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I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 327 (LS), "AN ACT TO *ADD* A NEW §63133 TO CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INDIGENOUS FISHING RIGHTS,"** was on the 19th day of November, 2008, duly and regularly passed.

Judith T. Won Pat, Ed. D.
Speaker

Attested:

Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 20 day of Nov., 2008, at 12 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 327 (LS)
As amended on the Floor.

Introduced By: Judith P. Guthertz, DPA
R. J. Respicio
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
v. c. pangelinan
Dr. David L.G. Shimizu
Ray Tenorio
J. T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW §63133 TO CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INDIGENOUS FISHING RIGHTS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that prior to the arrival of the Spanish, the *Chamorro* people subsisted primarily on fishing, both within and outside the reef. The Spanish discriminated against the *Chamorro* people by prohibiting fishing outside the reef as well as placing various restrictions on off-shore fishing inside the reef, forcing the *Chamorro* people to become farmers rather than fishermen.

The American Naval administration continued policies which hampered the free exercise of traditional fishing practices of the *Chamorro* people. In spite of this historical discrimination, *Chamorros* were able to maintain their traditions and skills for off-shore fishing inside the reefs. Now, those traditions and skills are in danger of being lost in the face of modern conservation restrictions and the pressures of population growth caused by the influx of non-*Chamorro* peoples into Guam that have increasingly made the indigenous *Chamorros* a minority in their own homeland.

In 1977, the people of Guam elected representatives to a Constitutional Convention which included special fishing rights for the *Chamorro* people in the draft constitution of Guam that was approved on December 15, 1977.

The draft Guam Constitution contained the following Section:

> "**Article XI *Chamorro* Culture, Section 2 Economic Development.** To redress past discrimination and provide equal opportunity for the *Chamorro* people, special rights for *Chamorros* to off-shore fishing and harvesting of resources may be provided by law."

The draft Constitution of Guam, containing this provision, was approved by the U.S. Congress.

It is, therefore, the intent of *I Liheslatura* to establish special rights for *Chamorros* to off-shore fishing and harvesting of resources as approved by the U.S. Congress.

Section 2. A new §63133 is hereby *added* to Chapter 63 of Title 5, Guam Code Annotated, to read as follows:

> "**§63133. Indigenous Fishing Rights.** The policy of the government of Guam is that the *Chamorro* people *shall* have special rights to off-shore fishing and harvesting of resources in order to redress historical discriminatory policies. The *Chamorro* people, the *Native Inhabitants of*

Guam, are defined in Title 1 GCA §2102 as "those persons who became U.S. Citizens by virtue of the authority and enactment of the 1950 Organic Act of Guam and descendants of those persons."

The Department of Agriculture is hereby tasked to develop rules and regulations to put this policy into effect and submit the draft rules and regulations, in accordance with the Administrative Adjudication Act (AAA), Title 5, Guam Code Annotated, Chapter 9, to *I Liheslatura* for review and approval. Such rules and regulations may be revisited annually for revision through the AAA process.

At all stages of development of the rules, the Department *shall* seek the input of and consult with an Indigenous Native Resources Task Force, which *shall* be comprised of ten (10) voting members: four (4) men, four (4) women, and two (2) youths of adult age, all of *Chamorro* ancestry. The Task Force *shall* be comprised of one (1) representative each elected from *no more than* ten (10) *Chamorro* grassroots organizations. Each Task Force member *shall* be a resident of Guam for at least five (5) years. The Task Force *shall* participate together with the Department of Agriculture in the formulation of the rules and regulations required by this Section."

Section 3. Submission and Enactment. The Department of Agriculture *shall* submit draft rules and regulations for consideration by the AAA process within ninety (90) days of enactment of this Act into law.