

105TH CONGRESS
1ST SESSION

S. 210

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 and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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,*

3 **SECTION 1. MARSHALL ISLANDS AGRICULTURAL AND**
4 **FOOD PROGRAMS.**

5 Section 103(h)(2) of the Compact of Free Association
6 Act of 1985 (48 U.S.C. 1903(h)(2)) is amended by strik-
7 ing “ten” and inserting “fifteen” and by adding at the
8 end of subparagraph (B) the following: “The President
9 shall ensure that the amount of commodities provided

1 under these programs reflects the changes in the popu-
 2 lation that have occurred since the effective date of the
 3 Compact.”.

4 **SEC. 2. AMERICAN MEMORIAL PARK.**

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

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

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

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

24 (c) TREATMENT.—Section 1361(c) of the Education
 25 Amendments of 1980 (Public Law 96–374, as amended;

1 7 U.S.C. 301 note) is amended by striking “and the Trust
 2 Territory of the Pacific Islands (other than the Northern
 3 Mariana Islands)” and inserting “the Republic of the
 4 Marshall Islands, the Federated States of Micronesia, and
 5 the Republic of Palau”.

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

7 Section 28 of the Organic Act of Guam (48 U.S.C.
 8 1421f) is amended by adding at the end the following new
 9 subsection:

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

18 “(2) The Administrator shall transfer to the Govern-
 19 ment of Guam all right, title, and interest of the United
 20 States in and to excess real property located in Guam,
 21 by quit claim deed and without reimbursement, if the Gov-
 22 ernment of Guam, within 180 days after receiving notifica-
 23 tion under paragraph (1) regarding the property, notifies
 24 the Administrator that the Government of Guam intends
 25 to acquire the property under this section.

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

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

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

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

14 “(2) “State” means any State of the United States,
15 the District of Columbia, the Commonwealth of Puerto
16 Rico, the Virgin Islands, American Samoa, Guam, and the
17 Commonwealth of the Northern Mariana Islands;”.

18 **SEC. 6. AMENDMENTS TO THE REVISED ORGANIC ACT OF**

19 **THE VIRGIN ISLANDS.**

20 (a) TEMPORARY ABSENCE OF OFFICIALS.—Section
21 14 of the Revised Organic Act of the Virgin Islands (48
22 U.S.C. 1595) is amended by adding at the end the follow-
23 ing new subsection:

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

5 (b) PRIORITY OF BONDS.—Section 3 of Public Law
 6 94–392 (48 U.S.C. 1574c) is amended—

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

10 (2) by striking “in the order of the date of
 11 issue”.

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

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
 19 on the Economic Future of the Virgin Islands (the
 20 “Commission”). The Commission shall consist of six
 21 members appointed by the President, two of whom
 22 shall be selected from nominations made by the Gov-
 23 ernor of the Virgin Islands. The President shall des-
 24 ignate one of the members of the Commission to be
 25 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
5 the President shall be persons who by virtue of their
6 background and experience are particularly suited to
7 contribute to achievement of the purposes of the
8 Commission.

9 (4) Members of the Commission shall serve
10 without compensation, but shall be reimbursed for
11 travel, subsistence and other necessary expenses in-
12 curred by 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
20 secure and self-sustaining future for the local econ-
21 omy of the Virgin Islands through 2020 and on the
22 rule of the Federal Government. In developing rec-
23 ommendations, 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 alternate forecasts; and

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

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

23 (c) POWERS.—

24 (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 de-
6 partments and agencies of the United States;
7 and

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

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

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

23 (A) furnish the Commission to the extent
24 permitted by law and within available appro-
25 priations such information as may be necessary

1 for carrying out the functions of the Commis-
2 sion and as may be available to or procurable
3 by such department or agency; and

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

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

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

23 (f) TERMINATION.—The Commission shall terminate
24 3 months after the transmission of the report and rec-
25 ommendations under subsection (b)(2).

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

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

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

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

12 (1) by striking “or” at the end of paragraph
 13 (5);

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

16 (3) by adding at the end the following new
 17 paragraph:

18 “(7) an alien who is lawfully resident in the
 19 United States and its territories and possessions
 20 under section 141 of the Compacts of Free Associa-
 21 tion between the Government of the United States
 22 and the Governments of the Marshall Islands, the
 23 Federated States of Micronesia (48 U.S.C. 1901
 24 note) and Palau (48 U.S.C. 1931 note) while the ap-
 25 plicable section is in effect: *Provided*, That, within

1 Guam and the Commonwealth of the Northern Mari-
 2 ana Islands any such alien shall not be entitled to
 3 a preference in receiving assistance under this Act
 4 over any United States citizens or national resident
 5 therein who is otherwise eligible for such assist-
 6 ance.”.

7 **SEC. 10. CONSENT TO HAWAIIAN HOMES COMMISSION ACT**
 8 **AMENDMENTS.**

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

16 (1) Act 339 of the Session Laws of Hawaii,
 17 1993, and

18 (2) Act 37 of the Session Laws of Hawaii,
 19 1994.

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

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

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

24 (1) There is hereby established a Commission
 25 on the Economic Future of American Samoa (the

1 “Commission”). The Commission shall consist of six
2 members appointed by the President, three of whom
3 shall be selected from nominations made by the Gov-
4 ernor of American Samoa, and the Secretary of the
5 Interior ex officio. The President shall designate one
6 of the appointed members of the Commission to be
7 Chairman.

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

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

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

20 (c) PURPOSE AND REPORT.—

21 (1) The purpose of the Commission is to make
22 recommendations to the President and Congress on
23 the policies and actions necessary to provide for a
24 secure and self-sustaining future for the local econ-
25 omy of American Samoa through 2020 and on the

1 role of the Federal Government. In developing rec-
2 ommendations, the Commission shall—

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

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

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

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

21 (E) consider the impact of Federal trade
22 and other international agreements, including,
23 but not limited to those related to marine re-
24 sources, on American Samoa and make such

1 recommendations as may be necessary to mini-
2 mize or eliminate any adverse effects on the
3 local economy.

4 (2) The recommendations of the Commission
5 shall be transmitted in a report to the President, the
6 Committee on Energy and Natural Resources of the
7 United States Senate and the Committee on Re-
8 sources of the United States House of Representa-
9 tives no later than June 30, 1999. The report shall
10 set forth the basis for the recommendations and in-
11 clude an analysis of the capability of American
12 Samoa to meet projected needs based on reasonable
13 alternative economic, political and social conditions
14 in the Pacific Basin. The report shall also include
15 projections of the need for direct or indirect Federal
16 assistance for operations and infrastructure over the
17 next decade and what additional assistance will be
18 necessary to develop the local economy to a level suf-
19 ficient to minimize or eliminate the need for direct
20 Federal operational assistance. As part of the re-
21 port, the Commission shall also include an overview
22 of the history of American Samoa and its relation-
23 ship to the United States from 1872 with emphasis
24 on those events or actions that affect future eco-
25 nomic development and shall include, as an appendix

1 to its report, copies of the relevant historical docu-
2 ments, including, but not limited to, the Convention
3 of 1899 (commonly referred to as the Tripartite
4 Treaty) and the documents of cession of 1900 and
5 1904.

6 (d) POWERS.—

7 (1) The Commission may—

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

14 (B) use the United States mail in the same
15 manner and upon the same conditions as de-
16 partments and agencies of the United States;
17 and

18 (C) within available funds, incur such ex-
19 penses and enter into contracts or agreements
20 for studies and surveys with public and private
21 organizations and transfer funds to Federal
22 agencies to carry out the Commission's func-
23 tions.

24 (2) Within funds available for the Commission,
25 the Secretary of the Interior shall provide such office

1 space, furnishings, equipment, staff, and fiscal and
2 administrative services as the Commission may re-
3 quire.

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

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

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

21 (e) CHAIRMAN.—Subject to general policies that the
22 Commission may adopt, the Chairman of the Commission
23 shall be the chief executive officer of the Commission and
24 shall exercise its executive and administrative powers. The

1 Chairman may make such provisions as he may deem ap-
2 propriate authorizing the performance of his executive and
3 administrative functions by the staff of the Commission.

4 (f) FUNDING.—There are hereby authorized to be ap-
5 propriated to the Secretary of the Interior such sums as
6 may be necessary, but not to exceed an average of
7 \$300,000 per year, in fiscal years 1997, 1998 and 1999
8 for the work of the Commission.

9 (g) TERMINATION.—The Commission shall terminate
10 3 months after the transmission of the report and rec-
11 ommendations under subsection (c)(2).

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