

105TH CONGRESS  
1ST SESSION

# H. R. 100

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. UNDERWOOD (for himself, Mr. ABERCROMBIE, Mr. BONIOR, Mr. CLAY, Mr. DELLUMS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Ms. CHRISTIAN-GREEN, Mr. HINCHEY, Mr. HOLDEN, Mr. LaFALCE, Mr. LEWIS of Georgia, Mr. MARTINEZ, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. NADLER, Ms. NORTON, Mr. PASTOR, Mr. ROMERO-BARCELÓ, Mr. TORRES, and Mr. YATES) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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”.

1 **SEC. 2. PREAMBLE.**

2 (a) In recognition of the long-cherished aspiration of  
3 the people of Guam to direct the course of their own des-  
4 tiny, and with the belief that mutual respect, understand-  
5 ing, and compromise among people form a more perfect  
6 Union, the people of the United States of America, nur-  
7 tured in the ideals of liberty and democracy, conscious of  
8 their obligations under the Treaty of Paris of 1899 and  
9 the Charter of the United Nations, do hereby embrace the  
10 establishment of the Commonwealth of Guam, ever mind-  
11 ful that the right of self-determination and the heritage  
12 of the Chamorro people of Guam shall be protected.

13 (b) This Act reflects the will of the people of Guam  
14 to attain a greater measure of self-government in concert  
15 with the United States of America, and reaffirms the prin-  
16 ciple that governments derive their just powers only from  
17 the consent of the governed.

18 (c) To this end, the Senate and House of Representa-  
19 tives of the United States of America in Congress assem-  
20 bled, now adopt this Act.

21 **TITLE I—POLITICAL**  
22 **RELATIONSHIP**

23 **SEC. 101. CREATION OF THE COMMONWEALTH AND FULL**  
24 **SELF-GOVERNMENT.**

25 (a) The Island of Guam, and its adjacent islands and  
26 waters shall upon the enactment of this Act become a self-

1 governing Commonwealth known as the “Commonwealth  
2 of Guam”. This Act, the provisions of the United States  
3 Constitution, treaties, and laws of the United States appli-  
4 cable to Guam, and the Constitution of Guam shall be the  
5 supreme law of the Commonwealth.

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

12 (1) recognize, and be consistent with, the sov-  
13 ereignty of the United States over Guam, and the  
14 supremacy of the provisions of the Constitution,  
15 treaties, and laws of the United States applicable to  
16 Guam;

17 (2) provide for a republican form of govern-  
18 ment;

19 (3) provide for three branches of government;  
20 and

21 (4) contain a bill of rights.

22 (c) The Government of the Commonwealth shall have  
23 the power to sue in its own name, and, with the consent  
24 of the Legislature, may be sued upon any contract entered  
25 into with respect to, or any tort committed incident to,

1 the exercise by the Government of the Commonwealth of  
2 Guam or any of its lawful powers.

3 (d) The Government of the Commonwealth of Guam  
4 shall have the power to establish, maintain, and operate  
5 a public educational system to the same extent as the  
6 several States.

7 **SEC. 102. SELF-DETERMINATION AND UNITED STATES CITI-**  
8 **ZENSHIP RIGHTS.**

9 (a) The Congress recognizes the inalienable right of  
10 self-determination of the indigenous Chamorro people of  
11 Guam, defined as all those born on Guam before August  
12 1, 1950, and their descendants. The exercise of such right  
13 of self-determination shall be provided for in a Constitu-  
14 tion of the Commonwealth of Guam.

15 (b) The Government of Guam shall ensure that, not-  
16 withstanding the provisions of the preceding paragraph,  
17 nothing herein shall be interpreted as depriving any quali-  
18 fied resident of Guam of the right to participate as a voter  
19 in any referendum or plebiscite held under the ratification  
20 procedure for this Act set forth in section 1204 hereof.

21 (c) The United States Government shall, by means  
22 of additional federally funded programs, and the Common-  
23 wealth of Guam may promote—

24 (1) the maintenance and preservation of the  
25 Chamorro language, culture, and traditions;

1           (2) the enhancement of economic, social, and  
2           educational opportunities for Chamorros; and

3           (3) training of Chamorros for employment as  
4           professionals, skilled workers, and leaders in busi-  
5           ness and industry.

6           (d) The establishment of such additional programs  
7           shall not affect the continued eligibility for the benefits  
8           of existing programs of members of all minority groups  
9           presently qualifying for such programs under current law.

10          (e) Nothing in this Act or in the Constitution of the  
11          Commonwealth of Guam shall impair the United States  
12          citizenship of the residents of Guam or their descendants,  
13          or the entitlement of legally admitted aliens permanently  
14          residing in Guam, to the respective rights and privileges  
15          accorded to each such class of persons under the first sen-  
16          tence of the fourteenth amendment of the United States  
17          Constitution.

18          (f) Notwithstanding any other provisions of law or  
19          of this Act, the Commonwealth of Guam shall establish  
20          a trust to be known as the “Chamorro Land Trust” for  
21          the benefit of the indigenous Chamorro people of Guam  
22          and composed of certain lands returned by the United  
23          States before and after the effective date of this Act to  
24          the Commonwealth of Guam. Nothing in this section shall  
25          inhibit or prevent the direct return of lands to the original

1 owners, or the establishment of leasehold arrangements  
 2 with them, by the Government of the Commonwealth of  
 3 Guam.

4 (g) The Constitution of the Commonwealth of Guam  
 5 shall establish reasonable residency requirements for the  
 6 citizens of such Commonwealth for the purposes of the  
 7 right to vote in Commonwealth elections or to hold any  
 8 elective office established by the Constitution of Guam.

9 **SEC. 103. MUTUAL CONSENT.**

10 In order to respect the self-government granted to the  
 11 Commonwealth of Guam under this Act, the United States  
 12 agrees to limit the exercise of its authority so that the  
 13 provisions of this Act may be modified only with the mu-  
 14 tual consent of the Government of the United States and  
 15 the Government of the Commonwealth of Guam.

16 **TITLE II—APPLICABILITY OF**  
 17 **FEDERAL LAW**

18 **SEC. 201. APPLICABILITY OF UNITED STATES CONSTITU-**  
 19 **TION.**

20 Those portions of the United States Constitution  
 21 which apply to Guam on the effective date of this Act  
 22 shall, unless specifically modified by this Act, continue to  
 23 apply under this Act. In addition, the following provisions  
 24 of and amendments to the Constitution of the United  
 25 States shall apply to the Commonwealth of Guam and

1 shall have the same force and effect in Guam as in the  
2 United States or in any State of the United States: Article  
3 IV, section 2, clause 2 and section 4; the tenth amend-  
4 ment, and the first sentence of the fourteenth amendment.

5 **SEC. 202. EFFECT OF FEDERAL LAW.**

6 Except as otherwise intended by this Act, no Federal  
7 laws, rules or regulations passed after the date of this Act  
8 shall apply to the Commonwealth of Guam unless mutu-  
9 ally consented to by the United States and the Govern-  
10 ment of the Commonwealth of Guam.

11 **SEC. 203. JOINT COMMISSION.**

12 (a)(1) There is hereby created a Joint Commission  
13 on the Applicability of Federal Law (hereinafter referred  
14 to as the “Commission”) to be composed of 7 members:  
15 3 members and their successors appointed by the Presi-  
16 dent of the United States and 4 members and their succes-  
17 sors appointed by the Governor with the advice and con-  
18 sent of the legislature of the Commonwealth of Guam. The  
19 appointees by the Government of Guam shall be citizens  
20 of the Commonwealth of Guam who are or have been 10  
21 years continuously resident on Guam at the time of their  
22 appointment. Said appointees shall serve at the pleasure  
23 of the President of the United States and the Governor  
24 of the Commonwealth of Guam, respectively. Any vacancy  
25 which may occur on the Commission shall not affect its

1 powers or functions but shall be filled in the same manner  
2 in which the original appointment was made. Appoint-  
3 ments shall be made within 60 days after the effective date  
4 of this Act.

5 (2) The Commission shall adopt its own internal reg-  
6 ulations to govern its procedures and may delegate author-  
7 ity on particular issues to some of its members.

8 (3) A majority of the Commission shall constitute a  
9 quorum for the transaction of its business. The Commis-  
10 sion may provide for the taking of testimony, discussion  
11 of issues with members of the Federal Government or  
12 Government of Guam, and the reception of evidence at  
13 meetings at which there are present not less than three  
14 members of the Commission. The Chairman of the Com-  
15 mission shall call a meeting to organize the Commission  
16 within 30 days after he and a majority of the members  
17 of the Commission have been appointed.

18 (b) The Commission shall—

19 (1) be used for regular consultations between  
20 the Government of the United States and the Gov-  
21 ernment of the Commonwealth of Guam on all mat-  
22 ters affecting the relationship between them;

23 (2) study existing statutes and regulations af-  
24 fecting the relationship between Guam and the  
25 United States;



1           (3) review the policies and procedures of the  
2       Federal agencies as such policies and procedures re-  
3       late to the relationship between Guam and the  
4       United States;

5           (4) compile data as may be necessary for the  
6       conduct of the Commission's work or for the imple-  
7       mentation of this Act;

8           (5) draft such modifications in existing laws,  
9       regulations, policies, and procedures as will, in the  
10      judgment of the Commission, best serve to carry out  
11      the purposes of the Commission or this Act;

12          (6) obtain, if possible, the modification of these  
13      laws, regulations, and procedures by negotiation and  
14      mediation, such as issues concerning land claims and  
15      war claims by the people of Guam; and

16          (7) seek to obtain the maximum economic de-  
17      velopment and political autonomy for the Common-  
18      wealth of Guam without impairing United States  
19      national security interests.

20      The heads of Federal departments and agencies are au-  
21      thorized and directed to furnish whatever assistance is re-  
22      quested by the Commission, without reimbursement, ex-  
23      cept classified information directly related to national  
24      security interests.

1       (c) The Commission is authorized to appoint and fix  
2 the compensation of an Executive Secretary and such  
3 other additional personnel as may be necessary to enable  
4 the Commission to carry out its functions without regard  
5 to the Federal Property and Administrative Services Act  
6 of 1949 and civil service laws, rules, and regulations, but  
7 any Federal employee subject to those laws, rules, and reg-  
8 ulations, who may be detailed to the Commission (which  
9 detail is hereby authorized) shall retain his civil service  
10 status without interruption or loss of status or privilege.  
11 In addition, the Commission may enter into contracts in  
12 order to carry out its mandate.

13       (d) The United States will bear the cost of the work  
14 of the Commission.

15 **SEC. 204. DELEGATION OF AUTHORITY.**

16       The Congress hereby authorizes the President or his  
17 designee to delegate to the Governor of Guam total or par-  
18 tial performance of functions now vested in administrative  
19 agencies in the Federal Government. The President or his  
20 designee and the Governor of Guam shall consult from  
21 time to time on the implementation of this provision.

1       **TITLE III—FOREIGN AFFAIRS**  
2                   **AND DEFENSE**

3   **SEC. 301. UNITED STATES AUTHORITY.**

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

7   **SEC. 302. CONSULTATION WITH GUAM.**

8       (a) The United States agrees to consult with the  
9   Commonwealth of Guam in advance of negotiations to-  
10   ward any treaties or international agreements, including  
11   Executive Agreements, which affect the well-being of the  
12   people of Guam.

13       (b) No military security zones shall be established  
14   and no foreign military personnel shall be stationed on the  
15   Island of Guam without approval of the Government of  
16   the Commonwealth except in time of declared war, and  
17   no military bases will be established without consultation  
18   with the Governor of the Commonwealth of Guam.

19       (c) The United States shall consult with the Govern-  
20   ment of the Commonwealth of Guam with respect to any  
21   proposed plan to increase or decrease Department of  
22   Defense activities within the Commonwealth.

1 **SEC. 303. UNITED STATES CONSULAR AND TRADE**  
2 **ASSISTANCE.**

3 (a)(1) The United States shall assist and facilitate  
4 the establishment by Guam of offices in the United States  
5 and abroad.

6 (2) The United States shall assist the Commonwealth  
7 of Guam to become a member or participate in appro-  
8 priate regional and other international organizations to in-  
9 clude, but not be limited to, the South Pacific Forum, the  
10 regional organizations of the United Nations Specialized  
11 agencies, and the Asian Development Bank. Under such  
12 authority Guam shall be free to accept and grant financial  
13 and technical assistance, to enter into bilateral and multi-  
14 lateral agreements to promote joint ventures private and  
15 public, exchange programs, and to become a party to all  
16 agreements between and among foreign entities involving  
17 regional and subregional affairs. The Commonwealth may  
18 enter into agreements with sovereign states, and the politi-  
19 cal entities resulting from the Trust Territory of the Pa-  
20 cific Islands, relative to reciprocal trade and tax questions  
21 and their application to the respective jurisdictions.

22 (b) The Government of the United States shall seek  
23 to obtain from foreign countries favorable treatment for  
24 exports from the Commonwealth of Guam and will encour-  
25 age other countries to consider the Commonwealth of  
26 Guam a developing territory.

1 **SEC. 304. NUCLEAR WASTE.**

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

5 (b) The United States shall clean up and make safe  
6 for human habitation all chemical waste dump sites used  
7 by the military in the past and at present, and shall not,  
8 at any time, use the island and the surrounding waters  
9 of Guam as a depository for hazardous chemicals in the  
10 future.

11 (c) The United States shall compensate, in a manner  
12 to be decided by the District Court of Guam, any person  
13 injured as a result of chemical, nuclear, or other hazard-  
14 ous materials stored, used, or disposed of by agencies of  
15 the United States Government in the Commonwealth of  
16 Guam or its surrounding waters.

17 **TITLE IV—COURTS**

18 **SEC. 401. JUDICIAL RELATIONSHIP OF GUAM TO THE**  
19 **UNITED STATES.**

20 The relations between the courts established by the  
21 Constitution or laws of the United States and the local  
22 courts of Guam with respect to appeals, certiorari, removal  
23 of causes, the issuance of writs of habeas corpus, and  
24 other matters or proceedings shall be governed by the laws  
25 of the United States pertaining to the relations between  
26 the courts of the United States, including the Supreme

1 Court of the United States, and the courts of the several  
2 States in such matters and proceedings.

3 **SEC. 402. JURISDICTION OF DISTRICT COURT.**

4 (a) The District Court of Guam established by sec-  
5 tion 22 of the Organic Act of Guam, as amended, is con-  
6 tinued by this Act as the “District Court of Guam”.

7 (b) The District Court of Guam shall have the juris-  
8 diction of a district court of the United States, including,  
9 but not limited to, the diversity jurisdiction provided for  
10 in section 1332 of title 28, United States Code, and that  
11 of a bankruptcy court of the United States.

12 **SEC. 403. APPLICABLE DISTRICT COURT RULES.**

13 Where appropriate, the provisions of part II of title  
14 18 and of title 28, United States Code, and notwithstand-  
15 ing the provision in rule 54(a), Federal Rules of Criminal  
16 Procedure, relating to the prosecution of criminal offenses  
17 on Guam by information, the rules of practice and proce-  
18 dure heretofore or hereafter promulgated and made effec-  
19 tive by the Congress or the Supreme Court of the United  
20 States pursuant to titles 11, 18, and 28, United States  
21 Code, shall apply to the District Court of Guam and ap-  
22 peals therefrom; except that the terms, “Attorney for the  
23 government” and “United States Attorney”, as used in  
24 the Federal Rules of Criminal Procedure, Federal Rules

1 of Civil Procedure and Federal Rules of Appellate Proce-  
2 dure shall, when applicable to cases arising under the laws  
3 of Guam, including the Guam Commonwealth income tax,  
4 mean the Attorney General of Guam or such other person  
5 or persons as may be authorized by the laws of Guam to  
6 act therein.

7 **SEC. 404. DISTRICT COURT JUDGE, UNITED STATES ATTOR-**  
8 **NEY, MARSHAL.**

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

1 the United States may assign any other United States cir-  
 2 cuit or district judge with the consent of the judge so as-  
 3 signed and of the chief judge of his circuit, to serve tempo-  
 4 rarily as a judge in the District Court of Guam whenever  
 5 it is made to appear that such an assignment is necessary  
 6 for the proper dispatch of the business of the court.

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

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

## 17 **TITLE V—TRADE**

### 18 **SEC. 501. GUAM-UNITED STATES FREE TRADE AREA.**

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



1 of the free trade area between the United States and the  
2 Commonwealth of Guam as established by subsection (b).

3 (b) The Commonwealth of Guam shall not impose du-  
4 ties, quotas, or other restrictions on products of the  
5 United States imported into Guam, nor shall the United  
6 States impose duties, quotas, or other restrictions on  
7 “products of Guam” imported into the United States, nor  
8 shall the United States treat products of Guam as having  
9 originated in any other country.

10 (c) The term “products of Guam” shall mean articles  
11 that contain at least 30 percent value added in Guam.  
12 Value added includes—

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

18 (2) dies, molds, tooling, and depreciation on  
19 machinery and equipment which are allocable to the  
20 specific merchandise; and

21 (3) research, development, design, engineering,  
22 and blueprint costs insofar as they are allocable to  
23 the specific merchandise; and costs of inspecting and  
24 testing the specific merchandise.

1       (d) The Commonwealth of Guam may impose, in-  
2       crease, reduce, or eliminate duties and other restrictions—

3               (1) on products that originate in any area out-  
4       side the customs territory of the United States and  
5       that are imported into Guam; and

6               (2) on exports from Guam, whether or not  
7       products of Guam.

8       (e) The Governor of Guam shall make a certificate  
9       that the origin of the products as defined in subsection  
10      (c) above is the Commonwealth of Guam pursuant to the  
11      provisions of this Act. An agent of the United States Cus-  
12      toms Service stationed on Guam shall then perform such  
13      customs inspections as are necessary for compliance with  
14      this Act and the appropriate laws of the United States.  
15      Upon completion of such inspections such products shall  
16      enter the United States without further inspection by the  
17      United States Customs Service.

18      (f) Nothing herein contained shall be construed to  
19      have any effect on any obligations or benefits accruing to  
20      the Commonwealth of Guam or the United States under  
21      the Generalized System of Preferences.

22      (g) Except as provided for in subsection (b) above  
23      the Trade and Development Act of 1974 shall continue  
24      to apply to the Commonwealth of Guam.

## **TITLE VI—TAXATION**

### **2 SEC. 601. MIRROR IMAGE TAX.**

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

6       (b) The income tax laws in force in Guam pursuant  
7 to subsection (a) of this section shall be deemed to impose  
8 a separate Commonwealth income tax, payable to the Gov-  
9 ernment of Guam, which tax is designated the “Guam  
10 Commonwealth Income Tax”.

11       (c) The administration and enforcement of the Guam  
12 Commonwealth Income Tax shall be performed pursuant  
13 to the laws of Guam. Any function needful to the adminis-  
14 tration and enforcement of the income tax laws in force  
15 in Guam pursuant to subsection (a) of this section shall  
16 be performed by any duly authorized officer or employee  
17 of the Government of Guam.

18       (d)(1) The income tax laws in force in Guam pursu-  
19 ant to subsection (a) of this section include, but are not  
20 limited to, the following provisions of the Internal Revenue  
21 Code of 1954, where not manifestly inapplicable or incom-  
22 patible with the intent of this section: Subtitle A (not in-  
23 cluding chapter 2 and section 931); chapters 24 and 25  
24 of subtitle C, with reference to the collection of income  
25 tax at source on wages; and all provisions of subtitle F

1 which apply to the income tax, including provisions as to  
2 crimes, other offenses and forfeitures contained in chapter  
3 75. For the period after 1950 and prior to the effective  
4 date of the repeal of any provision of the Internal Revenue  
5 Code of 1939 which corresponds to one or more of those  
6 provisions of the Internal Revenue Code of 1954 which  
7 are included in the income tax laws in force in Guam pur-  
8 suant to subsection (a) of this section, such income tax  
9 laws include, but are not limited to, such provisions of the  
10 Internal Revenue Code of 1939.

11       (2) The Governor or his delegate or other official duly  
12 authorized to act under the laws of Guam shall have the  
13 same administrative and enforcement powers and rem-  
14 edies with regard to the Commonwealth of Guam Income  
15 Tax as the Secretary of the Treasury and other United  
16 States officials of the executive branch have with respect  
17 to the United States income tax. Rules and regulations  
18 required for enforcement of the Commonwealth of Guam  
19 income tax shall be prescribed pursuant to the laws of  
20 Guam. The Governor or his delegate or other official duly  
21 authorized to act under the laws of Guam shall have au-  
22 thority to issue, from time to time, in whole or in part,  
23 the text of the income tax laws in force in Guam pursuant  
24 to subsection (a) of this section.

1       (e) In applying as the Commonwealth of Guam In-  
 2 come Tax the income tax laws in force in Guam pursuant  
 3 to subsection (a) of this section, except where it is mani-  
 4 festly otherwise required, the applicable provisions of the  
 5 Internal Revenue Code of 1954 and 1939 shall be read  
 6 so as to substitute “Guam” for “United States,” “Gov-  
 7 ernor or his delegate or other official duly authorized to  
 8 act under the laws of Guam” for “Secretary or his dele-  
 9 gate,” “Governor or his delegate or other official duly au-  
 10 thorized to act under the laws of Guam” for “Commis-  
 11 sioner of Internal Revenue” and “Collector of Internal  
 12 Revenue” for “Collector of Internal Revenue,” “District  
 13 Court of Guam” for “District Court” and with other  
 14 changes in nomenclature and other language, including  
 15 the omission of inapplicable language, where necessary to  
 16 effect the intent of this section.

17 **SEC. 602. ENFORCEMENT INSTITUTIONS.**

18       (a) Any act or failure to act with respect to the Guam  
 19 Commonwealth Income Tax which constitutes a criminal  
 20 offense under Chapter 75 of Subtitle F of the Internal  
 21 Revenue Code of 1986, or the corresponding provisions of  
 22 the Internal Revenue Code of 1939, as included in the in-  
 23 come tax laws in force in Guam pursuant to this section,  
 24 shall be an offense against the Government of Guam and

1 may be prosecuted in the name of the Government of  
2 Guam by the appropriate officers thereof.

3       (b) The Government of Guam shall have a lien with  
4 respect to the Guam Commonwealth Income Tax in the  
5 same manner and with the same effect and subject to the  
6 same conditions, as the United States has a lien with re-  
7 spect to the United States income tax. Such lien in respect  
8 of the Guam Commonwealth Income Tax shall be enforce-  
9 able in the name of and by the Government of Guam.  
10 Where filing of a notice of lien is prescribed by the income  
11 tax laws in force in Guam pursuant to subsection (a) of  
12 this section, such notice shall be filed in the Office of the  
13 Clerk of the District Court of Guam or such other court  
14 as the Guam Legislature may provide.

15       (c)(1) The District Court of Guam shall have exclu-  
16 sive original jurisdiction over all judicial proceedings in  
17 Guam, both criminal and civil, regardless of the degree  
18 of the offense or of the amount involved, with respect to  
19 the Guam Commonwealth Income Tax.

20       (2) Suits for the recovery of any Guam Common-  
21 wealth Income Tax alleged to have been erroneously or  
22 illegally assessed or collected, or of any penalty claimed  
23 to have been collected without authority, or of any sum  
24 alleged to have been excessive or in any manner wrongfully  
25 collected, under the income tax laws in force in Guam,

1 pursuant to subsection (a) of this section, may, regardless  
2 of the amount of claim, be maintained against the Govern-  
3 ment of Guam subject to the same statutory requirements  
4 as are applicable to suits for the recovery of such amounts  
5 maintained against the United States in the United States  
6 District Court of Guam with respect to the United States  
7 income tax. When any judgment against the Government  
8 of Guam under this paragraph has become final, the Gov-  
9 ernor shall order the payment of such judgments out of  
10 any unencumbered funds in the Treasury of Guam.

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

1       (4) A civil action for the collection of the Guam Com-  
2 monwealth Income Tax, together with fines, penalties, and  
3 forfeitures, or for the recovery of any erroneous refund  
4 of such tax, may be brought in the name of and by the  
5 Government of Guam in the District Court of Guam or  
6 in any district court of the United States or in any court  
7 having the jurisdiction of a district court of the United  
8 States.

9       (5) The jurisdiction conferred upon the District  
10 Court of Guam by this subsection may be subject to trans-  
11 fer to any local court by the Legislature of Guam.

12 **SEC. 603. REBATE OF TAXES.**

13       The Government of the Commonwealth of Guam may  
14 by local law provide for the rebate or reduction of any  
15 taxes received by it in order to assist new industries com-  
16 ing to Guam or to assist Guam's economic development.

17 **SEC. 604. GUAM INCOME TAX AUTHORITY.**

18       (a) The Commonwealth of Guam shall have the power  
19 to determine under the laws of Guam the nature and  
20 amount of taxes imposed upon the income and property  
21 of persons within its jurisdiction, from whatever source  
22 derived.

23       (b) The income tax established in section 601 of this  
24 Act shall be repealed one year following certification by  
25 the Chief Executive of Guam that Guam has enacted into



1 law a comprehensive local income tax to replace that set  
2 forth in section 601. Upon this repeal the income tax laws  
3 of the United States, except for chapters 2 and 21 of the  
4 Internal Revenue Code of 1954, shall not be applicable  
5 to Guam or to the persons within the jurisdiction of Guam  
6 who have met their tax obligations imposed by the laws  
7 of Guam.

8 **SEC. 605. BONDS TAX EXEMPTION.**

9 All bonds or other obligations issued by the Common-  
10 wealth of Guam or by its authority shall be exempt, as  
11 to principal and interest, from taxation by the Government  
12 of the United States, or by any State or Territory or any  
13 political subdivision thereof, or by the District of  
14 Columbia.

15 **TITLE VII—IMMIGRATION**

16 **SEC. 701. GUAM IMMIGRATION AUTHORITY.**

17 (a) The Congress recognizes that Guam is a small  
18 and densely populated insular commonwealth with limited  
19 infrastructure and resources, that it is that portion of the  
20 United States which is in closest proximity to nations of  
21 Asia and the Pacific which supply a large proportion of  
22 the immigrants coming to the United States, that signifi-  
23 cant numbers of such immigrants have in recent years  
24 chosen to make Guam their home, and that the admission  
25 of substantial additional numbers of immigrants to Guam

1 threatens to produce a severe impact on the limited infra-  
2 structure, health, education, housing, and other services  
3 available in Guam. Congress therefore further recognizes  
4 that there is a necessary and compelling need henceforth  
5 to limit the number of persons permitted to immigrate to  
6 Guam, and therefore the Commonwealth of Guam shall  
7 have the authority to control entry of all aliens into the  
8 Commonwealth of Guam to include the admission, exclu-  
9 sion, and expulsion of such aliens.

10 (b) The Immigration and Nationality Act, and Fed-  
11 eral regulations applicable thereto, shall remain applicable  
12 to Guam for 2 years from enactment of this Act. The  
13 Commonwealth of Guam shall, within the 2-year period  
14 of this subsection, enact a comprehensive law on immigra-  
15 tion for Guam, such law to become effective at the end  
16 of the said 2-year period. Enactment of local law by the  
17 Legislature of Guam under this authority, and the actions  
18 of the Commonwealth of Guam pursuant to such authority  
19 shall be duly coordinated with the Immigration and Na-  
20 tionality Service, the Department of Labor, and the  
21 Department of State.

22 (c)(1) Such actions by the Commonwealth of Guam  
23 shall not impair the free movement of United States citi-  
24 zens to and from Guam.

1       (2) Such authority shall not include naturalization of  
2 aliens for United States citizenship.

3       (3) The Governor of Guam shall continue to have the  
4 authority to issue United States passports within existing  
5 regulations.

6       (4) Entry of aliens into Guam under the authority  
7 of subsection (a) above, shall not affect, either favorably  
8 or unfavorably, an alien's entry to any other part of the  
9 United States. This title shall not preclude a person who  
10 previously has been lawfully admitted for permanent resi-  
11 dence in the United States and who is otherwise admissi-  
12 ble from being readmitted in Guam upon return to the  
13 United States.

14       (d) Guam shall not be considered as a port of entry  
15 for the entrance into the United States of aliens lawfully  
16 admitted for permanent residence into the United States  
17 except as provided for in subsection (b) or in those cases  
18 where the Governor of Guam has made labor determina-  
19 tions.

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

21       United States consular officials, and other officials  
22 authorized to issue visas for entry into the United States,  
23 are authorized to issue visas for travel only to the Com-  
24 monwealth of Guam for any alien seeking to enter Guam  
25 as a nonimmigrant in order to encourage investors and

1 tourists to come to Guam. Regulations governing the issu-  
 2 ance of such visas shall be coordinated with the Governor  
 3 of Guam. Such regulations shall consider the points of ori-  
 4 gin, duration of permitted stay, the means by which the  
 5 aliens could alter visas to permit entry into the United  
 6 States, and other appropriate conditions to assure the reg-  
 7 ulation serves the best interests of the Commonwealth of  
 8 Guam. The United States and the Commonwealth of  
 9 Guam shall adopt appropriate measures for the implemen-  
 10 tation and the enforcement of this section upon or after  
 11 entry of the aliens into Guam.

## 12 **TITLE VIII—LABOR**

### 13 **SEC. 801. FEDERAL EMPLOYMENT.**

14 In all vacancies in the Federal Civil Service occurring  
 15 in Guam, residents of Guam possessing the requisite  
 16 standards of age, health, character, education, knowledge,  
 17 and experience shall be given preference over transfers of  
 18 persons from off Guam or the recruiting of persons from  
 19 outside Guam.

### 20 **SEC. 802. GUAM LABOR LAWS.**

21 Except and to the extent prohibited by Congress, the  
 22 Commonwealth of Guam shall have authority to enact and  
 23 enforce all laws regulating or affecting employment in the  
 24 Commonwealth. All applicable laws of the United States  
 25 which regulate employment on Guam on the effective date

1 of this Act shall remain applicable to Guam until replaced  
2 as to their applicability to Guam by duly enacted law of  
3 the Guam Legislature.

4       **TITLE IX—TRANSPORTATION**  
5       **AND TELECOMMUNICATIONS**

6       **SEC. 901. MARITIME SHIPPING.**

7       (a) No provision of the laws of the United States,  
8 including, without limitation, the vessel documentation  
9 laws of the United States, shall apply to prevent the  
10 United States registration of, and use of, any foreign-built  
11 vessel (including vessels engaged in towing, barges,  
12 dredges, vessels or boats leased, rented, or chartered to  
13 another for any use, including, without limitation, vessels  
14 used to take out chartered fishing and diving parties or  
15 sightseeing tours) for any purpose whatsoever within the  
16 internal waters, harbors, territorial sea and adjacent Ex-  
17 clusive Economic Zone around Guam.

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

21       (c) The application of the coastwise laws of the  
22 United States to Guam pursuant to 46 U.S.C. 883 shall  
23 be periodically examined by the Commission to determine,  
24 mutually, the desirability of the continued applicability of

1 such laws to Guam. Such determination by the Commis-  
2 sion shall be based solely on the criteria of whether such  
3 laws or any or a part thereof as applied to Guam constrain  
4 Guam's economic development and, if such a determina-  
5 tion is made, the Commission shall recommend such laws  
6 should not continue to apply to Guam: *Provided*, That so  
7 long as the coastwise laws are applicable to Guam, the  
8 United States Government shall be responsible for ensur-  
9 ing adequate and reliable cargo service between Guam and  
10 the United States as determined mutually in the Commis-  
11 sion.

12 **SEC. 902. AIRLINES.**

13 (a) The Governor of Guam shall have the authority  
14 to sponsor any qualified air service carrier to come to  
15 Guam subject only to presidential consultation concerning  
16 articulated foreign policy and national defense interests of  
17 the United States. The Commonwealth of Guam shall be  
18 exempt from all bilateral treaties between the United  
19 States and foreign states with respect to scheduling and  
20 to technical specifications of aircraft, other than safety re-  
21 quirements, for foreign or United States charter passenger  
22 flights to and from Guam where such flights originate  
23 from foreign jurisdictions. This provision shall not be ap-  
24 plied in such a manner as to impair regularly scheduled

1 passenger and cargo flights from any of the several United  
 2 States States and Territories to and from Guam.

3 (b) The Commonwealth of Guam shall remain an “el-  
 4 igible point” for purposes of being ensured essential air  
 5 transportation under applicable provisions of the Federal  
 6 Aviation Act of 1958, as amended by Public Law 98–213,  
 7 section 10, with passenger and other service to be sched-  
 8 uled to provide regular and satisfactory delivery of postal  
 9 mail and cargo to and from the United States.

10 (c) In addition to any other requirement in compli-  
 11 ance with Federal law for new, additional, or changed  
 12 routes, United States domestic air carriers shall obtain the  
 13 concurrence of the Governor of Guam on any application  
 14 filed for such service to Guam.

15 **SEC. 903. TELECOMMUNICATIONS.**

16 The Commonwealth of Guam shall be defined as do-  
 17 mestic for the purposes of setting rates in telecommuni-  
 18 cations by the Federal Communications Commission.

19 **TITLE X—LAND, NATURAL**  
 20 **RESOURCES AND UTILITIES**

21 **SEC. 1001. AUTHORITY OVER LAND AND RESOURCES.**

22 (a) The Government of the Commonwealth of Guam  
 23 shall have power of eminent domain over property within  
 24 the Commonwealth in accord with the Constitution of  
 25 Guam.

1       (b) The Commonwealth of Guam shall have jurisdic-  
2 tion over all living and nonliving natural resources of the  
3 seabed, subsoil, tidelands, and adjacent territorial waters,  
4 as defined by the United States law, of the Island of  
5 Guam. The Commonwealth shall exercise rights to deter-  
6 mine the conditions, including pollution control, and terms  
7 of all scientific research, management, exploration, and ex-  
8 ploitation of all ocean resources and all sources of energy  
9 and prevention of pollution within the 200-mile Exclusive  
10 Economic Zone, including pollution originating outside the  
11 zone that poses a threat within the zone.

12       (c) The United States may, upon written notice to  
13 the Government of the Commonwealth of Guam, acquire  
14 for public purposes in accordance with Federal laws and  
15 procedures, any interest in real property in the Common-  
16 wealth only by voluntary means, under such terms and  
17 conditions as may be negotiated by the parties. The  
18 United States will continue to recognize and respect the  
19 scarcity and special importance of land in the Common-  
20 wealth of Guam. If the United States must acquire any  
21 interest in real property, it will follow the policy of seeking  
22 to acquire only the minimum area necessary to accomplish  
23 the public purpose for which the real property is required,  
24 of seeking only the minimum interest in real property nec-  
25 essary to support such public purpose, and of seeking first



1 to satisfy its requirement by acquiring an interest in pub-  
2 lic rather than private real property. No interest in real  
3 property on Guam will be acquired by the United States  
4 unless duly authorized by the Congress of the United  
5 States and for which appropriations are available.

6 (d) The United States agrees not to exercise within  
7 the Commonwealth the power of eminent domain except  
8 in time of war and then only to the extent necessary and  
9 in compliance with applicable United States and Common-  
10 wealth of Guam laws, and with full recognition of due  
11 process required by the Constitutions of Guam and the  
12 United States.

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

21 (f) All land heretofore transferred to the Government  
22 of Guam by the United States are released from any and  
23 all provisions limiting the use of such land, and are  
24 conveyed in fee simple.

1 **SEC. 1002. TRANSFER OF EXCESS FEDERAL REAL PROP-**  
2 **ERTY.**

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

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

23 (a) All recreational facilities, and all historical and  
24 archaeological sites on real property retained under Fed-  
25 eral, civil, or military authority shall be open to access and

1 use by the residents of Guam so long as military security  
2 requirements are not compromised.

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

11 (c) The Joint Commission shall determine, after con-  
12 sultation with the general proprietor, which Federal rec-  
13 reational facilities and which easements over Federal prop-  
14 erty shall be open to the Government of Guam and to the  
15 general public on Guam and the manner of access.

16 **SEC. 1004. AUTHORITY OVER UTILITIES.**

17 Within 90 days after the enactment of this Act, the  
18 United States shall transfer to the Commonwealth of  
19 Guam all rights, title, and interest possessed by the  
20 United States in the island's power, water, sewer, and  
21 other utility systems, except for those portions of the sys-  
22 tems which are located within the confines of property  
23 owned by the United States and which are used solely for  
24 the purposes of the United States, and which do not serve

1 or impact upon the normal operations of the island's util-  
2 ity system. The Government of the Commonwealth of  
3 Guam may decline to accept any portion of such utilities  
4 which it believes would act as a detriment to effective use  
5 of the utilities it owns. The United States shall provide  
6 access for the Commonwealth of Guam, or its agents, to  
7 all utilities and transmission lines which the Common-  
8 wealth owns on Federal property on Guam.

9           **TITLE XI—UNITED STATES**  
10           **FINANCIAL ASSISTANCE**

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

12           All customs duties and Federal income taxes derived  
13 from Guam, the proceeds of all taxes collected under the  
14 internal revenue laws of the United States on articles pro-  
15 duced in Guam and transported to the United States, its  
16 Territories, or possessions, or consumed in Guam, and the  
17 proceeds of any other taxes which may be levied by the  
18 Congress on the inhabitants of Guam (including, but not  
19 limited to, compensation paid to members of the Armed  
20 Forces and pensions paid to retired civilian and military  
21 employees of the United States, or their survivors, who  
22 are residents of, or who are domiciled in, Guam), and all  
23 quarantine, passport, immigration, and naturalization fees  
24 collected in Guam shall be covered into the Treasury of  
25 Guam and held in account for the Government of Guam

1 in accordance with the annual budgets except that nothing  
2 in this Act shall be construed to apply to any tax imposed  
3 by Chapter 2 or 21 of the Internal Revenue Code of 1954.

4 **SEC. 1102. EQUAL FINANCE FOR GUAM CITIZENS WITH**  
5 **STATES.**

6 The laws of the United States providing Federal ben-  
7 efits and financial assistance and which have a general  
8 application to the several States shall be applicable to  
9 Guam, including section 228 or title II and title XVI of  
10 the Social Security Act (Supplemental Security Income).  
11 The formula for granting such financial assistance to  
12 Guam and its residents shall be the same as the formula  
13 applied to the several states and their residents unless  
14 such formula cannot, on its face, be applied to Guam or  
15 it is specifically stated to the contrary in this Act.

16 **SEC. 1103. RETURN OF ECONOMIC ZONE FEES.**

17 The Commonwealth shall have paid to the Treasury  
18 of Guam all licensing and other fees obtained by permit-  
19 ting foreign vessels to fish or other exploitation of the 200-  
20 mile Exclusive Economic Zone of Guam.

21 **SEC. 1104. FEDERAL PAYMENT.**

22 (a) The Governor of Guam, in preparing an annual  
23 budget for the Government of the Commonwealth of  
24 Guam, shall develop meaningful expenditure and revenue  
25 comparisons based on data supplied by the Bureau of the

1 Census and other independent, reliable sources and iden-  
2 tify elements of cost and benefits to Guam which result  
3 from the unusual role of Guam as one of the Nation's  
4 principal military bastions in the Far East despite its  
5 small size. The results of the studies conducted by the  
6 Governor under this subsection shall be made available to  
7 the Guam Legislature and to the Federal Office of Man-  
8 agement and Budget for their use in reviewing and revis-  
9 ing the Governor's request with respect to the level of ap-  
10 propriation for the annual Federal payment to the Com-  
11 monwealth of Guam. Such Federal payment should oper-  
12 ate to encourage efforts on the part of the Government  
13 of Guam to maintain and increase its level of revenues  
14 and to seek such efficiencies and economies in the manage-  
15 ment of its programs as are possible.

16 (b) The Governor, in studying and identifying the  
17 costs and benefits to Guam brought about by its role in  
18 the nation's national security, should to the extent fea-  
19 sible, among other elements, consider—

20 (1) revenues unobtainable because of the rel-  
21 ative lack of taxable commercial and industrial prop-  
22 erty;

23 (2) revenues unobtainable because of the rel-  
24 ative lack of taxable business income;

1           (3) potential revenues that would be realized if  
2           exemptions from Guam taxes were eliminated;

3           (4) net costs, if any, after considering other  
4           compensation for tax base deficiencies and direct  
5           and indirect taxes paid, of providing services to or-  
6           ganizations and corporate offices doing business only  
7           with the Defense Department;

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

10          (6) recurring and nonrecurring costs of unreim-  
11          bursed services rendered Guam by the Defense De-  
12          partment; and

13          (7) relative tax burden on Guam residents com-  
14          pared to that of resident in other jurisdictions in the  
15          Pacific.

16          (c) The Governor shall submit his request, with re-  
17          spect to the amount of an annual Federal payment, to the  
18          Guam Legislature. The Guam Legislature shall by act ap-  
19          prove, disapprove, or modify the Governor's request. After  
20          the action of the Legislature, the Governor shall, by De-  
21          cember 1st of each calendar year, in accordance with the  
22          provisions in the Budget and Accounting Act, 1921 (31  
23          U.S.C. 2), submit such request to the President for sub-  
24          mission to the Congress. Each request regarding an an-  
25          nual Federal payment shall be submitted to the President

1 7 months prior to the beginning of the fiscal year for  
2 which such request is made and shall include a request  
3 for an annual Federal payment for the next following  
4 fiscal year.

5 **SEC. 1105. TRANSITION ASSISTANCE TO THE COMMON-**  
6 **WEALTH.**

7 The Government of the United States in order to as-  
8 sist Guam to make the political and economic transition  
9 to Commonwealth agrees to assist the Commonwealth of  
10 Guam as follows:

11 (1) The United States agrees to—

12 (A) finance the costs of institutional  
13 changes connected with the change in Guam's  
14 political relationship with the United States, to  
15 include staff, contracts, and referendum costs  
16 of the Guam Commission on Self-Determina-  
17 tion;

18 (B) help meet the capital needs of Guam,  
19 in accordance with the following section, nec-  
20 essary to Guam's long-term, self-sustaining de-  
21 velopment; and

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

24 (2) There is hereby authorized such sums as  
25 may be necessary to implement a long-term capital



1 improvement program approved by the Congress  
2 permitting the Commonwealth of Guam to establish  
3 an infrastructure base adequate for development of  
4 the private sector and to strengthen the utility of  
5 Guam for United States national security purposes.

6 (3) Guam shall submit a plan for Congressional  
7 approval showing the total amounts proposed, the  
8 distribution of funds by projects, phases, or pro-  
9 grams with an assessment of needs, costs, benefits  
10 and provision of local funds where available. The  
11 capital improvement plan shall take into account all  
12 related economic development projects and plans by  
13 the Commonwealth of Guam.

14 (4) There is hereby authorized a revolving fund  
15 to establish an Economic Development Fund on  
16 Guam with authority to assist in the financing of the  
17 private sector needs of Guam in its efforts to achieve  
18 a higher standard of living for its people as members  
19 of the American community and to develop the eco-  
20 nomic resources needed to meet the financial respon-  
21 sibilities of local self-government. To this end, the

1 Economic Development Fund is authorized to pro-  
2 vide financial and other assistance to increase in-  
3 vestments (including loans, tax incentives, guaran-  
4 tees and equity capital) and to start or expand com-  
5 mercial businesses on Guam in order to provide em-  
6 ployment and ownership opportunities for the resi-  
7 dents of Guam. Participation by private banks and  
8 savings and loan institutions in the Economic Devel-  
9 opment Fund shall be encouraged. Funds shall be  
10 made available to the Economic Development Fund  
11 by Congress after the following conditions have been  
12 met:

13 (A) The submission of a set of procedures  
14 to Congress for the participation of private  
15 lending institutions and for the processing of  
16 applications for assistance, indicating the role  
17 of the Economic Development Fund's staff, out-  
18 side consultants, and board review, and to guide  
19 reviewers in making assistance and determining  
20 eligibility.

21 (B) Submission of an economic develop-  
22 ment plan, to be updated annually, by the Gov-  
23 ernor of Guam to Congress, showing the pro-  
24 posed amount, the proposed distribution of the  
25 funds, and the terms on which the funds will be

made available. Such plan will take into account any capital improvement projects and other programs related to economic development. The funds granted to the Economic Development Fund shall be a revolving fund, available to the Economic Development Fund until expended.

(C) The Economic Development Fund shall be headed by a five-member Board of Directors with financial experience for fixed terms and selected by the Governor of Guam. The Economic Development Fund shall issue a public and audited report annually, setting forth the administrative and programmatic developments for the year with full disclosure of the utilization of its funds, the recipients of its assistance, and the applications in process.

## **TITLE XII—TECHNICAL AMENDMENTS AND INTERPRETATION**

### **SEC. 1201. INTERPRETATION AND JURISDICTION.**

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

1 (b) When ruling upon the laws of the Commonwealth,  
2 the courts of the United States shall give the same def-  
3 erence to the laws of the Commonwealth as they give to  
4 the laws of the several States. Jurisdiction to interpret the  
5 provisions of this Act is vested in appropriate courts of  
6 the United States and in the local courts of Guam.

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

8 The laws of Guam in force on the date of enactment  
9 of this Act, except as amended by this Act, are hereby  
10 continued in force, subject to modification or repeal by the  
11 Legislature of Guam.

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

13 (a) All laws or parts of laws inconsistent with this  
14 Act are hereby repealed to the extent of such inconsis-  
15 tency.

16 (b) Upon the enactment of this Act, the following sec-  
17 tions of the Organic Act of Guam (Act of August 1, 1950,  
18 64 Stat. 384), as amended, are repealed: Sections 1, 2,  
19 and 3; fourth sentence of section 11, sections 25, 27, 33,  
20 and section 34.

21 (c) Upon the effective date of the Constitution adopt-  
22 ed by the people of Guam, the following provisions of the  
23 Organic Act of Guam (Act of August 1, 1950, 64 Stat.  
24 384), as amended, and in effect at that time, are repealed:  
25 Sections 5 (a) through (t), 6, 7, 8, 9, 9-A, 10; the first

1 three sentences of section 11; sections 12, 13, 14, 15, 16,  
 2 17, 18, 19, 20, 21, 22, 22A, 22B, 22C, 22D, 24, 26, 29,  
 3 30, and section 31.

4 (d) The following sections of the Organic Act of  
 5 Guam (Act of August 1, 1950, 64 Stat. 384), as amended,  
 6 shall continue in force and shall be deemed to be a part  
 7 of this Act: Section 5(u), beginning at the fifth sentence,  
 8 all the remainder of sections 11, 21–A, 24–A, section 28  
 9 as modified by Article 10 of this Act; 32, and section 35.

10 (e) Public Law 94–584 (90 Stat. 2899), as amended,  
 11 is repealed as it affects Guam.

12 **SEC. 1204. EFFECTIVE DATE OF THE GUAM COMMON-**  
 13 **WEALTH ACT.**

14 This Act, upon approval by Congress, shall be sub-  
 15 mitted to the registered voters of Guam for ratification  
 16 through a plebiscite to be held in accordance with the laws  
 17 of Guam. This Act will become effective upon the approval  
 18 of this Act by a majority of the voters who participate  
 19 in such plebiscite, and at that time, except as provided  
 20 in section 1203 of this Act, the Organic Act of Guam,  
 21 August 1, 1950, 64 Stat. 384, shall be repealed.

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HR 100 IH—2

HR 100 IH—3

HR 100 IH—4

HR 100 IH—5