

106TH CONGRESS  
2D SESSION

**H. R. 2462**

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**AN ACT**

To amend the Organic Act of Guam, and for other purposes.



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## AN ACT

To amend the Organic Act of Guam, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Guam Omnibus Oppor-  
3 tunities Act”.

4 **SEC. 2. GUAM LAND RETURN ACT.**

5 (a) **SHORT TITLE.**—This section may be cited as the  
6 “Guam Land Return Act”.

7 (b) **TRANSFER OF EXCESS REAL PROPERTY.**—

8 (1) **NOTICE OF AVAILABILITY.**—Except as pro-  
9 vided in subsection (e), before screening excess real  
10 property located on Guam for further Federal used  
11 under section 202 of the Federal Property and Ad-  
12 ministrative Services Act of 1949 (40 U.S.C. 471 et  
13 seq.), the Administrator shall notify the Government  
14 of Guam that the property is available for transfer  
15 to the Government of Guam pursuant to this sec-  
16 tion.

17 (2) **OPPORTUNITY FOR ACQUISITION BY**  
18 **GUAM.**—If the Government of Guam, within 180  
19 days after receiving notification under paragraph (1)  
20 with regard to certain real property, notifies the Ad-  
21 ministrator that the Government of Guam intends to  
22 acquire the property under this section, the Adminis-  
23 trator shall transfer such property to the Govern-  
24 ment of Guam in accordance with subsections (c)  
25 and (d). Otherwise, the Administrator shall dispose  
26 of the property in accordance with the Federal Prop-

1 erty and Administrative Services Act of 1949 (40  
2 U.S.C. 471 et seq.).

3 (c) COMPENSATION.—A transfer of excess real prop-  
4 erty under subsection (b) to the Government of Guam for  
5 a public purpose shall be made without reimbursement or  
6 other compensation from the Government of Guam.

7 (d) CONDITIONS.—

8 (1) RESTRICTIVE COVENANTS.—All transfers of  
9 excess real property under subsection (b) to the Gov-  
10 ernment of Guam shall be subject to such restrictive  
11 covenants as the Administrator determines to be  
12 necessary to ensure that—

13 (A) the use of the property is compatible  
14 with continued military activities on Guam;

15 (B) the use of the property is consistent  
16 with the environmental condition of the prop-  
17 erty;

18 (C) access is available to the United States  
19 to conduct any additional environmental reme-  
20 diation or monitoring that may be required;

21 (D) to the extent the property was trans-  
22 ferred for a public purpose, the property is so  
23 used; and

24 (E) to the extent the property has been  
25 used by another Federal agency for a minimum

1 of 2 years, the transfer to the Government of  
2 Guam is subject to the terms and conditions of  
3 those permit interests until the expiration of  
4 those permits.

5 (2) CONSULTATION.—In the case of real prop-  
6 erty reported excess by a military department and in  
7 all cases with respect to paragraph (1)(A), the Ad-  
8 ministrator shall consult with the Secretary of De-  
9 fense regarding the restrictive covenants to be im-  
10 posed on a transfer of the property.

11 (3) OTHER LAWS.—All transfers of excess real  
12 property under subsection (b) to the Government of  
13 Guam are subject to all otherwise applicable Federal  
14 laws, except section 2696 of title 10, United States  
15 Code. Any property that the Government of Guam  
16 has the opportunity to acquire under subsection (b)  
17 shall not be subject to section 501 of the Stewart B.  
18 McKinney Homeless Assistance Act (42 U.S.C.  
19 11411).

20 (e) EXEMPTIONS.—Notwithstanding that real prop-  
21 erty located on Guam and described in this subsection may  
22 be excess real property, this section shall not apply—

23 (1) to real property on Guam that is located  
24 within the Guam National Wildlife Refuge, which

1 shall be transferred in accordance with subsection  
2 (f);

3 (2) to real property described in the Guam Ex-  
4 cess Lands Act (Public Law 103–339; 108 Stat.  
5 3116), which shall be disposed of in accordance with  
6 such Act; or

7 (3) to real property on Guam that is declared  
8 excess as a result of a base closure law.

9 (f) TREATMENT OF GUAM NATIONAL WILDLIFE  
10 REFUGE LANDS.—

11 (1) NOTIFICATION OF AVAILABILITY; NEGOTIA-  
12 TIONS.—The Administrator shall notify the Govern-  
13 ment of Guam and the Fish and Wildlife Service  
14 that real property within the Guam National Wild-  
15 life Refuge has been declared excess. The Govern-  
16 ment of Guam and the Fish and Wildlife Service  
17 shall have 180 days to engage in discussions toward  
18 an agreement providing for the future ownership  
19 and management of the real property.

20 (2) TRANSFER AND MANAGEMENT UNDER  
21 AGREEMENT.—If the parties reach an agreement  
22 under paragraph (1) within the 180-day period and  
23 the agreement is submitted to the Committee on En-  
24 ergy and Natural Resources of the United States  
25 Senate and the Committee on Resources of the

1 United States House of Representatives not less  
2 than 60 days prior to any transfer of the real prop-  
3 erty under the agreement, the property shall be  
4 transferred and managed in accordance with the  
5 agreement. Any such transfer shall be subject to the  
6 other provisions of this section.

7 (3) EFFECT OF LACK OF AGREEMENT.—If the  
8 parties do not reach an agreement under paragraph  
9 (1) within the 180-day period, the Administrator  
10 shall provide a report to Congress on the status of  
11 the discussions, together with recommendations on  
12 the likelihood of resolution of differences and the  
13 comments of the Fish and Wildlife Service and the  
14 Government of Guam. If the subject property is  
15 under the jurisdiction of a military department, the  
16 Secretary of the military department may transfer  
17 administrative control over the property to the Gen-  
18 eral Services Administration. Absent an agreement  
19 on the future ownership and use of the property, the  
20 property may not be transferred to another Federal  
21 agency or out of Federal ownership except pursuant  
22 to an Act of Congress specifically identifying the  
23 property.

24 (4) EVENTUAL AGREEMENT.—If the parties  
25 come to an agreement prior to congressional action



1 in response to a report under paragraph (3) and the  
2 agreement is submitted to the Committee on Energy  
3 and Natural Resources of the United States Senate  
4 and the Committee on Resources of the United  
5 States House of Representatives not less than 60  
6 days prior to any transfer of the real property under  
7 the agreement, the real property shall be transferred  
8 and managed in accordance with the agreement. Any  
9 such transfer shall be subject to the other provisions  
10 of this section.

11 (g) DUAL CLASSIFICATION PROPERTY.—If a parcel  
12 of real property on Guam that is declared excess as a re-  
13 sult of a base closure law also falls within the boundary  
14 of the Guam National Wildlife Refuge, such parcel of  
15 property shall be disposed of in accordance with the base  
16 closure law.

17 (h) AUTHORITY TO ISSUE REGULATIONS.—The Ad-  
18 ministrator of General Services, after consultation with  
19 the Secretary of Defense and the Secretary of Interior,  
20 may issue such regulations as the Administrator deems  
21 necessary to carry out this section.

22 (i) DEFINITIONS.—For the purposes of this section:

23 (1) The term “Administrator” means—

24 (A) the Administrator of General Services;

25 or

1 (B) the head of any Federal agency with  
2 the authority to dispose of excess real property  
3 on Guam.

4 (2) The term “base closure law” means the De-  
5 fense Base Closure and Realignment Act of 1990  
6 (part A of title XXIX of Public Law 101–510; 10  
7 U.S.C. 2687 note), title II of the Defense Authoriza-  
8 tion Amendments and Base Closure and Realign-  
9 ment Act (Public Law 100–526; 10 U.S.C. 2687  
10 note), or similar base closure authority.

11 (3) The term “excess real property” means ex-  
12 cess property (as that term is defined in section 3  
13 of the Federal Property and Administrative Services  
14 Act of 1949 (40 U.S.C. 472)) that is real property  
15 and was acquired by the United States prior to the  
16 enactment of this section.

17 (4) The term “Guam National Wildlife Refuge”  
18 includes those lands within the refuge overlay under  
19 the jurisdiction of the Department of Defense, iden-  
20 tified as Department of Defense lands in figure 3,  
21 on page 74, and as submerged lands in figure 7, on  
22 page 78 of the “Final Environmental Assessment for  
23 the Proposed Guam National Wildlife Refuge, Terri-  
24 tory of Guam, July 1993” to the extent that the  
25 Federal Government holds title to such lands.

1           (5) The term “public purpose” means those  
2           public benefit purposes for which the United States  
3           may dispose of property pursuant to section 203 of  
4           the Federal Property and Administrative Services  
5           Act of 1949 (40 U.S.C. 484), as implemented by the  
6           Federal Property Management Regulations (41 CFR  
7           101–47) or other public benefit uses provided under  
8           the Guam Excess Lands Act (Public Law 103–339;  
9           108 Stat. 3116).

10 **SEC. 3. GUAM FOREIGN DIRECT INVESTMENT EQUITY ACT.**

11           (a) **SHORT TITLE.**—This section may be cited as the  
12 “Guam Foreign Direct Investment Equity Act”.

13           (b) **IN GENERAL.**—Subsection (d) of section 31 of the  
14 Organic Act of Guam (48 U.S.C. 1421i) is amended by  
15 adding at the end the following new paragraph:

16           “(3) In applying as the Guam Territorial income tax  
17 the income-tax laws in force in Guam pursuant to sub-  
18 section (a) of this section, the rate of tax under sections  
19 871, 881, 884, 1441, 1442, 1443, 1445, and 1446 of the  
20 Internal Revenue Code of 1986 on any item of income  
21 from sources within Guam shall be the same as the rate  
22 which would apply with respect to such item were Guam  
23 treated as part of the United States for purposes of the  
24 treaty obligations of the United States.”.

1           (c) CERTAIN GUAM-BASED TRUSTS EXEMPT.—The  
2 provisions of this section shall not apply to any Guam-  
3 based trust formed pursuant to Division 2 of Title 11,  
4 Chapter 160, of the Guam Code Annotated.

5           (d) EFFECTIVE DATE.—The amendment made by  
6 subsection (b) shall apply to amounts paid after the date  
7 of the enactment of this Act.

8   **SEC. 4. IMPORTATION OF BETEL NUTS (“ARECA NUTS”) FOR**  
9                                   **PERSONAL CONSUMPTION.**

10          (a) IN GENERAL.—Notwithstanding any other provi-  
11 sion of law (including sections 402 and 801 of the Federal  
12 Food, Drug, and Cosmetic Act (21 U.S.C. 342 and 381)),  
13 Guam shall be deemed to be within the customs territory  
14 of the United States in the case of importation from Guam  
15 into the United States of betel nuts (also known as “areca  
16 nuts”) by an individual for personal consumption by the  
17 individual.

18          (b) DEFINITIONS.—In this section:

19               (1) BETEL NUTS.—The term “betel nuts”  
20 means husked betel nuts grown in Guam.

21               (2) CUSTOMS TERRITORY OF THE UNITED  
22 STATES.—The term “customs territory of the United  
23 States” has the meaning given the term in general  
24 note 2 of the Harmonized Tariff Schedule of the  
25 United States.

1 **SEC. 5. COMPACT IMPACT REPORTS.**

2 Paragraph 104(e)(2) of Public Law 99–239 (99 Stat.  
3 1770, 1788) is amended by deleting “President shall re-  
4 port to the Congress with respect to the impact of the  
5 Compact on the United States territories and common-  
6 wealths and on the State of Hawaii.” and inserting in lieu  
7 thereof the following: “Governor of any of the United  
8 States territories or commonwealths or the State of Ha-  
9 waii may report to the Secretary of the Interior by Feb-  
10 ruary 1 of each year with respect to the financial and so-  
11 cial impacts of the compacts of free association on the  
12 Governor’s respective jurisdiction. The Secretary of the  
13 Interior shall review and forward any such reports to the  
14 Congress with the comments and recommendations of the  
15 Administration. The Secretary of the Interior shall, either  
16 directly or, subject to available technical assistance funds,  
17 through a grant to the affected jurisdiction, provide for  
18 a census of Micronesians at intervals no greater than 5  
19 years from each decennial United States census using gen-  
20 erally acceptable statistical methodologies for each of the  
21 impact jurisdictions where the Governor requests such as-

- 1 sistance, except that the total expenditures to carry out
- 2 this sentence may not exceed \$300,000 in any year.”.

Passed the House of Representatives July 25, 2000.

Attest:

*Clerk.*