

104TH CONGRESS
2D SESSION

H. R. 1332

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 1996

Received

RESOLUTION

To make certain technical changes affecting United States territories, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Omnibus Insular Areas Act of 1996”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Temporary absence of officials clarified.
- Sec. 3. Amendments to priority of bonds and other obligations.
- Sec. 4. Commission on the economic future of the Virgin Islands.
- Sec. 5. Repeal of separate ballot requirement.
- Sec. 6. Insular funding clarification.
- Sec. 7. American Memorial Park.
- Sec. 8. American Samoa Study Commission.
- Sec. 9. Hawaiian Homes Commission.

3 **SEC. 2. TEMPORARY ABSENCE OF OFFICIALS CLARIFIED.**

4 Section 14 of the Revised Organic Act of the Virgin
 5 Islands (48 U.S.C. 1595) is amended by adding at the
 6 end the following new subsection:

7 “(g) An absence from the Virgin Islands of the Gov-
 8 ernor or the Lieutenant Governor, while on official busi-
 9 ness shall not be a ‘temporary absence’ for purposes of
 10 this section.”.

11 **SEC. 3. AMENDMENTS TO PRIORITY OF BONDS AND OTHER**
 12 **OBLIGATIONS.**

13 (a) AUTHORITY TO ISSUE OBLIGATIONS.—Section 3
 14 of the Act entitled “An Act to authorize the government
 15 of the Virgin Islands to issue bonds in anticipation of reve-
 16 nue receipts and to authorize the guarantee of such bonds
 17 by the United States under specified conditions, and for
 18 other purposes”, approved August 19, 1976 (48 U.S.C.
 19 1574c), is amended—

20 (1) by striking “priority for payment” and in-
 21 serting in lieu thereof “a parity lien with every other

1 issue of bonds or other obligations issued for pay-
2 ment”; and

3 (2) by striking “in the order of the date of
4 issue”.

5 (b) APPLICATION.—The amendments made by this
6 section shall apply to obligations issued on or after the
7 date of the enactment of this Act.

8 **SEC. 4. COMMISSION ON THE ECONOMIC FUTURE OF THE**
9 **VIRGIN ISLANDS.**

10 (a) ESTABLISHMENT AND MEMBERSHIP.—

11 (1) IN GENERAL.—There is hereby established
12 a Commission on the Economic Future of the Virgin
13 Islands (hereafter in this section referred to as the
14 “Commission”). The Commission shall consist of six
15 members appointed by the President, two of whom
16 shall be selected from nominations made by the Gov-
17 ernor of the Virgin Islands. The President shall des-
18 ignate one of the members of the Commission to be
19 Chairman.

20 (2) SECRETARY OF INTERIOR EX OFFICIO MEM-
21 BER.—In addition to the six members appointed
22 under paragraph (1), the Secretary of the Interior
23 shall be an ex-officio member of the Commission.

24 (3) MEMBERS APPOINTED BY PRESIDENT.—
25 Members of the Commission appointed by the Presi-

1 dent shall be persons who by virtue of their back-
2 ground and experience are particularly suited to con-
3 tribute to achievement of the purposes of the Com-
4 mission.

5 (4) COMPENSATION.—Members of the Commis-
6 sion shall serve without compensation, but may be
7 reimbursed for travel, subsistence and other nec-
8 essary expenses incurred by them in the performance
9 of their duties.

10 (5) VACANCIES.—Any vacancy in the Commis-
11 sion shall be filled in the same manner as the origi-
12 nal appointment was made.

13 (b) PURPOSE AND REPORT.—

14 (1) PURPOSE.—The purpose of the Commission
15 is to make recommendations to the President and
16 Congress on the policies and actions necessary to
17 provide for a secure and self-sustaining future for
18 the local economy of the Virgin Islands through
19 2020 and on the role of the Federal Government. In
20 developing recommendations, the Commission
21 shall—

22 (A) solicit and analyze information on pro-
23 jected private sector development and shifting
24 tourism trends based on alternative forecasts of

1 economic, political, and social conditions in the
2 Caribbean;

3 (B) analyze capital infrastructure, edu-
4 cation, social, health, and environmental needs
5 in light of these alternative forecasts; and

6 (C) assemble relevant demographic, eco-
7 nomic, and revenue and expenditure data from
8 over the past 25 years.

9 (2) RECOMMENDATIONS AND REPORT.—The
10 recommendations of the Commission shall be trans-
11 mitted to the President, the Committee on Energy
12 and Natural Resources of the United States Senate
13 and the Committee on Resources of the United
14 States House of Representatives no later than June
15 30, 1998. The report shall set forth the basis for the
16 recommendations and include an analysis of the ca-
17 pability of the Virgin Islands to meet projected
18 needs based on reasonable alternative economic, po-
19 litical, and social conditions in the Caribbean, in-
20 cluding the expansion in the near future of Cuba to
21 trade, tourism, and development.

22 (c) POWERS.—

23 (1) IN GENERAL.—The Commission may—

1 (A) hold such hearings, sit and act at such
2 times and places, take such testimony and re-
3 ceive such evidence as it may deem advisable;

4 (B) use the United States mail in the same
5 manner and upon the same conditions as de-
6 partments and agencies of the United States;
7 and

8 (C) within available funds, incur such ex-
9 penses and enter into contracts or agreements
10 for studies and surveys with public and private
11 organizations and transfer funds to Federal
12 agencies to carry out the Commission's func-
13 tions.

14 (2) TECHNICAL AND ADMINISTRATIVE SUP-
15 PORT.—Within funds available for the Commission,
16 the Secretary of the Interior shall provide such office
17 space, furnishings, equipment, staff, and fiscal and
18 administrative services as the Commission may re-
19 quire.

20 (3) ASSISTANCE FROM FEDERAL AGENCIES.—
21 The President, upon request of the Commission,
22 may direct the head of any Federal agency or de-
23 partment to assist the Commission and if so directed
24 such head shall—

1 (A) furnish the Commission to the extent
2 permitted by law and within available appro-
3 priations such information as may be necessary
4 for carrying out the functions of the Commis-
5 sion and as may be available to or procurable
6 by such department or agency; and

7 (B) detail to temporary duty with the
8 Commission on a reimbursable basis such per-
9 sonnel within his administrative jurisdiction as
10 the Commission may need or believe to be use-
11 ful for carrying out its functions, each such de-
12 tail to be without loss of seniority, pay or other
13 employee status.

14 (d) CHAIRMAN.—Subject to general policies that the
15 Commission may adopt, the chairman of the Commission
16 shall be the chief executive officer of the Commission and
17 shall exercise its executive and administrative powers. The
18 chairman may make such provisions as he may deem ap-
19 propriate authorizing the performance of his executive and
20 administrative functions by the staff of the Commission.

21 (e) FUNDING.—The Department of the Interior is
22 authorized to provide up to \$300,000 in each of the fiscal
23 years 1997 and 1998 in technical assistance funding for
24 the work of the Commission.

1 (f) TERMINATION.—The Commission shall terminate
2 three months after the transmission of the report and rec-
3 ommendations under subsection (b)(2).

4 **SEC. 5. REPEAL OF SEPARATE BALLOT REQUIREMENT.**

5 (a) IN GENERAL.—Section 2(a) of the Act entitled
6 “An Act to provide that the unincorporated territories of
7 Guam and the Virgin Islands shall each be represented
8 in Congress by a Delegate to the House of Representa-
9 tives” approved April 10, 1972 (48 U.S.C. 1712(a)), is
10 amended—

11 (1) by striking “, by separate ballot and”; and

12 (2) by inserting after the second sentence the
13 following new sentence: “The Delegate representing
14 the Virgin Islands shall be elected by separate bal-
15 lot.”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect January 1, 1997.

18 **SEC. 6. INSULAR FUNDING CLARIFICATION.**

19 The second sentence of subsection (a) of section 703
20 of the Northern Mariana Islands Covenant, as contained
21 in section 1 of Public Law 94–241 (48 U.S.C. 1801 note),
22 shall be construed as if “of the Government of the North-
23 ern Mariana Islands” were stricken.

1 **SEC. 7. AMERICAN MEMORIAL PARK.**

2 Section 5 of Public Law 95–348 (92 Stat. 492) is
3 amended by striking subsection (f).

4 **SEC. 8. AMERICAN SAMOA STUDY COMMISSION.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) the islands of Tutuila and Manua, and cer-
7 tain other islands that compose American Samoa,
8 were ceded by the chiefs of the islands to the United
9 States by two treaties or deeds of cession which were
10 submitted to the United States Congress on April
11 10, 1900, and July 16, 1904;

12 (2) American Samoa’s status as an unorganized
13 and unincorporated territory of the United States,
14 and American Samoa’s political relationship to the
15 United States, are not clearly defined in any single
16 document;

17 (3) there is a need for a comprehensive study
18 and review of the historical and legal basis of Amer-
19 ican Samoa’s political relationship with the United
20 States, including—

21 (A) a comprehensive report on American
22 Samoa’s present political relationship with the
23 United States, as compared to other relation-
24 ships such as independence, commonwealth, and
25 free association; and

1 (B) an examination of whether the treaties
2 or deeds of cession created trust obligations to
3 American Samoa on the part of the United
4 States;

5 (4) the economic and social needs of American
6 Samoa are substantially affected by the nature of
7 American Samoa's political relationship with the
8 United States; and

9 (5) there is a need for a comprehensive study
10 also of Swains Island and its historical relationship
11 with the Tokelau Island Group.

12 (b) ESTABLISHMENT.—There is established a com-
13 mission to be known as the “American Samoa Study Com-
14 mission” (hereafter in this section referred to as the
15 “Commission”).

16 (c) DUTIES.—

17 (1) IN GENERAL.—It shall be the duty of the
18 Commission—

19 (A) to study and evaluate all the factors
20 that led to American Samoa's political relation-
21 ship with the United States, including—

22 (i) the events that led to the cession
23 to the United States of the islands that
24 compose American Samoa; and

1 (ii) the constitutions, statutes, trea-
2 ties, and agreements that affect American
3 Samoa's political relationship with the
4 United States;

5 (B) to document and report on the nature
6 of American Samoa's political relationship with
7 the United States; to document and also report
8 on such political relationships as independence,
9 commonwealth, and free association;

10 (C) to study and evaluate the impact of
11 American Samoa's political status and relation-
12 ship with the United States (as determined by
13 the Commission under subparagraph (B)) on
14 the economic and social needs of American
15 Samoa and its residents;

16 (D) to study and report on whether the
17 1900 and 1904 instruments of cession were in-
18 deed treaties or deeds and how such instru-
19 ments are recognized under international law;
20 and

21 (E) to study and report on options avail-
22 able to improve American Samoa's economic
23 self-sufficiency, given its remote location, lim-
24 ited land size, and changing world economics.

1 (2) CONSULTATION.—The Commission shall, to
2 the maximum extent practicable, consult with Amer-
3 ican Samoans in carrying out the duties of the Com-
4 mission under paragraph (1).

5 (d) MEMBERSHIP.—

6 (1) NUMBER AND APPOINTMENT.—The Com-
7 mission shall be composed of five members appointed
8 as follows:

9 (A) Three members appointed by the Sec-
10 retary of Interior, including—

11 (i) one member appointed from among
12 three individuals nominated by the legisla-
13 ture of the Territorial government of
14 American Samoa; and

15 (ii) one member appointed from
16 among three individuals nominated by the
17 Governor of American Samoa.

18 (B) One member appointed by the Speaker
19 of the United States House of Representatives.

20 (C) One member appointed by the Presi-
21 dent of the United States Senate.

22 (2) TERMS.—Each member shall be appointed
23 for the life of the Commission.

24 (3) COMPENSATION.—Members of the Commis-
25 sion shall serve without compensation, but may be

1 reimbursed for travel, subsistence and other nec-
2 essary expenses incurred by them in the performance
3 of their duties.

4 (4) QUORUM.—Three members of the Commis-
5 sion shall constitute a quorum, but a lesser number
6 may hold hearings.

7 (5) CHAIRPERSON; VICE CHAIRPERSON.—The
8 chairperson and vice chairperson of the Commission
9 shall be elected by the members.

10 (6) MEETINGS.—(A) Not later than the expira-
11 tion date of the 90 day period beginning on the date
12 of the enactment of this Act, the Secretary of the
13 Interior shall call the initial meeting of the members
14 of the Commission.

15 (B) The chairperson or a majority of the mem-
16 bers of the Commission shall call any meeting of the
17 Commission that occurs after the meeting called
18 under subparagraph (A).

19 (e) TECHNICAL AND ADMINISTRATIVE SUPPORT.—

20 (1) IN GENERAL.—Within funds available for
21 the Commission, the Secretary of the Interior shall
22 provide such office space, furnishings, equipment,
23 staff, and fiscal and administrative services as the
24 Commission may require.

1 (2) ASSISTANCE FROM FEDERAL AGENCIES.—

2 The President, upon request of the Commission,
3 may direct the head of any Federal agency or de-
4 partment to assist the Commission and if so directed
5 such head shall—

6 (A) furnish the Commission to the extent
7 permitted by law and within available appro-
8 priations such information as may be necessary
9 for carrying out the functions of the Commis-
10 sion and as may be available to or procurable
11 by such department or agency; and

12 (B) detail to temporary duty with the
13 Commission on a reimbursable basis such per-
14 sonnel within his administrative jurisdiction as
15 the Commission may need or believe to be use-
16 ful for carrying out its functions, each such de-
17 tail to be without loss of seniority, pay or other
18 employee status.

19 (f) POWERS OF COMMISSION.—

20 (1) HEARINGS.—(A) The Commission may, for
21 the purpose of carrying out this section, hold hear-
22 ings, sit and act at times and locations, take testi-
23 mony, and receive evidence as the Commission con-
24 siders appropriate.

1 (B)(i) The Commission shall conduct at least 1
2 hearing at any location on each of—

3 (I) Tutuila;

4 (II) Ofu;

5 (III) Olosega; and

6 (IV) Tau.

7 (ii) The Commission may conduct at least three
8 separate hearings in the United States at locations
9 where significant numbers of American Samoans re-
10 side.

11 (C) The Commission shall provide notice to the
12 public of the hearings referred to in subparagraphs
13 (A) and (B), including information regarding the
14 date, topic and location of the meeting, and shall
15 take other actions as the Commission considers nec-
16 essary to obtain, to the maximum extent practicable,
17 public participation in the hearings.

18 (2) DELEGATION OF AUTHORITY.—Any mem-
19 ber or agent of the Commission may, if authorized
20 by the Commission, take any action that the Com-
21 mission is authorized to take by this section.

22 (3) OBTAINING OFFICIAL DATA.—(A) The Com-
23 mission may secure directly from any Federal agen-
24 cy and the Library of Congress information nec-
25 essary to enable it to carry out this section. Upon

1 the request of the Chairperson of the Commission,
2 the head of the Federal agency or Library of Con-
3 gress shall furnish the information to the Commis-
4 sion.

5 (B) Subparagraph (A) shall not apply to any
6 information that the Commission is prohibited to se-
7 cure or request by another law.

8 (4) MAIL.—The Commission may use the Unit-
9 ed States mail in the same manner and under the
10 same conditions as the other Federal agencies.

11 (g) REPORTS.—(1)(A) Not later than the expiration
12 of the 1-year period beginning on the date of the enact-
13 ment of this Act, the Commission shall prepare and pub-
14 lish a draft report containing the findings, conclusions and
15 recommendations of the Commission.

16 (B) The Commission shall distribute such report to
17 appropriate Federal and American Samoan agencies and
18 shall make such report available to members of the public
19 upon request.

20 (C) The Commission shall solicit written comments
21 from the Federal and American Samoan agencies and
22 other persons to which copies of such report are distrib-
23 uted under subparagraph (B).

24 (2) Not later than the expiration of the 9-month pe-
25 riod beginning on the date of the publication of the report

1 required by paragraph (1)(A), the Commission shall sub-
2 mit to the President and the Congress a final report,
3 which shall include—

4 (A) a detailed statement of the findings
5 and conclusions made by the Commission after
6 consideration of the comments received by the
7 Commission under paragraph (1)(C);

8 (B) the recommendations of the Commis-
9 sion for legislative and administrative actions
10 that the Commission determines to be appro-
11 priate; and

12 (C) copies of all written comments received
13 by the Commission under paragraph (1)(C).

14 (h) DEFINITIONS.—For the purposes of this section:

15 (1) The term “American Samoan” has the
16 meaning given the term “native American Samoan”
17 in section 4 of Public Law 100–571 (16 U.S.C.
18 410qq–3).

19 (2) The term “Commission” means the Amer-
20 ican Samoa Study Commission established in sub-
21 section (b).

22 (i) FUNDING.—Subject to paragraph (2), the Depart-
23 ment of the Interior is authorized to provide up to
24 \$225,000 in each of the fiscal years 1997 and 1998 in

1 technical assistance funding for the work of the Commis-
2 sion.

3 (2) Amounts provided pursuant to paragraph (1) may
4 not exceed 75 percent of the total amount provided for
5 the Commission and shall be provided on a matching
6 basis. The non-Federal share of such amount shall be pro-
7 vided in cash by the Government of American Samoa.

8 (j) TERMINATION.—The Commission shall terminate
9 not later than the expiration of the 60-day period begin-
10 ning on the date on which the Commission submits its
11 final report under subsection (g).

12 **SEC. 9. HAWAIIAN HOMES COMMISSION.**

13 That, as required by section 4 of the Act entitled “An
14 Act to provide for the admission of the State of Hawaii
15 into the Union”, approved March 18, 1959 (73 Stat. 4),
16 the United States consents to the following amendments
17 to the Hawaiian Homes Commission Act, 1920, adopted
18 by the State of Hawaii in the manner required for State
19 legislation:

20 (1) Act 339 of the Session Laws of Hawaii,
21 1993.

1 (2) Act 37 of the Session Laws of Hawaii,
2 1994.

 Passed the House of Representatives September 28,
1996.

Attest:

ROBIN H. CARLE,
Clerk.