

1 GCA GENERAL PROVISIONS  
CH. 20 GUAM LAND REPARATION COMMISSION

**CHAPTER 20**  
**GUAM LAND REPATRIATION COMMISSION**

**SOURCE:** This Chapter was enacted as a whole by P.L. 23-23:2 (5/30/95).

- § 2000. Legislative Statement.
- § 2001. Creation of Commission.
- § 2002. Function.
- § 2003. Prohibition Against Commission Possessing or Disposing of Returned Land.
- § 2004. Policy With Respect to Original Landowners.
- § 2005. Prohibition Against Hiring.

**§ 2000. Legislative Statement.**

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

**§ 2001. Creation of Commission.**

There is established the Guam Land Repatriation Commission, hereinafter referred to as the *Commission*. The Commission shall be comprised of twelve (12) members, including the Governor of Guam (or designee), the Speaker of the Guam Legislature (or designee), the Guam Delegate to Congress, the Chairperson of the Legislative Committee on Federal and Foreign Affairs, the Executive Director of the Commission on Self Determination, the Executive Director of the Chamorro Land Trust Commission, the Director of the Bureau of Planning, an individual appointed by the Governor of Guam who shall also be an officer of a duly recognized organization on Guam comprised of original landowners of federally-held properties and their descendants, and the Speaker of the Guam Youth Congress (or designee). Of the balance of members the Governor shall appoint one (1) member of the Commission who shall be an

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original landowner or heir to an original landowners whose land(s) were subject to the United States Condemnation Acts; the Speaker of the Guam Legislature shall appoint one member to the Commission; and the Minority Leader of the Guam Legislature shall appoint one (1) member of the Commission. The Chairperson of the Commission shall be the Governor, should the Governor choose to serve on the Commission. In the event that the Governor designates another person to serve as member in the Governor's stead, the Chairperson of the Commission shall be elected by the membership from among the members of the Commission.

**§ 2002. Function.**

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

**§ 2003. Prohibition Against Commission Possessing or Disposing of Returned Land.**

The Commission shall not possess property returned as a result of its actions, nor shall it have any authority to dispose of federally-held property returned as a result of its actions or otherwise. Lands returned by the Federal Government shall be accepted by the government of Guam in a manner consistent with the appropriate Guam laws prevailing at the time of the return.

**§ 2004. Policy with Respect to Original Landowners.**

It is the policy of the government of Guam that land returned by the federal government to Guam be returned to the estates that held such property prior to the condemnations of said lands by the Federal Government. Exceptions to this policy shall be:

- (a) Lands clearly under existing public use. In such circumstances, the government of Guam shall make good faith efforts to

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derive a means of compensation for continued public use of such lands.

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

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

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

**§ 2005. Prohibition Against Hiring.**

Under no circumstances shall the Commission hire or contract employees for any purpose. Any staff work required for the activities of the Commission shall be performed by existing staff in either the Legislative or Executive branches of the government of Guam as detailed for that purpose by the respective proper authority.

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