

## The Government of Guam and Possible Approaches to Managing the U.S. Military Expansion and Integration Activities

A framework of Guam Core Values and Guam Guiding Governing Principles and Practices has been identified in order for the Governor of Guam to ensure that the people, culture, and Government achieve the greatest level of participation in the process and reap the greatest benefits during the U.S. Military Expansion Activities.

<b>GUAM CORE VALUES FOR U.S. MILITARY EXPANSION</b>	<b>GUAM GUIDING GOVERNING PRINCIPLES AND PRACTICES FOR U.S. MILITARY EXPANSION</b>
<i>These core values represent the commonly held manner through which the U.S. military and others should treat and work with the people and Government of Guam to achieve mutually interdependent interests and needs.</i>	<i>These guiding principles and practices represent the key leadership, managerial, and programmatic goals that need to be achieved by the Government of Guam in conjunction with the U.S. military and others involved in the U.S. Military Expansion</i>
<ul style="list-style-type: none"> <li>• Respect and Recognition</li> <li>• Collaborative Planning and Partnerships</li> <li>• Communication and Dialogue</li> <li>• Investment and Accountability</li> </ul>	<ul style="list-style-type: none"> <li>• Parity, Representation, Advocacy and Negotiation</li> <li>• Master Planning</li> <li>• Logistics and Coordination</li> <li>• Communication</li> <li>• Accountability and Law Enforcement</li> </ul>

A key question remains as to how the Governor of Guam can best establish a shared commitment to these core values and implement these governance principles and practices? Should it be pursued through and created directly by the Governor for the executive branch of which he is the chief executive? Should a legislatively established approach be taken? It is possible to view these steps as complementary, given the interests of time and related business already underway; and that an approach established by the Governor becomes a transition model for future legislation. Two alternatives, complementary in many ways, are presented for consideration: one established by the Governor to expedite the need for Government of Guam leadership, management, coordination, communication and planning as the U.S. Military Expansion is already underway; and a second approach requiring legislation. The first approach may also be considered a transition model for enacting a legislated approach if necessary.

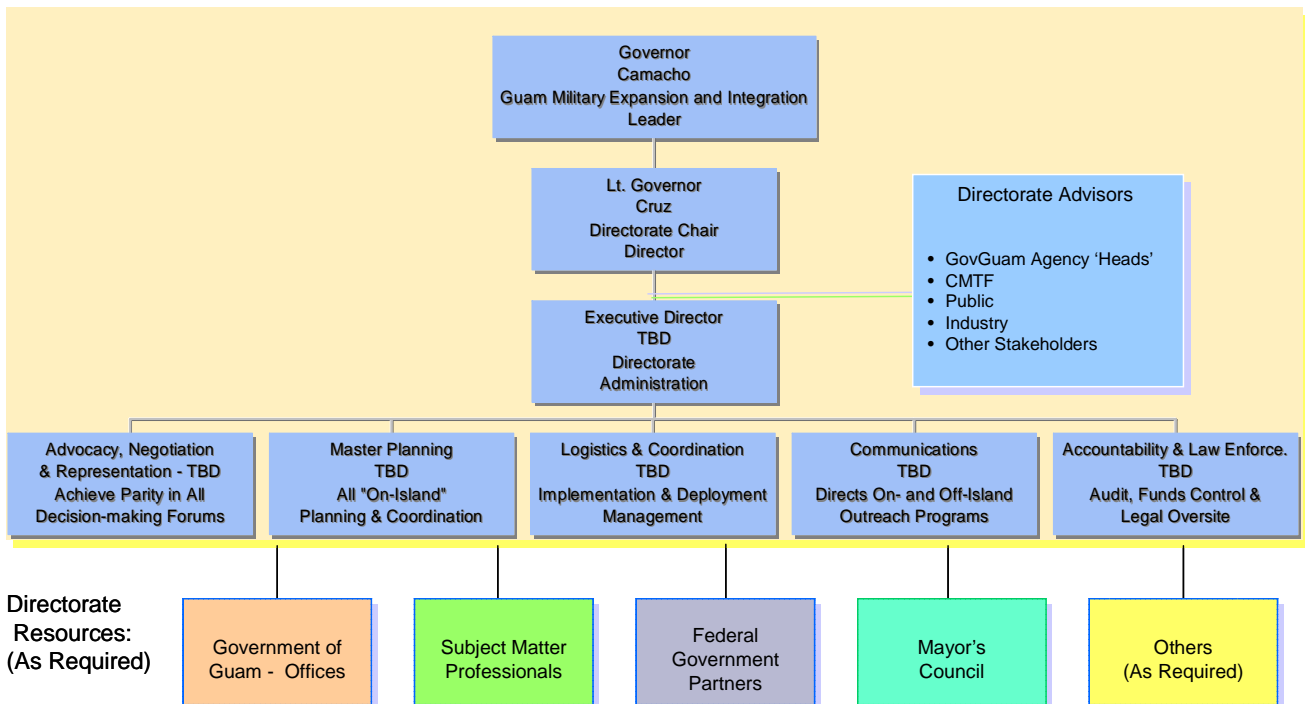
**Alternatives for Leading and Managing the Government of Guam to Meet the Needs and Serve the Interests of the People of Guam During the U.S. Military Expansion.**

*Common to whatever approach is taken is the belief that such a program should be solely and exclusively focused on the business and mission of Guam and the U.S. Military Expansion. Furthermore, that the leadership, management, operations and objectives reflect a single, focused, centralized, transparent, and collaborative approach.*

**1. Established by the Governor:** The Government of Guam Directorate for the transition of Military Expansion and Integration Activities.

**Purpose**

- To be established by the Governor of Guam to enable the Government and people of Guam, together with the U.S. Military and Federal Government to achieve mutual success through these guiding principles:
  - Respect and recognition
  - Collaborative planning and partnerships
  - Communication and dialogue
  - Investment and Accountability



2. **Established through Legislation:** The Guam Central Commission on the U.S. Military Expansion and Integration Activities (See Legislative Framework which follows below)

## **Guam Central Commission for Military Expansion and Integration Activities**

### **Section 1. Short Title**

This Act may be cited as the "Guam Central Commission for Military Expansion and Integration Activities Act."

### **Sec. 2. Findings, Declarations, and Purposes**

(a) FINDINGS AND DECLARATIONS -- The Guam Legislature finds and declares that --

(1) The United States Government is undertaking a substantial and historically unprecedented expansion of the United States military population, presence, and United States national security strategy on Guam that will have a significant impact on Guam, including its people, government, resources, environment and ecology, economy, and homeland security.

(2) The Government of Guam needs a single, focused, centralized and collaborative agency within the executive branch of its government to effectively participate in the process of the military expansion and integration activities, provide leadership, represent the people of Guam and assist in the monitoring, policy making, planning, preparation, and coordination with the United States Government, the military of the United States, the United States Congress, and all other people, organizations and/or countries involved on Guam.

(3) The Government and people of Guam need such a single, focused, centralized and collaborative agency that operates continuously and independent of any elected term of office.

(4) The Guam Legislature needs to participate in the process related to the military expansion and integration activities in order to effectively perform its official role and responsibilities relating to the laws, policies, structure and operations, oversight and accountability, and related activities of Guam and its government.

(5) The Government and people of Guam need a single, focused, centralized and collaborative agency that is independently established, professionally staffed, and politically neutral.

(6) All stakeholders and interested parties need a single, focused, centralized and collaborative agency that provides information and communications about the military expansion and integration activities.

(7) The Government of Guam and the people of Guam needs a single, focused, centralized and collaborative agency in order to continue, plan, and coordinate ongoing and future governmental functions and activities, and prepare and transition to meet new, increased, and changing challenges and needs on Guam as a result of the military expansion.

(8) The Government of Guam needs a single, focused, centralized and collaborative agency to study, report, and recommend to the Governor, Legislature, and Government agencies of Guam about increased powers, authorities, and programs to identify and enforce the law against fraud and abuse.

### **Sec. 3 Definitions**

### **Sec. 4 Establishment, Functions, Authorities and Powers**

(a) **IN GENERAL** -- There is established as an independent agency the **Guam Central Commission on Military Expansion and Integration Activities** (“Guam Central Commission”).

(b) **PURPOSE** – The purpose of the “Guam Central Commission” is to serve as single, focused, and centralized agency to enable the Government of Guam and its people to participate in the process of the military expansion and integration activities by and representing the people of Guam and assisting in the monitoring, policy making, planning, preparation, and coordination with the United States Government, the military of the United States, the United States Congress, and all other people, organizations and/or countries involved on Guam.

(c) **FUNCTIONS** – The Guam Central Commission shall represent the Government of Guam, serving as the principal point of contact and program oversight office, to participate with, liaise to, and communicate with the people and Government of Guam, departments and agencies of the United States Government, the United States military, specific military organizations and entities including but not limited to the Joint Guam Program Office (JGPO), The Navy Facilities and Engineering Command (NAFAC); the Government of Japan, and any organizations or people involved in the military expansion and integration activities on Guam.

Functions shall include, but are not limited to fulfilling the strategic and tactical purposes of:

- **Accountability and Monitoring**
  - Information Collection and Knowledge Management
  - Audit and Evaluation
  
- **Collaborate to Achieve Parity through Representation and Participation, Information Sharing, and Advocacy with External Parties including the U.S. Government, U.S. Military, Japan, and Industry, Nongovernmental Organizations, etc.**
  - Leadership
  - Representation
  - Advocacy
  
- **Master Planning, Policy Development and Strategy**
  - Policy
  - Evaluation and Studies
  - Research and Reports
  - Strategic Planning
  - Establishment of Guam 2020, a long range planning organization for the Government and people of Guam.
  
- **Negotiation**
  - Facilitation
  - Conflict Management
  - Dispute Resolution
  
- **Management and Logistics**
  - Liaison to Government of Guam agencies and functions
  - Logical Coordination with Government of Guam agencies and functions
  
- **Public Information and Communication**
  - Public Liaison
  - Ombudsman

- **Financial Resources, Economic Activity, and Industrial Planning**
  - Grants and Procurement
  - Taxation and other Government of Guam Revenues
  - Economic Impact
  - Commercial Activity
  
- **Government of Guam Transition, Response, Adaptation, Transformation**
  - Ongoing needs assessment
  - Organizational and resources planning and recommendations
  - Studies, reports and recommendations to enable the Government of Guam and its specific agencies and law enforcement offices to address, identify and enforce the laws governing accountability, fraud and abuse.

**(d) AUTHORITIES AND POWERS**

**Sec. 5 EXECUTIVE DIRECTOR AND APPOINTMENT** -- (a) (1) The Governor, by and with the advice and consent of the Guam Legislature, shall appoint, without regard to political affiliation, an Executive Director of Guam Central Commission to serve as *chief executive and chief operations officer* of the “Guam Central Commission”.

(2)The Governor shall make the nomination for Executive Director of the “Guam Central Commission” not later than 30 calendar days after the date of enactment of this Act.

(3) If the Guam Legislature votes not to confirm a nomination for Executive Director of the Guam Central Commission, the Governor shall make an additional nomination not later than 30 calendar days thereafter.

(4) The nomination by the Governor for the Executive Director of the “Guam Central Commission” shall be a distinguished person of high professional reputation, knowledge and experience with regard to the people and Government of Guam, its history and culture, and the United States Government and who are capable of providing executive leadership and establishing and maintaining collaborative relationships at all levels and with all stakeholders.

(b) The Executive Director shall be responsible for directing and coordinating the establishment of the office, hiring the professional staff and employees, and is responsible for the management and activities of the Guam Central Commission.

**SEC. 6 PROFESSIONAL STAFF AND EMPLOYEES** – (1) The Executive Director shall oversee the establishment of the office and hiring of employees who shall have the

professional experience and credentials to perform the functions of the Guam Central Commission (2) and may include existing employees of the Government of Guam that serve the Guam Central Commission on a reimbursable temporary “detail” or related basis.

**SEC. 7 ADVISORY BOARD -- Chair, Members, Appointments** – (1) There shall be an Advisory Board to the “Guam Central Commission.” The Advisory Board will be comprised of:

- The Governor shall serve as Chair, and in his or her absence the Lt. Governor shall serve as Chair;
- The Governor shall appoint four agency or department heads from the Government of Guam to the Advisory Board
- The Guam Legislature shall appoint two Members of the Guam Legislature to the Advisory Board, of different political parties
- The Executive Director of the “Guam Central Commission”
- The Governor shall appoint one public member of the Advisory Board to serve a fixed term of one year;
- The Guam Legislature shall appoint one public member of the Advisory Board to serve a fixed term of one year
- The U.S. Representative of Guam to Congress shall serve as an Ex Officio Member of the Advisory Board
- The Deputy Assistant Secretary for Territories of the U.S. Department of Interior shall serve as an Ex Officio Member of the Advisory Board

(2) (A) Appointments to the Advisory Board shall be made within 30 days of establishment of the Guam Central Commission.

(B) Appointments to fill vacancies to fixed terms on the Advisory Board shall be made 60 days before the end of the fixed term; appointments to fill other vacancies shall be made within 30 days of the announcement of vacancy.

(C) Additional members of the Advisory Board shall be authorized by a majority vote of the Advisory Board Members.

(3) The Advisory Board shall convene within 30 days of the completion of the appointments and shall meet monthly, and at other times.

**SEC. 8 – ACCOUNTABILITY, OVERSIGHT, AND ENFORCEMENT OF FRAUD, WASTE, AND ABUSE** – (1) The Guam Central Commission shall establish within 30 days an “*Accountability, Oversight, and Enforcement Council*” to address the potential and

needs related to accountability, oversight of fraud and abuse, and enforcement as a result of the military expansion and integration activities.

(2) The “Accountability, Oversight, and Enforcement Council” will be chaired by the Attorney General of Guam, and the vice chair shall be the Public Auditor of Guam.

(3) The purpose of the “Accountability, Oversight, and Enforcement Council” is to prepare and issue a study, assessment, and recommendations to the Governor and the Guam Legislature that identifies the potential increased need for accountability, oversight, enforcement authority and relevant resources to address the potential for increased fraud, waste, and abuse and related concerns as a result of the military expansion.

(4) The “Accountability, Oversight, and Enforcement Council” shall include the heads and officials for representative agencies and programs of the Government of Guam responsible for accountability, oversight, and enforcement related to fraud, waste, and abuse (e.g including but not limited to the Attorney General, Public Auditor, government offices related to labor, the environment, business regulation); and, shall have the power to obtain information from or include as members or ex officio members, representatives from federal and state Offices of Inspectors General, auditors, the U.S. Government Accountability Office, and other specialists.

(5) The “Accountability, Oversight, and Enforcement Council” shall issue its report constituting an assessment and recommendations for appropriate authority, capacity, and resources related to conducting Accountability, Oversight and Enforcement to the Governor of Guam and the Guam Legislature within 60 days.

**SEC. 9 REPORTING** -- The Guam Central Commission shall publish an annual report to the Governor of Guam, the Guam Legislature and Members of the Advisory Board and simultaneously make such report available to the public.

**SEC. 10 SUNSETING OF COMMISSION** – The Guam Central Commission shall continue in operation until January 1, 2016, subject to an amendment to the Act to authorize and extend the date by the Guam Legislature in no more than two year increments.