

In the Senate of the United States,

October 24 (legislative day, September 22), 2000.

Resolved, That the bill from the House of Representatives (H.R. 2462) entitled “An Act to amend the Organic Act of Guam, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF***
2 ***GUAM TO ACQUIRE EXCESS REAL PROPERTY***
3 ***IN GUAM.***

4 *(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Ex-*
5 *cept as provided in subsection (d), before screening excess*
6 *real property located on Guam for further Federal utiliza-*
7 *tion under section 202 of the Federal Property and Admin-*
8 *istrative Services Act of 1949 (40 U.S.C. 471, et seq.) (here-*
9 *inafter the “Property Act”), the Administrator shall notify*
10 *the Government of Guam that the property is available for*
11 *transfer pursuant to this section.*

1 (2) *If the Government of Guam, within 180 days after*
2 *receiving notification under paragraph (1), notifies the Ad-*
3 *ministrator that the Government of Guam intends to ac-*
4 *quire the property under this section, the Administrator*
5 *shall transfer such property in accordance with subsection*
6 *(b). Otherwise, the property shall be screened for further*
7 *Federal use and then, if there is no other Federal use, shall*
8 *be disposed of in accordance with the Property Act.*

9 (b) *CONDITIONS OF TRANSFER.—(1) Any transfer of*
10 *excess real property to the Government of Guam may be*
11 *only for a public purpose and shall be without further con-*
12 *sideration.*

13 (2) *All transfers of excess real property to the Govern-*
14 *ment of Guam shall be subject to such restrictive covenants*
15 *as the Administrator, in consultation with the Secretary*
16 *of Defense, in the case of property reported excess by a mili-*
17 *tary department, determines to be necessary to ensure that*
18 *(A) the use of the property is compatible with continued*
19 *military activities on Guam; (B) the use of the property*
20 *is consistent with the environmental condition of the prop-*
21 *erty; (C) access is available to the United States to conduct*
22 *any additional environmental remediation or monitoring*
23 *that may be required; (D) the property is used only for a*
24 *public purpose and can not be converted to any other use;*
25 *and (E) to the extent that facilities on the property have*

1 *been occupied and used by another Federal agency for a*
2 *minimum of 2 years, that the transfer to the Government*
3 *of Guam is subject to the terms and conditions for such*
4 *use and occupancy.*

5 *(3) All transfers of excess real property to the Govern-*
6 *ment of Guam are subject to all otherwise applicable Fed-*
7 *eral laws, except section 2696 of title 10, United States*
8 *Code, or section 501 of Public Law 100–77 (42 U.S.C.*
9 *11411).*

10 *(c) DEFINITIONS.—For the purposes of this section:*

11 *(1) The term “Administrator” means—*

12 *(A) the Administrator of General Services;*

13 *or*

14 *(B) the head of any Federal agency with the*
15 *authority to dispose of excess real property on*
16 *Guam.*

17 *(2) The term “base closure law” means the De-*
18 *fense Authorization Amendments and Base Closure*
19 *and Realignment Act of 1988 (Public Law 100–526),*
20 *the Defense Base Closure and Realignment Act of*
21 *1990 (Public Law 101–510), or similar base closure*
22 *authority.*

23 *(3) The term “excess real property” means excess*
24 *property (as that term is defined in section 3 of the*
25 *Property Act) that is real property and was acquired*

1 *by the United States prior to enactment of this sec-*
2 *tion.*

3 (4) *The term “Guam National Wildlife Refuge”*
4 *includes those lands within the refuge overlay under*
5 *the jurisdiction of the Department of Defense, identi-*
6 *fied as DoD lands in figure 3, on page 74, and as*
7 *submerged lands in figure 7, on page 78 of the “Final*
8 *Environmental Assessment for the Proposed Guam*
9 *National Wildlife Refuge, Territory of Guam, July*
10 *1993” to the extent that the Federal Government holds*
11 *title to such lands.*

12 (5) *The term “public purpose” means those pub-*
13 *lic benefit purposes for which the United States may*
14 *dispose of property pursuant to section 203 of the*
15 *Property Act, as implemented by the Federal Prop-*
16 *erty Management Regulations (41 CFR 101–47) or*
17 *the specific public benefit uses set forth in section 3(c)*
18 *of the Guam Excess Lands Act (Public Law 103–339;*
19 *108 Stat. 3116), except that such definition shall not*
20 *include the transfer of land to an individual or entity*
21 *for private use other than on a nondiscriminatory*
22 *basis.*

23 (d) *EXEMPTIONS.—Notwithstanding that such prop-*
24 *erty may be excess real property, the provisions of this sec-*
25 *tion shall not apply—*

1 (1) *to real property on Guam that is declared ex-*
2 *cess by the Department of Defense for the purpose of*
3 *transferring that property to the Coast Guard;*

4 (2) *to real property on Guam that is located*
5 *within the Guam National Wildlife Refuge, which*
6 *shall be transferred according to the following proce-*
7 *dure:*

8 (A) *The Administrator shall notify the Gov-*
9 *ernment of Guam and the Fish and Wildlife*
10 *Service that such property has been declared ex-*
11 *cess. The Government of Guam and the Fish and*
12 *Wildlife Service shall have 180 days to engage in*
13 *discussions toward an agreement providing for*
14 *the future ownership and management of such*
15 *real property.*

16 (B) *If the parties reach an agreement under*
17 *subparagraph (A) within 180 days after notifi-*
18 *cation of the declaration of excess, the real prop-*
19 *erty shall be transferred and managed in accord-*
20 *ance with such agreement: Provided, That such*
21 *agreement shall be transmitted to the Committee*
22 *on Energy and Natural Resources of the United*
23 *States Senate and the appropriate committees of*
24 *the United States House of Representatives not*
25 *less than 60 days prior to such transfer and any*

1 *such transfer shall be subject to the other provi-*
2 *sions of this section.*

3 (C) *If the parties do not reach an agreement*
4 *under subparagraph (A) within 180 days after*
5 *notification of the declaration of excess, the Ad-*
6 *ministrator shall provide a report to Congress on*
7 *the status of the discussions, together with his*
8 *recommendations on the likelihood of resolution*
9 *of differences and the comments of the Fish and*
10 *Wildlife Service and the Government of Guam. If*
11 *the subject property is under the jurisdiction of*
12 *a military department, the military department*
13 *may transfer administrative control over the*
14 *property to the General Services Administration*
15 *subject to any terms and conditions applicable to*
16 *such property. In the event of such a transfer by*
17 *a military department to the General Services*
18 *Administration, the Department of the Interior*
19 *shall be responsible for all reasonable costs asso-*
20 *ciated with the custody, accountability and con-*
21 *trol of such property until final disposition.*

22 (D) *If the parties come to agreement prior*
23 *to congressional action, the real property shall be*
24 *transferred and managed in accordance with*
25 *such agreement: Provided, That such agreement*

1 *shall be transmitted to the Committee on Energy*
2 *and Natural Resources of the United States Sen-*
3 *ate and the appropriate committees of the United*
4 *States House of Representatives not less than 60*
5 *days prior to such transfer and any such trans-*
6 *fer shall be subject to the other provisions of this*
7 *section.*

8 *(E) Absent an agreement on the future own-*
9 *ership and use of the property, such property*
10 *may not be transferred to another Federal agen-*
11 *cy or out of Federal ownership except pursuant*
12 *to an Act of Congress specifically identifying*
13 *such property;*

14 *(3) to real property described in the Guam Ex-*
15 *cess Lands Act (Public Law 103-339; 108 Stat. 3116)*
16 *which shall be disposed of in accordance with such*
17 *Act;*

18 *(4) to real property on Guam that is declared ex-*
19 *cess as a result of a base closure law; or*

20 *(5) to facilities on Guam declared excess by the*
21 *managing Federal agency for the purpose of transfer-*
22 *ring the facility to a Federal agency that has occu-*
23 *pied the facility for a minimum of two years when*
24 *the facility is declared excess together with the min-*

1 *imum land or interest therein necessary to support*
2 *the facility.*

3 *(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of*
4 *real property on Guam that is declared excess as a result*
5 *of a base closure law also falls within the boundary of the*
6 *Guam National Wildlife Refuge, such parcel of property*
7 *shall be disposed of in accordance with the base closure law.*

8 *(f) AUTHORITY TO ISSUE REGULATIONS.—The Ad-*
9 *ministrator of General Services, after consultation with the*
10 *Secretary of Defense and the Secretary of the Interior, may*
11 *issue such regulations as he deems necessary to carry out*
12 *this section.*

13 **SEC. 2. COMPACT IMPACT REPORTS.**

14 *Section 104(e)(2) of Public Law 99–239 (99 Stat.*
15 *1770, 1788) is amended by deleting “President shall report*
16 *to the Congress with respect to the impact of the Compact*
17 *on the United States territories and commonwealths and*
18 *on the State of Hawaii.” and inserting in lieu thereof,*
19 *“Governor of any of the United States territories or com-*
20 *monwealths or the State of Hawaii may report to the Sec-*
21 *retary of the Interior by February 1 of each year with re-*
22 *spect to the impacts of the compacts of free association on*
23 *the Governor’s respective jurisdiction. The Secretary of the*
24 *Interior shall review and forward any such reports to the*
25 *Congress with the comments of the Administration. The*

1 *Secretary of the Interior shall, either directly or, subject to*
2 *available technical assistance funds, through a grant to the*
3 *affected jurisdiction, provide for a census of Micronesians*
4 *at intervals no greater than five years from each decennial*
5 *United States census using generally acceptable statistical*
6 *methodologies for each of the impact jurisdictions where the*
7 *Governor requests such assistance, except that the total ex-*
8 *penditures to carry out this sentence may not exceed*
9 *\$300,000 in any year.”.*

10 **SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE**
11 **COMPACTS OF FREE ASSOCIATION.**

12 *(a) The freely associated states of the Republic of the*
13 *Marshall Islands, the Federated States of Micronesia, and*
14 *the Republic of Palau, respectively, and citizens thereof,*
15 *shall remain eligible for all Federal programs, grant assist-*
16 *ance, and services of the United States, to the extent that*
17 *such programs, grant assistance, and services are provided*
18 *to States and local governments of the United States and*
19 *residents of such States, for which a freely associated State*
20 *or its citizens were eligible on October 1, 1999. This eligi-*
21 *bility shall continue through the period of negotiations re-*
22 *ferred to in section 231 of the Compact of Free Association*
23 *with the Republic of the Marshall Islands and the Federated*
24 *States of Micronesia, approved in Public Law 99–239, and*
25 *during consideration by the Congress of legislation sub-*

1 *mited by an Executive branch agency as a result of such*
2 *negotiations.*

3 *(b) Section 214(a) of the Housing Community Devel-*
4 *opment Act of 1980 (42 U.S.C. 1436a(a)) is amended—*

5 *(1) by striking “or” at the end of paragraph (5);*

6 *(2) by striking the period at the end of para-*
7 *graph (6) and inserting “; or”; and*

8 *(3) by adding at the end the following new para-*
9 *graph:*

10 *“(7) an alien who is lawfully resident in the*
11 *United States and its territories and possessions*
12 *under section 141 of the Compacts of Free Association*
13 *between the Government of the United States and the*
14 *Governments of the Marshall Islands, the Federated*
15 *States of Micronesia (48 U.S.C. 1901 note) and Palau*
16 *(48 U.S.C. 1931 note) while the applicable section is*
17 *in effect: Provided, That, within Guam any such*
18 *alien shall not be entitled to a preference in receiving*
19 *assistance under this Act over any United States cit-*
20 *izen or national resident therein who is otherwise eli-*
21 *gible for such assistance.”.*

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 2462

AMENDMENT