

gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield such time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO), the author of the bill.

Mrs. CAPITO. Madam Speaker, I rise today in support of S. 1576, the Harpers Ferry National Historical Park Boundary Revision Act of 2004. Harpers Ferry is at the eastern-most portion of my congressional district and borders on Virginia and Maryland and has a very historic significance in our Nation's history.

This legislation represents cooperative efforts among local civic groups and the National Park Service to preserve an additional 1,240 acres of West Virginia's historic and pristine wilderness from development.

In addition, expanding the park will help make a significant investment in the local tourist economy by attracting an estimated 25,000 additional visitors to the eastern panhandle of West Virginia each year. New visitors mean more revenues for area businesses, and that keeps the local economy moving forward.

Expanding the park represents a reasonable and necessary investment in the future of this national treasure. This portion of West Virginia is undergoing tremendous growth; and placing these additional 1,200 acres under the governance of the National Park Service will preserve this area of West Virginia from further economic development, but more historic development.

Last summer I walked the Murphy Farm, an area in the proposed expansion. I was able to see a part of America rich in Civil War and civil rights history as well as breathtaking beauty. The passage of this legislation will allow the local community, the National Park Service, and various non-profit organizations to work together in partnership to preserve a historic part of our country's heritage, a section of America which is now West Virginia that Thomas Jefferson once remarked was "worth a trip across the Atlantic."

Madam Speaker, I can assure all of my colleagues that this legislation is worth their support, and I urge them to make a trip across Maryland to Harpers Ferry where they can visit a beautiful parcel of West Virginia, Harpers Ferry National Park.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1576 is supported by the majority and the minority of the Committee on Resources and the administration. I urge adoption of this bill.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Madam Speaker, at the outset I would note that the gentleman from West Virginia (Mr. RAHALL), Committee on Resources ranking member, had hoped to be here to manage this extremely important legislation, but has been delayed in returning from his congressional district. However, he joins with me in saluting Senator ROBERT C. BYRD for his tireless efforts on this vital legislation that will serve to enhance both the scenic beauty and historic resources of Harpers Ferry in the State of West Virginia. Madam Speaker, we have a statement from the gentleman from West Virginia (Mr. RAHALL) which will be included in the RECORD.

Just as important as the substance of the bill is the process through which this proposal was developed. The sponsor of this legislation, Senator ROBERT C. BYRD, understood that units of the National Park Service work best when the local community feels connected to the park and is included in the decision-making process regarding the park's management. To accomplish this goal, Senator BYRD directed the National Park Service to conduct extensive public outreach to provide the local community information regarding the needs of the park and the impacts of any potential expansion. As a result, S. 1576 has near-universal support in the local communities near the park.

We commend Senator BYRD for his tireless efforts on behalf of Harpers Ferry, and we urge our colleagues to support S. 1576. And, Madam Speaker, I would be remiss if I did not mention, and I would like to commend her as well, the gentlewoman from West Virginia (Mrs. CAPITO) for her efforts on this legislation.

Mr. RAHALL. Madam Speaker, few places possess both the scenic beauty and historical significance of Harpers Ferry. Enactment of this legislation is critical because it will enhance both the scenic and historic resources of this unique place.

Like my home State of West Virginia itself, the pivotal location of Harpers Ferry has allowed it to serve as the backdrop for many of the most significant events in American history. As a result, some of the icons of American freedom and discovery—George Washington, Thomas Jefferson, Merriweather Lewis, John Brown, "Stonewall" Jackson, Abraham Lincoln and Frederick Douglas—have walked the ground that now makes up this Park.

From the earliest settlement of this great Nation, through the founding of the railroad, John Brown's raid, the Civil War, reconstruction, the industrial revolution and integration, Harpers Ferry has been the stage on which many of the most significant chapters in American history have unfolded.

As for the scenic beauty of the place, none could describe it better than a visitor did in 1783 when he wrote that, "The passage of the Potomac through the Blue Ridge is perhaps one of the most stupendous scenes in nature." That awestruck visitor was, of course, Thomas Jefferson.

And during his distinguished career in the United States Senate, Harpers Ferry National Historical Park has had no better friend, no better protector, than Senator ROBERT C. BYRD. Back in 2000, Senator BYRD recognized the need for this Park expansion but was also well aware that units of the National Park System work best when the local community feels a sense of ownership and pride in the Park.

Senator BYRD directed the National Park Service to conduct extensive public outreach to provide the local community information regarding the needs of the Park and the impacts of any potential expansion. Once that process was complete, Senator BYRD had accomplished the near-impossible: Surveys show that 94 percent of the respondents support this legislation.

I share Senator BYRD's great love of history—West Virginia's history in particular. Harpers Ferry is an incredibly powerful tool for telling the great story of our State, our People and our Nation. These proposed additions will allow the Park to tell those stories even more powerfully and more completely.

I salute Senator BYRD for his tireless efforts on behalf of Harpers Ferry and West Virginia and urge my colleagues to support S. 1576.

Ms. BORDALLO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 1576.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE ORGANIC ACT OF GUAM

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2400) to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

The Clerk read as follows:

H.R. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDICIAL STRUCTURE OF GUAM.

(a) JUDICIAL AUTHORITY; COURTS.—Section 22(a) of the Organic Act of Guam (48 U.S.C. 1424(a)) is amended to read as follows:

“(a)(1) The judicial authority of Guam shall be vested in a court established by Congress designated as the ‘District Court of Guam’, and a judicial branch of Guam which branch shall constitute a unified judicial system and include an appellate court designated as the ‘Supreme Court of Guam’, a trial court designated as the ‘Superior Court of Guam’, and such other lower local courts as may have been or shall hereafter be established by the laws of Guam.

“(2) The Supreme Court of Guam may, by rules of such court, create divisions of the Superior Court of Guam and other local courts of Guam.

“(3) The courts of record for Guam shall be the District Court of Guam, the Supreme Court of Guam, the Superior Court of Guam (except the Traffic and Small Claims divisions of the Superior Court of Guam) and any other local courts or divisions of local courts that the Supreme Court of Guam shall designate.”.

(b) JURISDICTION AND POWERS OF LOCAL COURTS.—Section 22A of the Organic Act of Guam (48 U.S.C. 1424-1) is amended to read as follows:

“SEC. 22A. (a) The Supreme Court of Guam shall be the highest court of the judicial branch of Guam (excluding the District Court of Guam) and shall—

“(1) have original jurisdiction over proceedings necessary to protect its appellate jurisdiction and supervisory authority and such other original jurisdiction as the laws of Guam may provide;

“(2) have jurisdiction to hear appeals over any cause in Guam decided by the Superior Court of Guam or other courts established under the laws of Guam;

“(3) have jurisdiction to issue all orders and writs in aid of its appellate, supervisory, and original jurisdiction, including those orders necessary for the supervision of the judicial branch of Guam;

“(4) have supervisory jurisdiction over the Superior Court of Guam and all other courts of the judicial branch of Guam;

“(5) hear and determine appeals by a panel of three of the justices of the Supreme Court of Guam and a concurrence of two such justices shall be necessary to a decision of the Supreme Court of Guam on the merits of an appeal;

“(6) make and promulgate rules governing the administration of the judiciary and the practice and procedure in the courts of the judicial branch of Guam, including procedures for the determination of an appeal en banc; and

“(7) govern attorney and judicial ethics and the practice of law in Guam, including admission to practice law and the conduct and discipline of persons admitted to practice law.

“(b) The Chief Justice of the Supreme Court of Guam—

“(1) shall preside over the Supreme Court unless disqualified or unable to act;

“(2) shall be the administrative head of, and have general supervisory power over, all departments, divisions, and other instrumentalities of the judicial branch of Guam; and

“(3) may issue such administrative orders on behalf of the Supreme Court of Guam as necessary for the efficient administration of the judicial branch of Guam.

“(c) The Chief Justice of the Supreme Court of Guam, or a justice sitting in place of such Chief Justice, may make any appropriate order with respect to—

“(1) an appeal prior to the hearing and termination of that appeal on the merits; or

“(2) dismissal of an appeal for lack of jurisdiction or failure to take or prosecute the appeal in accordance with applicable laws or rules of procedure.

“(d) Except as granted to the Supreme Court of Guam or otherwise provided by this

Act or any other Act of Congress, the Superior Court of Guam and all other local courts established by the laws of Guam shall have such original and appellate jurisdiction over all causes in Guam as the laws of Guam provide, except that such jurisdiction shall be subject to the exclusive or concurrent jurisdiction conferred on the District Court of Guam under section 22 of this Act.

“(e) The qualifications and duties of the justices and judges of the Supreme Court of Guam, the Superior Court of Guam, and all other local courts established by the laws of Guam shall be governed by the laws of Guam and the rules of such courts.”.

(c) TECHNICAL AMENDMENTS.—(1) Section 22C(a) of the Organic Act of Guam (48 U.S.C. 1424-3(a)) is amended by inserting “which is known as the Supreme Court of Guam,” after “appellate court authorized by section 22A(a) of this Act.”.

(2) Section 22C(d) of the Organic Act of Guam (48 U.S.C. 1424-3(d)) is amended—

(A) by inserting “, which is known as the Supreme Court of Guam,” after “appellate court provided for in section 22A(a) of this Act”; and

(B) by striking “taken to the appellate court” and inserting “taken to such appellate court”.

SEC. 2. APPEALS TO UNITED STATES SUPREME COURT.

Section 22B of the Organic Act of Guam (48 U.S.C. 1424-2) is amended by striking “: *Provided, That*” and all that follows through the end and inserting a period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, I thank the gentleman for yielding me this time.

I am pleased that this bill that I introduced with the gentlewoman from Guam (Ms. BORDALLO) is being considered on the floor today.

Madam Speaker, in what currently poses a potential threat to self-governance in the territory of Guam, the Guam legislature and the Guam executive branch currently have the power to abolish the Supreme Court of Guam, thus infringing on the judiciary's independence. This unintentional unequal balance of power was created by the 1984 Omnibus Territories Act, which authorized the creation of an appellate court on Guam. Unfortunately, this statute left the newly created court subordinate to the powers of the legislature and the executive.

The possibility of removing judges if rulings are unpopular or abolishing the

court and replacing it with one elected by the legislature would directly threaten the people of Guam's faith in their own courts and the democratic process. It is an unacceptable situation.

This legislation remedies the potential constitutional crisis by making the Supreme Court of Guam a court equal in stature with the other branches of government and providing the Guam judiciary the same protection as the other two branches have in their status under the Organic Act of Guam.

I had the unique opportunity to hear first hand many of Guam's political leaders express support for this legislation during our CODEL to the Pacific Islands earlier this year. I also have a constituent right around the corner from me who spends time on Guam, and he has educated me over the past couple of years to the potential problem here with this, and I am glad that we are moving through on it.

I want to thank the leadership of the gentleman from California (Chairman POMBO) for moving this ahead and for his leadership on all other areas and concerns of our territories. And I want to thank the gentlewoman from Guam also for working hard on this.

I urge adoption of this important legislation.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

The gentlewoman from Guam (Ms. BORDALLO) has introduced legislation that seeks to resolve issues of uncertainty surrounding the judicial branch and its powers in Guam. Her legislation, H.R. 2400, will amend the territory's Organic Act to clarify the structure of Guam's judicial branch. At this point I will allow the author to explain the bill.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Madam Speaker, today we are considering legislation to amend the Organic Act of Guam to establish the Guam judiciary as the third co-equal and independent branch of the government of Guam. Passing H.R. 2400 is an important and necessary step in the exercising of Congress's plenary authority over the territories as granted in article IV of the United States Constitution. The bill is relatively straightforward and has the full support of all Guam's leaders.

I introduced H.R. 2400 last year at the request of the chief justice of the Supreme Court of Guam and the chairman of the 27th Guam legislature's Committee on the Judiciary. The bill would empower Guam's judiciary by clarifying the territory's local judicial structure. In essence, H.R. 2400 would amend the Organic Act of Guam to vest

the Supreme Court of Guam with authority over all inferior courts in the Guam judiciary, including the Superior Court of Guam and any such other lower courts as may be established by the laws of Guam.

A quick understanding of the history and evolution of the local judiciary in Guam reveals the need for this legislation. Guam's Organic Act, passed in August of 1950, provided for the organization of the territorial government. Therein, the judicial branch of the Government of Guam was created, which consisted of a district court of Guam having the jurisdiction of a district court of the United States and designated as Guam's appellate court to hear appeals from the local court.

In 1973, Guam's leaders made their first attempt at creating a Supreme Court of Guam, but that court's existence was short lived. The establishment of the first Supreme Court of Guam was ruled inorganic by the United States Supreme Court in the Territory of Guam v. Olsen. In rendering this decision, the United States Supreme Court held the Organic Act of Guam did not authorize the transfer of appellate jurisdiction from the Ninth Circuit Court of Appeals to a locally established appellate court.

In 1984, in response to the United States Supreme Court decision, Congress amended the Organic Act of Guam through the passage of an Omnibus Territories Act, Public Law 98-454, and granted the Guam legislature the authority to establish a local appellate court. In 1993, the Guam legislature exercised its authority and created the Supreme Court of Guam through passage of local law.

However, in authorizing the creation of a Supreme Court of Guam, the Congress left the newly created court subordinate to Guam's other two branches of government. Guam's executive and legislative branches are established in the Organic Act of Guam, which in lieu of an adopted constitution serves to provide the framework and powers for the territory's executive and legislative branches.

□ 1700

As the current judicial structure is established in Guam law, it can be subject to manipulations based upon shifts in control of Guam's executive and legislative branches. Currently, the Guam legislature and the Guam executive branch have the power to abolish the Supreme Court of Guam, and, as such, may infringe upon the judiciary's independence.

H.R. 2400 would remedy this situation by making the Supreme Court of Guam an "Organic" court equal in stature to the other branches of government and providing the Guam judiciary the same protection as the other branches have in their status under the Organic Act of Guam. Just as the Governor cannot disband the legislature and the legislature cannot abolish the executive, so too should the judiciary be free from

the threat of abolishment by the legislative or executive branches if their judicial decisions are found to be unpopular at any given point in time.

Madam Speaker, judicial independence cannot and should not be taken for granted. As Guam's self-governance continues to advance, the legal rights of the people of Guam should not be left to the discretion of the political branches. As Alexander Hamilton wrote in *The Federalist* No. 78, "There is no liberty if the power of judging be not separated from the legislative and the executive powers."

An independent judiciary is in its purest form accountable only to the rule of law, not other political actors. H.R. 2400 seeks to solidify such an independent judicial structure for the government of Guam in the Organic Act in the highest traditions of American federalism.

The version of the legislation we are considering today, Madam Speaker, is in the same form as reported out by the Committee on Resources in the 107th Congress. This bill has evolved since it was first introduced in the 105th Congress by my predecessor, former Congressman Robert Underwood, as the Guam Judicial Empowerment Act, and in its current form reflects improvements suggested by the U.S. District Court of Guam and the Committee on Resources.

I urge my colleagues to support this bill to amend the Organic Act of Guam in recognition of the importance of having a strong judiciary and in furtherance of Guam's efforts to achieve the greatest amount of self-governance possible.

Madam Speaker, I include for the RECORD a letter from the Governor of Guam, the Honorable Felix P. Camacho, in support of establishing Guam's judicial branch in the Organic Act of Guam; a resolution from the 27th Guam Legislature urging passage of H.R. 2400; and a resolution in support of the bill from the Judicial Council of Guam.

OFFICE OF THE GOVERNOR OF GUAM,
Hagåtña, Guam, May 7, 2004.
Hon. MADELEINE Z. BORDALLO,
Congresswoman, House of Representatives,
Washington, DC.

DEAR MADELEINE: This letter is written in reference to H.R. 2400, a bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

I stated in previous testimony in reference to a similar bill introduced by your predecessor in the 107th Congress, "I certainly support the independence of all branches of government, inclusive of the judicial branch of Guam." As the Chief Executive of our Territory, I certainly appreciate our tri-partite form of government which was crafted by the founders of our great nation and unanimously adopted by the states of our union. I fully recognize that the effectiveness of our system of government, both on the federal and local level, rests in checks and balances. To this end, I recognize that the judicial branch of our Territory, like our executive and legislative branches, must be "constitutionally" established or in our case, have an "Organic" existence with similar powers to

govern, reorganize, manage and account for its branch with judicial independence founded under our U.S. Constitution. To the extent H.R. 2400 furthers this principle, I am supportive of your efforts and the assistance of your colleagues.

My personal preference is for our tri-partite structure of government to be established in a Guam Constitution. Further, the specifics of the internal operation of our judicial branch should be established locally. However, I am cognizant that since I submitted my previous testimony to Congress on this issue, local law affecting the Guam judiciary has changed. In addition, until Guam adopts its own constitution, the Organic Act functions as Guam's de facto constitution. For these reasons, I support your efforts to establish Guam's judicial branch in our Organic Act.

With Warm Personal Regards,
FELIX P. CAMACHO,
Governor of Guam.

I MINA'BENTE SIETE NA LIHESLATURAN
GUAHAN

2004 (SECOND) Regular Session—Resolution
No. 139 (LS)

As amended on the Floor.

Introduced by: v.c. pangelinan; F.R. Cunliffe; R. Klitzkie; T.R. Muña Barnes; F.B. Aguon, Jr.; J.M.S. Brown; C. Fernandez; Mark Forbes; L.F. Kasperbauer; L.A. Leon Guerrero; J.A. Lujan; J.M. Quinata; R.J. Respicio; Toni Sanford; Ray Tenorio.

Relative to amending the Organic Act of Guam for the purpose of clarifying the local judicial structure of Guam.

Be it resolved by I Mina'Bente Siete na Liheslaturan Guahan:

Whereas, in our island's quest to achieve greater self-governance, the United States Congress amended the Organic Act of Guam in 1984 authorizing the Guam Legislature to reorganize the island Judiciary and establish an appellate court for island residents; and

Whereas, from 1984 to 1992, bi-partisan legislators, executive and judicial branch officials, legal practitioners and the community-at-large contributed to preparing draft legislation which culminated in the passage of Public Law 21-147, the "Frank G. Lujan Memorial Act" that reorganized the island's Judicial Branch, creating the Supreme Court of Guam as the island's highest appellate court and establishing it as the administrative head of the island Judiciary; and

Whereas, since 1996 when the Supreme Court of Guam was first empanelled in accordance with the provisions of Federal and local law, the island's high court and the Judiciary has been subjected to frequent legislative changes eroding the independence of the Guam Judiciary; and

Whereas, in reaffirming the original intent of local and Federal lawmakers who sought to create a supreme Court of Guam with the Supreme Court as the head of the island Judiciary, the Twenty-Seventh Guam Legislature, I Miná Bente Siete Na Liheslaturan Guahan, passed Public Law 27-31, "An Act to Reorganize the Judiciary as the Third Co-Equal and Independent Branch of the Government of Guam . . ." in October 2003; and

Whereas, Public Law 27-31 and similar local legislation can be amended or repealed at any time, thus further threatening the independence of the Guam Judiciary; and

Whereas, local legislators, officials, and resident alike believe that absent a Guam Constitution, an amendment to the Organic Act is needed to firmly establish the Judicial Branch of Guam, with the Supreme Court of Guam at its head, as a separate, co-equal and independent branch within the government of Guam; and

Whereas, H.R. 521 was introduced in the 107th Congress, heard by the House Committee on Resources and favorably reported

and recommended to the House of Representatives by unanimous consent; and

Whereas, the 107th Congress soon thereafter expired with no further action on the measure; and

Whereas, H.R. 2400, the successor bill to H.R. 521 was introduced by Guam's Congresswoman Madeleine Z. Bordallo; and

Whereas, H.R. 2400 seeks to ensure through an amendment to the Organic Act, the independence of the Guam judiciary and to maintain the judicial branch as a separate and co-equal branch of government, now, therefore, be it

Resolved, That I Miná Bente Siete Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request the United States Congress to expeditiously and favorably pass H.R. 2400 to amend the Organic Act recognizing the Supreme Court of Guam as the highest court of Guam and to firmly establish the Judicial Branch as a separate, co-equal branch within the government of Guam; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attest to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Madeleine Z. Bordallo, Member of Congress, U.S. House of Representatives; to the Honorable Richard Pombo, Chairman, House Resources Committee; to the Honorable Pete Domenici, Chairman, Senate Energy and Natural Resources Committee; to Attorney Joaquin C. Arriola, Jr., President of the Guam Bar Association; to the Honorable F. Philip Carbullido, Chief Justice, Supreme Court of Guam; and to the Honorable Felix P. Camacho, I Magálahan Guåhan.

Duly and regularly adopted by I Miná Bente Siete na Liheslaturan Guåhan on the 23rd day of April, 2004.

vincente (ben) c. pangelinan, Speaker.
TINA ROSE MUNA BARNES, Senator and Legislative Secretary.

JUDICIAL COUNCIL RESOLUTION NO. JC04-008
RELATIVE TO SUPPORTING AN AMENDMENT TO
THE ORGANIC ACT OF GUAM TO CLARIFY THE
LOCAL JUDICIAL STRUCTURE OF GUAM

Whereas, the Organic Act of Guam as it was originally drafted, did not authorize the establishment of a local appellate court;

Whereas, in 1977 the Guam Legislature's first attempt to create a Supreme Court of Guam was struck down by the United States Supreme Court because the Organic Act did not so authorize the Legislature;

Whereas, in 1984, the United States Congress amended the Organic Act of Guam to authorize the Guam Legislature to create a local appellate court;

Whereas, bi-partisan legislators, executive and judicial branch officials, legal practitioners and the community-at-large worked together to create Public Law 21-147, the Frank G. Lujan Memorial Court Reorganization Act of 1992, which re-organized the Judiciary, created the Supreme Court of Guam as the island's highest appellate court and established it as the administrative head of the Judicial Branch;

Whereas, in 1996 the Supreme Court of Guam was empaneled in accordance with the provisions of the Frank G. Lujan Memorial Act;

Whereas, the Supreme Court of Guam has since been subjected to frequent legislative changes, stripping it of administrative authority over the Judicial Branch thereby eroding the independence of the Guam Judiciary and compromising the traditional tripartite democratic system of government;

Whereas, in reaffirming the original intent of local and federal lawmakers who sought to create a Supreme Court of Guam with the Supreme Court as the head of the island Judiciary, the Twenty-Seventh Guam Legislature passed Public Law 27-31 "An Act to Reorganize the Judiciary as the Third Co-Equal and Independent Branch of the Government of Guam . . ." in October 2003;

Whereas, since November of 2003, the Supreme Court of Guam has taken its rightful role as the head of the Judicial Branch;

Whereas, since November of 2003, the newly composed Judicial Council has aggressively striven to unify the judiciary and improve the administration of justice in Guam;

Whereas, Public Law 27-31 and similar local legislation can be amended or repealed at any time, thus further threatening the independence of the Guam Judiciary;

Whereas, local legislators, officials and residents alike believe that, absent a Guam constitution, an amendment to the Organic Act is needed to firmly establish the Judicial Branch of Guam, with the Supreme Court of Guam at its head, as a separate, co-equal and independent branch within the Government of Guam;

Whereas, on April 23, 2004 the Twenty-Seventh Guam Legislature, with near unanimous bi-partisan support, passed a resolution supporting and requesting the United States Congress to amend the Organic Act of Guam to establish the Supreme Court as the highest court of Guam and establish the judiciary as a separate and co-equal branch of government;

Whereas, H.R. 2400, amending the Organic Act of Guam to establish the Supreme Court as the highest court in Guam to protect the independence of the Guam judiciary and to maintain the Judicial Branch as a separate and co-equal branch of government, was introduced by Congresswoman Madeleine Z. Bordallo.

Now, therefore be it resolved, that the Judicial Council of Guam hereby respectfully requests the United States Congress to expeditiously and favorably pass H.R. 2400 to amend the Organic Act recognizing the Supreme Court of Guam as the highest court of Guam and to firmly establish the Judicial Branch as a separate, co-equal branch within the government of Guam; and

Be it further resolved, that the Judicial Council of Guam hereby respectfully requests the support of the Governor and the continued support of the Legislature for the passage of H.R. 2400; and

Be it further resolved, that copies of this Resolution be provided to the Honorable Madeleine Z. Bordallo, member of the U.S. House of Representatives, the Honorable Richard Pombo, Chairman, House Resources Committee, the Honorable Pete Domenici, Chairman, Senate Energy and Natural Resources Committee, Mr. Joaquin C. Arriola, Jr., President of the Guam Bar Association, the Honorable Felix P. Camacho, the Governor of Guam and the Honorable Vicente C. Pangelinan, Speaker of the Guam Legislature

Duly adopted this 30th day of April, 2004 at a duly noticed meeting of the Judicial Council of Guam.

Chief Justice F. Philip Carbullido, Charman, Date: May 6, 2004.

Attest:
Julie M. Lujan-Torres, Secretary, Date: May 6, 2004.

In closing, Madam Speaker, I want to thank my colleagues who have cosponsored this legislation to establish an independent and coequal judiciary in Guam, including my good friend, the gentleman from Arizona (Mr. FLAKE), who has taken an active interest in this legislation and has traveled to Guam; the gentleman from Montana (Mr. REHBERG); the gentleman from California (Mr. GALLEGLY), the former chairman of the Subcommittee on Insular Affairs; the gentleman from Hawaii (Mr. ABERCROMBIE); the gentleman from American Samoa (Mr. FALEOMAVAEGA); the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN); and the gentleman from Puerto Rico (Mr. ACEVEDO-VILA).

I appreciate their support in this effort, as well as the support of the gentleman from California (Chairman POMBO), the chairman of the Committee on Resources, who has done a great deal to see that this legislation was put forward, and the gentleman from West Virginia (Mr. RAHALL), our ranking member. Their leadership in shepherding H.R. 2400 to this point in the process is also appreciated, and I thank them for their support as well.

Madam Speaker, I yield I urge unanimous passage of this bill.

Madam Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I urge adoption of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BLACKBURN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2400.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR TEMPORARY EXTENSION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5008) to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

The Clerk read as follows:

H.R. 5008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958.

The authorization for any program, authority, or provision, including any pilot program, that was extended through June 4, 2004, by section 1 of Public Law 108-217 is further extended through September 30, 2004, under the same terms and conditions.

SEC. 2. TECHNICAL AMENDMENT.

Section 2 of Public Law 108-205 is amended by striking "October 1, 2003" and inserting "March 15, 2004". The amendment made by the preceding sentence shall take effect as if included in the enactment of the section to which it relates.

SEC. 3. COMPENSATION OF AGENTS.

Section 5 of the Small Business Act (15 U.S.C. 634) is amended—

(1) in subsection (g)(4), by adding at the end the following:

“(C) The Administration may contract with an agent to carry out, on behalf of the Administration, the assessment and collection of the annual fee established under section 7(a)(23). The agent may receive, as compensation for services, any interest earned