

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Resolution No. 260-36 (COR)

As substituted and amended on the Floor.

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Introduced by:

Therese M. Terlaje
Tina Rose Muña Barnes
Amanda L. Shelton
Christopher M. Dueñas
Joe S. San Agustin
Telo T. Taitague
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
James C. Moylan
Sabina Flores Perez
Clynton E. Ridgell
Jose “Pedo” Terlaje
Mary Camacho Torres
Telena Cruz Nelson

Relative to expressing the support of *I Mina'trentai Sais Na Liheslaturan Guåhan* for the passage of H.R. 6504, the “Native Pacific Islanders of America Equity Act,” because it seeks to allow eligible Native CHamoru and Native Northern Marianas organizations to qualify for federal contracting opportunities through their participation in certain small business programs that are administered by the Small Business Administration.

1 **BE IT RESOLVED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN***
2 ***GUÅHAN*:**

3 **WHEREAS, *I Liheslaturan Guåhan* finds that the U.S. Congress stated in the**
4 **Small Business Act at 15 U.S.C. § 631(f) that “the opportunity for full participation in**
5 **our free enterprise system by socially and economically disadvantaged persons is**

1 essential if we are to obtain social and economic equality for such persons and improve
2 the functioning of our national economy; that many such persons are socially
3 disadvantaged because of their identification as members of certain groups that have
4 suffered the effects of discriminatory practices or similar invidious circumstances over
5 which they have no control; that such groups include, but are not limited to, Black
6 Americans, Hispanic Americans, Native Americans, Indian tribes, Asian Pacific
7 Americans, Native Hawaiian Organizations, and other minorities; that it is in the
8 national interest to expeditiously ameliorate the conditions of socially and economically
9 disadvantaged groups; that such conditions can be improved by providing the maximum
10 practicable opportunity for the development of small business concerns owned by
11 members of socially and economically disadvantaged groups; that such development
12 can be materially advanced through the procurement by the United States of articles,
13 equipment, supplies, services, materials, and construction work from such concerns;
14 and that such procurements also benefit the United States by encouraging the expansion
15 of suppliers for such procurements, thereby encouraging competition among such
16 suppliers and promoting economy in such procurements”; and

17 **WHEREAS**, the Small Business Act also states in 15 U.S.C. § 637 that “socially
18 disadvantaged individuals are those who have been subjected to racial or ethnic
19 prejudice or cultural bias because of their identity as a member of a group without regard
20 to their individual qualities”; and “economically disadvantaged individuals are those
21 socially disadvantaged individuals whose ability to compete in the free enterprise
22 system has been impaired due to diminished capital and credit opportunities as
23 compared to others in the same business area who are not socially disadvantaged”; and

24 **WHEREAS**, the 8(a) Business Development Program administered by the Small
25 Business Administration, commonly known as the 8(a) Program, is designed to assist
26 small minority-owned businesses compete in the wider American economy. The 8(a)
27 Program provides training, technical assistance, and contracting opportunities. One of

1 the program’s major benefits is that 8(a) firms can receive federal contracting
2 preferences in the form of set-aside and sole-source awards. A set-aside award is a
3 contract in which only certain contractors may compete, whereas a sole-source award
4 is a contract awarded, or proposed for award, without competition. The 8(a) Program
5 is limited to eligible businesses unconditionally owned and controlled by one or more
6 socially and economically disadvantaged groups; and

7 **WHEREAS**, *I Maga'hågan Guahan* may request for an appropriation if
8 necessary from *I Liheslaturan Guåhan* to cover any implementation and operating
9 costs; and

10 **WHEREAS**, the 8(a) Program was originally established for the benefit of
11 disadvantaged individuals; however, in the 1980s, Congress expanded the program to
12 include small businesses owned by four (4) disadvantaged groups, specifically Alaska
13 Native Corporations (ANCs), Community Development Corporations (CDCs), Indian
14 tribes, and Native Hawaiian Organizations (NHOs), also known as group-owned 8(a)
15 firms; and

16 **WHEREAS**, on January 25, 2022, the *Native Pacific Islanders of America*
17 *Equity Act* was introduced in the 117th U.S. House of Representatives by Guam
18 Congressman Michael San Nicolas and co-sponsored by Commonwealth of the
19 Northern Mariana Islands Congressman Gregorio “Kilili” Camacho Sablan as H.R.
20 6504. The *Native Pacific Islanders of America Equity Act* seeks to allow eligible Native
21 CHamoru and Native Northern Marianas organizations to qualify for federal contracting
22 opportunities through their participation in certain small business programs that are
23 administered by the Small Business Administration; and

24 **WHEREAS**, the term ‘Native CHamoru’ in H.R. 6504 means an individual who
25 can document that one (1) or more of the individual’s direct ancestors resided on Guam
26 before August 1, 1950. No residency or blood quantum amount shall be required for
27 an individual to qualify as a ‘Native CHamoru’ under paragraph (1) of the bill; and

1 **WHEREAS**, *I Liheslaturan Guåhan* finds the definition of Native CHamoru in
2 H.R. 6504 is tied to 1950 and does not describe the native inhabitants of Guam prior to
3 the 1521 contact with outsiders, prior to the over three hundred (300)-year occupation
4 by the Spanish, prior to the Treaty of Paris, prior to the U.S. Naval rule, prior to the
5 World War II occupation of Guam by the Japanese, or prior to the 1950 conveyance by
6 the United States Congress of citizenship on the residents of Guam; but *I Liheslatura*
7 further finds for purposes of this particular small business program that this definition
8 will adequately address the disparity and significantly help to remedy the needs of
9 Native CHamoru businesses of Guam as was the goal of the Section 8(a) programs; and

10 **WHEREAS**, the *Native Pacific Islanders of America Equity Act* would establish
11 under the Office of the Governor a “CHamoru Registry Program, which shall keep a
12 database to serve as a genealogy bank to verify Native CHamoru ancestry requirements.
13 The Governor of Guam shall include in the database the name of any individual who
14 submits to the Governor of Guam a request to be included and a copy of the birth
15 certificate of that individual and birth certificates of direct ancestors that demonstrate
16 that one or more of the individual’s direct ancestors resided on Guam before August 1,
17 1950.”; and

18 **WHEREAS**, H.R. 6504 would also amend the Small Business Act to include
19 Native CHamoru organizations and Native Northern Marianas organizations as eligible
20 disadvantaged groups under the 8(a) Program. In H.R. 6504, the term ‘Native CHamoru
21 Organization’ is defined to mean any organization that is a nonprofit corporation that
22 has filed articles of incorporation with the director (or the designee thereof) of the Guam
23 Department of Revenue and Taxation, or any successor agency; that is controlled by
24 Native CHamorus (as defined in section 4 of the Organic Act of Guam); and whose
25 business activities will principally benefit Native CHamorus. The term ‘Native
26 Northern Marianas Organization’ in H.R. 6504 means any organization that is a
27 nonprofit corporation that has filed articles of incorporation with the secretary (or the

1 designee thereof) of the Commonwealth of the Northern Mariana Islands Department
2 of Commerce, or any successor agency; that is controlled by persons of Northern
3 Marianas descent (as defined in Section 4 of Article 12 of the Constitution of the
4 Commonwealth of the Northern Mariana Islands); and whose business activities will
5 principally benefit persons of Northern Marianas descent; and

6 **WHEREAS**, *I Liheslaturan Guåhan* finds that passage of H.R. 6504 would
7 benefit eligible Native CHamoru-owned businesses who compete for billions of dollars
8 in federal contracts by providing training, technical assistance and contracting
9 opportunities. In FY 2020, 8(a) firms were awarded \$34 Billion Dollars in federal
10 contracts, including \$9.3 Billion Dollars in 8(a) set-aside awards, \$11.1 Billion Dollars
11 in 8(a) sole-source awards, \$2.2 Billion Dollars to an 8(a) firm in open competition with
12 other firms, and \$11.3 Billion Dollars with another small business preference (e.g., set
13 asides and sole-source awards for small businesses generally and for HUBZone firms,
14 women-owned small businesses, and service-disabled veteran-owned small
15 businesses); and

16 **WHEREAS**, *I Liheslaturan Guåhan* further finds that the passage of H.R. 6504,
17 the *Native Pacific Islanders of America Equity Act*, shall not absolve or relieve the
18 United States of any liability for land takings or waive the historic demand of the people
19 of Guam for return or restoration of the land, nor does it negate the rights of the people
20 of Guam to self-determination; now therefore, be it

21 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on
22 behalf of *I Liheslaturan Guåhan* and the people of Guam, respectfully request that the
23 Congress of the United States include Native CHamoru-owned businesses in its small
24 business programs targeting socially and economically disadvantaged groups; and be it
25 further

26 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on
27 behalf of *I Liheslaturan Guåhan* and the people of Guam, express its support for the

1 passage of H.R. 6504, the “Native Pacific Islanders of America Equity Act,” because it
2 seeks to allow eligible Native CHamoru and Native Northern Marianas organizations
3 to qualify for federal contracting opportunities through their participation in certain
4 small business programs that are administered by the Small Business Administration;
5 and be it further

6 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the
7 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable
8 Joseph R. Biden, President of the United States of America; to the Honorable Kamala
9 Harris, Vice President of the United States; to the Honorable Nancy Pelosi, Speaker,
10 U.S. House of Representatives; to the Honorable Raúl M. Grijalva, Chairman of the
11 Committee on Natural Resources, U.S. House of Representatives; to the Honorable
12 Gregorio Kilili Camacho Sablan, Commonwealth of the Northern Mariana Islands
13 Representative and Vice Chairman of the Committee on Natural Resources, U.S. House
14 of Representatives; to the Honorable Nydia M. Velázquez, Chairwoman of the
15 Committee on Small Business, U.S. House of Representatives; to the Honorable
16 Michael F.Q. San Nicolas, Guam Delegate, U.S. House of Representatives; and to the
17 Honorable Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

**DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SAIS NA*
LIHESLATURAN GUÅHAN ON THE DAY
OF FEBRUARY 2022.**

THERESE M. TERLAJE
Speaker

AMANDA L. SHELTON
Legislative Secretary