

Calendar No. 64

105TH CONGRESS
1ST Session

S. 210

[Report No. 105-22]

A BILL

To amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes.

MAY 28, 1997

Reported under authority of the order of the Senate of
May 23, 1997, with an amendment

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[Report No. 105-22]

To amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1997

Mr. MURKOWSKI (for himself, Mr. AKAKA, and Mr. BUMPERS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MAY 28, 1997

Reported under authority of the order of the Senate of May 23, 1997, by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, 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,*

1 **SECTION 1. MARSHALL ISLANDS AGRICULTURAL AND**
 2 **FOOD PROGRAMS.**

3 Section 103(h)(2) of the Compact of Free Association
 4 Act of 1985 (48 U.S.C. 1903(h)(2)) is amended by strik-
 5 ing “ten” and inserting “fifteen” and by adding at the
 6 end of subparagraph (B) the following: “The President
 7 shall ensure that the amount of commodities provided
 8 under these programs reflects the changes in the popu-
 9 lation that have occurred since the effective date of the
 10 Compact.”.

11 **SEC. 2. AMERICAN MEMORIAL PARK.**

12 Section 5 of Public Law 95–348 is amended by strik-
 13 ing subsection (f).

14 **SEC. 3. TERRITORIAL LAND GRANT COLLEGES.**

15 (a) **LAND GRANT STATUS.**—Section 506(a) of the
 16 Education Amendments of 1972 (Public Law 92–318, as
 17 amended; 7 U.S.C. 301 note) is amended by striking “the
 18 College of Micronesia,” and inserting “the College of the
 19 Marshall Islands, the College of Micronesia-FSM, the
 20 Palau Community College,”.

21 (b) **ENDOWMENT.**—The amount of the land grant
 22 trust fund attributable to the \$3,000,000 appropriation
 23 for Micronesia authorized by the Education Amendments
 24 of 1972 (Public Law 92–318, as amended; 7 U.S.C. 301
 25 note) shall, upon enactment of this Act, be divided equally
 26 among the Republic of the Marshall Islands, the Fed-

1 erated States of Micronesia, and the Republic of Palau
 2 for the benefit of the College of the Marshall Islands, the
 3 College of Micronesia-FSM, and the Palau Community
 4 College.

5 (e) TREATMENT.—Section 1361(e) of the Education
 6 Amendments of 1980 (Public Law 96–374, as amended;
 7 7 U.S.C. 301 note) is amended by striking “and the Trust
 8 Territory of the Pacific Islands (other than the Northern
 9 Mariana Islands)” and inserting “the Republic of the
 10 Marshall Islands, the Federated States of Micronesia, and
 11 the Republic of Palau”.

12 **SEC. 4. AMENDMENT TO THE GUAM ORGANIC ACT.**

13 Section 28 of the Organic Act of Guam (48 U.S.C.
 14 1421f) is amended by adding at the end the following new
 15 subsection:

16 “(d) TRANSFER OF EXCESS LAND.—(1) At least 180
 17 days before transferring to any Federal agency excess real
 18 property located in Guam other than real property identi-
 19 fied on map _____ and dated _____ as land
 20 subject to transfer only by statute, the Administrator of
 21 General Services Administration shall notify the Govern-
 22 ment of Guam that the property is available under this
 23 section.

24 “(2) The Administrator shall transfer to the Govern-
 25 ment of Guam all right, title, and interest of the United

1 States in and to excess real property located in Guam;
 2 by quit claim deed and without reimbursement, if the Gov-
 3 ernment of Guam, within 180 days after receiving notifica-
 4 tion under paragraph (1) regarding the property, notifies
 5 the Administrator that the Government of Guam intends
 6 to acquire the property under this section.

7 “(3) For purposes of this subsection, the term ‘excess
 8 real property’ means excess property (as that term is de-
 9 fined in section 3 of the Federal Property and Administra-
 10 tive Services Act of 1949) that is real property.

11 “(4) With respect to any real property identified on
 12 the map referenced in paragraph (1) of this subsection,
 13 such property may not be transferred to another Federal
 14 agency or out of Federal ownership except pursuant to an
 15 Act of Congress specifically identifying such property.”.

16 **SEC. 5. CLARIFICATION OF ALLOTMENT FOR TERRITORIES.**

17 Section 901(a)(2) of the Omnibus Crime Control and
 18 Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is
 19 amended to read as follows:

20 “(2) “State” means any State of the United States,
 21 the District of Columbia, the Commonwealth of Puerto
 22 Rico, the Virgin Islands, American Samoa, Guam, and the
 23 Commonwealth of the Northern Mariana Islands;”.

1 **SEC. 6. AMENDMENTS TO THE REVISED ORGANIC ACT OF**
 2 **THE VIRGIN ISLANDS.**

3 (a) TEMPORARY ABSENCE OF OFFICIALS.—Section
 4 14 of the Revised Organic Act of the Virgin Islands (48
 5 U.S.C. 1595) is amended by adding at the end the follow-
 6 ing 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 (b) PRIORITY OF BONDS.—Section 3 of Public Law
 12 94-392 (48 U.S.C. 1574c) is amended—

13 (1) by striking “priority for payment” and in-
 14 serting “a parity lien with every other issue of bonds
 15 or other obligations issued for payment”; and

16 (2) by striking “in the order of the date of
 17 issue”.

18 (c) APPLICATION.—The amendment made by sub-
 19 section (b) shall apply to obligations issued on or after
 20 the date of enactment of this section.

21 **SEC. 7. COMMISSION ON THE ECONOMIC FUTURE OF THE**
 22 **VIRGIN ISLANDS.**

23 (a) ESTABLISHMENT AND MEMBERSHIP.—

24 (1) There is hereby established a Commission
 25 on the Economic Future of the Virgin Islands (the
 26 “Commission”). The Commission shall consist of six

1 members appointed by the President, two of whom
2 shall be selected from nominations made by the Gov-
3 ernor of the Virgin Islands. The President shall des-
4 ignate one of the members of the Commission to be
5 Chairman.

6 (2) In addition to the six members appointed
7 under paragraph (1), the Secretary of the Interior
8 shall be an ex-officio member of the Commission.

9 (3) Members of the Commission appointed by
10 the President shall be persons who by virtue of their
11 background and experience are particularly suited to
12 contribute to achievement of the purposes of the
13 Commission.

14 (4) Members of the Commission shall serve
15 without compensation, but shall be reimbursed for
16 travel, subsistence and other necessary expenses in-
17 curred by them in the performance of their duties.

18 (5) Any vacancy in the Commission shall be
19 filled in the same manner as the original appoint-
20 ment was made.

21 (b) PURPOSE AND REPORT.—

22 (1) The purpose of the Commission is to make
23 recommendations to the President and Congress on
24 the policies and actions necessary to provide for a
25 secure and self-sustaining future for the local econ-

1 omy of the Virgin Islands through 2020 and on the
2 rule of the Federal Government. In developing rec-
3 ommendations, the Commission shall—

4 (A) solicit and analyze information on pro-
5 jected private sector development and shifting
6 tourism trends based on alternative forecasts of
7 economic, political and social conditions in the
8 Caribbean;

9 (B) analyze capital infrastructure, edu-
10 cation, social, health, and environmental needs
11 in light of these alternate forecasts; and

12 (C) assemble relevant demographic, eco-
13 nomic, and revenue and expenditure data from
14 over the past 25 years.

15 (2) The recommendations of the Commission
16 shall be transmitted in a report to the President, the
17 Committee on Energy and Natural Resources of the
18 United States Senate and the Committee on Re-
19 source of the United States House of Representa-
20 tives no later than June 30, 1999. The report shall
21 set forth the basis for the recommendations and in-
22 clude an analysis of the capability of the Virgin Is-
23 lands to meet projected needs based on reasonable
24 alternative economic, political and social conditions
25 in the Caribbean, including the possible effect of ex-

1 pansion in the near future of Cuba in trade, tourism
2 and development.

3 ~~(c) POWERS.—~~

4 ~~(1) The Commission may—~~

5 ~~(A) hold such hearings, sit and act at such~~
6 ~~times and places, take such testimony and re-~~
7 ~~ceive such evidence as it may deem advisable;~~

8 ~~(B) use the United States mail in the same~~
9 ~~manner and upon the same conditions as de-~~
10 ~~partments and agencies of the United States;~~
11 ~~and~~

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

18 ~~(2) Within funds available for the Commission,~~
19 ~~the Secretary of the Interior shall provide such office~~
20 ~~space, furnishings, equipment, staff, and fiscal and~~
21 ~~administrative services as the Commission may re-~~
22 ~~quire.~~

23 ~~(3) The President, upon request of the Commis-~~
24 ~~sion, may direct the head of any Federal agency or~~

1 department to assist the Commission and if so di-
2 rected such head shall—

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

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

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

23 (e) FUNDING.—There is hereby authorized to be ap-
24 propriated to the Secretary of the Interior such sums as
25 may be necessary, but not to exceed an average of

1 \$300,000 per year, in fiscal years 1997, 1998 and 1999
 2 for the work of the Commission.

3 (f) ~~TERMINATION.~~—The Commission shall terminate
 4 3 months after the transmission of the report and rec-
 5 ommendations under subsection (b)(2).

6 **SEC. 8. PUBLIC HEALTH SERVICE PHYSICIANS.**

7 The Secretary of Health and Human Services shall
 8 provide, on a non-reimbursable basis, assistance for direct
 9 radiation related medical surveillance and treatment pro-
 10 grams under section 177(b) of the Compact of Free Asso-
 11 ciation. Such programs may include the services of physi-
 12 cians, surgeons, dentists, nurses, and other health care
 13 practitioners.

14 **SEC. 9. ELIGIBILITY FOR HOUSING ASSISTANCE.**

15 (a) Section 214(a) of the Housing Community Devel-
 16 opment Act of 1980 (42 U.S.C. 1436a(a)) is amended—

17 (1) by striking “or” at the end of paragraph
 18 (5);

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

21 (3) by adding at the end the following new
 22 paragraph:

23 “(7) an alien who is lawfully resident in the
 24 United States and its territories and possessions
 25 under section 141 of the Compacts of Free Associa-

1 tion between the Government of the United States
 2 and the Governments of the Marshall Islands, the
 3 Federated States of Micronesia (48 U.S.C. 1901
 4 note) and Palau (48 U.S.C. 1931 note) while the ap-
 5 plicable section is in effect: *Provided*, That, within
 6 Guam and the Commonwealth of the Northern Mari-
 7 ana Islands any such alien shall not be entitled to
 8 a preference in receiving assistance under this Act
 9 over any United States citizens or national resident
 10 therein who is otherwise eligible for such assist-
 11 ance.”.

12 **SEC. 10. CONSENT TO HAWAIIAN HOMES COMMISSION ACT**
 13 **AMENDMENTS.**

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

- 21 (1) Act 339 of the Session Laws of Hawaii,
 22 1993, and
 23 (2) Act 37 of the Session Laws of Hawaii,
 24 1994.

1 **SEC. 11. AMERICAN SAMOA STUDY COMMISSION.**

2 (a) **SHORT TITLE.**—This section may be cited as
3 “The American Samoa Development Act of 1997”.

4 (b) **ESTABLISHMENT AND MEMBERSHIP.**—

5 (1) There is hereby established a Commission
6 on the Economic Future of American Samoa (the
7 “Commission”). The Commission shall consist of six
8 members appointed by the President, three of whom
9 shall be selected from nominations made by the Gov-
10 ernor of American Samoa, and the Secretary of the
11 Interior ex officio. The President shall designate one
12 of the appointed members of the Commission to be
13 Chairman.

14 (2) Members of the Commission appointed by
15 the President shall be persons who by virtue of their
16 background and experience are particularly suited to
17 contribute to achievement of the purposes of the
18 Commission.

19 (3) Members of the Commission shall serve
20 without compensation, but shall be reimbursed for
21 travel, subsistence and other necessary expenses in-
22 curred by them in the performance of their duties.

23 (4) Any vacancy in the Commission shall be
24 filled in the same manner as the original appoint-
25 ment was made.

26 (c) **PURPOSE AND REPORT.**—

1 (1) The purpose of the Commission is to make
2 recommendations to the President and Congress on
3 the policies and actions necessary to provide for a
4 secure and self-sustaining future for the local econ-
5 omy of American Samoa through 2020 and on the
6 role of the Federal Government. In developing rec-
7 ommendations, the Commission shall—

8 (A) solicit and analyze information on pro-
9 jected private sector development, including, but
10 not limited to, tourism, manufacturing and in-
11 dustry, agriculture, and transportation and
12 shifting trends based on alternative forecasts of
13 economic, political and social conditions in the
14 Pacific;

15 (B) analyze capital infrastructure, edu-
16 cation, social, health, and environmental needs
17 in light of these alternative forecasts;

18 (C) assemble relevant demographic, eco-
19 nomic, and revenue and expenditure data from
20 over the past 25 years;

21 (D) review the application of Federal laws
22 and programs and the effects of such laws and
23 programs on the local economy and make such
24 recommendations for changes in the application
25 as the Commission deems advisable; and

1 (E) consider the impact of Federal trade
2 and other international agreements, including,
3 but not limited to those related to marine re-
4 sources, on American Samoa and make such
5 recommendations as may be necessary to mini-
6 mize or eliminate any adverse effects on the
7 local economy.

8 (2) The recommendations of the Commission
9 shall be transmitted in a report to the President, the
10 Committee on Energy and Natural Resources of the
11 United States Senate and the Committee on Re-
12 sources of the United States House of Representa-
13 tives no later than June 30, 1999. The report shall
14 set forth the basis for the recommendations and in-
15 clude an analysis of the capability of American
16 Samoa to meet projected needs based on reasonable
17 alternative economic, political and social conditions
18 in the Pacific Basin. The report shall also include
19 projections of the need for direct or indirect Federal
20 assistance for operations and infrastructure over the
21 next decade and what additional assistance will be
22 necessary to develop the local economy to a level suf-
23 ficient to minimize or eliminate the need for direct
24 Federal operational assistance. As part of the re-
25 port, the Commission shall also include an overview

1 of the history of American Samoa and its relation-
 2 ship to the United States from 1872 with emphasis
 3 on those events or actions that affect future eco-
 4 nomic development and shall include, as an appendix
 5 to its report, copies of the relevant historical docu-
 6 ments, including, but not limited to, the Convention
 7 of 1899 (commonly referred to as the Tripartite
 8 Treaty) and the documents of cession of 1900 and
 9 1904.

10 (d) POWERS.—

11 (1) The Commission may—

12 (A) hold such hearings, sit and act at such
 13 times and places, take such testimony and re-
 14 ceive such evidence as it may deem advisable:
 15 *Provided,* That the Commission shall conduct
 16 public meetings in Tutuila, Ofu, Olosega, and
 17 Tau;

18 (B) use the United States mail in the same
 19 manner and upon the same conditions as de-
 20 partments and agencies of the United States;
 21 and

22 (C) within available funds, incur such ex-
 23 penses and enter into contracts or agreements
 24 for studies and surveys with public and private
 25 organizations and transfer funds to Federal

1 agencies to carry out the Commission's func-
2 tions.

3 ~~(2)~~ Within funds available for the Commission,
4 the Secretary of the Interior shall provide such office
5 space, furnishings, equipment, staff, and fiscal and
6 administrative services as the Commission may re-
7 quire.

8 ~~(3)~~ The President, upon request of the Commis-
9 sion, may direct the head of any Federal agency or
10 department to assist the Commission and if so di-
11 rected such head shall—

12 ~~(A)~~ furnish the Commission to the extent
13 permitted by law and within available appro-
14 priations such information as may be necessary
15 for carrying out the functions of the Commis-
16 sion and as may be available to or procurable
17 by such department or agency; and

18 ~~(B)~~ detail to temporary duty with the
19 Commission on a reimbursable basis such per-
20 sonnel within his administrative jurisdiction as
21 the Commission may need or believe to be use-
22 ful for carrying out its functions; each such de-
23 tail to be without loss of seniority, pay or other
24 employee status.

1 (e) CHAIRMAN.—Subject to general policies that the
 2 Commission may adopt, the Chairman of the Commission
 3 shall be the chief executive officer of the Commission and
 4 shall exercise its executive and administrative powers. The
 5 Chairman may make such provisions as he may deem ap-
 6 propriate authorizing the performance of his executive and
 7 administrative functions by the staff of the Commission.

8 (f) FUNDING.—There are hereby authorized to be ap-
 9 propriated to the Secretary of the Interior such sums as
 10 may be necessary, but not to exceed an average of
 11 \$300,000 per year, in fiscal years 1997, 1998 and 1999
 12 for the work of the Commission.

13 (g) TERMINATION.—The Commission shall terminate
 14 3 months after the transmission of the report and rec-
 15 ommendations under subsection (c)(2).

16 **SECTION 1. MARSHALL ISLANDS AGRICULTURAL AND FOOD**
 17 **PROGRAMS.**

18 *Section 103(h)(2) of the Compact of Free Association*
 19 *Act of 1985 (48 U.S.C. 1903(h)(2) is amended by striking*
 20 *“ten” and inserting “fifteen” and by adding at the end of*
 21 *subparagraph (B) the following: “The President shall en-*
 22 *sure that the amount of commodities provided under these*
 23 *programs reflects the changes in the population that have*
 24 *occurred since the effective date of the Compact.”.*

1 **SEC. 2. AMENDMENT TO THE ORGANIC ACT OF GUAM.**

2 *Section 8 of the Organic Act of Guam (48 U.S.C.*
 3 *1422b), as amended, is further amended by adding at the*
 4 *end thereof the following new subsection:*

5 “(e) *An absence from Guam of the Governor or the*
 6 *Lieutenant Governor, while on official business, shall not*
 7 *be a ‘temporary absence’ for the purposes of this section.”*

8 **SEC. 3. TERRITORIAL LAND GRANT COLLEGES.**

9 (a) *LAND GRANT STATUS.*—*Section 506(a) of the Edu-*
 10 *cation Amendments of 1972 (Public Law 92–318, as*
 11 *amended; 7 U.S.C. 301 note) is amended by striking “the*
 12 *College of Micronesia,” and inserting “the College of the*
 13 *Marshall Islands, the College of Micronesia-FSM, the Palau*
 14 *Community College,”.*

15 (b) *ENDOWMENT.*—*The amount of the land grant trust*
 16 *fund attributable to the \$3,000,000 appropriation for Mi-*
 17 *cronesia authorized by the Education Amendments of 1972*
 18 *(Public Law 92–318, as amended; 7 U.S.C. 301 note) shall,*
 19 *upon enactment of this Act, be divided equally among the*
 20 *Republic of the Marshall Islands, the Federated States of*
 21 *Micronesia, and the Republic of Palau for the benefit of the*
 22 *College of the Marshall Islands, the College of Micronesia-*
 23 *FSM, and the Palau Community College.*

24 (c) *TREATMENT.*—*Section 1361(c) of the Education*
 25 *Amendments of 1980 (Public Law 96–374, as amended; 7*
 26 *U.S.C. 301 note) is amended by striking “and the Trust*

1 *Territory of the Pacific Islands (other than the Northern*
 2 *Mariana Islands)” and inserting “the Republic of the Mar-*
 3 *shall Islands, the Federated States of Micronesia, and the*
 4 *Republic of Palau”.* *The proportion of any allocation of*
 5 *funds to the Trust Territory of the Pacific islands under*
 6 *any Act in accordance with section 1361(c) of Public Law*
 7 *96–374 prior to the enactment of this Act shall hereafter*
 8 *remain the same with the amount of such funds divided*
 9 *as may be agreed among the Federated States of Micronesia,*
 10 *the Republic of the Marshall Islands, and the Republic of*
 11 *Palau.*

12 **SEC. 4. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO**
 13 **ACQUIRE EXCESS REAL PROPERTY IN GUAM.**

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

22 (2) *If the Government of Guam, within 180 days after*
 23 *receiving notification under paragraph (1), notifies the Ad-*
 24 *ministrator that the Government of Guam intends to ac-*
 25 *quire the property under this section, the Administrator*

1 *shall transfer such property in accordance with subsection*
 2 *(b). Otherwise, the property shall be disposed of in accord-*
 3 *ance with the Property Act.*

4 *(b) CONDITIONS OF TRANSFER.—(1) Any transfer of*
 5 *excess real property to the Government of Guam for other*
 6 *than a public purpose shall be for consideration equal to*
 7 *the fair market value.*

8 *(2) Any transfer of excess real property to the Govern-*
 9 *ment of Guam for a public purpose shall be without further*
 10 *consideration.*

11 *(3) All transfers of excess real property to the Govern-*
 12 *ment of Guam shall be subject to such restrictive covenants*
 13 *as the Administrator, in consultation with the Secretary*
 14 *of Defense, in the case of property reported excess by a mili-*
 15 *tary department, determines in their sole discretion to be*
 16 *necessary to ensure that (A) the use of the property is com-*
 17 *patible with continued military activities on Guam, (B) the*
 18 *use of the property is consistent with the environmental*
 19 *condition of the property; (C) access is available to the*
 20 *United States to conduct any additional environmental re-*
 21 *mediation or monitoring that may be required; (D) to the*
 22 *extent the property was transferred for a public purpose,*
 23 *that the property is so utilized; and (E) to the extent the*
 24 *property has been leased by another Federal agency for a*
 25 *minimum of two (2) years under a lease entered into prior*

1 to May 1, 1997, that the transfer to the Government of
 2 Guam be subject to the terms and conditions of those lease-
 3 hold interests.

4 (4) All transfers of excess real property to the Govern-
 5 ment of Guam are subject to all otherwise applicable Fed-
 6 eral laws.

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

8 (1) The term “Administrator” means—

9 (A) the Administrator of General Services;

10 or

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

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

20 (3) The term “excess real property” means excess
 21 property (as that term is defined in section 3 of the
 22 Property Act) that is real property and was acquired
 23 by the United States prior to enactment of this sec-
 24 tion.

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, identi-*
 4 *fied as DoD lands in figure 3, on page 74, and as*
 5 *submerged lands in figure 7, on page 78 of the “Final*
 6 *Environmental Assessment for the Proposed Guam*
 7 *National Wildlife Refuge, Territory of Guam, July*
 8 *1993” to the extent that the federal government holds*
 9 *title to such lands.*

10 (5) *The term “public purpose” means those pub-*
 11 *lic benefit purposes for which the United States may*
 12 *dispose of property pursuant to section 203 of the*
 13 *Property Act, as implemented by the Federal Prop-*
 14 *erty Management Regulations (41 CFR 101–47) or*
 15 *other public benefit uses provided under the Guam*
 16 *Excess Lands Act (Public Law 103–339, 108 Stat.*
 17 *3116).*

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

21 (1) *To real property on Guam that is declared*
 22 *excess by the Department of Defense for the purpose*
 23 *of transferring that property to the Coast Guard; or*

24 (2) *To real property on Guam that is declared*
 25 *excess by the managing Federal agency for the pur-*

1 *pose of transferring that property to the Federal*
2 *Agency which has occupied the property for a mini-*
3 *mum of two (2) years at the time the property is de-*
4 *clared excess and which was occupying such property*
5 *prior to May 1, 1997.*

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

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

18 *(B) If the parties reach an agreement under*
19 *paragraph (A) within 180 days after notifica-*
20 *tion of the declaration of excess, the real property*
21 *shall be transferred and managed in accordance*
22 *with such agreement: Provided, That such agree-*
23 *ment shall be transmitted to the Committee on*
24 *Energy and Natural Resources of the United*
25 *States Senate and the appropriate committees of*

1 *the United States House of Representatives not*
2 *less than 60 days prior to such transfer and any*
3 *such transfer shall be subject to the other provi-*
4 *sions of this section.*

5 *(C) If the parties do not reach an agreement*
6 *under paragraph (A) within 180 days after noti-*
7 *fication of the declaration of excess, the Adminis-*
8 *trator shall provide a report to Congress on the*
9 *status of the discussions, together with his rec-*
10 *ommendations on the likelihood of resolution of*
11 *differences and the comments of the Fish and*
12 *Wildlife Service and the Government of Guam. If*
13 *the subject property is under the jurisdiction of*
14 *a military department, the military department*
15 *may transfer administrative control over the*
16 *property to the General Services Administration.*

17 *(D) If the parties come to agreement prior*
18 *to congressional action, the real property shall be*
19 *transferred and managed in accordance with*
20 *such agreement: Provided, That such agreement*
21 *shall be transmitted to the Committee on Energy*
22 *and Natural Resources of the United States Sen-*
23 *ate and the appropriate committees of the United*
24 *States House of Representatives not less than 60*
25 *days prior to such transfer and any such trans-*

1 *fer shall be subject to the other provisions of this*
2 *section.*

3 *(E) Absent an agreement on the future own-*
4 *ership and use of the property, such property*
5 *may not be transferred to another federal agency*
6 *or out of federal ownership except pursuant to*
7 *an Act of Congress specifically identifying such*
8 *property.*

9 *(4) To real property on Guam that is declared*
10 *excess as a result of a base closure law, except that*
11 *with respect to property identified for disposal prior*
12 *to the date of enactment of this section, such lands*
13 *shall be subject to subsection (b) of this section.*

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

19 *(f) AUTHORITY TO ISSUE REGULATIONS.—The Ad-*
20 *ministrators of General Services, after consultation with the*
21 *Secretary of Defense and the Secretary of Interior, may*
22 *issue such regulations as he deems necessary to carry out*
23 *this section.*

1 **SEC. 5. CLARIFICATION OF ALLOTMENT FOR TERRITORIES.**

2 *Section 901(a)(2) of the Omnibus Crime Control and*
 3 *Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is amended*
 4 *to read as follows:*

5 “(2) ‘State’ means any State of the United
 6 States, the District of Columbia, the Commonwealth
 7 of Puerto Rico, the Virgin Islands, American Samoa,
 8 Guam, and the Commonwealth of the Northern Mari-
 9 ana Islands;”.

10 **SEC. 6. AMENDMENTS TO THE REVISED ORGANIC ACT OF**
 11 **THE VIRGIN ISLANDS.**

12 (a) *TEMPORARY ABSENCE OF OFFICIALS.*—Section 14
 13 *of the Revised Organic Act of the Virgin Islands (48 U.S.C.*
 14 *1595) is amended by adding at the end the following new*
 15 *subsection:*

16 “(g) *An absence from the Virgin Islands of the Gov-*
 17 *ernor or the Lieutenant Governor, while on official business,*
 18 *shall not be a ‘temporary absence’ for purposes of this sec-*
 19 *tion.*”.

20 (b) *PRIORITY OF BONDS.*—Section 3 of Public Law
 21 94–392 (90 Stat. 1193, 1195) is amended—

22 (1) *by striking “priority for payment” and in-*
 23 *serting “a parity lien with every other issue of bonds*
 24 *or other obligations issued for payment”; and*

25 (2) *by striking “in the order of the date of*
 26 *issue”.*

1 (c) *APPLICATION.*—*The amendments made by sub-*
 2 *section (b) shall apply to obligations issued on or after the*
 3 *date of enactment of this section.*

4 (d) *SHORT TERM BORROWING.*—*Section 1 of Public*
 5 *Law 94–392 (90 Stat. 1193) is amended by adding the fol-*
 6 *lowing new subsection at the end thereof:*

7 “(d) *The legislature of the government of the Virgin*
 8 *Islands may cause to be issued notes in anticipation of the*
 9 *collection of the taxes and revenues for the current fiscal*
 10 *year. Such notes shall mature and be paid within one year*
 11 *from the date they are issued. No extension of such notes*
 12 *shall be valid and no additional notes shall be issued under*
 13 *this section until all notes issued during a preceding year*
 14 *shall have been paid.*”

15 **SEC. 7. COMMISSION ON THE ECONOMIC FUTURE OF THE**
 16 **VIRGIN ISLANDS.**

17 (a) *ESTABLISHMENT AND MEMBERSHIP.*—

18 (1) *There is hereby established a Commission on*
 19 *the Economic Future of the Virgin Islands (the “Com-*
 20 *mission”). The Commission shall consist of six mem-*
 21 *bers appointed by the President, two of whom shall be*
 22 *selected from nominations made by the Governor of*
 23 *the Virgin Islands. The President shall designate one*
 24 *of the members of the Commission to be Chairman.*

1 (2) *In addition to the six members appointed*
2 *under paragraph (1), the Secretary of the Interior*
3 *shall be an ex-officio member of the Commission.*

4 (3) *Members of the Commission appointed by the*
5 *President shall be persons who by virtue of their back-*
6 *ground and experience are particularly suited to con-*
7 *tribute to achievement of the purposes of the Commis-*
8 *sion.*

9 (4) *Members of the Commission shall serve with-*
10 *out compensation, but shall be reimbursed for travel,*
11 *subsistence and other necessary expenses incurred by*
12 *them in the performance of their duties.*

13 (5) *Any vacancy in the Commission shall be*
14 *filled in the same manner as the original appoint-*
15 *ment was made.*

16 (b) *PURPOSE AND REPORT.—*

17 (1) *The purpose of the Commission is to make*
18 *recommendations to the President and Congress on*
19 *the policies and actions necessary to provide for a se-*
20 *cure and self-sustaining future for the local economy*
21 *of the Virgin Islands through 2020 and on the role of*
22 *the Federal Government. In developing recommenda-*
23 *tions, the Commission shall—*

24 (A) *solicit and analyze information on pro-*
25 *jected private sector development and shifting*

1 *tourism trends based on alternative forecasts of*
 2 *economic, political and social conditions in the*
 3 *Caribbean;*

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

7 *(C) assemble relevant demographic, eco-*
 8 *nomic, and revenue and expenditure data from*
 9 *over the past twenty-five years.*

10 *(2) The recommendation of the Commission shall*
 11 *be transmitted in a report to the President, the Com-*
 12 *mittee on Energy and Natural Resources of the Unit-*
 13 *ed States Senate and the Committee on Resources of*
 14 *the United States House of Representatives no later*
 15 *than June 30, 1999. The report shall set forth the*
 16 *basis for the recommendations and include an analy-*
 17 *sis of the capability of the Virgin Islands to meet pro-*
 18 *jected needs based on reasonable alternative economic,*
 19 *political and social conditions in the Caribbean, in-*
 20 *cluding the possible effect of expansion in the near fu-*
 21 *ture of Cuba in trade, tourism and development.*

22 *(c) POWERS.—*

23 *(1) 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 depart-
6 ments and agencies of the United States; and

7 (C) within available funds, incur such ex-
8 penses and enter into contracts or agreements for
9 studies and surveys with public and private or-
10 ganizations and transfer funds to Federal agen-
11 cies to carry out the Commission's functions.

12 (2) Within funds available for the Commission,
13 the Secretary of the Interior shall provide such office
14 space, furnishings, equipment, staff, and fiscal and
15 administrative services as the Commission may re-
16 quire.

17 (3) The President, upon request of the Commis-
18 sion, may direct the head of any Federal agency or
19 department to assist the Commission and if so di-
20 rected such head shall—

21 (A) furnish the Commission to the extent
22 permitted by law and within available appro-
23 priations such information as may be necessary
24 for carrying out the functions of the Commission

1 *and as may be available to or procurable by such*
2 *department or agency; and*

3 *(B) detail to temporary duty with the Com-*
4 *mission on a reimbursable basis such personnel*
5 *within his administrative jurisdiction as the*
6 *Commission may need or believe to be useful for*
7 *carrying out its functions, each such detail to be*
8 *without loss of seniority, pay or other employee*
9 *status.*

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

17 *(e) FUNDING.—There is hereby authorized to be appro-*
18 *priated to the Secretary of the Interior such sums as may*
19 *be necessary, but not to exceed an average of \$300,000 per*
20 *year, in fiscal years 1997, 1998 and 1999 for the work of*
21 *the Commission.*

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

1 **SEC. 8. COMPACT IMPACT REPORTS.**

2 *Paragraph 104(e)(2) of Public Law 99–239 (99 Stat.*
 3 *1770, 1788) is amended by deleting “President shall report*
 4 *to the Congress with respect to the impact of the Compact*
 5 *on the United States territories and commonwealths and*
 6 *on the State of Hawaii.” and inserting in lieu thereof,*
 7 *“Governor of any of the United States territories or com-*
 8 *monwealths or the State of Hawaii may report to the Sec-*
 9 *retary of the Interior by February 1 of each year with re-*
 10 *spect to the impacts of the compacts of free association on*
 11 *the Governor’s respective jurisdiction. The Secretary of the*
 12 *Interior shall review and forward any such reports to the*
 13 *Congress with the comments of the Administration. The*
 14 *Secretary of the Interior shall, either directly or, subject to*
 15 *available technical assistance funds, through a grant to the*
 16 *affected jurisdiction, provide for a census of Micronesians*
 17 *at intervals no greater than five years from each decennial*
 18 *United States census using generally acceptable statistical*
 19 *methodologies for each of the impact jurisdictions where the*
 20 *Governor requests such assistance, except that the total ex-*
 21 *penditures to carry out this sentence may not exceed*
 22 *\$300,000 in any year.”.*

23 **SEC. 9. ELIGIBILITY FOR HOUSING ASSISTANCE.**

24 *(a) Section 214(a) of the Housing Community Devel-*
 25 *opment Act of 1980 (42 U.S.C. 1436a(a)) is amended—*
 26 *(1) by striking “or” at the end of paragraph (5);*

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

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

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

18 **SEC. 10. AMERICAN SAMOA STUDY COMMISSION.**

19 (a) *SHORT TITLE.*—*This section may be cited as “The*
 20 *American Samoa Development Act of 1997”.*

21 (b) *ESTABLISHMENT AND MEMBERSHIP.*—

22 (1) *There is hereby established a Commission on*
 23 *the Economic Future of American Samoa (the “Com-*
 24 *mission”). The Commission shall consist of six mem-*
 25 *bers appointed by the President, three of whom shall*

1 *be selected from nominations made by the Governor of*
 2 *American Samoa, and the Secretary of the Interior ex*
 3 *officio. The President shall designate one of the ap-*
 4 *pointed members of the Commission to be Chairman.*

5 *(2) Members of the Commission appointed by the*
 6 *President shall be persons who by virtue of their back-*
 7 *ground and experience are particularly suited to con-*
 8 *tribute to achievement of the purposes of the Commis-*
 9 *sion.*

10 *(3) Members of the Commission shall serve with-*
 11 *out compensation, but shall be reimbursed for travel,*
 12 *subsistence and other necessary expenses incurred by*
 13 *them in the performance of their duties.*

14 *(4) Any vacancy in the Commission shall be*
 15 *filled in the same manner as the original appoint-*
 16 *ment was made.*

17 *(c) PURPOSE AND REPORT.—*

18 *(1) The purpose of the Commission is to make*
 19 *recommendations to the President and Congress on*
 20 *the policies and actions necessary to provide for a se-*
 21 *cure and self-sustaining future for the local economy*
 22 *of American Samoa through 2020 and on the role of*
 23 *the Federal Government. In developing recommenda-*
 24 *tions, the Commission shall—*

1 (A) solicit and analyze information on pro-
2 jected private sector development, including, but
3 not limited to, tourism, manufacturing and in-
4 dustry, agriculture, and transportation and
5 shifting trends based on alternative forecasts of
6 economic, political and social conditions in the
7 Pacific;

8 (B) analyze capital infrastructure, edu-
9 cation, social, health, and environmental needs
10 in light of these alternative forecasts;

11 (C) assemble relevant demographic, eco-
12 nomic, and revenue and expenditure data from
13 over the past twenty-five years;

14 (D) review the application of federal laws
15 and programs and the effects of such laws and
16 programs on the local economy and make such
17 recommendations for changes in the application
18 as the Commission deems advisable;

19 (E) consider the impact of federal trade and
20 other international agreements, including, but
21 not limited to those related to marine resources,
22 on American Samoa and make such rec-
23 ommendations as may be necessary to minimize
24 or eliminate any adverse effects on the local
25 economy.

1 (2) *the recommendations of the Commission shall*
2 *be transmitted in a report to the President, the Com-*
3 *mittee on Energy and Natural Resources of the*
4 *United States Senate and the Committee on Resources*
5 *of the United States House of Representatives no later*
6 *than June 30, 1999. The report shall set forth the*
7 *basis for the recommendations and include an analy-*
8 *sis of the capability of American Samoa to meet pro-*
9 *jected needs based on reasonable alternative economic,*
10 *political and social conditions in the Pacific Basin.*
11 *The report shall also include projections of the need*
12 *for direct or indirect Federal assistance for operations*
13 *and infrastructure over the next decade and what ad-*
14 *ditional assistance will be necessary to develop the*
15 *local economy to a level sufficient to minimize or*
16 *eliminate the need for direct Federal operational as-*
17 *istance. As part of the report, the Commission shall*
18 *also include an overview of the history of American*
19 *Samoa and its relationship to the United States from*
20 *1872 with emphasis on those events or actions that af-*
21 *fect future economic development and shall include, as*
22 *an appendix to its report, copies of the relevant his-*
23 *torical documents, including, but not limited to, the*
24 *Convention of 1899 (commonly referred to as the Tri-*

1 *partite Treaty) and the documents of cession of 1900*
2 *and 1904.*

3 *(d) POWERS.—*

4 *(1) The Commission may—*

5 *(A) hold such hearings, sit and act at such*
6 *times and places, take such testimony and re-*
7 *ceive such evidence as it may deem advisable:*
8 *Provided, That the Commission shall conduct*
9 *public meetings in Tutuila, Ofu, Olosega, and*
10 *Tau;*

11 *(B) use the United States mail in the same*
12 *manner and upon the same conditions as depart-*
13 *ments and agencies of the United States; and*

14 *(C) within available funds, incur such ex-*
15 *penses and enter into contracts or agreements for*
16 *studies and surveys with public and private or-*
17 *ganizations and transfer funds to Federal agen-*
18 *cies to carry out the Commission's functions.*

19 *(2) Within funds available for the Commission,*
20 *the Secretary of the Interior shall provide such office*
21 *space, furnishings, equipment, staff, and fiscal and*
22 *administrative services as the Commission may re-*
23 *quire.*

24 *(3) The President, upon request of the Commis-*
25 *sion, may direct the head of any Federal agency or*

1 *department to assist the Commission and if so di-*
 2 *rected such head shall—*

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

9 *(B) detail to temporary duty with the Com-*
 10 *mission on a reimbursable basis such personnel*
 11 *within his administrative jurisdiction as the*
 12 *Commission may need or believe to be useful for*
 13 *carrying out its functions, each such detail to be*
 14 *without loss of seniority, pay or other employee*
 15 *status.*

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

23 *(f) FUNDING.—There are hereby authorized to be ap-*
 24 *propriated to the Secretary of the Interior such sums as*
 25 *may be necessary, but not to exceed an average of \$300,000*

1 *per year, in fiscal years 1997, 1998 and 1999 for the work*
 2 *of the Commission.*

3 (g) *TERMINATION.—The Commission shall terminate*
 4 *three months after the transmission of the report and rec-*
 5 *ommendations under subsection (c)(2).*

6 **SEC. 11. FEDERAL PROGRAMS COORDINATION IN THE**
 7 **FREELY ASSOCIATED STATES AND PROVI-**
 8 **SIONS FOR BIKINI.**

9 (a) *Section 108 of Public Law 101–219 (103 Stat.*
 10 *1870, 1872) is amended by deleting “shall station” and in-*
 11 *serting in lieu thereof “shall, subject to appropriations, sta-*
 12 *tion”.*

13 (b) *Section 501 of Public Law 95–134 is amended by*
 14 *deleting “the Trust Territory of the Pacific Islands,” and*
 15 *inserting in lieu thereof “the Republic of the Marshall Is-*
 16 *lands, the Federated States of Micronesia, the Republic of*
 17 *Palau,”.*

18 (c) *Under the heading “COMPACT OF FREE ASSO-*
 19 *CIATION” in TITLE I—DEPARTMENT OF THE IN-*
 20 *TERIOR of Public Law 100–446 (102 Stat. 1774, 1798)*
 21 *delete “\$2,000,000 in any year from income for projects on*
 22 *Kili or Ejit:” and insert in lieu thereof “\$2,500,000 in any*
 23 *year from income for projects on Kili or Ejit: Provided fur-*
 24 *ther, That commencing on October 1, 1998 and every year*
 25 *thereafter, this dollar amount shall be changed to reflect any*

- 1 *fluctuation occurring during the previous twelve months in*
- 2 *the Consumer Price Index, as determined by the Secretary*
- 3 *of Labor:”.*