

HJR

62

HOUSE SPECIAL COMMITTEE ON INTERNATIONAL TRADE AND TOURISM

ALASKA STATE LEGISLATURE

P.O. BOX V, JUNEAU 99811  
(907) 465-2973



MEMORANDUM

TO: Representative Gene Kubina, Chair  
House State Affairs Committee

FROM: Representative Tom Moyer, Chair *TM*  
Special Committee on International Trade  
and Tourism

DATE: January 28, 1992

RE: Hearing request for HJR 62

I would like to formally request that you schedule HJR 62, relating to providing commonwealth status for Guam, at your earliest convenience.

Attached is a copy of the resolution and background information that Representative Max Gruenberg and I received from Senator George Bamba's office in Guam and from U.S. Representative Ben Blaz in D.C. I've included the Governor of Guam's presentation before the congressional hearings two years ago in Honolulu. At those hearings, Governor Joseph Ada provided an overview of Guam's commonwealth status and the history of their fight for independence.

As you may already know, Guam is an unincorporated territory of the United States and they are currently seeking self-government status. A bill in Congress, HR 98, which is referred to as the Commonwealth Act, calls for a recognition of their right to self-determination. Representative Don Young is listed as a co-sponsor of this legislation.

Under the Territorial Clause of the U.S. Constitution, Congress has plenary powers to govern the territories. This broad power also includes the power to restructure political relationships with the territories.

Please contact me or Alexis Miller, who is the staff aide for the International Trade and Tourism Committee, at 465-2973.

# HOUSE COMMITTEE REPORT

(7)

Date Referred: January 24, 1992

FURTHER REFERRALS:

Date of Committee Action: 3/11/92

The STATE AFFAIRS Committee considered:

HJR 62

HOUSE JOINT RESOLUTION NO. 62

SUPPORT COMMONWEALTH STATUS FOR GUAM

Supporting Guam in its quest for commonwealth status.

**RECOMMENDATIONS:**

be replaced with CS + HJR 62 (STA)  the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note State Affairs Note for LAAT

zero fiscal note(s) \_\_\_\_\_

SIGNING <u>DO</u> PASS	DP	<u>OTHER</u> RECOMMENDATIONS	DNP	NR	AM
<i>Eugene G. Kubera</i>					
<i>Tommy</i>	X				
<i>David Churchill</i>					
<i>John D.</i>					
<i>James J. Sale</i>	✓				
<i>Mike Miller</i>	✓				
<i>Mr. J. Greenberg</i>					

*Eugene G. Kubera*  
CHAIRMAN'S SIGNATURE

# Alaska State Legislature

Chairman  
State Affairs  
Committee

Legislative Council

Transportation  
Committee



During Session:  
State Capitol  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4859

During Interim:  
P.O. Box 2463  
Valdez, Alaska 99686  
(907) 835-2111

Representative Eugene Kubina

DATE: March 9, 1992

TO: Tam Cook, Director  
Legal Services

FROM: Representative Gene Kubina, Chairman  
House State Affairs Committee *Gene*

RE: HJR 62 (Commonwealth Status for Guam)

Please draft a State Affairs Committee Substitute (CS) for HJR 62. It should read as follows:

Be it Resolved by the Legislature of the State of Alaska:

Whereas the United States is recognized as the world leader in stimulating the pursuit of global democracy; and

Whereas the United States supports the extension of self-determination to all peoples, especially to those territories under its jurisdiction; and

Whereas the Alaska legislature supports the search by each territory governed by the United States for the political standing best suited for its people; and

Whereas the citizens of the Territory of Alaska fought long and hard for their own self-determination within the United States and eventually achieved it in 1959 with statehood; and

Whereas Alaskans recognize and identify with the desire of the people of Guam to determine their own political, social and economic future; and

Whereas the territory of Guam is attempting to establish a just political relationship between the people of Guam and the United States in the United States' political community, and is trying to allow its people to participate in this attempt; and

Whereas the Guam Territorial Legislature has obtained introduction of the Commonwealth Act of Guam in the United States Congress that would accord the Territory commonwealth status; and

Whereas there is a growing support for providing commonwealth status for Guam, as evidenced by the policy statements and resolutions of various national groups, including members of Congress and the current administration, the National Governors Association, the National Conference of State Legislatures, the Western Legislative Conference, and the United States Conference of Mayors;

Whereas the people of Guam are United States citizens and should be given all the rights afforded them in the U.S. Constitution.

Be it resolved that the Alaska State Legislature supports the people of Guam's efforts to achieve commonwealth status and a just and permanent relationship with the United States; and be it

- DISTRICT SIX -

• Chenega Bay • Chitina • Cooper Landing • Cordova • Hope • Moose Pass • Seward • Tatitlek • Valdez • Whittier •

Page Two  
Guam Resolution

Further resolved that the Alaska State Legislature urges the United States government to allow the people of Guam to determine their own political, social and economic future while retaining the protection of the U.S. Constitution.

Send copies of the resolution to the names of the people that are currently on HJR 62 and add Senator Bennett Johnston, Chair of the Senate Committee on Energy and Natural Resources. And please correct the spelling of Joe T. San Augustine, Speaker of the Twenty-First Guam Unicameral Legislature.

Thanks for your assistance.

**FISCAL NOTE**

**STATE OF ALASKA**  
**1992 LEGISLATIVE SESSION**

**BILL NO. HJR 62**

Revision Date: \_\_\_\_\_ Department Affected: Legislative Affairs Agency  
 Title: Support Commonwealth Status BRU: \_\_\_\_\_  
for Guam Component: \_\_\_\_\_

Sponsor: H) ITT Committee  
 Requestor: House State Affairs Committee COMPONENT SERIAL NO. 

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**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>						
<b>FUND SOURCE:</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS: N/A

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: House State Affairs Committee Phone: 465-4859

Division: \_\_\_\_\_ Date: 2-21-92

Approved by Commissioner: Representative Gene Kubina, Chairman

Agency: House State Affairs Committee Date: 2-21-92

Distribution (by preparer): Leg. Fir \_\_\_\_\_ Impacted Agency(ies).

# State of Alaska

House Majority Leader

COMMITTEES

HOUSE JUDICIARY  
HOUSE RULES  
HOUSE STATE AFFAIRS  
SPECIAL COMMITTEE  
MILITARY AND VET. AFFAIRS  
LEGISLATIVE COUNCIL



Representative Max F. Gruenberg, Jr.  
District 11  
Spenard, Upper Midtown Anchorage

P.O. Box V  
JUNEAU, AK 99811  
(907) 465-3718  
465-4968/4986  
(SESSION)

3111 C STREET, SUITE 424  
ANCHORAGE, AK 99507  
(907) 561-7621

February 20, 1992

MEMORANDUM

All Members  
House State Affairs Committee

SUBJECT: HJR 62, supporting commonwealth status for Guam

Dear Members of State Affairs:

It is my pleasure to wholeheartedly support HJR 62.

Guam's status does not allow the people of Guam input on political decisions made in Washington. Alaska, as a territory, experienced that distress. Alaska shares Guam's Territorial history, giving added impetus to our support of Guam's commonwealth endeavor. We have a special interest in supporting Guam's cause.

Supporting self-determination for the people of Guam is a worthy position for the 17th Legislature to take.

I urge the Committee to pass HJR 62 unanimously.

Sincerely,

  
Representative Max F. Gruenberg, Jr.

HOUSE SPECIAL COMMITTEE ON INTERNATIONAL TRADE AND TOURISM

ALASKA STATE LEGISLATURE

P.O. BOX V, JUNEAU 99811  
(907) 465-2973



MEMORANDUM

DATE: February 28, 1992

TO: Representative Gene Kubina, Chair  
House State Affairs Committee

FROM: Alexis Miller, Aide  
House Special Committee on  
International Trade and Tourism

RE: Guam Resolution Committee Substitute

Attached is a copy of the draft resolution that our office had completed prior to receiving the resolution that was drafted by Representative Max Gruenberg. Representative Moyer would like to combine our draft resolution with the current resolution, HJR 62.

Also attached is a copy of comments received from Manase Mansur, who is an aide to the House Interior and Insular Affairs Committee in Washington, D.C. Mr. Mansur has worked on this issue for many years and his comments should be incorporated into the State Affairs Committee Substitute.

Previously I had sent a copy of HJR 62 to Congressman Ben Blaz, the Guamanian representative in D.C., and he has not sent our office any changes to the resolution. However, I do think we should contact his office again. His number is (202) 225-1188.

Since the resolution is up again on Monday, I'd like to request a draft CS from Legal Services today and work on any additional changes in committee.

I think the most important change in the resolution is our support for commonwealth status, but not for the current legislation in Congress. Please contact me at 465-4930 if I can offer any assistance to your committee staff.

- o The Guam Commonwealth Act would not establish a permanent relationship between Guam and the United States because Guam wants it to require a plebiscite on the future status of Guam.
  
- o The Guam Legislature did not obtain introduction of the Commonwealth legislation which, instead, was introduced by Members of Congress (and was drafted by a interbranch Guam commission.)
  
- o Commonwealth is the name of a political entity rather than a political "status" under our Constitution.
  
- o State and local officials are not the only ones expressing support for the Guam commonwealth effort; support is also evident from statements of leading Members of Congress and the Bush Administration.
  
- o The United States Government does not need to allow the people of Guam to participate in a determination of their future status because they have the authority to make a determination of their aspirations, were invited to do so by President Carter, did so in referenda during the 1980s, and their decision has been accepted by the Bush Administration.
  
- o The Commonwealth legislation would not fulfill the people of Guam's expressed desire for a closer relationship with the United States because it would create a more distant relationship with the United States.

\* From [unclear] [unclear] House, Internal & Insular Affairs, Guam  
in [unclear], D.C.

101ST CONGRESS  
2D SESSION

# H. R. 98

To establish the Commonwealth of Guam, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1989

Mr. BLAZ (for himself, Mr. UDALI, Mr. YOUNG of Alaska, Mr. DE LUGO, and Mr. LAGOMARSINO) introduced the following bill; which was referred jointly to the Committees on Interior and Insular Affairs and Ways and Means

JULY 11, 1989

Additional sponsors: Mr. DYMALLY, Mr. RICHARDSON, Mr. HORTON, Mr. PARRIS, Mr. MONTGOMERY, Mr. LIGHTFOOT, Mr. CROCKETT, Mr. VENTO, Mr. FOGLIETTA, Mrs. VUCANOVICH, Mr. MAVBOULES, Mr. LEWIS of California, Mr. MURPHY, Mr. AKAKA, Mrs. SAIKI, Mr. BENNETT, Mr. FALEOMAVAEGA, Mr. MARTIN of New York, Mrs. UNSOELD, and Mr. GALLEGLY

DECEMBER 14, 1989

Additional sponsors: Mr. MARTINEZ, Mr. GILMAN, Mr. TORRICELLI, Mr. PAYNE of New Jersey, Mr. SMITH of Vermont, Mr. HUNTER, Mr. GARCIA, Mr. DE LA GARZA, Mr. TOWNS, Mr. CONYERS, Mr. MORRISON of Washington, Mr. PETRI, Mr. OBTIZ, Mr. RANGEL, Mr. TAUKE, Mr. NIELSON of Utah, Mr. PORTEB, Mr. LANTOS, Mr. HENRY, Mrs. BENTLEY, Mr. WOLPE, Mr. STOKES, Mr. ACKERMAN, Ms. PELOSI, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. GRAY, Mr. DORNAN of California, Mr. MANTON, Mr. TORRES, Mr. WOLF, Mr. SIKORSKI, Mr. ROYBAL, Mr. FROST, Mr. ROE, Mr. KOSTMAYER, Mr. KASICH, Mr. DWYER of New Jersey, Mr. HYDE, Mr. BILBRAY, Mr. McCLOSKEY, Mr. WALSH, Mr. BOEHLERT, Mr. MILLER of Washington, Mr. MORRISON of Connecticut, Mr. CAMPBELL of California, Mr. DOWNEY, Mr. ARNEY, Mr. BATES, Mr. SISISKY, Mr. QUILLEN, Mr. DELAY, Mr. YOUNG of Florida, Mr. FUSTEB, Mr. CLARKE, Mr. ANDERSON, Mr. EDWARDS of Oklahoma, Mr. LEWIS of Georgia, Mr. HANSEN, Ms. SLAUGHTER of New York, Mr. BILIBAKIS, Mr. MURTHA, Mr. FAUNTROY, Mr. DONALD E. LUKENS, Mr. BUSTAMANTE, Mr. DARDEN, Mr. HUGHES, Mr. BROOMFIELD, Mr. RAHALL, Mr. STALLINGS, Mr. TRAFICANT, Mr. LIPINSKI, Mr. TANNER, Mr. HUBBARD, Mr. RIDGE, Mr. DREIER of California, Mr. BAKER, Mr. COBLE, Mr. DANNEMEYER, Mr. DAVIS, Mr. FIELDS, Mr. HEFLEY, Mr. SPENCE, Mr. WELDON, Mr. PAXON, Mr. OXLEY, Mr. McEWEN, Mr. McCOLLUM, Mr. HERGER, Mrs. LLOYD, Mr. MACHTLEY, Mr. BROWN of California, Mr. CRAIG, Mr. FRANK, Mr. PACKARD, Mr. LEACH of

Iowa, Mr. SCLARZ, Mr. MINETA, Mr. CAMPBELL of Colorado, Mr. WEBER, Mr. SCHULZE, Mr. HAMMERSCHMIDT, Mr. BERMAN, Mr. ROSE, Mr. WEISS, Mr. WHEAT, Mr. HALL of Texas, Mr. MILLER of California, Mr. JONES of Georgia, Mr. HAYES of Illinois, Mr. MFUME, Mr. YATRON, Mr. GINORICH, Mr. LIVINGSTON, Mr. HANCOCK, Mr. STUMP, Mr. EMERSON, Mr. LOWEBY of California, Mr. SMITH of New Hampshire, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. BUECHNER, Mr. DEWINE, Mr. KYL, Mr. THOMAS of Wyoming, Mr. COX, Mr. GRANT, Mr. VANDER JAOT, Mr. JAMES, Mr. FAWELL, Mr. THOMAS of California, Mr. FRENZEL, Mr. ROBERT F. SMITH, Mr. CLINGER, Mr. PARKER, and Mr. STENHOLM

MAY 10, 1990

Additional sponsors: Mrs. COLLINS, Mr. SKELTON, Mr. MATSUI, Mr. ROBERTS, Mrs. MEYERS of Kansas, Mr. WHITTAKER, Mr. SAXTON, Mr. KENNEDY, Ms. SNOWE, Mr. CARPER, Mr. SANGMEISTER, Mr. SHUMWAY, Mr. FISH, Mr. McMILLEN of Maryland, Mr. RHODES, Mr. DONNELLY, Mrs. SMITH of Nebraska, Mr. GORDON, Mr. WALKER, Mr. GUNDEBSON, Mr. CRANE, Mr. McDADE, Mr. EEREUTER, Mr. CONTE, Mr. INHOPE, Mr. GONZALEZ, Mr. COURTER, and Mr. HOPKINS

Deleted sponsor: Mr. MILLER of California (added November 21, 1989; deleted April 19, 1990)

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## A BILL

To establish the Commonwealth of Guam, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Guam Commonwealth  
 5 Act".

6 SEC. 2. PREAMBLE.

7 (a) In recognition of the long-cherished aspiration of the  
 8 people of Guam to direct the course of their own destiny, and  
 9 with the belief that mutual respect, understanding, and com-  
 10 promise among people form a more perfect Union, the people

1 of the United States of America, nurtured in the ideals of  
2 liberty and democracy, conscious of their obligations under  
3 the Treaty of Paris of 1899 and the Charter of the United  
4 Nations, do hereby embrace the establishment of the Com-  
5 monwealth of Guam, ever mindful that the right of self-deter-  
6 mination and the heritage of the Chamorro people of Guam  
7 shall be protected.

8 (b) This Act reflects the will of the people of Guam to  
9 attain a greater measure of self-government in concert with  
10 the United States of America, and reaffirms the principle that  
11 governments derive their just powers only from the consent  
12 of the governed.

13 (c) To this end, the Senate and House of Representa-  
14 tives of the United States of America in Congress assembled,  
15 now adopt this Act.

16 **TITLE I—POLITICAL**  
17 **RELATIONSHIP**

18 **SEC. 101. CREATION OF THE COMMONWEALTH AND FULL**  
19 **SELF-GOVERNMENT.**

20 (a) The Island of Guam, and its adjacent islands and  
21 waters shall upon the enactment of this Act become a self-  
22 governing Commonwealth known as the "Commonwealth of  
23 Guam". This Act, the provisions of the United States Consti-  
24 tution, treaties, and laws of the United States applicable to

1 Guam, and the Constitution of Guam shall be the supreme  
2 law of the Commonwealth.

3 (b) The people of Guam shall have the right of full self-  
4 government, which shall extend to all rightful subjects of  
5 government not inconsistent with this Act and the laws of the  
6 United States applicable to Guam, and shall govern them-  
7 selves in accordance with this Act through a Constitution of  
8 their own adoption. Such Constitution shall—

9 (1) recognize, and be consistent with, the sover-  
10 eignty of the United States over Guam, and the su-  
11 premacy of the provisions of the Constitution, treaties,  
12 and laws of the United States applicable to Guam;

13 (2) provide for a republican form of government;

14 (3) provide for three branches of government; and

15 (4) contain a bill of rights.

16 (c) The Government of the Commonwealth shall have  
17 the power to sue in its own name, and, with the consent of  
18 the Legislature, may be sued upon any contract entered into  
19 with respect to, or any tort committed incident to, the exer-  
20 cise by the Government of the Commonwealth of Guam or  
21 any of its lawful powers.

22 (d) The Government of the Commonwealth of Guam  
23 shall have the power to establish, maintain, and operate a  
24 public educational system to the same extent as the several  
25 States.

1 SEC. 102. SELF-DETERMINATION AND UNITED STATES CITI-  
2 ZENSHIP RIGHTS.

3 (a) The Congress recognizes the inalienable right of self-  
4 determination of the indigenous Chamorro people of Guam,  
5 defined as all those born on Guam before August 1, 1950,  
6 and their descendants. The exercise of such right of self-de-  
7 termination shall be provided for in a Constitution of the  
8 Commonwealth of Guam.

9 (b) The Government of Guam shall ensure that, not-  
10 withstanding the provisions of the preceding paragraph, noth-  
11 ing herein shall be interpreted as depriving any qualified resi-  
12 dent of Guam of the right to participate as a voter in any  
13 referendum or plebiscite held under the ratification procedure  
14 for this Act set forth in section 1204 hereof.

15 (c) The United States Government shall, by means of  
16 additional federally funded programs, and the Commonwealth  
17 of Guam may promote—

18 (1) the maintenance and preservation of the Cha-  
19 morro language, culture, and traditions;

20 (2) the enhancement of economic, social, and edu-  
21 cational opportunities for Chamorros; and

22 (3) training of Chamorros for employment as pro-  
23 fessionals, skilled workers, and leaders in business and  
24 industry.

25 (d) The establishment of such additional programs shall  
26 not affect the continued eligibility for the benefits of existing

1 programs of members of all minority groups presently quali-  
2 fying for such programs under current law.

3 (e) Nothing in this Act or in the Constitution of the  
4 Commonwealth of Guam shall impair the United States citi-  
5 zenship of the residents of Guam or their descendants, or the  
6 entitlement of legally admitted aliens permanently residing in  
7 Guam, to the respective rights and privileges accorded to  
8 each such class of persons under the first sentence of the  
9 fourteenth amendment of the United States Constitution.

10 (f) Notwithstanding any other provisions of law or of  
11 this Act, the Commonwealth of Guam shall establish a trust  
12 to be known as the "Chamorro Land Trust" for the benefit of  
13 the indigenous Chamorro people of Guam and composed of  
14 certain lands returned by the United States before and after  
15 the effective date of this Act to the Commonwealth of Guam.  
16 Nothing in this section shall inhibit or prevent the direct  
17 return of lands to the original owners, or the establishment of  
18 leasehold arrangements with them, by the Government of the  
19 Commonwealth of Guam.

20 (g) The Constitution of the Commonwealth of Guam  
21 shall establish reasonable residency requirements for the citi-  
22 zens of such Commonwealth for the purposes of the right to  
23 vote in Commonwealth elections or to hold any elective office  
24 established by the Constitution of Guam.

1 SEC. 103. MUTUAL CONSENT.

2 In order to respect the self-government granted to the  
3 Commonwealth of Guam under this Act, the United States  
4 agrees to limit the exercise of its authority so that the provi-  
5 sions of this Act may be modified only with the mutual con-  
6 sent of the Government of the United States and the Govern-  
7 ment of the Commonwealth of Guam.

8 **TITLE II—APPLICABILITY OF**  
9 **FEDERAL LAW**

10 SEC. 201. APPLICABILITY OF UNITED STATES CONSTITUTION.

11 Those portions of the United States Constitution which  
12 apply to Guam on the effective date of this Act shall, unless  
13 specifically modified by this Act, continue to apply under this  
14 Act. In addition, the following provisions of and amendments  
15 to the Constitution of the United States shall apply to the  
16 Commonwealth of Guam and shall have the same force and  
17 effect in Guam as in the United States or in any State of the  
18 United States: Article IV, section 2, clause 2 and section 4;  
19 the tenth amendment, and the first sentence of the fourteenth  
20 amendment.

21 SEC. 202. EFFECT OF FEDERAL LAW.

22 Except as otherwise intended by this Act, no Federal  
23 laws, rules or regulations passed after the date of this Act  
24 shall apply to the Commonwealth of Guam unless mutually  
25 consented to by the United States and the Government of the  
26 Commonwealth of Guam.

## 1 SEC. 203. JOINT COMMISSION.

2 (a)(1) There is hereby created a Joint Commission on  
3 the Applicability of Federal Law (hereinafter referred to as  
4 the "Commission") to be composed of 7 members: 3 members  
5 and their successors appointed by the President of the United  
6 States and 4 members and their successors appointed by the  
7 Governor with the advice and consent of the legislature of  
8 the Commonwealth of Guam. The appointees by the Govern-  
9 ment of Guam shall be citizens of the Commonwealth of  
10 Guam who are or have been 10 years continuously resident  
11 on Guam at the time of their appointment. Said appointees  
12 shall serve at the pleasure of the President of the United  
13 States and the Governor of the Commonwealth of Guam,  
14 respectively. Any vacancy which may occur on the Commis-  
15 sion shall not affect its powers or functions but shall be filled  
16 in the same manner in which the original appointment was  
17 made. Appointments shall be made within 60 days after the  
18 effective date of this Act.

19 (2) The Commission shall adopt its own internal regula-  
20 tions to govern its procedures and may delegate authority on  
21 particular issues to some of its members.

22 (3) A majority of the Commission shall constitute a  
23 quorum for the transaction of its business. The Commission  
24 may provide for the taking of testimony, discussion of issues  
25 with members of the Federal Government or Government of  
26 Guam, and the reception of evidence at meetings at which

1 there are present not less than three members of the Com-  
2 mission. The Chairman of the Commission shall call a meet-  
3 ing to organize the Commission within 30 days after he and a  
4 majority of the members of the Commission have been  
5 appointed.

6 (b) The Commission shall—

7 (1) be used for regular consultations between the  
8 Government of the United States and the Government  
9 of the Commonwealth of Guam on all matters affecting  
10 the relationship between them;

11 (2) study existing statutes and regulations affect-  
12 ing the relationship between between Guam and the  
13 United States;

14 (3) review the policies and procedures of the Fed-  
15 eral agencies as such policies and procedures relate to  
16 the relationship between Guam and the United States;

17 (4) compile data as may be necessary for the con-  
18 duct of the Commission's work or for the implementa-  
19 tion of this Act;

20 (5) draft such modifications in existing laws, regu-  
21 lations, policies, and procedures as will, in the judg-  
22 ment of the Commission, best serve to carry out the  
23 purposes of the Commission or this Act;

24 (6) obtain, if possible, the modification of these  
25 laws, regulations, and procedures by negotiation and

1 mediation, such as issues concerning land claims and  
2 war claims by the people of Guam; and

3 (7) seek to obtain the maximum economic devel-  
4 opment and political autonomy for the Commonwealth  
5 of Guam without impairing United States national  
6 security interests.

7 The heads of Federal departments and agencies are author-  
8 ized and directed to furnish whatever assistance is requested  
9 by the Commission, without reimbursement, except classified  
10 information directly related to national security interests.

11 (c) The Commission is authorized to appoint and fix the  
12 compensation of an Executive Secretary and such other addi-  
13 tional personnel as may be necessary to enable the Commis-  
14 sion to carry out its functions without regard to the Federal  
15 Property and Administrative Services Act of 1949 and civil  
16 service laws, rules, and regulations, but any Federal employ-  
17 ee subject to those laws, rules, and regulations, who may be  
18 detailed to the Commission (which detail is hereby author-  
19 ized) shall retain his civil service status without interruption  
20 or loss of status or privilege. In addition, the Commission  
21 may enter into contracts in order to carry out its mandate.

22 (d) The United States will bear the cost of the work of  
23 the Commission.

1 SEC. 204. DELEGATION OF AUTHORITY.

2 The Congress hereby authorizes the President or his  
3 designee to delegate to the Governor of Guam total or partial  
4 performance of functions now vested in administrative agen-  
5 cies in the Federal Government. The President or his desig-  
6 nee and the Governor of Guam shall consult from time to  
7 time on the implementation of this provision.

8 **TITLE III—FOREIGN AFFAIRS AND**  
9 **DEFENSE**

10 SEC. 301. UNITED STATES AUTHORITY.

11 The United States shall have responsibility for an au-  
12 thority with respect to matters relating to foreign affairs and  
13 defense that affect the Commonwealth of Guam.

14 SEC. 302. CONSULTATION WITH GUAM.

15 (a) The United States agrees to consult with the Com-  
16 monwealth of Guam in advance of negotiations toward any  
17 treaties or international agreements, including Executive  
18 Agreements, which affect the well-being of the people of  
19 Guam.

20 (b) No military security zones shall be established and  
21 no foreign military personnel shall be stationed on the Island  
22 of Guam without approval of the Government of the Com-  
23 monwealth except in time of declared war, and no military  
24 bases will be established without consultation with the  
25 Governor of the Commonwealth of Guam.

1 (c) The United States shall consult with the Govern-  
2 ment of the Commonwealth of Guam with respect to any  
3 proposed plan to increase or decrease Department of Defense  
4 activities within the Commonwealth.

5 SEC. 303. UNITED STATES CONSULAR AND TRADE ASSIST-  
6 ANCE.

7 (a)(1) The United States shall assist and facilitate the  
8 establishment by Guam of offices in the United States and  
9 abroad.

10 (2) The United States shall assist the Commonwealth of  
11 Guam to become a member or participate in appropriate re-  
12 gional and other international organizations to include, but  
13 not be limited to, the South Pacific Forum, the regional orga-  
14 nizations of the United Nations Specialized agencies, and the  
15 Asian Development Bank. Under such authority Guam shall  
16 be free to accept and grant financial and technical assistance,  
17 to enter into bilateral and multilateral agreements to promote  
18 joint ventures private and public, exchange programs, and to  
19 become a party to all agreements between and among foreign  
20 entities involving regional and subregional affairs. The Com-  
21 monwealth may enter into agreements with sovereign states,  
22 and the political entities resulting from the Trust Territory of  
23 the Pacific Islands, relative to reciprocal trade and tax ques-  
24 tions and their application to the respective jurisdictions.

1 (b) The Government of the United States shall seek to  
2 obtain from foreign countries favorable treatment for exports  
3 from the Commonwealth of Guam and will encourage other  
4 countries to consider the Commonwealth of Guam a develop-  
5 ing territory.

6 **SEC. 304. NUCLEAR WASTE.**

7 (a) The United States shall not utilize the water sur-  
8 rounding the Commonwealth of Guam or the island for  
9 dumping or storage of nuclear waste.

10 (b) The United States shall clean up and make safe for  
11 human habitation all chemical waste dump sites used by the  
12 military in the past and at present, and shall not, at any time,  
13 use the island and the surrounding waters of Guam as a de-  
14 pository for hazardous chemicals in the future.

15 (c) The United States shall compensate, in a manner to  
16 be decided by the District Court of Guam, any person injured  
17 as a result of chemical, nuclear, or other hazardous materials  
18 stored, used, or disposed of by agencies of the United States  
19 Government in the Commonwealth of Guam or its surround-  
20 ing waters.

21 **TITLE IV—COURTS**

22 **SEC. 401. JUDICIAL RELATIONSHIP OF GUAM TO THE UNITED**  
23 **STATES.**

24 The relations between the courts established by the  
25 Constitution or laws of the United States and the local courts

1 Court of Guam and appeals therefrom; except that the terms,  
2 "Attorney for the government" and "United States Attor-  
3 ney", as used in the Federal Rules of Criminal Procedure,  
4 Federal Rules of Civil Procedure and Federal Rules of Ap-  
5 pellate Procedure shall, when applicable to cases arising  
6 under the laws of Guam, including the Guam Commonwealth  
7 income tax, mean the Attorney General of Guam or such  
8 other person or persons as may be authorized by the laws of  
9 Guam to act therein.

10 SEC. 404. DISTRICT COURT JUDGE, UNITED STATES ATTORNEY,  
11 MARSHAL.

12 (a) The President shall appoint, by and with the advice  
13 and consent of the Senate, a judge for the District Court of  
14 Guam who shall hold office for the term of 10 years and until  
15 his successor is chosen and qualified unless sooner removed  
16 by the President for cause. The judge shall receive a salary  
17 payable by the United States which shall be at the rate pre-  
18 scribed for judges of the United States district courts. The  
19 chief judge of the Ninth Judicial Circuit of the United States  
20 may assign a judge of a local court of record, a judge of the  
21 High Court of the Trust Territory of the Pacific Islands, a  
22 circuit or district judge of the Ninth Circuit, or a recalled  
23 senior judge of the District Court of Guam or of the District  
24 Court for the Northern Mariana Islands, and the Chief Jus-  
25 tice of the United States may assign any other United States

1 circuit or district judge with the consent of the judge so as-  
2 signed and of the chief judge of his circuit, to serve temporar-  
3 ily as a judge in the District Court of Guam whenever it is  
4 made to appear that such an assignment is necessary for the  
5 proper dispatch of the business of the court.

6 (b) The President shall appoint, by and with the advice  
7 and consent of the Senate, a United States attorney and  
8 United States marshal for Guam to whose offices the provi-  
9 sions of chapters 31 and 33 of title 28, United States Code,  
10 respectively, shall apply.

11 (c) The judge of the District Court of Guam and the  
12 United States attorney and marshal serving on the effective  
13 date of this section shall continue to hold their positions  
14 under this Act until the expiration of their current terms of  
15 office.

## 16 TITLE V--TRADE

### 17 SEC. 501. GUAM-UNITED STATES FREE TRADE AREA.

18 (a) The Commonwealth of Guam will remain outside the  
19 customs territory of the United States, and no duty, tariff, or  
20 quota restrictions shall be imposed or collected by the United  
21 States. Economic, trade, and commercial relationships be-  
22 tween the United States and the Commonwealth of Guam  
23 shall be conducted within the framework of the free trade  
24 area between the United States and the Commonwealth of  
25 Guam as established by subsection (b).

1 (b) The Commonwealth of Guam shall not impose  
2 duties, quotas, or other restrictions on products of the United  
3 States imported into Guam, nor shall the United States  
4 impose duties, quotas, or other restrictions on "products of  
5 Guam" imported into the United States, nor shall the United  
6 States treat products of Guam as having originated in any  
7 other country.

8 (c) The term "products of Guam" shall mean articles  
9 that contain at least 30 percent value added in Guam. Value  
10 added includes—

11 (1) all actual labor costs involved in the growth,  
12 production, manufacture, or assembly of the specific  
13 merchandise, including fringe benefits, on-the-job train-  
14 ing, and the cost of engineering supervisory, quality  
15 control, and similar personnel;

16 (2) dies, molds, tooling, and depreciation on ma-  
17 chinery and equipment which are allocable to the spe-  
18 cific merchandise; and

19 (3) research, development, design, engineering,  
20 and blueprint costs insofar as they are allocable to the  
21 specific merchandise; and costs of inspecting and test-  
22 ing the specific merchandise.

23 (d) The Commonwealth of Guam may impose, increase,  
24 reduce, or eliminate duties and other restrictions—

# TITLE VI--TAXATION

## SEC. 601. MIRROR IMAGE TAX.

(a) The income tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in Guam.

(b) The income tax laws in force in Guam pursuant to subsection (a) of this section shall be deemed to impose a separate Commonwealth income tax, payable to the Government of Guam, which tax is designated the "Guam Commonwealth Income Tax".

(c) The administration and enforcement of the Guam Commonwealth Income Tax shall be performed pursuant to the laws of Guam. Any function needful to the administration and enforcement of the income tax laws in force in Guam pursuant to subsection (a) of this section shall be performed by any duly authorized officer or employee of the Government of Guam.

(d)(1) The income tax laws in force in Guam pursuant to subsection (a) of this section include, but are not limited to, the following provisions of the Internal Revenue Code of 1954, where not manifestly inapplicable or incompatible with the intent of this section: Subtitle A (not including chapter 2 and section 931); chapters 24 and 25 of subtitle C, with reference to the collection of income tax at source on wages; and all provisions of subtitle F which apply to the income

1 wise required, the applicable provisions of the Internal Reve-  
2 nue Code of 1954 and 1939 shall be read so as to substitute  
3 "Guam" for "United States," "Governor or his delegate or  
4 other official duly authorized to act under the laws of Guam"  
5 for "Secretary or his delegate," "Governor or his delegate or  
6 other official duly authorized to act under the laws of Guam"  
7 for "Commissioner of Internal Revenue" and "Collector of  
8 Internal Revenue" for "Collector of Internal Revenue,"  
9 "District Court of Guam" for "District Court" and with  
10 other changes in nomenclature and other language, including  
11 the omission of inapplicable language, where necessary to  
12 effect the intent of this section.

13 **SEC. 602. ENFORCEMENT INSTITUTIONS.**

14 (a) Any act or failure to act with respect to the Guam  
15 Commonwealth Income Tax which constitutes a criminal of-  
16 fense under Chapter 75 of Subtitle F of the Internal Revenue  
17 Code of 1986, or the corresponding provisions of the Internal  
18 Revenue Code of 1939, as included in the income tax laws in  
19 force in Guam pursuant to this section, shall be an offense  
20 against the Government of Guam and may be prosecuted in  
21 the name of the Government of Guam by the appropriate  
22 officers thereof.

23 (b) The Government of Guam shall have a lien with  
24 respect to the Guam Commonwealth Income Tax in the  
25 same manner and with the same effect and subject to the

1 spect to the United States income tax. When any judgment  
2 against the Government of Guam under this paragraph has  
3 become final, the Governor shall order the payment of such  
4 judgments out of any unencumbered funds in the Treasury of  
5 Guam.

6 (3) Execution shall not issue against the Governor or  
7 any officer or employee of the Government of Guam on a  
8 final judgment in any proceeding against him for any acts or  
9 for the recovery of money exacted by or paid to him and  
10 subsequently paid into the Treasury of Guam, in performing  
11 his official duties under the income tax laws in force in Guam  
12 pursuant to subsection (a) of this section, if the court certifies  
13 that probable cause existed, or such officer or employee acted  
14 under the direction of the Governor or his delegate or other  
15 official duly authorized to act under the laws of Guam. When  
16 such certificate has been issued, the Governor shall order the  
17 payment of such judgment out of any unencumbered funds in  
18 the Treasury of Guam.

19 (4) A civil action for the collection of the Guam Com-  
20 monwealth Income Tax, together with fines, penalties, and  
21 forfeitures, or for the recovery of any erroneous refund of  
22 such tax, may be brought in the name of and by the Govern-  
23 ment of Guam in the District Court of Guam or in any dis-  
24 trict court of the United States or in any court having the  
25 jurisdiction of a district court of the United States.

1 principal and interest, from taxation by the Government of  
2 the United States, or by any State or Territory or any politi-  
3 cal subdivision thereof, or by the District of Columbia.

## 4 TITLE VII—IMMIGRATION

### 5 SEC. 701. GUAM IMMIGRATION AUTHORITY.

6 (a) The Congress recognizes that Guam is a small and  
7 densely populated insular commonwealth with limited infra-  
8 structure and resources, that it is that portion of the United  
9 States which is in closest proximity to nations of Asia and the  
10 Pacific which supply a large proportion of the immigrants  
11 coming to the United States, that significant numbers of such  
12 immigrants have in recent years chosen to make Guam their  
13 home, and that the admission of substantial additional num-  
14 bers of immigrants to Guam threatens to produce a severe  
15 impact on the limited infrastructure, health, education, hous-  
16 ing, and other services available in Guam. Congress therefore  
17 further recognizes that there is a necessary and compelling  
18 need henceforth to limit the number of persons permitted to  
19 immigrate to Guam, and therefore the Commonwealth of  
20 Guam shall have the authority to control entry of all aliens  
21 into the Commonwealth of Guam to include the admission,  
22 exclusion, and expulsion of such aliens.

23 (b) The Immigration and Nationality Act, and Federal  
24 regulations applicable thereto, shall remain applicable to  
25 Guam for 2 years from enactment of this Act. The Common-

1 ted for permanent residence into the United States except as  
2 provided for in subsection (b) or in those cases where the  
3 Governor of Guam has made labor determinations.

4 **SEC. 702. GUAM-ONLY VISA.**

5 United States consular officials, and other officials au-  
6 thorized to issue visas for entry into the United States, are  
7 authorized to issue visas for travel only to the Common-  
8 wealth of Guam for any alien seeking to enter Guam as a  
9 nonimmigrant in order to encourage investors and tourists to  
10 come to Guam. Regulations governing the issuance of such  
11 visas shall be coordinated with the Governor of Guam. Such  
12 regulations shall consider the points of origin, duration of per-  
13 mitted stay, the means by which the aliens could alter visas  
14 to permit entry into the United States, and other appropriate  
15 conditions to assure the regulation serves the best interests of  
16 the Commonwealth of Guam. The United States and the  
17 Commonwealth of Guam shall adopt appropriate measures  
18 for the implementation and the enforcement of this section  
19 upon or after entry of the aliens into Guam.

20 **TITLE VIII--LABOR**

21 **SEC. 801. FEDERAL EMPLOYMENT.**

22 In all vacancies in the Federal Civil Service occurring  
23 in Guam, residents of Guam possessing the requisite stand-  
24 ards of age, health, character, education, knowledge, and ex-  
25 perience shall be given preference over transfers of persons

1 from off Guam or the recruiting of persons from outside  
2 Guam.

3 **SEC. 802. GUAM LABOR LAWS.**

4 Except and to the extent prohibited by Congress, the  
5 Commonwealth of Guam shall have authority to enact and  
6 enforce all laws regulating or affecting employment in the  
7 Commonwealth. All applicable laws of the United States  
8 which regulate employment on Guam on the effective date of  
9 this Act shall remain applicable to Guam until replaced as to  
10 their applicability to Guam by duly enacted law of the Guam  
11 Legislature.

12 **TITLE IX—TRANSPORTATION AND**  
13 **TELECOMMUNICATIONS.**

14 **SEC. 901. MARITIME SHIPPING.**

15 (a) No provision of the laws of the United States, includ-  
16 ing, without limitation, the vessel documentation laws of the  
17 United States, shall apply to prevent the United States regis-  
18 tration of, and use of, any foreign-built vessel (including ves-  
19 sels engaged in towing, barges, dredges, vessels or boats  
20 leased, rented, or chartered to another for any use, including,  
21 without limitation, vessels used to take out chartered fishing  
22 and diving parties or sightseeing tours) for any purpose what-  
23 soever within the internal waters, harbors, territorial sea and  
24 adjacent Exclusive Economic Zone around Guam.

1 (b) The shipment of fish or fish products from Guam to  
2 any coastwise point of the United States shall not be subject  
3 to the coastwise laws of the United States.

4 (c) The application of the coastwise laws of the United  
5 States to Guam pursuant to 46 U.S.C. 883 shall be periodi-  
6 cally examined by the Commission to determine, mutually,  
7 the desirability of the continued applicability of such laws to  
8 Guam. Such determination by the Commission shall be based  
9 solely on the criteria of whether such laws or any or a part  
10 thereof as applied to Guam constrain Guam's economic de-  
11 velopment and, if such a determination is made, the Commis-  
12 sion shall recommend such laws should not continue to apply  
13 to Guam: *Provided*, That so long as the coastwise laws are  
14 applicable to Guam the United States Government shall be  
15 responsible for ensuring adequate and reliable cargo service  
16 between Guam and the United States as determined mutually  
17 in the Commission.

18 SEC. 902. AIRLINES.

19 (a) The Governor of Guam shall have the authority to  
20 sponsor any qualified air service carrier to come to Guam  
21 subject only to presidential consultation concerning articulat-  
22 ed foreign policy and national defense interests of the United  
23 States. The Commonwealth of Guam shall be exempt from  
24 all bilateral treaties between the United States and foreign  
25 states with respect to scheduling and to technical specifica-

1 tions of aircraft, other than safety requirements, for foreign or  
2 United States charter passenger flights to and from Guam  
3 where such flights originate from foreign jurisdictions. This  
4 provision shall not be applied in such a manner as to impair  
5 regularly scheduled passenger and cargo flights from any of  
6 the several United States States and Territories to and from  
7 Guam.

8 (b) The Commonwealth of Guam shall remain an "eligi-  
9 ble point" for purposes of being ensured essential air trans-  
10 portation under applicable provisions of the Federal Aviation  
11 Act of 1958, as amended by Public Law 98-213, section 10,  
12 with passenger and other service to be scheduled to provide  
13 regular and satisfactory delivery of postal mail and cargo to  
14 and from the United States.

15 (c) In addition to any other requirement in compliance  
16 with Federal law for new, additional, or changed routes,  
17 United States domestic air carriers shall obtain the concur-  
18 rence of the Governor of Guam on any application filed for  
19 such service to Guam.

20 SEC. 903. TELECOMMUNICATIONS.

21 The Commonwealth of Guam shall be defined as domes-  
22 tic for the purposes of setting rates in telecommunications by  
23 the Federal Communications Commission.

1           **TITLE X—LAND, NATURAL**  
2           **RESOURCES AND UTILITIES**

3   SEC. 1001. AUTHORITY OVER LAND AND RESOURCES.

4           (a) The Government of the Commonwealth of Guam  
5 shall have power of eminent domain over property within the  
6 Commonwealth in accord with the Constitution of Guam.

7           (b) The Commonwealth of Guam shall have jurisdiction  
8 over all living and nonliving natural resources of the seabed,  
9 subsoil, tidelands, and adjacent territorial waters, as defined  
10 by the United States law, of the Island of Guam. The Com-  
11 monwealth shall exercise rights to determine the conditions,  
12 including pollution control, and terms of all scientific re-  
13 search, management, exploration, and exploitation of all  
14 ocean resources and all sources of energy and prevention of  
15 pollution within the 200-mile Exclusive Economic Zone, in-  
16 cluding pollution originating outside the zone that poses a  
17 threat within the zone.

18           (c) The United States may, upon written notice to the  
19 Government of the Commonwealth of Guam, acquire for  
20 public purposes in accordance with Federal laws and proce-  
21 dures, any interest in real property in the Commonwealth  
22 only by voluntary means, under such terms and conditions as  
23 may be negotiated by the parties. The United States will  
24 continue to recognize and respect the scarcity and special  
25 importance of land in the Commonwealth of Guam. If the

1 United States must acquire any interest in real property, it  
2 will follow the policy of seeking to acquire only the minimum  
3 area necessary to accomplish the public purpose for which  
4 the real property is required, of seeking only the minimum  
5 interest in real property necessary to support such public pur-  
6 pose, and of seeking first to satisfy its requirement by acquir-  
7 ing an interest in public rather than private real property. No  
8 interest in real property on Guam will be acquired by the  
9 United States unless duly authorized by the Congress of the  
10 United States and for which appropriations are available.

11 (d) The United States agrees not to exercise within the  
12 Commonwealth the power of eminent domain except in time  
13 of war and then only to the extent necessary and in compli-  
14 ance with applicable United States and Commonwealth of  
15 Guam laws, and with full recognition of due process required  
16 by the Constitutions of Guam and the United States.

17 (e) The Commonwealth of Guam is exempt from the  
18 Federal regulations governing the transfer or sale of excess  
19 Federal real property. All excess real properties of the  
20 United States on the Island of Guam released after establish-  
21 ment of the Commonwealth will be conveyed in fee simple to  
22 the Government of the Commonwealth of Guam without any  
23 condition, limitation or reversion clause in said conveyance.

24 (f) All land heretofore transferred to the Government of  
25 Guam by the United States are released from any and all

1 provisions limiting the use of such land, and are conveyed in  
2 fee simple.

3 **SEC. 1002. TRANSFER OF EXCESS FEDERAL REAL PROPERTY.**

4 All real property, including undeveloped land and devel-  
5 oped recreational facilities, controlled or owned by any  
6 United States military service or Federal agency on Guam  
7 and not necessary for direct and continuous operational, lo-  
8 gistical, or security use as a military facility or other Federal  
9 function shall be transferred as excess Federal real property  
10 to the Government of Guam: *Provided*, That all national  
11 parks, historical sites, monuments, and cemeteries shall be  
12 exempt from this provision. Such transfers will be, whenever  
13 possible, at no cost to the people of Guam, or, when appro-  
14 priate, at cost no higher than the valuation of the property at  
15 the time of original acquisition by the Federal authority, re-  
16 gardless of any subsequent alterations or additions to the  
17 property. Final determination of which Federal real property  
18 is excess to Federal needs, and the authority to mandate  
19 prompt and fair transfer to the Government of Guam by the  
20 Federal proprietor, shall be with the Joint Commission after  
21 consultations with the proprietor.

22 **SEC. 1003. ACCESS TO FEDERAL PROPERTY.**

23 (a) All recreational facilities, and all historical and ar-  
24 chaeological sites on real property retained under Federal,  
25 civil, or military authority shall be open to access and use by

1 the residents of Guam so long as military security require-  
2 ments are not compromised.

3 (b) Except where prevented by military security require-  
4 ments, easements for roadways or other means of public  
5 access through property retained under Federal, civil, or mili-  
6 tary authority shall be granted the Government of Guam  
7 when such easements constitute the only practicable means  
8 of land access by the Government of Guam or the public to  
9 localities within the jurisdiction of the Government of Guam.

10 (c) The Joint Commission shall determine, after consul-  
11 tation with the general proprietor, which Federal recreational  
12 facilities and which easements over Federal property shall be  
13 open to the Government of Guam and to the general public  
14 on Guam and the manner of access.

15 **SEC. 1004. AUTHORITY OVER UTILITIES.**

16 Within 90 days after the enactment of this Act, the  
17 United States shall transfer to the Commonwealth of Guam  
18 all rights, title, and interest possessed by the United States in  
19 the island's power, water, sewer, and other utility systems,  
20 except for those portions of the systems which are located  
21 within the confines of property owned by the United States  
22 and which are used solely for the purposes of the United  
23 States, and which do not serve or impact upon the normal  
24 operations of the island's utility system. The Government of  
25 the Commonwealth of Guam may decline to accept any por-

1 tion of such utilities which it believes would act as a detri-  
2 ment to effective use of the utilities it owns. The United  
3 States shall provide access for the Commonwealth of Guam,  
4 or its agents, to all utilities and transmission lines which the  
5 Commonwealth owns on Federal property on Guam.

6 **TITLE XI—UNITED STATES**  
7 **FINANCIAL ASSISTANCE**

8 **SEC. 1101. RETURN OF TAXES AND FEES.**

9 All customs duties and Federal income taxes derived  
10 from Guam, the proceeds of all taxes collected under the in-  
11 ternal revenue laws of the United States on articles produced  
12 in Guam and transported to the United States, its Territories,  
13 or possessions, or consumed in Guam, and the proceeds of  
14 any other taxes which may be levied by the Congress on the  
15 inhabitants of Guam (including, but not limited to, compensa-  
16 tion paid to members of the Armed Forces and pensions paid  
17 to retired civilian and military employees of the United  
18 States, or their survivors, who are residents of, or who are  
19 domiciled in, Guam), and all quarantine, passport, immigra-  
20 tion, and naturalization fees collected in Guam shall be cov-  
21 ered into the Treasury of Guam and held in account for the  
22 Government of Guam in accordance with the annual budgets  
23 except that nothing in this Act shall be construed to apply to  
24 any tax imposed by Chapter 2 or 21 of the Internal Revenue  
25 Code of 1954.

1 SEC. 1102. EQUAL FINANCE FOR GUAM CITIZENS WITH  
2 STATES.

3 The laws of the United States providing Federal bene-  
4 fits and financial assistance and which have a general appli-  
5 cation to the several States shall be applicable to Guam, in-  
6 cluding section 228 or title II and title XVI of the Social  
7 Security Act (Supplemental Security Income). The formula  
8 for granting such financial assistance to Guam and its resi-  
9 dents shall be the same as the formula applied to the several  
10 states and their residents unless such formula cannot, on its  
11 face, be applied to Guam or it is specifically stated to the  
12 contrary in this Act.

13 SEC. 1103. RETURN OF ECONOMIC ZONE FEES.

14 The Commonwealth shall have paid to the Treasury of  
15 Guam all licensing and other fees obtained by permitting for-  
16 eign vessels to fish or other exploitation of the 200-mile  
17 Exclusive Economic Zone of Guam.

18 SEC. 1104. FEDERAL PAYMENT.

19 (a) The Governor of Guam, in preparing an annual  
20 budget for the Government of the Commonwealth of Guam,  
21 shall develop meaningful expenditure and revenue compari-  
22 sons based on data supplied by the Bureau of the Census and  
23 other independent, reliable sources and identify elements of  
24 cost and benefits to Guam which result from the unusual role  
25 of Guam as one of the Nation's principal military bastions in  
26 the Far East despite its small size. The results of the studies

1 conducted by the Governor under this subsection shall be  
2 made available to the Guam Legislature and to the Federal  
3 Office of Management and Budget for their use in reviewing  
4 and revising the Governor's request with respect to the level  
5 of appropriation for the annual Federal payment to the Com-  
6 monwealth of Guam. Such Federal payment should operate  
7 to encourage efforts on the part of the Government of Guam  
8 to maintain and increase its level of revenues and to seek  
9 such efficiencies and economies in the management of its pro-  
10 grams as are possible.

11 (b) The Governor, in studying and identifying the costs  
12 and benefits to Guam brought about by its role in the nation's  
13 national security, should to the extent feasible, among other  
14 elements, consider—

15 (1) revenues unobtainable because of the relative  
16 lack of taxable commercial and industrial property;

17 (2) revenues unobtainable because of the relative  
18 lack of taxable business income;

19 (3) potential revenues that would be realized if ex-  
20 emptions from Guam taxes were eliminated;

21 (4) net costs, if any, after considering other com-  
22 pensation for tax base deficiencies and direct and indi-  
23 rect taxes paid, of providing services to organizations  
24 and corporate offices doing business only with the De-  
25 fense Department;

1 (5) recurring and nonrecurring costs of unreim-  
2 bursed services to the Defense Department;

3 (6) recurring and nonrecurring costs of unreim-  
4 bursed services rendered Guam by the Defense Depart-  
5 ment; and

6 (7) relative tax burden on Guam residents com-  
7 pared to that of resident in other jurisdictions in the  
8 pacific.

9 (c) The Governor shall submit his request, with respect  
10 to the amount of an annual Federal payment, to the Guam  
11 Legislature. The Guam Legislature shall by act approve, dis-  
12 approve, or modify the Governor's request. After the action  
13 of the Legislature, the Governor shall, by December 1st of  
14 each calendar year, in accordance with the provisions in the  
15 Budget and Accounting Act, 1921 (31 U.S.C. 2), submit  
16 such request to the President for submission to the Congress.  
17 Each request regarding an annual Federal payment shall be  
18 submitted to the President 7 months prior to the beginning of  
19 the fiscal year for which such request is made and shall in-  
20 clude a request for an annual Federal payment for the next  
21 following fiscal year.

22 SEC. 1105. TRANSITION ASSISTANCE TO THE COMMON-  
23 WEALTH.

24 The Government of the United States in order to assist  
25 Guam to make the political and economic transition to Com-

1 Commonwealth agrees to assist the Commonwealth of Guam as  
2 follows:

3 (1) The United States agrees to—

4 (A) finance the costs of institutional changes  
5 connected with the change in Guam's political re-  
6 lationship with the United States, to include staff,  
7 contracts, and referendum costs of the Guam  
8 Commission on Self-Determination;

9 (B) help meet the capital needs of Guam, in  
10 accordance with the following section, necessary  
11 to Guam's long-term, self-sustaining development;  
12 and

13 (C) establish an economic development fund  
14 to assist expansion of the private sector.

15 (2) There is hereby authorized such sums as may  
16 be necessary to implement a long-term capital im-  
17 provement program approved by the Congress permit-  
18 ting the Commonwealth of Guam to establish an infra-  
19 structure base adequate for development of the private  
20 sector and to strengthen the utility of Guam for United  
21 States national security purposes.

22 (3) Guam shall submit a plan for Congressional  
23 approval showing the total amounts proposed, the dis-  
24 tribution of funds by projects, phases, or programs with  
25 an assessment of needs, costs, benefits and provision of

1 local funds where available. The capital improvement  
2 plan shall take into account all related economic devel-  
3 opment projects and plans by the Commonwealth of  
4 Guam.

5 (4) There is hereby authorized a revolving fund to  
6 establish an Economic Development Fund on Guam  
7 with authority to assist in the financing of the private  
8 sector needs of Guam in its efforts to achieve a higher  
9 standard of living for its people as members of the  
10 American community and to develop the economic re-  
11 sources needed to meet the financial responsibilities of  
12 local self-government. To this end, the Economic De-  
13 velopment Fund is authorized to provide financial and  
14 other assistance to increase investments (including  
15 loans, tax incentives, guarantees and equity capital)  
16 and to start or expand commercial businesses on Guam  
17 in order to provide employment and ownership oppor-  
18 tunities for the residents of Guam. Participation by pri-  
19 vate banks and savings and loan institutions in the  
20 Economic Development Fund shall be encouraged.  
21 Funds shall be made available to the Economic Devel-  
22 opment Fund by Congress after the following condi-  
23 tions have been met:

24 (A) The submission of a set of procedures to  
25 Congress for the participation of private lending

1 institutions and for the processing of applications  
2 for assistance, indicating the role of the Economic  
3 Development Fund's staff, outside consultants,  
4 and board review, and to guide reviewers in  
5 making assistance and determining eligibility.

6 (B) Submission of an economic development  
7 plan, to be updated annually, by the Governor of  
8 Guam to Congress, showing the proposed amount,  
9 the proposed distribution of the funds, and the  
10 terms on which the funds will be made available.  
11 Such plan will take into account any capital im-  
12 provement projects and other programs related to  
13 economic development. The funds granted to the  
14 Economic Development Fund shall be a revolving  
15 fund, available to the Economic Development  
16 Fund until expended.

17 (C) The Economic Development Fund shall  
18 be headed by a five-member Board of Directors  
19 with financial experience for fixed terms and se-  
20 lected by the Governor of Guam. The Economic  
21 Development Fund shall issue a public and audit-  
22 ed report annually, setting forth the administra-  
23 tive and programmatic developments for the year  
24 with full disclosure of the utilization of its funds,

1           the recipients of its assistance, and the applica-  
2           tions in process.

3 **TITLE XII—TECHNICAL AMEND-**  
4 **MENTS AND INTERPRETATION**

5 **SEC. 1201. INTERPRETATION AND JURISDICTION.**

6           (a) It is the intention of Congress that this Act provide  
7 complete internal self-government for the Commonwealth of  
8 Guam and, to that end, that this Act be interpreted liberally  
9 to accomplish that purpose.

10          (b) When ruling upon the laws of the Commonwealth,  
11 the courts of the United States shall give the same deference  
12 to the laws of the Commonwealth as they give to the laws of  
13 the several States. Jurisdiction to interpret the provisions of  
14 this Act is vested in appropriate courts of the United States  
15 and in the local courts of Guam.

16 **SEC. 1202. CONTINUED EFFECTIVENESS OF LOCAL LAWS.**

17          The laws of Guam in force on the date of enactment of  
18 this Act, except as amended by this Act, are hereby contin-  
19 ued in force, subject to modification or repeal by the Legisla-  
20 ture of Guam.

21 **SEC. 1203. ACTS REPEALED AND CONTINUED.**

22          (a) All laws or parts of laws inconsistent with this Act  
23 are hereby repealed to the extent of such inconsistency.

24          (b) Upon the enactment of this Act, the following sec-  
25 tions of the Organic Act of Guam (Act of August 1, 1950, 64

1 Stat. 384), as amended, are repealed: Sections 1, 2, and 3;  
2 fourth sentence of section 11, sections 25, 27, 33, and section  
3 34.

4 (c) Upon the effective date of the Constitution adopted  
5 by the people of Guam, the following provisions of the Or-  
6 ganic Act of Guam (Act of Aug. 1, 1950, 64 Stat. 384), as  
7 amended, and in effect at that time, are repealed: Sections  
8 5(a) through (t), 6, 7, 8, 9, 9-A, 10; the first three sentences  
9 of section 11; sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,  
10 22, 22A, 22B, 22C, 22D, 24, 26, 29, 30, and section 31.

11 (d) The following sections of the Organic Act of Guam  
12 (Act of Aug. 1, 1950, 64 Stat. 384), as amended, shall con-  
13 tinue in force and shall be deemed to be a part of this Act:  
14 Section 5(u), beginning at the fifth sentence, all the remain-  
15 der of sections 11, 21-A, 24-A, section 28 as modified by  
16 Article 10 of this Act; 32, and section 35.

17 (e) Public Law 94-584 (90 Stat. 2899), as amended, is  
18 repealed as it affects Guam.

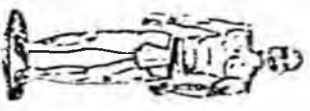










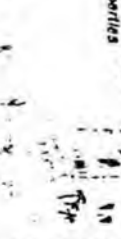
19 **SEC. 1204. EFFECTIVE DATE OF THE GUAM COMMONWEALTH**  
20 **ACT.**

21 This Act, upon approval by Congress, shall be submit-  
22 ted to the registered voters of Guam for ratification through a  
23 plebiscite to be held in accordance with the laws of Guam.  
24 This Act will become effective upon the approval of this Act  
25 by a majority of the voters who participate in such plebiscite,

1 and at that time, except as provided in section 1203 of this  
2 Act, the Organic Act of Guam, August 1, 1950, 64 Stat.  
3 384, shall be repealed.

○

SECTIONAL ANALYSIS AND CHRONOLOGY OF CONGRESSIONAL BILL

GUAM COMMONWEALTH BILL	COMMONWEALTH GOALS	ORGANIC ACT	CNMI GOVERNMENT
<p><b>Indigenous Rights</b></p> 	<p>To guarantee to the Chamorro people the ultimate authority to choose the form of Government in Guam, and to ensure the preservation and enhancement of the culture.</p>	<p>No clear recognition of the right of self-determination for the Chamorro people. No protection for the Chamorro culture.</p>	<p>The indigenous people of the Northern Mariana Islands exercised their right of self-determination by approving the Covenant of Free Association with the U.S. The local culture is protected by the CNMI Constitution.</p>
<p><b>Self-Government</b></p> 	<p>To guarantee local control of political, social, and cultural issues.</p>	<p>Large degree of local government, but subject to the supremacy of federal law.</p>	<p>Significant degree of local self-government. Application of federal law and the U.S. Constitution limited by the Covenant between the CNMI and the U.S.</p>
<p><b>U.S. Constitution and Federal Laws</b></p> 	<p>To give the people of Guam control over who lives and works in the Commonwealth.</p>	<p>Most of the U.S. Constitution applies in Guam. Unenumerated U.S. authority is equally limited to Guam.</p>	<p>Same as the Guam Commonwealth Act.</p>
<p><b>Foreign Affairs/Defense</b></p> 	<p>To continue primary federal responsibility for Foreign Affairs and Defense, while giving Guam a greater voice in the decision making process.</p>	<p>Same, except U.S. has no obligation to support Guam's participation in international organizations nor consult with Guam's Governor on Defense activities in Guam.</p>	<p>Same as the Organic Act.</p>
<p><b>Immigration</b></p> 	<p>To remove various loosely mandated restrictions which prevent economic growth.</p>	<p>U.S. immigration law controls who lives and works in Guam.</p>	<p>Similar to the Commonwealth Act, but less local control.</p>
<p><b>Trade</b></p> 	<p>To remove various loosely mandated restrictions which prevent economic growth.</p>	<p>Guam products are subject to quota and duty unless they meet the requirements of certain federal trade laws.</p>	<p>Same as the Organic Act.</p>
<p><b>Taxation</b></p> 	<p>To ensure Guam has full and equal access to resources.</p>	<p>The U.S. controls income taxation in Guam under the War Relocation Act.</p>	<p>Same as the Guam Commonwealth Act.</p>
<p><b>Business</b></p> 	<p>To properly compensate Guam for various federal and military activities.</p>	<p>Guam is subject to U.S. economic laws and regulations which restrict business opportunity.</p>	<p>Similar to the Guam Commonwealth Act.</p>
<p><b>Lend and Marine Resources</b></p> 	<p>To guarantee basic civil rights to all citizens.</p>	<p>U.S. right of eminent domain extends to Guam. Marine resources are under federal control.</p>	<p>Multi-year hunting provisions with periodic renegotiation.</p>
<p><b>Federal Assistance</b></p> 	<p>To give the Superior Court of Guam the standing of a State Court system.</p>	<p>Federal monies flow to Guam from Defense spending and a variety of federal programs, including Interior Department authority. All of which are subject to Congress's annual appropriation.</p>	<p>The CNMI Constitution contains a Bill of Rights which extends the CNMI from the U.S. Bill of Rights guarantee of a jury trial.</p>
<p><b>Civil Liberties</b></p> 	<p>Similar to the current judicial system under the Organic Act, except Guam will be able to set up a local appellate court. Appeals from Guam's appellate court can be sent directly to the U.S. Supreme Court.</p>	<p>Guam's Superior Court is a local court of general jurisdiction with appeals to the appellate branch of the District Court of Guam. Appeals from the District Court go to the Ninth Circuit and then to the U.S. Supreme Court.</p>	<p>Similar to the Organic Act.</p>
<p><b>Courts</b></p> 	<p>Similar to the Organic Act.</p>	<p>Similar to the Organic Act.</p>	<p>Similar to the Organic Act.</p>

*Wen Wang*

One of the best ways to further understand the impact of our Commonwealth legislation is to compare it to two existing political systems: our current Organic Act and the Commonwealth of the Northern Mariana Islands.

## SECTION ANALYSIS OF COMMONWEALTH BILL

### Article One POLITICAL RELATIONSHIPS

The Commonwealth of Guam is created as a self-governing entity under overall United States sovereignty. The Commonwealth government will be patterned after the American form of government.

The Article makes Guam's inhabitants citizens of Guam and the United States; provides for a constitution adopted by the people of Guam; recognizes the Chamorro people as a distinct group and recognizes their right to determine their own political future. The constitution to be enacted shall establish reasonable residency requirements with respect to the right to vote in local elections, the right to hold public office and participation in government sponsored programs. The Commonwealth may also provide incentive programs to train and employ Chamorros in skilled and management business on Guam. Provisions may not be changed without the consent of the U.S. Government and the Commonwealth.

### Article Two APPLICABILITY OF FEDERAL LAW

Additional parts of the U.S. Constitution are applied to Guam. It provides that future federal laws, rules and regulations will not apply to Guam without its consent. A joint commission, consisting of four Guam representatives and three federal is created to deal with the ongoing relationship and to address such issues as war claims and land claims. Cost of the commission is borne by the United States.

### Article Three FOREIGN AFFAIRS AND DEFENSE

The U.S. is responsible for Guam's foreign affairs and defense, although it agrees to consult with the Commonwealth in advance of negotiations or agreements affecting Guam. No military security zones can be established, except in times of war, without the consent of the Commonwealth and, the U.S. will consult with the Commonwealth on any plans to increase or decrease defense activities on Guam.

The Commonwealth can establish offices in the U.S. and elsewhere and the U.S. will assist Guam in joining appropriate regional and other international organizations. The U.S. cannot use the island or its waters for dumping or storing nuclear waste or hazardous chemicals, and the U.S. must clean up all hazardous dumps which it has created in the past. Persons harmed by such past activities shall be compensated for such harm.

Article Four  
COURTS

The Commonwealth shall have full control over its own court system and all appeals will be treated by the U.S. in the same manner as appeals from states. The District Court will remain and its judge shall serve a ten-year term. The District Court Judge, U.S. Attorney and U.S. Marshal will continue to be appointed by the President.

Article Five  
TRADE

Guam remains outside the customs area of the United States. Guam can more easily export its products duty and quota free to the U.S. so long as more than 30% of the product's value is created on Guam. Guam may not impose duties on goods coming from the U.S. Procedures are required to speed and simplify entry of Guam's products into the U.S.

Article Six  
TAXATION

Guam retains the current mirror image tax code but may adopt its own tax code in the future. In the interim, the Legislature has more authority to revise the mirror image code. The Commonwealth may grant tax incentives to help businesses and new industries. Bonds or other obligations of the government remain tax exempt.

Article Seven  
IMMIGRATION

Guam will have the authority to control the entry of aliens into Guam, but U.S. citizens may move freely between Guam and the United States. The time aliens spend on Guam will not be counted towards time required to become U.S. citizens, nor may the locally enacted Commonwealth Immigration code authorize naturalization of aliens. U.S. Consular officials may give Guam-only visas.

Article Eight  
LABOR

Guam residents will be given preference in U.S. civil service jobs on Guam. The Commonwealth may enact its own labor laws and Guam may replace Federal labor laws applicable to Guam with local laws.

Article Nine  
TRANSPORTATION & TELECOMMUNICATIONS

Coastwise Shipping Laws ("Jones Act" and others) will not apply to fishing from Guam. Foreign built vessels may be used in Guam for various purposes. The Joint Commission (Article 2) is directed to examine the effect of U.S. shipping laws on Guam.

The Governor may sponsor entry of qualified air carriers to Guam, and Guam is exempt from bilateral treaties between the U.S. and foreign nations regarding air travel. Guam remains an eligible point for "essential transportation" under federal law. Changes in air routes by domestic carriers must obtain the Governor's concurrence if service affects Guam. The Commonwealth is considered "domestic" for purpose of telecommunications rates.

Article Ten  
LAND & NATURAL RESOURCES

The Commonwealth is given expanded authority over its natural resources and real property including tidelands and waters (200-Mile Exclusive Economic Zone). The U.S. agrees to limit its power of eminent domain to wartime situations and then with full recognition of the constitutional rights of the people of Guam.

Federal land transferred to Guam is exempt from any conditions limiting land use. The U.S. agrees to transfer excess land to Guam at no cost and exempts it from federal rules governing disposal of excess property.

Recreational and other sites on federal property will be accessible to the people of Guam. All utilities operated by the U.S. must be transferred to Guam within 90 day.

Article Eleven  
U.S. FINANCIAL ASSISTANCE

Taxes, fees and customs duties derived from the Commonwealth are returned to Guam as they are now. Financial assistance laws, such as SSI, will be applied in the same manner as they are to the states. Fees derived from activities within the 200-mile economic zone will be returned to Guam. The U.S. will make annual payment to Guam in return for using such a large part of Guam. The U.S. will assist in paying the transition cost to Commonwealth and will set up an economic development fund for the Commonwealth.

Article Twelve  
TECHNICAL AMENDMENTS & INTERPRETATIONS

The Act is to be interpreted liberally to effect full internal self-government. Guam laws are to be given equal weight as states' laws.

The Organic Act is repealed in stages so that when Guam adopts its own constitution, the entire Act will have been repealed.

UPDATED CHRONOLOGY OF GUAM COMMONWEALTH  
July 1991

**December 1989 - Hawaii** The Subcommittee on Insular and International Affairs of the Committee on Interior and Insular Affairs, House of Representatives, held the first Congressional hearings on Guam's Commonwealth Bill. The Subcommittee, chaired by Congressman Ron De Lugo, held two days of hearings and received a variety of written and oral testimony from numerous individuals representing political, business, and private interests from Guam and representatives from the Bush Administration that had prepared the Task Force Report on Guam's Commonwealth. The hearings were adjourned with instructions from Chairman De Lugo that representatives of Guam and the Administration meet iron out their differences regarding the findings of the Task Force's report.

**February 1990 - D.C.** This first round of talks centered on the ground rules for the discussions. The Task Force insisted that the talks be closed to the public and that certain rules of confidentiality be followed. The Task Force indicated that the Executive Branch could not take any official or formal position on any issue until the talks were completed, a report on the final results had be been approved by OMB, and the President transmitted the report to Congress.

**July 1990 - S.F.** The second round of talks resulted in an agreement on certain principles that would underlie the defense consultation provisions of the Guam Commonwealth Bill (Section 302). There was also qualified agreement on certain provisions regarding Guam's court system (Section 401-404).

**January 1991 - Guam** This consisted of an informal visit to Guam by Stella Guerra and did not involve discussions between the full membership of CSD and the Task Force. Ms. Guerra apparently stressed the need to have more frequent discussions, perhaps once every two months. There was a qualified agreement regarding the enforcement of federal law (Section 204).

February 1991 - D.C. This round of discussions resulted in qualified agreements in the following issue areas: creation of the commonwealth (Section 101); U.S. assistance to Guam on international affairs (Section 303); and Guam immigration authority (Section 701 & 702).

April 1991 - S.F. This round of talks resulted in qualified agreements to the following issue areas: eminent domain (Section 1001A and 1001C); access to recreational sites on military installations (Section 1003); transfer of military utilities to Guam (Section 1004).

#### UPCOMING ROUND OF DISCUSSIONS

The next round of discussions are scheduled in San Francisco on August 12 and 13. If necessary, a third day of discussions will be scheduled for August 14

The Commission and the Task Force intend on having at least two more meetings after August to complete their discussions. They have tentatively anticipated that their discussions will be completed by the end of this year.

## Commonwealth Chronology of Events

May 31, 1980

Guam P.L. 15-128 enacted: creates CSD; provides for Territorial-Federal Relations Act to be drafted and submitted to voters to determine political status options.

January 12, 1982

Plebiscite held on political status options. 37% voter turn-out.

49% choose Commonwealth;  
26% choose Statehood;  
10% choose Status Quo;  
5% choose Incorporated Territory;  
4% choose Free Association;  
4% choose Independence;  
2% choose Other.

September 4, 1982

Second plebiscite held to decide between top two status choices. 83% voter turn-out.

Commonwealth receives 73% of the vote;  
Statehood receives 26% of the vote.

December 7, 1983

Guam delegation representing all three branches of government meet in Albuquerque, New Mexico with congressional delegation and commit to submitting a draft Commonwealth Bill to Congress.

June 11, 1986

CSD completes and distributes Draft Commonwealth Act.

August 8, 1987

Plebiscite held on Commonwealth draft bill. 39% voter turn-out. 10 articles pass. Articles 1 and 7 on political relationship and Immigration are defeated.

November 7, 1987

Second plebiscite held on Commonwealth draft bill and rewritten Articles 1 and 7. Passes with 58% voter turn-out.

August 8, 1987

Interior Committee Chairman Morris Udall and Subcommittee Chairman Ron de Lugo recommend to CSD that negotiations take place on Draft Act prior to formal introduction in Congress. CSD rejects recommendation.

March 7, 1988

Congressman Ben Blaz introduces the Commonwealth Bill in the U.S. House of Representatives without changes.

March 1988

Committee on Interior requests Administration comments on Commonwealth Bill. None are forthcoming until August 1989.

January 3, 1989

Congressman Ben Blaz reintroduces the Commonwealth Bill in the U.S. House of Representatives without changes.

February 12-14, 1989

Congressional delegation of 10 members of Interior Committee and Secretary of the Department of Interior Manuel Lujan visit Guam and discuss Commonwealth strategy with Legislature.

August 1, 1989

Federal Interagency Task Force issues its report which is critical of Commonwealth Bill.

December 11-12, 1989

Interior and Insular Affairs Subcommittee holds first hearing on Commonwealth Bill in Hawaii. Over 50 witnesses from Guam testify in support of Bill. Chairman Ron de Lugo states that refusal to compromise is a "road map to disaster" and recommends Federal Task Force and CSD meet to iron out differences.

February 15-16, 1990

CSD, Congressman Ben Blaz and Federal Task Force meet in Washington to begin dialogue.

July 11-12, 1990

Second meeting between CSD, Congressman Ben Blaz and Federal Task Force takes places in San Francisco.

January 3, 1991

Congressman Ben Blaz reintroduces Commonwealth Bill in the U.S. House of Representatives without changes.

EXCERPTS FROM TESTIMONY GIVEN AT GUAM HEARINGS -- HONOLULU,  
HAWAII -- DECEMBER 11-12, 1989

1. CLOSER RELATIONSHIP WITH THE UNITED STATES THROUGH EQUALITY  
AND FIRST-CLASS CITIZENSHIP

Governor Joseph F. Ada: "...with no promise of statehood or even a status approaching statehood held out to us." "But at the same time maintains a good and close relationship with our America, which is our desire -- and we presume -- the desire of America as well."

Former Governor of Guam, Ricardo J. Bordallo: "We know that you don't want us as a state. If you reject our commonwealth proposal, that leaves us with two alternatives." "We are loyal to American democracy...."

Former Governor of Guam, Paul Calvo: "Guam has no desire to secede; Guam has no intention of moving away from the U.S...."

Sen. Thomas V.C. Tanaka: "Commonwealth status envisions a closer institutionalized working relationship between Guam and the U.S...."

Luana P.C. Naehu, representing Mayor Vicente Bernardo: "...yet one is considered a first class citizen and the other a second class citizen. How is this possible when both are considered American citizens? I am here to make sure that this changes." "...want my people to be labeled as first, not second, class citizens."

Sen. Carl T. C. Gutierrez: "...administrative bureaucrats have taken a technical approach to Guam's quest for political status, rather than addressing the principles of the issue." "...U.S. Congress has for the second-class, colonial American citizens on Guam."

Sen. Edward D. Reyes: "...the people of Guam clearly demonstrated their choice and desire to move in the direction of closer political partnership with the U.S. and to become full participating members of the American family."

Sen. John Perez Aguon: "...without all of the privileges and benefits of American citizenship...."

Vice Speaker Ted Nelson: "...the resounding desire of the people of Guam to establish closer ties with the U.S." "...proven through history that they are loyal and unquestionably patriotic Americans, and that they desire a closer, fuller, and harmonious relationship with the U.S. as part of the American political family."

1. CLOSER RELATIONSHIP WITH THE UNITED STATES THROUGH EQUALITY  
AND FIRST-CLASS CITIZENSHIP (CONTINUED)

15th Guam Youth Congress: "...our present relationship is no longer acceptable...." "We want partnership and we want the American Flag...."

Annalynn Sebastian, independent member of Guam's Youth: "Do images of oppression come to mind? I am speaking of the youth of Guam, who basically had nothing but second-class citizenship to the United States, yet were drafted into their military service." "The mere fact that we are an "unincorporated territory" implies that although we are under the U.S. we may not partake in its principles of democracy." "A need to strengthen our ties with the U.S. for we shall never be satisfied with a status in limbo." "When shall we be considered as a part of the family to be afforded the benefits of the rights of other Americans."

Vincent Taigeron, student UOH: "Please help us to establish an equitable political status for our homeland so that we all may be dignified citizens."

Sen. Pilar C. Lujan: "...the people of Guam have opted to knot closer ties with the Nation through a commonwealth...." "In your deliberations over our quest for equality and parity, we ask that you be fair and just."

Sen. Elizabeth Perez Arriola: "We seek Commonwealth status because the doors to incorporation and statehood are closed and are not likely to be opened. We are striving to attain a new political status, a closer relationship with the U.S...."

Sen. Herminia Duenas Dierking: "...fundamentally changed political relationship...." "It has never been and never will be incorporated into the U.S. and thus can never be a State of the Union." "...the people of Guam continue to seek a closer relationship with the U.S. They seek a closer relationship because they have adopted and have taken close to their hearts, minds and souls sacred principles of American democracy embodied in the Preamble of the Constitution and in the Bill of Rights." "All we want is to enjoy those same rights and those privileges."

Florencio Torres Ramirez, Pres., Guam Assn. of Retired Persons: "...an equal partner in association with all states."

## 2. FULL APPLICATION OF THE UNITED STATES CONSTITUTION

Governor Joseph F. Ada: "In 1898 the federal government should have set us free, or offered as incorporation into America, with full and immediate citizenship...full protection under the Constitution."

Former Governor of Guam, Ricardo J. Bordallo: "Governed without our consent. Denied full representation. Excluded from the American body politic, and saddest of all, not completely protected by the Constitution."

Sen. Carl T. C. Gutierrez: "In other words, you have the power to decide when the provisions of the Constitution apply to Guam or when they don't apply."

Speaker Joaquin Arriola, 9th and 10th Leg.: "...our status is un-American. With the spirit and genius, as well as the words of the Constitution. America must practice - on Guam - what it preaches everywhere else."

Sen. Edward D. Reyes: "The political status of Commonwealth means a great deal to our people. The United States Constitution - its principles founded on democracy, ...is just as important to us as to any American."

15th Guam Youth Congress: "...the people of Guam are still longing to enjoy the full benefits of American citizenship and receive the constitutional protections that we are entitled to, yet have been denied."

Former Sen. Paul J. Bordallo: "Until such time as we are granted equality under the Constitution of the U.S. we shall and must struggle to preserve our rights to Guam as our homeland for the sake of our children."

Sen. Elizabeth Perez Arriola: "You, as members of Congress, are called to make real the principles of democracy, not only for people enslaved by communism and other oppressive regimes throughout the world, but most especially for your very own family, the American family."

Vincent Taijeron Akimoto, student UOH: "I was taught that as a citizen, I was guaranteed the rights of life, liberty, and the pursuit of my dreams by the Constitution of the United States of America. I also learned that my country would stand for my rights as well as the rights of my fellow Americans should these rights be denied or threatened."

### 3. VOTING REPRESENTATION IN CONGRESS

Former Governor of Guam Ricardo J. Bordallo: "Governed without our consent. Denied full representation. Excluded from the American body politic, and saddest of all, not completely protected by the Constitution."

Sen. George Bamba: "Without a voting representative in Congress, Guam has no true political power to protect itself from unilateral changes in its political relationship."

Sen. Carl T. C. Gutierrez: "How can you sleep at night knowing that when you are legislating, you do so for a people who have no representation in Congress, other than a masquerade called a "non-voting delegate to the House of Representatives? How can you pass laws for Puerto Rico, the Virgin Islands, American Samoa, the CNMI and Guam, knowing full well that they do not have voting representation in your hall? How many of you have a picture of Washington, Jefferson, or Hamilton hanging on your office walls, or copies of the Declaration of Independence in your homes? How many of you annually spout, "No taxation without representation!" at your college graduation speeches, and then turn around and pass legislation for Guam, without so much as a moment's hesitation or consideration that you are engaging in an act which contradicts the American democratic tradition at its very core?"

Sen. John Perez Aguon: "And we have no voting voice in either the Senate or House to tell lawmakers otherwise." "Our political status is nebulous. We have no voting representation in Congress."

Vice Speaker Ted Nelson: "However, we seek full entry into the United States community. And we seek to actively be included in the rights that all Americans share -- the right to representation..."

Vincent Taigeron, student UOH: "Our status as an unincorporated territory leaves us subject to the mandates of Congress without equal representation by the people of Guam...."

Sen. Herminia Duenas Dierking: "...right to vote for those who would represent them in the U.S. Congress on those political and legal issues which would impact on the daily life of their constituents."

Sen. Francisco R. Santos: "...absent voting representation in Congress...." "The people of Guam do not have, nor can they at this time hope for the power and effectiveness enjoyed by the States that result from their full Congressional voting authority."

Rudy Sablan, former Lt. Gov. of Guam: "We must have these provisions in the absence of voting representation in Congress."

#### 4. PRESIDENTIAL VOTE

Sen. John Perez Aguon: "We are Americans yet we cannot vote for President."

Vice Speaker Ted Nelson: "However, we seek full entry into the United States Community. And we seek to actively be included in the rights that all Americans share -- the right to cast our ballot with our American brothers and sisters...." "...and the right to fully participate in the American political process as a Commonwealth in the American family."

Carlos Taitano: "They live under limited home rule and abide by laws passed by Congress in which they have no representation with voting privileges and administered by a President for whom they cannot vote."

#### 5. ECONOMIC DISPARITY

Governor Joseph F. Ada: "We are soon treated as a foreign country with quotas imposed on us...." "But how about the favorable economic treatment foreign countries do get from the U.S. government... do we at least get that? No. While foreign countries may receive favorable treatment under the Generalized System of Preferences ...Guam does not. Whether we are considered foreign or domestic -- either way -- Guam loses."

Former Gov. of Guam, Paul Calvo: "...However, in the same manner American manufacturing exporters are denied markets in Japan, Guam is frozen out of the American market place. Commonwealth as we have proposed it would eliminate U.S. trade discrimination against goods made in Guam." "We seek only to be self-supporting, as equal competitors, within the American family."

Rudy Sablan, former Lt. Gov. of Guam: "Since we are not an integral part of the U.S., we can and should enjoy some flexibility from Congress to do certain things legally prohibited to the states to accommodate the unique setting, remoteness, physical distance and geographic isolation of our island."

Sen. John Perez Aguon: "Other federal regulations which also affect Guam in a negative fashion include the U.S. control of immigration policies and the placement of Guam outside the U.S. Customs Zone forcing American citizens traveling from one part of the U.S. to another to pass through customs."

Vice Speaker Ted Nelson: "However, we seek full entry into the United States community. And we seek to actively be included in the rights that all Americans share -- the right to share in the responsibilities of our nation. The first requisite of a good citizen in the republic of ours is that he shall be able and willing to pull his weight." "Guam's current economic boom certainly stands as a testimony to our desire to pull our own weight -- and more."