



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

MAY 30 1995

The Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
424 West O'Brien Drive
Julale Center - Suite 222
Agana, Guam 96910

OFFICE OF THE GOVERNOR	
Date:	5-31-95
Time:	4:19 P
Received By:	Alicia Guzman
Print Name:	AUCIA GUZMAN

Dear Speaker Parkinson:

Enclosed please find a copy of Substitute Bill No. 128 (LS), "AN ACT TO CREATE THE GUAM LAND REPATRIATION COMMISSION BY ADDING A NEW CHAPTER 20 TO TITLE 1, GUAM CODE ANNOTATED", which I have signed into law today as **Public Law No. 23-23**.

Very truly yours,

Madeleine Z. Bordallo
Madeleine Z. Bordallo
Acting Governor of Guam

Attachment
230472

OFFICE OF THE LEGISLATIVE SECRETARY	
OFFICE	
ACKNOWLEDGMENT RECEIPT	
Received By:	ALL
Time:	2:57 P.M.
Date:	6-1-95

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 128 (LS), "AN ACT TO CREATE THE GUAM LAND REPATRIATION COMMISSION BY ADDING A NEW CHAPTER 20 TO TITLE 1, GUAM CODE ANNOTATED," was on the 13th day of May, 1995, duly and regularly passed.

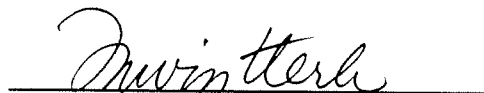


TED S. NELSON
Acting Speaker

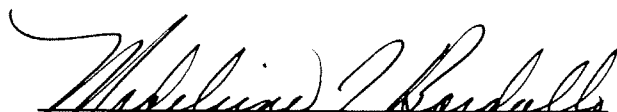
Attested:


JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of May,
1995, at 9:25 o'clock 9 .M.


Assistant Staff Officer
Governor's Office

APPROVED:


MADELEINE Z. BORDALLO
Acting Governor of Guam

Date: May 30, 1995

Public Law No. 23-23

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 128 (LS)

As substituted by the Committee
on Federal & Foreign Affairs and
as further substituted on the floor.

Introduced by:

M. Forbes
A.C. Blaz
H.A. Cristobal

A.C Lamorena V
E. Barrett-Anderson
J.M.S. Brown
F.P. Camacho
C.A. Leon Guerrero
T. C. Ada
J. P. Aguon
M. C. Charfauros
L. A. Leon Guerrero
T. S. Nelson
S. L. Orsini
V. C. Pangelinan
D. Parkinson
J. T. San Agustin
A. L. G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

AN ACT TO CREATE THE GUAM LAND REPATRIATION
COMMISSION BY ADDING A NEW CHAPTER 20 TO TITLE 1,
GUAM CODE ANNOTATED.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF**
2 **GUAM:**

1 **Section 1. Legislative intent.** When the return of Naval Air Station,
2 Agaña, was first proposed six years ago, the proposal was met in some
3 circles with disbelief and scorn as an impossible dream. In April of 1995,
4 that impossible dream became a reality. The initial reaction of many
5 military and federal officials was that NAS was too vital to military
6 interests to be returned, and failing to demonstrate that effectively, that
7 return could not be possible unless the people of Guam were willing to pay
8 more than \$300 million for the return. Both positions have subsequently
9 been shown to be fallacious.

10 If there is any lesson to be learned from the NAS story, it is that the
11 people of Guam should never accept supposedly rational explanations
12 intended to illustrate the so-called "unreasonableness" of our legitimate
13 aspirations to see our own resources returned to us. The NAS story
14 demonstrates clearly that we should stand by our legitimate demands, and
15 that success only comes from taking a strong position and standing by it,
16 regardless of initial reception of our position.

17 To that end, the Legislature finds that many areas are no longer
18 required by the Federal Government for any legitimate use. Many of these
19 areas have been vacant for decades and put to no discernible use at all.
20 Other areas have seen their use cut down drastically in recent years, or are
21 about to suffer severe cutbacks in use as a result of military downsizing. As
22 much as we do not approve of the drastic cutbacks in military presence that
23 the Department of Defense itself proposes, we recognize that the worst of
24 all alternatives is for such presence to diminish, while the military
25 continues to keep unneeded land from the people of Guam. The Legislature
26 believes that such lands can be better put to use by Guam, especially to

1 help offset losses that may be suffered as a result of the military's desire to
2 cut back on force levels in Guam.

3 **Section 2.** A new Chapter 20 is added to Title 1, Guam Code
4 Annotated, to read as follows:

5
6 **"CHAPTER 20**
7 **Guam Land Repatriation Commission**

8
9 **§ 2000. Legislative Statement.** The Legislature finds that the reliance
10 upon the largesse and consideration of federal authorities for the return of
11 lands taken by the federal government in the period after World War II has
12 been a frustrating process which has produced poor results. Now is the
13 time to take a consistently proactive and aggressive stance in the
14 repatriation of these lands. The Legislature notes that the exercise of
15 patience in the matter of the return of three thousand two hundred (3,200)
16 acres of releasable federal property has resulted in a wait of more than
17 eighteen (18) years, with only a hope of resolution in the near future.

18 **§ 2001. Creation of Commission.** There is established the Guam
19 Land Repatriation Commission, hereinafter referred to as the
20 "Commission". The Commission shall be comprised of twelve (12)
21 members, including the Governor of Guam (or designee), the Speaker of
22 the Guam Legislature (or designee), the Guam Delegate to Congress, the
23 Chairperson of the Legislative Committee on Federal and Foreign Affairs,
24 the Executive Director of the Commission on Self Determination, the
25 Executive Director of the Chamorro Land Trust Commission, the Director
26 of the Bureau of Planning, an individual appointed by the Governor of

1 Guam who shall also be an officer of a duly recognized organization on
2 Guam comprised of original landowners of federally-held properties and
3 their descendants, and the Speaker of the Guam Youth Congress (or
4 designee). Of the balance of members the Governor shall appoint one (1)
5 member of the Commission who shall be an original landowner or heir to
6 an original landowners whose land(s) were subject to the United States
7 Condemnation Acts; the Speaker of the Guam Legislature shall appoint one
8 member to the Commission; and the Minority Leader of the Guam
9 Legislature shall appoint one (1) member of the Commission. The
10 Chairperson of the Commission shall be the Governor, should the
11 Governor choose to serve on the Commission. In the event that the
12 Governor designates another person to serve as member in the Governor's
13 stead, the Chairperson of the Commission shall be elected by the
14 membership from among the members of the Commission.

15 **§ 2002. Function.** The goal of the Commission is to work for the
16 return of federal properties in Guam that are deemed excess by the
17 Commission. The Commission is empowered to pursue whatever
18 strategies it determines will be conducive to the accomplishment of the
19 goals set forth herein, including but not limited to, direct negotiations with
20 federal officials, negotiations with the Defense Base Realignment and
21 Closure Commission, or actions by the houses of the United States
22 Congress. Nothing in this section shall be construed as prohibiting the
23 Commission from working towards the return of any federally-held
24 property in Guam, provided that the Commission immediately works
25 towards the return of lands specified in this section.

1 **§ 2003. Prohibition against Commission possessing or disposing of**
2 **returned land.** The Commission shall not possess property returned as a
3 result of its actions, nor shall it have any authority to dispose of federally-
4 held property returned as a result of its actions or otherwise. Lands
5 returned by the Federal Government shall be accepted by the government
6 of Guam in a manner consistent with the appropriate Guam laws
7 prevailing at the time of the return.

8 **§ 2004. Policy with respect to original landowners.** It is the policy
9 of the government of Guam that land returned by the federal government
10 to Guam be returned to the estates that held such property prior to the
11 condemnations of said lands by the Federal Government. Exceptions to
12 this policy shall be:

13 (a) Lands clearly under existing public use. In such circumstances,
14 the government of Guam shall make good faith efforts to derive a means of
15 compensation for continued public use of such lands.

16 (b) Lands that were Spanish Crown Lands, or otherwise passed
17 directly into the possession of the government of the United States with the
18 Treaty of Paris at the end of the Spanish-American War.

19 (c) Lands condemned by the government of the United States, or
20 otherwise acquired, prior to July 21, 1944.

21 (d) Land for which said original landholder against whom
22 condemnation was exercised was not an individual or family, but rather an
23 organization, be it fraternal or either a profit-making or non-profit
24 corporation, or otherwise.

25 **§2005. Prohibition against hiring.** Under no circumstances shall the
26 Commission hire or contract employees for any purpose. Any staff work

1 required for the activities of the Commission shall be performed by existing
2 staff in either the Legislative or Executive branches of the government of
3 Guam as detailed for that purpose by the respective proper authority.

6

TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

Date: 5/13/95

VOTING SHEET

Bill No. 128

Resolution No. _____

Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.				✓
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C //	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G. //	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R. //	✓			
WONPAT-BORJA, Judith	✓			

TOTAL

20 0 _____ 1



Senator Hope Alvarez Cristobal

Committee on Federal and Foreign Affairs
23RD GUAM LEGISLATURE

May 10, 1995

Speaker Don Parkinson
Twenty-Third Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker,

The Committee on Federal & Foreign Affairs which was referred Bill 128:

AN ACT TO CREATE A GUAM LAND ACT REPATRIATION
COMMISSION.

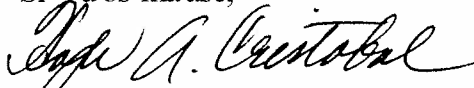
submits its Committee Report to the Legislature with the recommendation TO PASS.

The voting record is as follows:

To Pass	08
Not To Pass	00
To Abstain	00
To place in Inactive File	00
Not available for signature	04

Your immediate attention to this matter is greatly appreciated.

Si Yu'os ma'ase,


HOPE ALVAREZ CRISTOBAL
Senator

attachments/clq



Senator Hope Alvarez Cristobal

Committee on Federal and Foreign Affairs
23RD GUAM LEGISLATURE

May 10, 1995

MEMORANDUM

To: All Members

From: Senator Hope A. Cristobal, Chair
Committee on Federal & Foreign Affairs

Re: Voting on Bill # 128.

In reference to to the Public Hearing conducted on March 27, 1995, the attached voting sheet is accompanied by the following supplements:

- 1) a digest of testimonies,
- 2) Committee Members Dialogue,
- 3) Committee Report (Overview, Findings & Recommendations),
- 4) Bill 128 (original), and
- 5) Bill 128 (as amended by the Committee on Federal & Foreign Affairs,

Please contact my office if you should have any additional comments or concerns.

Si Yu'os ma'ase

Hope A. Cristobal
HOPE ALVAREZ CRISTOBAL
Senator

clq/attachments



Senator Hope Alvarez Cristobal

Committee on Federal and Foreign Affairs
23RD GUAM LEGISLATURE

VOTING SHEET

Bill No. 128: AN ACT TO CREATE THE GUAM LAND REPATRIATION COMMISSION

Committee Members	To PASS	NOT to PASS	To ABSTAIN	To Place in INACTIVE FILE	SIGNATURE
Sen. Hope A. CRISTOBAL Chairperson	✓				<i>Hope A. Cristobal</i>
Senator Angel SANTOS Vice-Chairperson	✓				<i>Angel Santos</i>
Senator Tom ADA Member					
Senator J. WON PAT-BORJA Member	✓				<i>J. Won Pat-Borja</i>
Senator Mark CHARFAUROS Member					
Senator L. LEON GUERRERO Member	✓				<i>L. Leon Guerrero</i>
Senator V. PANGELINAN Member					
Senator Francis SANTOS Member	✓				<i>Francis Santos</i>
Sen. E. BARRETT-ANDERSON Member					
Senator Anthony BLAZ Member	✓				<i>Anthony Blaz</i>
Senator Mark FORBES Member	✓				<i>Mark Forbes</i>
Senator C. LEON GUERRERO Member	✓				<i>C. Leon Guerrero</i>

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 128
As substituted by the Committee
on Federal and Foreign Affairs

Introduced by:

M. Forbes
H.A. Cristobal
A.C. Blaz
A.C.Lamorena
E. Barrett-Anderson
J.M.S. Brown
F.P. Camacho
C.A. Leon Guerrero
D. Parkinson
J.T. San Agustin
F.E. Santos
J.P. Aguon
S.L. Orsini

AN ACT TO CREATE THE GUAM LAND REPATRIATION COMMISSION

BE IT ENACTED BY THE PEOPLE OF GUAM

1
2
3 **Section 1. Legislative Statement.** When the return of Naval Air
4 Station, Agana was first proposed six years ago, the proposal was met in some
5 circles with disbelief and scorn as an impossible dream. In April of 1995, that
6 impossible dream-became a reality. The initial reaction of many military and
7 federal officials was that NAS was too vital to military interest to be returned, and
8 failing to demonstrate that effectively, that return could not be possible unless the
9 people of Guam were willing to pay more than \$300 million for the return. Both
10 positions have subsequently been shown to be fallacious.

11 If there is any lesson to be learned from the NAS story, it is that the
12 people of Guam should never accept supposedly rational explanations intended to

13 illustrate the so-called "unreasonableness" of our legitimate aspirations to see our
14 own resources returned to us. The NAS story demonstrates clearly that we should
15 stand by our legitimate demands, and that success only comes from staking a
16 strong position and standing by it, regardless of initial reception of our position.

17 To that end, the Legislature finds that the many areas are no longer
18 required by the Federal Government for any legitimate use. Many of these areas
19 have been vacant for decades and put to no discernible use at all. Other areas
20 have seen their use cut down drastically in recent years, or are about to suffer
21 severe cutbacks in use as a result of military downsizing. As much as we do not
22 approve of the drastic cutbacks in military presence that the Department of
23 Defense itself proposes, we recognize that the worst of all alternatives is for such
24 presence to diminish, while the military continues to keep unneeded land from the
25 people of Guam. The Legislature believes that such lands can be better put to use
26 by Guam, especially to help offset losses that may be suffered as a result of the
27 military's desire to cut back on force levels in Guam.

28
29 Section 2. A new Chapter 20 is added to Title I, GCA to read as follows:

30
31
32 CHAPTER 20

33
34 Guam Land Repatriation Commission

35
36 **§ 2000. Legislative Statement.** The Legislature finds that reliance upon
37 the largesse and consideration of federal authorities for the return of lands taken
38 by the federal government in the period after World War II has been a frustrating
39 process which has produced poor results. Now is the time to take a consistently
40 proactive stance in the repatriation of these lands. The Legislature notes that the
41 exercise of patience in the matter of the return of three thousand two hundred
42 (3,200) acres of releasable federal property has resulted in a wait of more than

43 eighteen (18) years, with only a hope of resolution in the near future. On the
44 other hand, the aggressive pursuit of the return of NAS Agana produced results
45 in only a matter of six (6) years. The legislature also find that as much as twenty
46 thousand (20,000) acres of property may in fact be returnable at this time or in the
47 near future.

48
49 **§ 2001. Creation of Commission.** There is established the Guam Land
50 Repatriation Commission, hereinafter referred to as the Commission. The
51 Commission shall be comprised of twelve (12) members, including the Governor
52 of Guam (or designee), the Speaker of the Guam Legislature (or designee), the
53 Guam Delegate to Congress, the Chairperson of the Committee on Federal and
54 Foreign Affairs, the Executive Director of the Commission on Self-Determination,
55 the Executive Director of the Chamorro Land Trust, the Director of the Bureau of
56 Planning, an individual appointed by the Governor of Guam who shall also be an
57 officer of a duly recognized organization in Guam comprised of original
58 landowners of federally-held properties and their descendants, and the Speaker of
59 the Guam Youth Congress (or designee). Of the balance of members, the
60 Governor shall appoint one (1) member of the committee, who shall be an original
61 landowner or heir to an original landowner whose land(s) were subject to the
62 United States Condemnation Acts, the Speaker of the Guam Legislature shall
63 appoint one (1) member to the Commission and the Minority Leader of the Guam
64 Legislature shall appoint one (1) members of the Commission. The Chairperson
65 of the Commission shall be the Governor, should the Governor choose to serve
66 on the Commission. In the event that the Governor designates another person to
67 serve as a member in the Governor's stead, the Chairperson of the Commission
68 shall be elected by the membership from among the members of the Commission.

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70 **§ 2002. Function.** The goal of the Commission is to work for the return
71 of federal properties in Guam that are deemed excess by the Commission. The
72 commission is empowered to pursue whatever strategies it determines will be

73 conducive to the accomplishment of the goals set forth herein, including but not
74 limited to, direct negotiations with federal officials, the Defense Base Realignment
75 and Closure Commission, or actions by the houses of the United States Congress.
76 Nothing in this section shall be construed as prohibiting the Commission from
77 working towards the return of any federally-held lands.

78
79 **§ 2003. Prohibition against Commission possessing of disposing of**
80 **returned land.** The Commission shall not possess property returned as a result of
81 its actions, nor shall it have any authority to dispose of federally-held property
82 returned as a result of its actions or otherwise. Lands returned by the Federal
83 Government shall be accepted by the government of Guam in a manner consistent
84 with the appropriate Guam laws prevailing at the time of the return.

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86 **§ 2004. Policy with respect to original landowners.** It is the policy
87 of the government of Guam that land returned by the federal government to Guam
88 be returned to the estates that held such property prior to the condemnations of
89 said lands by the Federal Government. Exceptions to this policy shall be:

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91 a. Lands clearly under existing public use. In such circumstances, the
92 government of Guam shall make good faith efforts to derive a means of
93 compensation for continued public use of such lands.

94 b. Lands that were Spanish Crown Lands, or otherwise passed directly
95 into the possession of the government of the United States with the Treaty of Paris
96 at the end of the Spanish-American War.

97 c. Lands condemned by the government of the United States, or
98 otherwise acquired, prior to July 21, 1944.

99 d. Land for which said original landholder against whom
100 condemnation was exercised was not an individual or family, but rather an
101 organization, be it fraternal or either a profit-making or non-profit corporation, or
102 otherwise.

103 **§ 2005. Prohibition against hiring.** Under no circumstances shall the
104 Commission hire or contract employees for any purpose. Any staff work required
105 for the activities of the Commission shall be performed by existing staff in either
106 the Legislative or Executive branches of the government of Guam as detailed for
107 that purpose by the respective proper authority.

Committee on Federal & Foreign Affairs
Committee Report on Bill #128

OVERVIEW

The Committee on Federal & Foreign Affairs having purview over all United States treaties, compacts, and agreements affecting Guam, publicly heard Bill 128 on March 27, 1995 commencing at 11:30am in the Legislative Public Hearing Room.

Present at the hearing were:

Senator Hope Cristobal, Senator M. Charfauros, Senator T. Nelson, Senator T. Ada, Senator M. Forbes, Senator L. Leon Guerrero, Senator V. Pangelinan, and Senator C. Leon Guerrero.

Bill 128 was introduced by Senator Mark Forbes and co-sponsored by Senators A. Blaz and A. Lamorena V.

Citizens presenting testimony before the Committee were:

Mrs. Marianne Rios, Mr. Tony Artero, Ms. Kristine Pablo and Mr. Jose Garrido

The intent of Bill 128, with its passage, is to implement the mechanism (the Guam Land Repatriation Commission) which would be tasked with identifying excess federal lands and seeking the return/release of those lands. The author of the bill indicated that bill 128 would in essence set up a body in both the executive and legislative branches that would establish a uniformed policy-making program in the pursuit of determining and acquiring excess federal lands. Forbes stated that "through this bill the government will have a consistent program in the process of acquiring excess lands and creating a body to deal exclusively with these issues."

FINDINGS & RECOMMENDATIONS

This Committee finds that:

There is a dire need for the Guam Legislature and the Governor of Guam to take a "Team-Guam" approach in the pursuit of claiming the return of excess federal lands. The "Team-Guam" approach would entail a uniformed policy-making mechanism that would clearly demonstrate to the Federal Government that the Government of Guam stands strong and united on the demand that all excess federal lands be rightfully returned to the original landowners via the Government of Guam.

**THE COMMITTEE ON FEDERAL & FOREIGN AFFAIRS
SUBMITS THE ATTACHED BILL NO. 128 AND STRONGLY
SUPPORTS ITS PASSAGE.**

PUBLIC HEARING
March 27, 1995
DIGEST OF TESTIMONY
Committee Members' Dialogue
BILL 128

Marianne Rios

Not in favor of Bill 128. Makes reference to the NAS situation by stating that there is a lesson to be learned by all this. This lesson is that we should stand by our legitimate demands, and that our success comes from staking a strong position and standing by it, regardless of initial reception of our position. She questions that if legislators and the people truly believe in this statement then why couldn't our elected officials show the same vigor to having the lands, that are being returned, go back to the original landowners. She believes that "the quest for these excess lands should be fought through congress and only through legislation can we insist on more favorable concessions as to the disposition of the lands, to include the return to the original landowners." She also states that we could do without this bill and that we do not need extra expenditures to duplicate our congressman's job.

Tony Artero

Suggested revisions to bill for more clarity. Referred to wording as "a collective equity as a realistic alternative to justice." He believes that in many of these land issues that the problems of the people lie in taking care of their fundamental principles. If people take a strong stand and stick with these principles, without the intent of compromising these issues, then many of these differences can be avoided according to Artero. He believes, however, that through this denial of rights there should be adequate compensation to the respected parties.

Joe Garrido

Not in favor of Bill 128. He feels that the bill is unacceptable unless it is mandated to the return to the original landowners or there is mutual consent involved. He believes that injustice is going on and thinks that we should all have an inclination of "it's our duty to do what's right." He also stated for the record, that he would rather be right and be killed by Congress than be wrong and see his people suffer. He also requests legislators to work together and find a better approach to provide justice to the people of Guam.

Kristine Pablo

Suggested that Bill 128 needed more clarification, that it's intent or objective was too technical. She stated that she could not clearly see the true objective of the bill and where it was leading to. She suggested a more soluble solution as well as more public involvement in this case.

Senator Nelson

Shows disgust with legislators regarding certain tactics. He states that he cannot understand the "Hypocrisy of certain Senators" in saying one thing yet doing another.

Senator Forbes

"I'm going to restrain myself" in response to Senator Nelson's comments. He states that he will not demean this hearing any further by showing more unprofessional decorum, but instead, rather stick to the issues. He begins by clarifying the purpose/intent of the bill which is an aggressive policy for the government to acquire land, which until today, still does not exist. He continues by explaining that the bill would actually set up a body both executive and legislative that would establish just one policy. This policy would identify excess lands and then make a claim. He also mentioned that he would make an amendment to the bill so that any excess lands not being used should be returned to the original landowners. He believes that through this bill the government will have a consistent program in the process of acquiring excess lands and creating a body as well to deal exclusively with these issues.

Tony Artero

He offers any assistance in the redraft of the bill and to contact him when it is done. He states again, that we should keep in mind the expenditures of the government and that we must try our best to keep these expenditures to a minimum.

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 128

Introduced by:

M. Forbes *[Signature]*
A.C. Blaz *[Signature]*
A.C. Lamorena V. *[Signature]*
E. Barrett-Anderson
J.M.S. Brown *[Signature]*
F.P. Camacho *[Signature]*
C.A. Leon Guerrero *[Signature]*

AN ACT TO CREATE THE GUAM LAND REPATRIATION COMMISSION

BE IT ENACTED BY THE PEOPLE OF GUAM

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3 Section 1. Legislative Statement. When the return of Naval Air Station,
4 Agana, was first proposed six years ago, it was met in some circles with disbelief and
5 scorn as an impossible dream. In just a few months, in April of 1995, that impossible
6 dream will become a reality. The initial reaction of many military and federal officials was
7 that NAS was too vital to military interests to be returned, and failing to demonstrate that
8 effectively, that return could not be possible unless the people of Guam were willing to pay
9 more than \$300 million for the return. Both positions have subsequently been shown to be
10 fallacious.

11 If there is any lesson to be learned from the NAS story, it is that the people of
12 Guam should never accept supposedly rational explanations intended to illustrate the so-
13 called "unreasonableness" of our legitimate aspirations to see our own resources returned to
14 us. The NAS story demonstrates clearly that we should stand by our legitimate demands,
15 and that success only comes from staking a strong position and standing by it, regardless
16 of initial reception of our position.

17 To that end, the Legislature finds that the area known as Fena Lake and the
18 associated U.S. Naval Magazine is no longer required by the Federal Government for any
19 legitimate use. There are two military activities that occur on this property, one being the
20 production of potable water from the Fena Reservoir and the other the storage of munitions
21 at the Naval Magazine. The Legislature finds that the production of potable water is a

1 function that should be transferred to the government of Guam and that indeed this transfer
2 was intended by the Organic Act of Guam.

3 The Legislature also finds that any military munitions storage needs in Guam could
4 be easily handled by underutilized storage facilities on Andersen Air Force Base. It is the
5 Legislature's intent to seek the consolidation of all munitions storage activities at Andersen
6 Air Force Base, the transfer of all water production facilities at Fena to the government of
7 Guam, and the transfer of all federally-held properties in the area surrounding Fena Lake
8 and the Naval Magazine to local control. Further, the Legislature finds that many other
9 federally-held properties in Guam are of little use to the military and should be returned,
10 and that the government of Guam must be similarly aggressive in the pursuit of these
11 properties.
12

13 Section 2. A new Chapter 20 is added to Title I, GCA to read as follows:
14

15 CHAPTER 20

16 Guam Land Repatriation Commission

17 § 2000. Legislative Statement. The Legislature finds that reliance upon the
18 largesse and consideration of federal authorities for the return of lands taken by the federal
19 government in the period after World War II has been a frustrating process which has
20 produced poor results. Now is the time to take a consistently proactive and aggressive
21 stance in the repatriation of these lands. The Legislature notes that the exercise of patience
22 in the matter of the return of three thousand two hundred (3,200) acres of releasable federal
23 property has resulted in a wait of more than eighteen (18) years, with only a hope of
24 resolution in the near future. On the other hand, the aggressive pursuit of the return of
25 NAS Agana produced results in only a matter of six years.
26
27
28

29 § 2001. Creation of Commission. There is established the Guam Land
30 Repatriation Commission, hereinafter referred to as the Commission. The Commission
31 shall be comprised of eleven (11) members, including the Governor of Guam (or
32 designee), the Speaker of the Guam Legislature (or designee), the Chairperson of the
33 Legislative Committee on Federal and Foreign Affairs, the Executive Director of the
34 Commission on Self Determination, the Executive Director of the Chamorro Land Trust,
35 the Director of the Bureau of Planning, and the Speaker of the Guam Youth Congress (or
36 designee). Of the balance of members, the Governor shall appoint one member of the

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2 Commission and the Minority Leader of the Guam Legislature shall appoint two members
3 of the Commission. The Chairperson of the Commission shall be the Governor, should
4 the Governor choose to serve on the Commission. In the event that the Governor
5 designates another person to serve as member in the Governor's stead, the Chairperson of
6 the Commission shall be elected by the membership from among the members of the
7 Commission.
8

9 § 2002. Function. The goal of the Commission is to work for the return of federal
10 properties in Guam that are deemed excess by the Commission and to work towards the
11 consolidation or elimination of military activities in Guam that the Commission determines
12 are unnecessary or redundant. The Commission shall immediately seek the
13 transfer of water production facilities at Fena Lake to the government of Guam, the closure
14 of munitions storage activities at the Naval Magazine and the return of all properties
15 associated with the Fena Lake reservoir and the Naval Magazine to local control. The
16 Commission is empowered to pursue whatever strategies it determines will be conducive
17 to the accomplishment of the goals set forth herein, including but not limited to, the
18 presentation before the next Base Realignment and Closure Commission hearings, a case
19 for the closure of the Naval Magazine in Guam and the consolidation of activities at
20 Andersen Air Force Base, direct negotiations with federal officials, and action by the
21 House of Representatives and the Senate of the United States. Nothing in this section shall
22 be construed as prohibiting the Commission from working towards the return of any
23 federally-held property in Guam, provided that the Commission immediately works
24 towards the return of lands specified in this section.
25

26 § 2003. Budget. The Commission shall determine if any financial support of the
27 activities undertaken by the Commission is required and shall submit to the Legislature a
28 budget request should one be deemed necessary.
29

30 § 2004. General Powers. The Commission shall have, and may exercise,
31 the following general powers in carrying on the activities specified in this Chapter:

32 (a) To acquire, in any lawful manner, any property -- real, personal, mixed,
33 tangible or intangible -- to hold, maintain, use and operate the same; and to sell, lease or
34 otherwise dispose of the same, whenever any of the foregoing transactions are deemed
35 necessary or appropriate to the conduct of the activities authorized by this Chapter, and on
36 such terms as may be prescribed by the Commission.

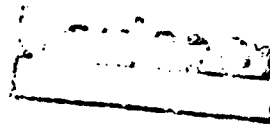
1 (b) To enter into and perform such contracts, leases, cooperative agreements or
2 other transactions with any person, firm, association, corporation or any agency or
3 instrumentality of the government of Guam or of the United States or of any state, territory
4 or nation, or any political subdivision thereof, as may be deemed necessary or appropriate
5 to the conduct of the activities authorized by this Chapter, and on such terms as may be
6 prescribed by the Commission.

7 (c) To execute all instruments necessary or appropriate in the exercise of any of
8 its functions.

9 (d) To appoint, without regard to the provisions of the Personnel and
10 Compensation Laws, such officers, agents, attorneys, consultants and employees as may
11 be necessary for the conduct of the business of the Commission; delegate them such
12 powers and to prescribe for them such duties as may be deemed appropriate by the
13 Commission; to fix and pay such compensation to them for their services as the
14 Commission may determine, without regard to the provisions of the Personnel and
15 Compensation Laws. In the appointment of officials and the selection of employees,
16 agents, consultants for the Commission, no political test or qualification shall be permitted
17 or given consideration, but all such appointments shall be given and made on the basis of
18 merit and knowledge. The Commission shall give due consideration to residents of Guam
19 in the selection of its officials, attorneys, agents, consultants and employees.

20 (e) To accept gifts or donations of services, or of property - real, personal or
21 mixed, tangible or intangible - in aid of any of the activities authorized by this Chapter.

22 (f) To adopt rules and regulations governing operations of the Commission and
23 to take such other action as may be necessary or appropriate to carry out the powers and
24 duties herein specified or hereafter granted to or imposed upon it.



Introduced

MAR 13 1995

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 128 (LS)

Introduced by:

M. Forbes
A.C. Blaz
A.C. Lamorena V
E. Barrett-Anderson
J.M.S. Brown
F.P. Camacho
C.A. Leon Guerrero

AN ACT TO CREATE THE GUAM LAND REPATRIATION COMMISSION

BE IT ENACTED BY THE PEOPLE OF GUAM

Section 1. Legislative Statement. When the return of Naval Air Station, Agana, was first proposed six years ago, it was met in some circles with disbelief and scorn as an impossible dream. In just a few months, in April of 1995, that impossible dream will become a reality. The initial reaction of many military and federal officials was that NAS was too vital to military interests to be returned, and failing to demonstrate that effectively, that return could not be possible unless the people of Guam were willing to pay more than \$300 million for the return. Both positions have subsequently been shown to be fallacious.

If there is any lesson to be learned from the NAS story, it is that the people of Guam should never accept supposedly rational explanations intended to illustrate the so-called "unreasonableness" of our legitimate aspirations to see our own resources returned to us. The NAS story demonstrates clearly that we should stand by our legitimate demands, and that success only comes from staking a strong position and standing by it, regardless of initial reception of our position.

To that end, the Legislature finds that the area known as Fena Lake and the associated U.S. Naval Magazine is no longer required by the Federal Government for any legitimate use. There are two military activities that occur on this property, one being the production of potable water from the Fena Reservoir and the other the storage of munitions at the Naval Magazine. The Legislature finds that the production of potable water is a

1 function that should be transferred to the government of Guam and that indeed this transfer
2 was intended by the Organic Act of Guam.

3 The Legislature also finds that any military munitions storage needs in Guam could
4 be easily handled by underutilized storage facilities on Andersen Air Force Base. It is the
5 Legislature's intent to seek the consolidation of all munitions storage activities at Andersen
6 Air Force Base, the transfer of all water production facilities at Fena to the government of
7 Guam, and the transfer of all federally-held properties in the area surrounding Fena Lake
8 and the Naval Magazine to local control. Further, the Legislature finds that many other
9 federally-held properties in Guam are of little use to the military and should be returned,
10 and that the government of Guam must be similarly aggressive in the pursuit of these
11 properties.

12
13 Section 2. A new Chapter 20 is added to Title I, GCA to read as follows:

14
15 CHAPTER 20

16
17 Guam Land Repatriation Commission

18
19 § 2000. Legislative Statement. The Legislature finds that reliance upon the
20 largesse and consideration of federal authorities for the return of lands taken by the federal
21 government in the period after World War II has been a frustrating process which has
22 produced poor results. Now is the time to take a consistently proactive and aggressive
23 stance in the repatriation of these lands. The Legislature notes that the exercise of patience
24 in the matter of the return of three thousand two hundred (3,200) acres of releasable federal
25 property has resulted in a wait of more than eighteen (18) years, with only a hope of
26 resolution in the near future. On the other hand, the aggressive pursuit of the return of
27 NAS Agana produced results in only a matter of six years.

28
29 § 2001. Creation of Commission. There is established the Guam Land
30 Repatriation Commission, hereinafter referred to as the Commission. The Commission
31 shall be comprised of eleven (11) members, including the Governor of Guam (or
32 designee), the Speaker of the Guam Legislature (or designee), the Chairperson of the
33 Legislative Committee on Federal and Foreign Affairs, the Executive Director of the
34 Commission on Self Determination, the Executive Director of the Chamorro Land Trust,
35 the Director of the Bureau of Planning, and the Speaker of the Guam Youth Congress (or
36 designee). Of the balance of members, the Governor shall appoint one member of the

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2 Commission and the Minority Leader of the Guam Legislature shall appoint two members
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5 designates another person to serve as member in the Governor's stead, the Chairperson of
6 the Commission shall be elected by the membership from among the members of the
7 Commission.

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9 § 2002. Function. The goal of the Commission is to work for the return of federal
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11 consolidation or elimination of military activities in Guam that the Commission determines
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14 of munitions storage activities at the Naval Magazine and the return of all properties
15 associated with the Fena Lake reservoir and the Naval Magazine to local control. The
16 Commission is empowered to pursue whatever strategies it determines will be conducive
17 to the accomplishment of the goals set forth herein, including but not limited to, the
18 presentation before the next Base Realignment and Closure Commission hearings, a case
19 for the closure of the Naval Magazine in Guam and the consolidation of activities at
20 Andersen Air Force Base, direct negotiations with federal officials, and action by the
21 House of Representatives and the Senate of the United States. Nothing in this section shall
22 be construed as prohibiting the Commission from working towards the return of any
23 federally-held property in Guam, provided that the Commission immediately works
24 towards the return of lands specified in this section.

25
26 § 2003. Budget. The Commission shall determine if any financial support of the
27 activities undertaken by the Commission is required and shall submit to the Legislature a
28 budget request should one be deemed necessary.

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30 § 2004. General Powers. The Commission shall have, and may exercise,
31 the following general powers in carrying on the activities specified in this Chapter:

32 (a) To acquire, in any lawful manner, any property -- real, personal, mixed,
33 tangible or intangible -- to hold, maintain, use and operate the the same; and to sell, lease or
34 otherwise dispose of the same, whenever any of the foregoing transactions are deemed
35 necessary or appropriate to the conduct of the activities authorized by this Chapter, and on
36 such terms as may be prescribed by the Commission.

1 (b) To enter into and perform such contracts, leases, cooperative agreements or
2 other transactions with any person, firm, association, corporation or any agency or
3 instrumentality of the government of Guam or of the United States or of any state, territory
4 or nation, or any political subdivision thereof, as may be deemed necessary or appropriate
5 to the conduct of the activities authorized by this Chapter, and on such terms as may be
6 prescribed by the Commission.

7 (c) To execute all instruments necessary or appropriate in the exercise of any of
8 its functions.

9 (d) To appoint, without regard to the provisions of the Personnel and
10 Compensation Laws, such officers, agents, attorneys, consultants and employees as may
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20 (e) To accept gifts or donations of services, or of property - real, personal or
21 mixed, tangible or intangible - in aid of any of the activities authorized by this Chapter.

22 (f) To adopt rules and regulations governing operations of the Commission and
23 to take such other action as may be necessary or appropriate to carry out the powers and
24 duties herein specified or hereafter granted to or imposed upon it.