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Commonwealth

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U.S. House of Representatives*

Guam
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1 SEC. 304. NUCLEAR WASTE.

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

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

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

17 TITLE IV—COURTS**18 SEC. 401. JUDICIAL RELATIONSHIP OF GUAM TO THE UNIT-
19 ED STATES.**

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

1 Guam shall adopt appropriate measures for the implemen-
2 tation and the enforcement of this section upon or after
3 entry of the aliens into Guam.

4 **TITLE VIII—LABOR**

5 **SEC. 801. FEDERAL EMPLOYMENT.**

6 In all vacancies in the Federal Civil Service occurring
7 in Guam, residents of Guam possessing the requisite
8 standards of age, health, character, education, knowledge,
9 and experience shall be given preference over transfers of
10 persons from off Guam or the recruiting of persons from
11 outside Guam.

12 **SEC. 802. GUAM LABOR LAWS.**

13 Except and to the extent prohibited by Congress, the
14 Commonwealth of Guam shall have authority to enact and
15 enforce all laws regulating or affecting employment in the
16 Commonwealth. All applicable laws of the United States
17 which regulate employment on Guam on the effective date
18 of this Act shall remain applicable to Guam until replaced
19 as to their applicability to Guam by duly enacted law of
20 the Guam Legislature.

21 **TITLE IX—TRANSPORTATION** 22 **AND TELECOMMUNICATIONS**

23 **SEC. 901. MARITIME SHIPPING.**

24 (a) No provision of the laws of the United States,
25 including, without limitation, the vessel documentation

1 laws of the United States, shall apply to prevent the Unit-
2 ed States registration of, and use of, any foreign-built ves-
3 sel (including vessels engaged in towing, barges, dredges,
4 vessels or boats leased, rented, or chartered to another for
5 any use, including, without limitation, vessels used to take
6 out chartered fishing and diving parties or sightseeing
7 tours) for any purpose whatsoever within the internal wa-
8 ters, harbors, territorial sea and adjacent Exclusive
9 Economic Zone around Guam.

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

13 (c) The application of the coastwise laws of the Unit-
14 ed States to Guam pursuant to 46 U.S.C. 883 shall be
15 periodically examined by the Commission to determine,
16 mutually, the desirability of the continued applicability of
17 such laws to Guam. Such determination by the Commis-
18 sion shall be based solely on the criteria of whether such
19 laws or any or a part thereof as applied to Guam constrain
20 Guam's economic development and, if such a determina-
21 tion is made, the Commission shall recommend such laws
22 should not continue to apply to Guam: *Provided*, That so
23 long as the coastwise laws are applicable to Guam the
24 United States Government shall be responsible for ensur-
25 ing adequate and reliable cargo service between Guam and

1 the United States as determined mutually in the Commis-
2 sion.

3 **SEC. 902. AIRLINES.**

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

18 (b) The Commonwealth of Guam shall remain an "el-
19 igible point" for purposes of being ensured essential air
20 transportation under applicable provisions of the Federal
21 Aviation Act of 1958, as amended by Public Law 98-213,
22 section 10, with passenger and other service to be sched-
23 uled to provide regular and satisfactory delivery of postal
24 mail and cargo to and from the United States.

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

6 **SEC. 903. TELECOMMUNICATIONS.**

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

10 **TITLE X—LAND, NATURAL**
11 **RESOURCES AND UTILITIES**

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

13 (a) The Government of the Commonwealth of Guam
14 shall have power of eminent domain over property within
15 the Commonwealth in accord with the Constitution of
16 Guam.

17 (b) The Commonwealth of Guam shall have jurisdic-
18 tion over all living and nonliving natural resources of the
19 seabed, subsoil, tidelands, and adjacent territorial waters,
20 as defined by the United States law, of the Island of
21 Guam. The Commonwealth shall exercise rights to deter-
22 mine the conditions, including pollution control, and terms
23 of all scientific research, management, exploration, and ex-
24 ploitation of all ocean resources and all sources of energy
25 and prevention of pollution within the 200-mile Exclusive

1 Economic Zone, including pollution originating outside the
2 zone that poses a threat within the zone.

3 (c) The United States may, upon written notice to
4 the Government of the Commonwealth of Guam, acquire
5 for public purposes in accordance with Federal laws and
6 procedures, any interest in real property in the Common-
7 wealth only by voluntary means, under such terms and
8 conditions as may be negotiated by the parties. The Unit-
9 ed States will continue to recognize and respect the scar-
10 city and special importance of land in the Commonwealth
11 of Guam. If the United States must acquire any interest
12 in real property, it will follow the policy of seeking to ac-
13 quire only the minimum area necessary to accomplish the
14 public purpose for which the real property is required, of
15 seeking only the minimum interest in real property nec-
16 essary to support such public purpose, and of seeking first
17 to satisfy its requirement by acquiring an interest in pub-
18 lic rather than private real property. No interest in real
19 property on Guam will be acquired by the United States
20 unless duly authorized by the Congress of the United
21 States and for which appropriations are available.

22 (d) The United States agrees not to exercise within
23 the Commonwealth the power of eminent domain except
24 in time of war and then only to the extent necessary and
25 in compliance with applicable United States and Common-

1 Guam, including section 228 or title II and title XVI of
2 the Social Security Act (Supplemental Security Income).
3 The formula for granting such financial assistance to
4 Guam and its residents shall be the same as the formula
5 applied to the several states and their residents unless
6 such formula cannot, on its face, be applied to Guam or
7 it is specifically stated to the contrary in this Act.

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

9 The Commonwealth shall have paid to the Treasury
10 of Guam all licensing and other fees obtained by permit-
11 ting foreign vessels to fish or other exploitation of the 200-
12 mile Exclusive Economic Zone of Guam.

13 **SEC. 1104. FEDERAL PAYMENT.**

14 (a) The Governor of Guam, in preparing an annual
15 budget for the Government of the Commonwealth of
16 Guam, shall develop meaningful expenditure and revenue
17 comparisons based on data supplied by the Bureau of the
18 Census and other independent, reliable sources and iden-
19 tify elements of cost and benefits to Guam which result
20 from the unusual role of Guam as one of the Nation's
21 principal military bastions in the Far East despite its
22 small size. The results of the studies conducted by the
23 Governor under this subsection shall be made available to
24 the Guam Legislature and to the Federal Office of Man-
25 agement and Budget for their use in reviewing and revis-