

**MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session**

Resolution No. *36 (COR)*

Introduced by:

F. F. Blas, Jr. *FB*

B. J.F. Cruz *BFC*

J. V. Espaldon *JVE*

2009 FEB -5 PM 4:38 *SPM*

**Relative to earnestly requesting the President of the United States of America, the Secretary of the Department of Interior and members of the United States Congress to seriously consider the urgency of and expeditiously act on reimbursing Guam for the amounts unpaid resulting from the increased demands for educational and social services by Freely Associated States citizens and their off-spring who emigrated to Guam as permitted by the Compacts of Free Association.**

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

3 **WHEREAS**, the governments of the United States of America, the Federated  
4 States of Micronesia, and the Republic of the Marshall Islands freely entered into a  
5 binding treaty through the enactment of United States Public Law 99-239 known as  
6 the Compact of Free Association Act of 1985; and

7 **WHEREAS**, the government of the United States of America and the Republic  
8 of Palau entered into another binding treaty through the enactment of United Sates  
9 Public Law 99-658 and known as the Compact of Free Association Act of October 1,  
10 1994; and

1           **WHEREAS**, during the negotiations and discussions leading to the formulation  
2 of the Compacts of Free Association, Guam was never consulted or invited to discuss  
3 the possible consequences of the treaties; and

4           **WHEREAS**, Title 1, Article IV, Section 141(a) of the Compacts of Free  
5 Association permits actions of Freely Associated States to enter, reside, and attend  
6 school in the United States as a non-immigrant aliens without regard to the United  
7 States laws regarding passport, visa or work permit requirements, thereby entitling  
8 FAS citizens to participate in U.S. education, welfare and social programs; and

9           **WHEREAS**, in 1985 and prior to the implementation of the Compacts of Free  
10 Association, the U.S. House Committee on Interior and Insular Affairs reported that  
11 upon passage of the Act(s), Guam should expect large numbers of migrants of FAS  
12 citizens with corresponding demands upon public service; and

13           **WHEREAS**, in anticipation of the increased demands for services resulting  
14 from the migration of FAS citizens, Congress included provisions in the Acts to  
15 mitigate the adverse consequences; and

16           **WHEREAS**, Title I, Section 104(e)(1) of Public Law 99-239 stated that “*in*  
17 *approving the Compact (of Free Association), it is not the intent of Congress to cause*  
18 *any adverse consequences for the United States territories and commonwealths or the*  
19 *State of Hawaii*”; and

20           **WHEREAS**, Title I, Section 104(e)(4) of Public Law 99-239 states that “*if*  
21 *adverse consequences to the United States territories and commonwealths of the State*  
22 *of Hawaii result from the implementation of the Compact of Free Association, the*  
23 *Congress will act sympathetically and expeditiously to redress those adverse*  
24 *consequences*”; and

25           **WHEREAS**, Title I, Section 104(e)(6) of Public Law 99-239 states that “*there*  
26 *are hereby appropriated for fiscal years beginning after September 30, 1985, such*  
27 *sums as may be necessary to cover costs, if any, incurred by the State of Hawaii, the*

1 *territories of Guam and American Samoa, and the Commonwealth of the Northern*  
2 *Mariana Islands resulting from any increased demands placed on educational and*  
3 *social services by immigrants from the Freely Associated States”;* and

4 **WHEREAS**, numerous resolutions and letters have been presented by previous  
5 local and regional legislative bodies, and assemblies of the Western Chief Executives  
6 to members of previous U.S. Congresses, previous U.S. Presidents, and previous  
7 appropriate Secretaries requesting reimbursement of unpaid Compact impact costs;  
8 and

9 **WHEREAS**, in 2003, United States Public Law 108-188 was enacted and  
10 provided a mechanism to reconcile the unreimbursed amounts, however, the funds  
11 necessary to go forward with the reconciliation were never appropriated and the costs  
12 were not reimbursed; and

13 **WHEREAS**, in anticipation of the reconciliation as provided in Public  
14 Law 108-188, Guam prepared a report in April 2004 detailing its unpaid Compact  
15 impact costs in the amount of Two Hundred Sixty Nine Million, Three Hundred  
16 Thirteen Thousand, One Hundred Nineteen Dollars (\$269,313,119) for Fiscal Years  
17 1986 – 2003; and

18 **WHEREAS**, in January 2008, the government of Guam submitted another  
19 report that detailed the unpaid Compact impact costs for Fiscal Years 2004 – 2007 to  
20 be One Hundred Thirty One Million, Eight Hundred Seventy Four Thousand, Eight  
21 Hundred Ninety Dollars (\$131,874,890); and

22 **WHEREAS**, the Department of Interior has not contested nor objected to the  
23 amounts detailed in either the 2004 or 2008 reports; and

24 **WHEREAS**, neither the 2004 nor the 2008 report include the displacement  
25 costs or the amounts owed to FAS citizens for Earned Income Credit; and

26 **WHEREAS**, an adverse consequence caused by the increased demand and  
27 continued failure of the U.S. government to fully reimburse the government of Guam

1 for its Compact impact costs is the inability of the government of Guam to pay its  
2 debts to service contractors and retirees, and to provide tax refunds in a timely  
3 manner; and

4 **WHEREAS**, there are thousands of Guam residents, FAS citizens included,  
5 who could use the money owed to them by the government to purchase medicines, to  
6 obtain better healthcare, to buy education supplies, or just to put food on their table;  
7 and

8 **WHEREAS**, the increasing unreimbursed Compact impact costs have greatly  
9 contributed to the financial crisis of the government of Guam and that full  
10 reimbursement will greatly assist in the government of Guam's fiscal recovery efforts;  
11 and

12 **WHEREAS**, although Public Law 29-129, passed by the 29<sup>th</sup> Guam Legislature  
13 and signed into law by Governor Felix P. Camacho on December 31, 2008 directs the  
14 Attorney General of Guam to initiate all appropriate legal actions necessary for the  
15 recovery of Compact impacts reimbursement from the Federal government, there  
16 remains the optimism and hope that the new Congress and the incoming  
17 Administration led by an understanding, compassionate, and committed President will  
18 finally take action in reimbursing Guam for its costs, thereby negating the need to sue;  
19 now, therefore, be it

20 **RESOLVED**, that *I Mina'Trenta na Liheslaturan Guåhan*, does hereby on  
21 behalf of the people of Guam express its extreme disappointment with the United  
22 States Government for its continued failure to appropriately and fully reimburse the  
23 government of Guam for its Compact impact costs; and be it further

24 **RESOLVED**, that *I Mina'Trenta na Liheslaturan Guåhan*, does hereby on  
25 behalf of the people of Guam earnestly request that the President of the United States  
26 and the Secretary of the U.S. Department of Interior commit their unwavering support  
27 and assistance to reimburse the amounts owed to the government of Guam for costs

1 resulting from increased demands placed on educational and social services by  
2 immigrants and their off-spring from the Freely Associated States; and be it further

3 **RESOLVED**, that *I Mina'Trenta na Liheslaturan Guåhan*, does hereby on  
4 behalf of the people of Guam also earnestly request the United States to act  
5 sympathetically and expeditiously to redress the adverse consequences caused and  
6 appropriate the amounts necessary to fully reimburse the government of Guam for the  
7 unpaid Compact impact costs incurred from Fiscal Years 1986 to 2007; and be it  
8 further

9 **RESOLVED**, that the Speaker and the Legislative Secretary attest to the  
10 adoption hereof and that copies of the same be thereafter transmitted to the Honorable  
11 Nancy Pelosi, Speaker of the United States House of Representatives; to the  
12 Honorable Madeleine Z. Bordallo, Chairperson and members of the House  
13 Subcommittee on Insular Affairs, Oceans and Wildlife; to the Honorable Dave Obey,  
14 Chairperson and members of the House Committee on Appropriations; to the  
15 Honorable Joseph R. Biden, President of the Senate; to the Honorable Jeff Bingaman,  
16 Chairman of the Senate Committee on Energy and Natural Resources; to the Honorable  
17 Ron Wyden, Chairman of the Subcommittee on Public Lands and Forests; to the  
18 Honorable Barack H. Obama, President of the United States of America; to the  
19 Honorable Ken Salazar, Secretary of the Department of Interior; and to the Honorable  
20 Felix P. Camacho, *I Maga'lahaen Guåhan*, Governor of Guam.