Guåhan*, include the lease cost of the temporary John F. Kennedy
4 High School in his annual request for the Fiscal Year 2011 allocation of
5 Compact Aid Funds to the Secretary of Interior; and be it further

6 **RESOLVED**, that the Speaker certify, and the Legislative Secretary
7 attest to, the adoption hereof, and that copies of the same be thereafter
8 transmitted to Mr. Anthony Babauta, Deputy Assistant Secretary of the
9 United States Department of Interior's Office of Insular Affairs; to the
10 Honorable Madeleine Z. Bordallo, Guam's Congressional Delegate, U.S.
11 House of Representatives; and to the Honorable Felix P. Camacho, *I*
12 *Maga'lahaen Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTA NA LIHESLATURAN GUÅHAN* ON THE 19TH DAY OF MARCH 2010.


BENJAMIN J.F. CRUZ
Acting Speaker


TINA ROSE MUÑA BARNES
Legislative Secretary