

117TH CONGRESS
1ST SESSION

H. R. 4102

To provide for contracting with Native CHamoru Organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2021

Mr. SAN NICOLAS introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for contracting with Native CHamoru Organizations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native CHamoru Eq-
5 uity Act”.

6 **SEC. 2. CHAMORU REGISTRY PROGRAM.**

7 The Organic Act of Guam (48 U.S.C. 1421 et seq.)
8 is amended by inserting after section 3 the following:

1 “SEC. 4. (a) There is established under the Office of
2 the Governor the ‘CHamoru Registry Program’, which
3 shall keep a database to serve as a genealogy bank to
4 verify Native CHamoru ancestry requirements. The Gov-
5 ernor of Guam shall include in the database the name of
6 any individual who submits to the Governor of Guam a
7 request to be included and a copy of the birth certificate
8 of that individual and birth certificates of direct ancestors
9 that demonstrate that one or more of the individual’s di-
10 rect ancestors resided on Guam before August 1, 1950.

11 “(b) Not less than once every 3 years, the Office of
12 Public Auditor shall audit the database established by sub-
13 section (a) to ensure the accuracy of the database and that
14 the database is in compliance with the requirements of
15 subsection (a).

16 “(c)(1) In this section, the term ‘Native CHamoru’
17 means an individual who can document that one or more
18 of the individual’s direct ancestors resided on Guam before
19 August 1, 1950.

20 “(2) No residency or blood quantum amount shall be
21 required for an individual to qualify as a ‘Native
22 CHamoru’ under paragraph (1).

23 “(d) The Superior Court of Guam shall have original
24 jurisdiction over all judicial proceedings with respect to

1 the CHamoru Registry Program and the database estab-
 2 lished by subsection (a).”.

3 **SEC. 3. SMALL BUSINESS CONTRACTING FOR NATIVE**
 4 **CHAMORU ORGANIZATIONS.**

5 (a) NATIVE CHAMORU ORGANIZATION DEFINED.—
 6 Section 3 of the Small Business Act (15 U.S.C. 632) is
 7 amended by adding at the end the following new sub-
 8 section:

9 “(gg) NATIVE CHAMORU ORGANIZATION.—

10 “(1) IN GENERAL.—In this Act, the term ‘Na-
 11 tive CHamoru Organization’ means any organiza-
 12 tion—

13 “(A) that is a nonprofit corporation that
 14 has filed articles of incorporation with the di-
 15 rector (or the designee thereof) of the Guam
 16 Department of Revenue and Taxation, or any
 17 successor agency;

18 “(B) that is controlled by Native
 19 CHamorus; and

20 “(C) whose business activities will prin-
 21 cipally benefit Native CHamorus.

22 “(2) RULE OF CONSTRUCTION.—The Adminis-
 23 trator shall, to the extent practicable, determine
 24 whether an organization is a Native CHamoru Orga-
 25 nization in the same manner as such determination

1 is made under section 8(a)(15) with respect to Na-
 2 tive Hawaiian Organizations.”.

3 (b) SOCIALLY AND ECONOMICALLY DISADVANTAGED
 4 SMALL BUSINESS CONCERN.—Section 8(a)(4) of the
 5 Small Business Act (15 U.S.C. 637(a)(4)) is amended—

6 (1) in subparagraph (A)—

7 (A) in clause (i)—

8 (i) in subclause (II), by striking “or”
 9 at the end; and

10 (ii) by adding at the end the following
 11 new subclause:

12 “(IV) an economically disadvantaged Na-
 13 tive CHamoru Organization, or”; and

14 (B) in clause (ii)—

15 (i) in subclause (II), by striking “or”
 16 at the end;

17 (ii) in subclause (III), by striking the
 18 period at the end and inserting “, or”; and

19 (iii) by adding at the end the fol-
 20 lowing new subclause:

21 “(IV) an economically disadvantaged Na-
 22 tive CHamoru Organization.”; and

23 (2) in subparagraph (B)—

24 (A) in clause (ii), by striking “or” at the
 25 end;

1 (B) in clause (iii), by striking the period at
2 the end and inserting “, or”; and

3 (C) by adding at the end the following new
4 clause:

5 “(iv) Native CHamoru Organizations described
6 in subparagraph (A)(i)(IV) or subparagraph
7 (A)(ii)(IV).”.

8 (c) HUBZONE SMALL BUSINESS CONCERN.—Sec-
9 tion 31(b)(2) (15 U.S.C. 657a note) is amended—

10 (1) in subparagraph (E)(ii), by striking “or” at
11 the end;

12 (2) in subparagraph (F)(iii), by striking the pe-
13 riod at the end and inserting “; or”; and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(G) a small business concern—

17 “(i) that is wholly owned by one or
18 more Native CHamoru Organizations, or
19 by a corporation that is wholly owned by
20 one or more Native CHamoru Organiza-
21 tions; or

22 “(ii) that is owned in part by one or
23 more Native CHamoru Organizations, or
24 by a corporation that is wholly owned by
25 one or more Native CHamoru Organiza-

1 tions, if all other owners are either United
2 States citizens or small business con-
3 cerns.”.

4 (d) FINDINGS.—Section 2(f)(1)(C) of the Small Busi-
5 ness Act (15 U.S.C. 631(f)(1)(C)) is amended by inserting
6 “Native CHamoru Organizations,” after “Native Hawai-
7 ian Organizations,”.

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