

UFISINAN IMAGA'HÅGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND-DELIVERED/EMAIL: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)

July 1, 2019

HONORABLE TINA MUÑA BARNES  
Speaker  
*I Mina'trentai Singko Na Liheslaturan Guåhan*  
Guam Congress Building  
Hagåtña, Guam 96910

Re: *"Prutehi I Hanom Act Of 2019 – An Act To Protect The Waters Of Guam By Authorizing The Acquisition Of Specialized Legal Services, On A Contingency Fee Basis, To Assist In Actions To Ensure Clean And Safe Water On Guam."*

Dear Madame Speaker:

In my June 27, 2019 letter to you, I outlined my concerns with the PFAS chemicals in our water. I insisted that the time to act is now and that we must move with urgency to address the issue of responsibility. After discussions with Senator Therese Terlaje and Attorney General Leevin Camacho, I am convinced that our window of opportunity to assert our position in any multi-district litigation is even smaller than I had initially believed.

I have revised my bill, entitled, *"Prutehi I Hanom Act of 2019 – An Act to Protect the Waters of the Guam by Authorizing the Acquisition of Specialized Legal Services, on a Contingency Fee Basis, to Assist in Actions to Ensure Clean and Safe Water on Guam,"* to incorporate the context provided by both the Senator and the Attorney General. The revised bill is transmitted herewith for I Liheslaturan Guahan's consideration. The revisions strengthen the bill to place special focus on the issue of responsibility and define the scope of the assistance that may be sought by the Office of the Attorney General in addressing the same.

Pursuant to my authority under Section 1423h of the Organic Act of Guam, I am calling *I Liheslaturan Guahan* into special session on Monday, July 1, 2019 at 2:00 p.m., for the sole purpose of considering this bill. I am further requesting that you exercise your authority

Letter to Speaker Muña Barnes  
Re: Prutehi I Hanom Act of 2019  
Dated: July 1, 2019  
Page 2 of 2

---

pursuant to 2 G.C.A. § 2103(a) and make a determination that emergency conditions exist to justify waiver of the public hearing requirement.

*Senseremente,*



**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*

Governor of Guam

Enclosure: Proposed Bill – *Prutehi I Hanom Act Of 2019 – An Act To Protect The Waters Of Guam By Authorizing The Acquisition Of Specialized Legal Services, On A Contingency Fee Basis, To Assist In Actions Concerning PFAS Contamination On Guam.*

cc: Lt. Governor of Guam (via email)  
Attorney General of Guam (via email)

*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
2019 (FIRST) Regular Session

Bill No. 35 (COR)

Introduced by:

\_\_\_\_\_  
At the request of *I Maga'hagan Guahan*, the Governor of Guam, in accordance to the Organic Act of Guam

**PRUTEHI I HANOM ACT OF 2019 – AN ACT TO PROTECT THE WATERS OF GUAM BY AUTHORIZING THE ACQUISITION OF SPECIALIZED LEGAL SERVICES, ON A CONTINGENCY FEE BASIS, TO ASSIST IN ACTIONS CONCERNING PFAS CONTAMINATION ON GUAM.**

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

**Section 1. Title.** This Act shall be known as the Prutehi I Hanom Act of 2019.

**Section 2. Definitions.** As used in this Act:

(a) *Contingency fee* means a sum of money that a lawyer receives as a fee only if the case resolves in favor of the Government of Guam.

(b) *PFAS* means a class of chemicals known as per- and polyfluoroalkyl substances.

(c) *Legal services* means services to include those from private legal counsel, expert witnesses, and private consultants.

**Section 3. Authority.**

Notwithstanding local procurement law, the Office of the Attorney General is authorized to acquire legal services for the pursuit of legal remedies for damage(s)

1 to Guam's waters and/or wastewaters due to PFAS contamination. Such an  
2 agreement for legal services shall provide:

3 (1) that the parties agree to seek monetary and non-monetary relief, such as  
4 remedial relief, in favor of the Government of Guam; and

5 (2) that contingency fees for monetary relief shall not exceed Thirty Percent  
6 (30%) of the final monetary award obtained and that contingency fees for non-  
7 monetary relief shall be calculated at a reasonable rate and reasonable hours,  
8 as determined by the trial court.

9 Immediately upon execution of an agreement for legal services pursuant to  
10 this Act, the Attorney General of Guam shall submit such agreement to the  
11 Legislature.

12 **Section 4. Retention.** As soon as practicably possible, the Attorney  
13 General shall digitize and transmit a copy of the portions of the case file, of which  
14 disclosure is not specifically prohibited by law, to the Micronesia Area Research  
15 Center for archiving on behalf of the government of Guam. At the conclusion of this  
16 matter, the Attorney General shall submit to the Governor and the Speaker a  
17 complete written statement that describes the outcome of the matter, states the  
18 amount of any recovery, shows the computation of the amount of the contingent fee,  
19 and contains the final complete time and expense records where applicable.

20 **Section 5. Severability.** If any provision of this Act or its application to  
21 any person or circumstance is held invalid, the invalidity *shall not* affect other  
22 provisions or applications of this Act that can be given effect without the invalid  
23 provision or application and to this end the provisions of this Act are severable.