

**STATEMENT OF HON. MADELEINE Z. BORDALLO**  
**H.R. 3940: Political Status Public Education Assistance for the Non-Self-Governing Territories**

**Wednesday, May 19, 2010**

Hafa Adai and Thank you Chairman Bingaman, Ranking Member Murkowski and Members of the Committee for the opportunity to testify in support of H.R. 3940, which is a bill I introduced, to amend Public Law 96-597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States. As the Chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife in the House Committee on Natural Resources, I worked with my colleagues on H.R. 3940 which passed the full House on December 7, 2009.

Originally, H.R. 3940 as introduced only addressed political status public education for Guam. At a hearing held on November 5, 2009, in the Subcommittee on Insular Affairs, Oceans and Wildlife, Congressman Eni Faleomavaega of American Samoa and Congresswoman Donna Christensen of the U.S. Virgin Islands expressed a desire to broaden the application of the bill to account for the needs of their islands. At the hearing, the Subcommittee heard supporting testimony from the Honorable Felix Camacho, Governor of Guam and Mr. Nikolao Pula, Director of the Office of Insular Affairs in the U.S. Department of the Interior. At a full Natural Resources Committee markup on November 18, 2009, I offered an Amendment in the Nature of a Substitute which made changes to H.R. 3940 to include the other non-self-governing territories, which was adopted by unanimous consent.

Mr. Chairman and members of the Committee, H.R. 3940 is an important bill for this body because the "territorial clause" in Article IV of the United States Constitution vests with the Congress the power to dispose of and make all needful rules and regulations respecting the territories of the United States. Recommendations as to the exercise of such plenary authority by the Congress rest with this Committee, and your action on this bill would be a manifestation of the Constitutional authority and responsibility. As a member of the United Nations, the United States also assumes by virtue of Article 73 of the United Nations Charter the international obligation to develop self-government and to take due account of the political aspirations of the people of her territories. Mindful of these responsibilities we continue today a discussion that involves the political history and future of Guam and other non-self governing territories.

The issue of political status remains to be an important point of discussion for the Americans residing in Guam, American Samoa and the U.S. Virgin Islands. More importantly in my home district of Guam, the issue of status has been raised by local leaders in the context of conditioning the military build-up and the stationing of additional military personnel on island. Today Guam continues to be an "unincorporated territory" of the United States. It is "unincorporated" because not all provisions of the U.S. Constitution apply to the territory. The relationship of Guam to the United States is extensive and we have been under the U.S. Flag for 111 years. Guam was ceded from Spain to the United States, along with Puerto Rico, under the terms of the Treaty of Paris that ended the Spanish-American War in 1898. In 1950, Congress passed and President Truman signed into law the Organic Act of Guam, conferring U.S. citizenship on the people of Guam and establishing limited local self government. Yet, we remain unequal Americans in a status where the Constitution does not fully apply.

Under the Organic Act, the Secretary of the Interior is vested with administrative responsibility for Guam and Guam is “organized” with a republican form of government with locally-elected executive and legislative branches and an appointed judicial branch. In 1968, Congress also passed a law allowing for the Governor of Guam to be elected by local popular election. Prior to the enactment of that law, the Governor was appointed by the Secretary of the Navy and later by the President during the years of Interior responsibility. In 1970, Congress also passed a law allowing for the election every two years of a Delegate to Congress to represent Guam.

In 1976, Congress afforded the people of Guam an opportunity to adopt a local Constitution. In 1979, the people of Guam rejected the proposed Constitution by a referendum held under United Nations observation. Following this outcome, the Government of Guam through its laws established a commission for the purpose of working to improve the territory’s political status according to the aspirations of the people of Guam.

A plebiscite was held in 1982, resulting in a plurality vote for a “Commonwealth” status (49%), followed by statehood (26%), status quo (10%), incorporated territory (5%), free association and independence (4% each) and “other” (2%). Pursuant to that outcome the Guam Commission on Self-Determination drafted a proposed Guam Commonwealth Act, which was approved in two 1987 plebiscites. The Guam Commonwealth Act was introduced by my immediate two predecessors in four consecutive Congresses – the 100th through the 105th Congresses. A full committee legislative hearing of the Committee on Resources was held on the Guam Commonwealth Act during the 105th Congress on October 29, 1997. Ultimately, the political aspirations of the people of Guam as represented by the Guam Commonwealth Act were never realized despite the efforts made by Guam’s representatives, previous Administrations, this Committee and the Congress as a whole.

Thus, we are on a journey to ultimately resolve the political status of Guam and the unincorporated territories. This relationship was not meant to be permanent. Our inequality must be addressed, and H.R. 3940 is one step toward resolution. H.R. 3940 would authorize the Secretary of the Interior to assist the governments of Guam, American Samoa, and the United States Virgin Islands in developing and implementing the needed political status public education programs. These programs would help the people of these territories in understanding the various and viable political status options available to them. With such information they could in turn express informed opinions about their future in any political status plebiscite or convention.

Although efforts have been made in the past in each territory toward improving its status consistent with the right of self-determination, political status remains ultimately unresolved for them. In Guam, a local law has authorized a plebiscite to be held that is to involve a public education program. In American Samoa, the work of a locally-established commission to assess status options, the third such commission in the history of the territory, was recently concluded. A plebiscite on status was also held previously in the Virgin Islands. Each circumstance, however, demonstrates the importance of a public education program for resolving status in each territory and for preparing for future plebiscites or other processes by which their people can collectively express their political aspirations.

This bill simply clarifies in law that the Secretary of the Interior can exercise existing authority to provide general technical assistance to these territories for the purpose of facilitating political status public education. It is an important step for the highest legislative body to reaffirm our constitutional commitment to the non-self governing territories. In closing, I ask that the full Senate Energy and

Natural Resources committee pass H.R. 3940 and work towards final passage in the full Senate. Thank you again for the opportunity to testify.