

106TH CONGRESS
1ST SESSION

H. R. 2462

To amend the Organic Act of Guam, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1999

Mr. UNDERWOOD (for himself, Mr. YOUNG of Alaska, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Organic Act 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 Omnibus Oppor-
5 tunities Act”.

6 **SEC. 2. GUAM LAND RETURN ACT.**

7 (a) SHORT TITLE.—This section may be cited as the
8 “Guam Land Return Act”.

9 (b) TRANSFER OF EXCESS REAL PROPERTY.—

10 (1) NOTICE OF AVAILABILITY.—Except as pro-
11 vided in subsection (e), before screening excess real

1 property located on Guam for further Federal utili-
2 zation under section 202 of the Federal Property
3 and Administrative Services Act of 1949 (40 U.S.C.
4 471 et seq.), the Administrator shall notify the Gov-
5 ernment of Guam that the property is available for
6 transfer to the Government of Guam pursuant to
7 this section.

8 (2) OPPORTUNITY FOR ACQUISITION BY
9 GUAM.—If the Government of Guam, within 180
10 days after receiving notification under paragraph (1)
11 with regard to certain real property, notifies the Ad-
12 ministrator that the Government of Guam intends to
13 acquire the property under this section, the Adminis-
14 trator shall transfer such property to the Govern-
15 ment of Guam in accordance with subsections (c)
16 and (d). Otherwise, the Administrator shall dispose
17 of the property in accordance with the Federal Prop-
18 erty and Administrative Services Act of 1949 (40
19 U.S.C. 471 et seq.).

20 (c) COMPENSATION.—A transfer of excess real prop-
21 erty under subsection (b) to the Government of Guam for
22 a public purpose shall be made without reimbursement or
23 other compensation from the Government of Guam.

24 (d) CONDITIONS.—

1 (1) RESTRICTIVE COVENANTS.—All transfers of
2 excess real property under subsection (b) to the Gov-
3 ernment of Guam shall be subject to such restrictive
4 covenants as the Administrator determines, in the
5 sole discretion of the Administrator, to be necessary
6 to ensure that—

7 (A) the use of the property is compatible
8 with continued military activities on Guam;

9 (B) the use of the property is consistent
10 with the environmental condition of the prop-
11 erty;

12 (C) access is available to the United States
13 to conduct any additional environmental reme-
14 diation or monitoring that may be required;

15 (D) to the extent the property was trans-
16 ferred for a public purpose, the property is so
17 utilized; and

18 (E) to the extent the property has been
19 leased by another Federal agency for a min-
20 imum of two years under a lease entered into
21 prior to the date of the enactment of this Act,
22 the transfer to the Government of Guam be
23 subject to the terms and conditions of those
24 leasehold interests.

1 (2) CONSULTATION.—In the case of real prop-
2 erty reported excess by a military department and in
3 all cases with respect to paragraph (1)(A), the Ad-
4 ministrators shall consult with the Secretary of De-
5 fense regarding the restrictive covenants to be im-
6 posed on a transfer of the property.

7 (3) OTHER LAWS.—All transfers of excess real
8 property under subsection (b) to the Government of
9 Guam are subject to all otherwise applicable Federal
10 laws.

11 (e) EXEMPTIONS.—Notwithstanding that real prop-
12 erty located on Guam and described in this subsection may
13 be excess real property, this section shall not apply—

14 (1) to real property on Guam that is declared
15 excess by the Department of Defense for the pur-
16 pose of transferring that property to the Coast
17 Guard;

18 (2) to real property on Guam that is declared
19 excess by the managing Federal agency for the pur-
20 pose of transferring that property to a Federal
21 Agency that—

22 (A) has occupied the property for a min-
23 imum of two years at the time the property is
24 declared excess; and

1 (B) was occupying the property prior to
2 the date of the enactment of this Act;

3 (3) to real property on Guam that is located
4 within the Guam National Wildlife Refuge, which
5 shall be transferred in accordance with subsection
6 (f);

7 (4) to real property described in the Guam Ex-
8 cess Lands Act (Public Law 103–339, 108 Stat.
9 3116), which shall be disposed of in accordance with
10 such Act; or

11 (5) to real property on Guam that is declared
12 excess as a result of a base closure law, except that
13 with respect to property identified for disposal prior
14 to the date of the enactment of this section, such
15 lands shall be subject to subsections (c) and (d).

16 (f) TREATMENT OF GUAM NATIONAL WILDLIFE
17 REFUGE LANDS.—

18 (1) NOTIFICATION OF AVAILABILITY; NEGOTIA-
19 TIONS.—The Administrator shall notify the Govern-
20 ment of Guam and the Fish and Wildlife Service
21 that real property within the Guam National Wild-
22 life Refuge has been declared excess. The Govern-
23 ment of Guam and the Fish and Wildlife Service
24 shall have 180 days to engage in discussions toward

1 an agreement providing for the future ownership
2 and management of the real property.

3 (2) TRANSFER AND MANAGEMENT UNDER
4 AGREEMENT.—If the parties reach an agreement
5 under paragraph (1) within the 180-day period and
6 the agreement is submitted to the Committee on En-
7 ergy and Natural Resources of the United States
8 Senate and the Committee on Resources of the
9 United States House of Representatives not less
10 than 60 days prior to any transfer of the real prop-
11 erty under the agreement, the property shall be
12 transferred and managed in accordance with the
13 agreement. Any such transfer shall be subject to the
14 other provisions of this section.

15 (3) EFFECT OF LACK OF AGREEMENT.—If the
16 parties do not reach an agreement under paragraph
17 (1) within the 180-day period, the Administrator
18 shall provide a report to Congress on the status of
19 the discussions, together with recommendations on
20 the likelihood of resolution of differences and the
21 comments of the Fish and Wildlife Service and the
22 Government of Guam. If the subject property is
23 under the jurisdiction of a military department, the
24 Secretary of the military department may transfer
25 administrative control over the property to the Gen-

1 eral Services Administration. Absent an agreement
2 on the future ownership and use of the property, the
3 property may not be transferred to another Federal
4 agency or out of Federal ownership except pursuant
5 to an Act of Congress specifically identifying the
6 property.

7 (4) EVENTUAL AGREEMENT.—If the parties
8 come to an agreement prior to congressional action
9 in response to a report under paragraph (3) and the
10 agreement is submitted to the Committee on Energy
11 and Natural Resources of the United States Senate
12 and the Committee on Resources of the United
13 States House of Representatives not less than 60
14 days prior to any transfer of the real property under
15 the agreement, the real property shall be transferred
16 and managed in accordance with the agreement. Any
17 such transfer shall be subject to the other provisions
18 of this section.

19 (g) DUAL CLASSIFICATION PROPERTY.—If a parcel
20 of real property on Guam that is declared excess as a re-
21 sult of a base closure law also falls within the boundary
22 of the Guam National Wildlife Refuge, such parcel of
23 property shall be disposed of in accordance with the base
24 closure law.

1 (h) AUTHORITY TO ISSUE REGULATIONS.—The Ad-
2 ministrator of General Services, after consultation with
3 the Secretary of Defense and the Secretary of Interior,
4 may issue such regulations as the Administrator deems
5 necessary to carry out this section.

6 (i) DEFINITIONS.—For the purposes of this section:

7 (1) The term “Administrator” means—

8 (A) the Administrator of General Services;

9 or

10 (B) the head of any Federal agency with
11 the authority to dispose of excess real property
12 on Guam.

13 (2) The term “base closure law” means the De-
14 fense Base Closure and Realignment Act of 1990
15 (part A of title XXIX of Public Law 101–510; 10
16 U.S.C. 2687 note), title II of the Defense Authoriza-
17 tion Amendments and Base Closure and Realign-
18 ment Act (Public Law 100–526; 10 U.S.C. 2687
19 note), or similar base closure authority.

20 (3) The term “excess real property” means ex-
21 cess property (as that term is defined in section 3
22 of the Federal Property and Administrative Services
23 Act of 1949 (40 U.S.C. 472)) that is real property
24 and was acquired by the United States prior to the
25 enactment of this section.

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

10 (5) The term “public purpose” means those
11 public benefit purposes for which the United States
12 may dispose of property pursuant to section 203 of
13 the Federal Property and Administrative Services
14 Act of 1949 (40 U.S.C. 484), as implemented by the
15 Federal Property Management Regulations (41 CFR
16 101–47) or other public benefit uses provided under
17 the Guam Excess Lands Act (Public Law 103–339;
18 108 Stat. 3116).

19 **SEC. 3. GUAM FOREIGN DIRECT INVESTMENT EQUITY ACT.**

20 (a) **SHORT TITLE.**—This section may be cited as the
21 “Guam Foreign Direct Investment Equity Act”.

22 (b) **IN GENERAL.**—Subsection (d) of section 31 of the
23 Organic Act of Guam (48 U.S.C. 1421i) is amended by
24 adding at the end the following new paragraph:

1 “(3) In applying as the Guam Territorial income tax
2 the income-tax laws in force in Guam pursuant to sub-
3 section (a) of this section, the rate of tax under sections
4 871, 881, 884, 1441, 1442, 1443, 1445, and 1446 of the
5 Internal Revenue Code of 1986 on any item of income
6 from sources within Guam shall be the same as the rate
7 which would apply with respect to such item were Guam
8 treated as part of the United States for purposes of the
9 treaty obligations of the United States.”

10 (c) EFFECTIVE DATE.—The amendment made by
11 subsection (b) shall apply to amounts paid after the date
12 of the enactment of this Act.

13 **SEC. 4. BETEL NUTS.**

14 (a) IN GENERAL.—For purposes of sections 402 and
15 801 of the Federal Food, Drug, and Cosmetic Act (21
16 U.S.C. 342 and 381), betel nuts (also known as “areca
17 nuts”) shall not be considered to be adulterated if pos-
18 sessed by an individual for personal consumption by the
19 individual.

20 (b) DEFINITION.—In this section, the term “betel
21 nuts” means husked betel nuts.

22 **SEC. 5. HOUSING ASSISTANCE.**

23 Section 214(a) of the Housing Community Develop-
24 ment Act of 1980 (42 U.S.C. 1436a(a)) is amended—

1 (1) by striking “or” at the end of paragraph
2 (5);

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

5 (3) by adding at the end the following new
6 paragraph:

7 “(7) an alien who is lawfully resident in the
8 United States and its territories and possessions
9 under section 141 of the Compacts of Free Associa-
10 tion between the Government of the United States
11 and the Governments of the Marshall Islands, the
12 Federated States of Micronesia (48 U.S.C. 1901
13 note) and Palau (48 U.S.C. 1931 note) while the ap-
14 plicable section is in effect: *Provided*, That, within
15 Guam and the Commonwealth of the Northern Mar-
16 iana Islands any such alien shall not be entitled to
17 a preference in receiving assistance under this Act
18 over any United States citizen or national resident
19 therein who is otherwise eligible for such assist-
20 ance.”.

21 **SEC. 6. COMPACT IMPACT REPORTS.**

22 Paragraph 104(e)(2) of Public Law 99–239 (99 Stat.
23 1770, 1788) is amended by deleting “President shall re-
24 port to the Congress with respect to the impact of the
25 Compact on the United States territories and common-

1 wealths and on the State of Hawaii.” and inserting in lieu
2 thereof the following: “Governor of any of the United
3 States territories or commonwealths or the State of Ha-
4 waii may report to the Secretary of the Interior by Feb-
5 ruary 1 of each year with respect to the financial and so-
6 cial impacts of the compacts of free association on the
7 Governor’s respective jurisdiction. The Secretary of the
8 Interior shall review and forward any such reports to the
9 Congress with the comments and recommendations of the
10 Administration. The Secretary of the Interior shall, either
11 directly or, subject to available technical assistance funds,
12 through a grant to the affected jurisdiction, provide for
13 a census of Micronesians at intervals no greater than five
14 years from each decennial United States census using gen-
15 erally acceptable statistical methodologies for each of the
16 impact jurisdictions where the Governor requests such as-
17 sistance, except that the total expenditures to carry out
18 this sentence may not exceed \$300,000 in any year.”.

19 **SEC. 7. CLARIFICATION OF CERTAIN DEPARTMENT OF JUS-**
20 **TICE BLOCK GRANT PROGRAMS.**

21 The matter set forth under the heading “VIOLENT
22 CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW
23 ENFORCEMENT ASSISTANCE” in Public Law 105–277 is
24 amended—

1 (1) in the matter before the first proviso by in-
2 serting “Guam shall be considered a ‘State’ and” be-
3 fore “the Commonwealth of Puerto Rico”; and

4 (2) in the antepenultimate proviso by inserting
5 “and Guam shall be considered a ‘State’ for the pur-
6 poses of title III of H.R. 3 as passed by the House
7 of Representatives on May 8, 1997” after “instead
8 to 1999”.

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