

**I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**  
**2005 (FIRST) Regular Session**

**Resolution No. 1 (LS)**

As amended on the Floor.

Introduced by:

A. R. Unpingco  
B. J.F. Cruz  
E. B. Calvo  
Mark Forbes  
L.F. Kasperbauer  
J. M.S. Brown  
F. B. Aguon, Jr.  
Mike Cruz  
R. Klitzkie  
L. A. Leon Guerrero  
J. A. Lujan  
A. B. Palacios  
R. J. Respicio  
Ray Tenorio  
J. T. Won Pat

**Relative to endorsing the report and recommendations of the  
Guam War Claims Review Commission.**

1        **BE IT RESOLVED BY I MINA'BENTE OCHO NA LIHESLATURAN**  
2 **GUÅHAN:**

3        **WHEREAS,** Guam is now the only United States territory that was  
4 occupied by Imperial Japanese forces during World War II; and

5        **WHEREAS,** except for a brief period during the War of 1812, no United  
6 States territory has ever been occupied by any enemy forces; and

7        **WHEREAS,** during World War II, the people of Guam were enslaved,  
8 tortured and over one thousand (1,000) *Chamorros* died or were executed by  
9 the Imperial Japanese forces; and

1           **WHEREAS**, as a result of the occupation by the Imperial Japanese forces  
2 and the Liberation by the United States forces in 1944, the capital city of  
3 *Hagåtña* was completely destroyed, as were most of the homes and ranches of  
4 the people of Guam throughout the island; and

5           **WHEREAS**, recognizing the suffering, death and destruction of  
6 property wrought by the War, the United States Congress, in November of  
7 1945, passed Bill No. S. 1139 which was enacted into Public Law 79-224  
8 known as the "Guam Meritorious Claims Act"; and

9           **WHEREAS**, the Guam Meritorious Claims Act authorized the creation  
10 of a Land and Claims Commission to determine and award claims of less than  
11 Five Thousand Dollars (\$5,000.00); and

12           **WHEREAS**, the Guam Meritorious Claims Act required Congressional  
13 approval and appropriation of any award over Five Thousand Dollars (\$5,000)  
14 and all death benefit awards; and

15           **WHEREAS**, as a result of a large number of complaints about the Land  
16 and Claims Commission's actions and the implementation of the Guam  
17 Meritorious Claims Act, the Secretary of the Navy issued a directive on  
18 January 8, 1947, appointing a three (3) member committee to evaluate the  
19 Navy's handling of its reconstruction and rehabilitation responsibilities; and

20           **WHEREAS**, this committee, known as the "Hopkins Committee", did  
21 conduct extensive interviews and investigations, and issued a highly critical  
22 report; and

23           **WHEREAS**, the "Hopkins Report" resulted in some positive changes, as  
24 well as prompted continued criticism of the Claims Act implementation; and

1           **WHEREAS**, though the United States Congress passed some legislation  
2 to address some of the concerns and criticisms of the people of Guam and the  
3 Hopkins Report, said amendments were never considered adequate; and

4           **WHEREAS**, Guam’s Delegates to Congress have introduced bills to  
5 address the perceived inadequacy of previous laws to address claims  
6 resulting from the Japanese occupation; and

7           **WHEREAS**, the first Guam Delegate to Congress, the Honorable  
8 Antonio B. Won Pat, introduced the first bill on September 21, 1983 to  
9 establish a “commission to review the facts and circumstances surrounding  
10 Guamanian losses caused by the occupation of Guam by the Japanese  
11 Imperial forces in World War II”; and

12           **WHEREAS**, Guam’s second Delegate to Congress, retired Marine Corps  
13 General Ben Blaz introduced four (4) bills during his four (4) terms; and

14           **WHEREAS**, on April 18, 1989, at the request of the Twentieth Guam  
15 Legislature, Delegate Blaz introduced H.R. 2024 to provide compensation to  
16 any eligible person who received a compensable injury as a result of World  
17 War II; and

18           **WHEREAS**, after a hearing and extensive discussions between House  
19 and Senate leaders, a substitute bill was proposed by Senator Daniel Inouye,  
20 Delegate de Lugo and Congressman Lagomarsino, representing the  
21 Republican Minority and the Republican Administration; and

22           **WHEREAS**, the Guam War Reparations Commission and *I Liheslaturan*  
23 *Guåhan* (the Guam Legislature) recommended substantial changes to the

1 proposed substitute bill which materially changed the bill's intent, thereby  
2 causing the bill to die in committee; and

3       **WHEREAS**, the Honorable Delegate Robert Underwood introduced five  
4 (5) bills during his five (5) terms, the last being the "Guam War Claims  
5 Review Commission Act", enacted into law on December 16, 2002 as Public  
6 Law 107-333; and

7       **WHEREAS**, the statutory duties of the Review Commission are set out  
8 as follows:

- 9       (1) review the facts and circumstances surrounding the  
10 implementation and administration of the Guam Meritorious  
11 Claims Act and the effectiveness of such Act in addressing the  
12 war claims of American nationals residing on Guam between  
13 December 8, 1941, and July 21, 1944;
- 14       (2) review all relevant Federal and Guam territorial laws, records  
15 of oral testimony previously taken, and documents in Guam  
16 and the Archives of the Federal Government regarding  
17 Federal payments of war claims in Guam;
- 18       (3) receive oral testimony of persons who personally experienced  
19 the taking and occupation of Guam by Japanese military  
20 forces, noting especially the effects of infliction of death,  
21 personal injury, forced labor, forced march and internment;
- 22       (4) determine whether there was parity of war claims paid to the  
23 residents of Guam under the Guam Meritorious Claims Act as  
24 compared with awards made to other similarly affected U. S.

1 citizens or nationals in territory occupied by the Imperial  
2 Japanese military forces during World War II;

3 (5) advise on any additional compensation that may be necessary  
4 to compensate the people of Guam for death, personal injury,  
5 forced labor, forced march, and internment;

6 (6) not later than nine (9) months after the Commission is  
7 established, submit a report, including any comments or  
8 recommendations for action, to the Secretary of the Interior,  
9 the Committee on Resources and the Committee on the  
10 Judiciary of the House of Representatives, and the Committee  
11 on Energy and Natural Resources and the Committee on the  
12 Judiciary of the Senate; and

13 **WHEREAS**, on September 10, 2003, Secretary of the Interior Gale  
14 Norton appointed five (5) individuals to serve on the Commission; and

15 **WHEREAS**, pursuant to their statutory mandate, the Commission held  
16 its first public hearing on Guam on December 8 and 9, 2003, to receive  
17 testimony from survivors and descendants of Guamanians killed or injured  
18 during World War II; and

19 **WHEREAS**, the Commission also conducted hearings in Washington,  
20 D.C.; Long Beach, California; San Diego, California; Sacramento, California;  
21 Hayward, California; Las Vegas, Nevada; and Seattle, Washington; and

22 **WHEREAS**, pursuant to its statutory mandate, the Guam War Claims  
23 Review Commission published its "Report on the Implementation of the  
24 Guam Meritorious Claims Act of 1945"; and

1           **WHEREAS**, after extensive research, review, discussion, and analysis,  
2 the Review Commission made the general finding that there is a moral  
3 obligation on the part of our national government to pay compensation for  
4 war damages in order to ensure, to the greatest extent possible, that no single  
5 individual or group of individuals bears more than a just part of the overall  
6 burden of war; and

7           **WHEREAS**, the United States Congress recognized this obligation with  
8 respect to Guam as evidenced by its prompt enactment of the Guam  
9 Meritorious Claims Act of 1945 (the "Guam Act"), within weeks after the  
10 termination of World War II; and

11           **WHEREAS**, the Review Commission affirms that the United States  
12 Government is not obligated as a matter of law to pay such compensation;  
13 and

14           **WHEREAS**, the Review Commission finds that the compensation paid  
15 to claimants under the Guam Act, some Eight Million Dollars (\$8,000,000.00),  
16 was a substantial measure of compensation in redress of the losses sustained  
17 by the residents of Guam during and after World War II; and

18           **WHEREAS**, the Review Commission further finds that the Japanese  
19 occupation of Guam was particularly cruel, oppressive, and brutal, and that  
20 the loyalty and steadfastness shown by the people of Guam in the face of the  
21 atrocities and barbarism inflicted on them by their Japanese occupiers was all  
22 the more extraordinary in the circumstances in which they were forced to live;  
23 and

1           WHEREAS, the Review Commission further finds that the U. S.  
2 Congress was misinformed when it excluded Guam from coverage for World  
3 War II property damage and loss claims under Title II of the War Claims Act,  
4 of 1948, amended in 1962, because it incorrectly assumed that all of the claims  
5 of residents of Guam had been adequately resolved under the Guam Act,  
6 leaving a number of claims that had not been timely filed under the Guam Act  
7 due to lack of notice and a short, truncated filing period; and

8           WHEREAS, in April 1990, after the hearing of former U. S.  
9 Congressional Delegate Ben Blaz's bill (H.R. 2024) to pay additional  
10 compensation to Guamanians, the bi-partisan leadership of the Subcommittee  
11 on Insular and International Affairs, along with Senator Daniel Inouye,  
12 offered to introduce an amendment in the nature of a substitute to H.R. 2024,  
13 which is strong evidence that there was U. S. Congressional awareness of the  
14 willingness to provide additional compensation; and

15           WHEREAS, the Review Commission considers it regrettable that *I*  
16 *Liheslaturan Guåhan* (the Guam Legislature) did not positively respond to the  
17 Inouye/De Lugo/Lagomarsino substitute proposal which was made after  
18 consultation with the Administration in 1990; and

19           WHEREAS, it has been fifteen (15) years since then and, in the  
20 meantime, many claimants who could have been included under the  
21 legislation and compensated have died; and

22           WHEREAS, it is now over sixty (60) years since the Japanese occupation  
23 and the people of Guam cry out for closure; and

1           **WHEREAS**, the Review Commission further finds that it would be  
2 appropriate to limit eligibility for any further compensation for suffering  
3 during the Japanese occupation of Guam to individuals who were alive as of  
4 1990, and their descendants, because that year represents the last time that the  
5 Administration, the leadership of the U. S. Congress, and the leadership of *I*  
6 *Liheslaturan Guåhan* were within reach of achieving agreement on claims  
7 legislation to arrive at the closure which the people of Guam have been  
8 seeking; and

9           **WHEREAS**, the Review Commission further finds that the U. S.  
10 Congress and the Navy should have adopted the 1947 Hopkins Report’s  
11 recommendations regarding the Guam-related claims, including raising the  
12 ceiling on the amounts that could be paid to claimants on Guam and  
13 abandoning the complicated processes followed and calculating amounts due  
14 in death and personal injury claims; and

15           **WHEREAS**, the Review Commission further finds that there was parity  
16 with respect to the types of claims covered by the Guam Act as compared  
17 with the types of claims covered by the Philippines Rehabilitation Act of 1946,  
18 in that the latter did not cover claims for personal injury, death, or loss of use  
19 of real property; and

20           **WHEREAS**, the Review Commission further finds that although the  
21 Micronesian Claims Act and Claims Program, enacted twenty-six (26) years  
22 after the Guam Act, did not involve war claims of United States citizens or  
23 nations, there was parity with respect to the types of claims covered by the  
24 Guam Act, in that it did not provide greater actual amounts of compensation  
25 for wartime losses than did the Guam Act; and



1           **WHEREAS**, the Review Commission further finds that there was lack of  
2 parity between the Guam Act and the Aleutians Act, in that the Aleutians Act  
3 provided for payment of a greater amount of compensation than did the  
4 Guam Act and also provided for compensation to be paid in a single, uniform  
5 lump sum amount to each claimant; and

6           **WHEREAS**, the Review Commission further finds that there was lack of  
7 parity with respect to the types of claims covered by the Guam Act as  
8 compared with the types of claims covered by the War Claims Act of 1948, in  
9 that the Guam Act did not cover claims for civilian internment by the enemy;  
10 and

11           **WHEREAS**, the Review Commission further finds that there was lack of  
12 parity with respect to the filing period provided for in the Guam Act as  
13 compared to all of the other claims statutes covered in their report to the  
14 Secretary of the Department of Interior and Insular Affairs and to the U. S.  
15 Congress, with the exception of the 1962 Wake Island Amendment to the War  
16 Claims Act of 1948, in that the Guam Act effectively provided for only a seven  
17 (7) month period for filing of claims, due to the delay between the enactment  
18 of the Guam Act on November 15, 1945, and the Secretary of the Navy's  
19 promulgation of the Implementing Regulations on May 3, 1946; and

20           **WHEREAS**, the Review Commission further finds that all other statutes,  
21 except for the Wake Island Amendment, provided for an actual filing period  
22 of at least one (1) year; and

23           **WHEREAS**, the Review Commission further finds that as a result of  
24 inaccurate dissemination of information regarding claims eligibility by some  
25 local village "commissioners" (mayors) in informing the people of the Guam

1 claims program, a number of the residents of Guam were erroneously  
2 dissuaded from filing claims under the Guam Act during the filing period;  
3 and

4       **WHEREAS**, the Review Commission further finds that the U. S. Navy  
5 put forth vigorous good-faith efforts to address the war damage and loss  
6 claims of the residents of Guam, beginning as early as January 1945, but that it  
7 was hampered by the lack of modern communications media on island; by the  
8 ongoing build-up of forces on the island in preparation for the Allied assault  
9 on Japan; by the frequent turnover of Navy personnel, as evidenced by the  
10 fact that before 1950, a total of seven (7) Land and Claims Commissions were  
11 successfully appointed; and by the fact that at the same time the Navy was  
12 dealing with the claims, it was also responsible for conducting a large-scale  
13 land acquisition program on the island, under which the U. S. Government  
14 eventually came to occupy nearly three-fourths (3/4) of the island; and

15       **WHEREAS**, the Review Commission further finds that there was lack of  
16 parity with respect to the composition of the Land and Claims Commission  
17 established by the Guam Act as compared to the Commissions established by  
18 the Philippines Act and the Micronesian Claims Act, in that the latter statutes  
19 provided for inclusion of a Filipino Commissioner and of two (2) Micronesian  
20 Commissioners while the Guam Act required that the Land and Claims  
21 Commission be composed exclusively of uniformed officers of the U. S. Navy  
22 or Marine Corps; and

23       **WHEREAS**, the Review Commission recognizes that at the time, the  
24 Navy Department was charged with administration of Guam and that

1 hostilities continued during the early period of implementation of the  
2 program by the Navy; and

3       **WHEREAS**, the Review Commission further finds that there was lack of  
4 parity with respect to the prosecution of the claims filed under the Guam Act  
5 as compared to the claims under the other statutes covered by this report, in  
6 that claimants under the Guam Act had no possibility of obtaining private  
7 counsel to represent them before the Navy's Land and Claims Commission,  
8 due to the absence of private attorneys in practice on Guam in the 1940's; and

9       **WHEREAS**, the Review Commission further finds that there was lack of  
10 parity with respect to payments of interest on claims, in that residents of  
11 Guam did not receive interest payments on claims for property loss and  
12 damage that arose after the securing of Guam by the U. S. Military on August  
13 10, 1944, while claimants under Title II of the Micronesian Claims Act with  
14 claims for property losses arising after the secure dates of the various  
15 Micronesian islands did receive such interest payments; and

16       **WHEREAS**, the Review Commission further finds that there was parity  
17 with respect to the finality of claims and availability of appeal under the  
18 Guam Act as compared to the other statutes covered by their report, in that  
19 both the Guam Act and the other statutes provided that the determinations on  
20 claims were final and conclusive, and not subject to any outside review; and

21       **WHEREAS**, the Review Commission was not aware of any comparable  
22 situation other than on Guam where virtually the entire population was either  
23 interned, in hiding to avoid capture, or subjected to forced march at one time  
24 or another while under Japanese occupation during World War II; and

1           **WHEREAS**, the Review Commission further finds that there was lack of  
2 parity for the residents of Guam under the Guam Act as compared to the War  
3 Claims Act of 1948, because the latter covered only claims of persons who  
4 were U. S. citizens during World War II and did not cover loyal Guamanians  
5 who had the status of U. S. nationals at that time, nor was it made retroactive  
6 when the residents of Guam were granted United States citizenship under the  
7 Guam Organic Act in 1950; and

8           **WHEREAS**, the Review Commission further finds that there was lack of  
9 parity with respect to claims for property loss and damage under the Guam  
10 Act as compared to claims filed under the other statutes covered by their  
11 report, in that, unlike those other statutes, the Guam Act included a Five  
12 Thousand Dollar (\$5,000.00) ceiling on payments that could be disbursed by  
13 the Navy on Guam while claims exceeding this amount would require U. S.  
14 Congressional approval which only produced pressure on some claimants  
15 with valid property claims of over Five Thousand Dollars (\$5,000.00) to  
16 reduce their claims below the ceiling in order to obtain payment quickly; and

17           **WHEREAS**, the Review Commission is satisfied that there was parity  
18 with respect to the payment of Guamanians' claims for wartime loss and  
19 damage of real and personal property under the Guam Act as compared with  
20 awards made in similar such claims under the Philippines Act, the War  
21 Claims Act of 1948, and the Micronesian Claims Act, in that the awards made  
22 for wartime property losses under all of the latter were only paid pro rata,  
23 while the awards made under the Guam Act were paid in full; and

24           **WHEREAS**, the Review Commission is satisfied that there was parity  
25 with respect to the payment of Guamanians' claims for loss and damage of

1 real and personal property under the Guam Act as compared with awards  
2 made in similar such claims under Title II of the War Claims Act, added in  
3 1962; and

4       **WHEREAS**, the Review Commission further finds that there was lack of  
5 parity with respect to death claims under the Guam Act as compared to death  
6 claims under the War Claims Act of 1948, in that the maximum that could be  
7 claimed under the Guam Act was Four Thousand Dollars (\$4,000.00) while the  
8 maximum that could be claimed under the War Claims Act was Seven  
9 Thousand Five Hundred Dollars (\$7,500.00), with the Guam Act requiring U.  
10 S. Congressional approval; and

11       **WHEREAS**, the Review Commission further finds that there was lack of  
12 parity with respect to death claims under the Guam Act as compared to death  
13 claims under Title II of the Micronesian Claims Act setting the maximum that  
14 could be claimed under the Guam Act at Four Thousand Dollars (\$4,000.00)  
15 and the maximum that could be claimed under Title II of the Micronesian  
16 Claims Act was Five Thousand Dollars (\$5,000.00), with the Guam Act  
17 requiring U. S. Congressional approval; and

18       **WHEREAS**, the Review Commission further finds that the most  
19 appropriate method for apportioning compensation for death claims is to  
20 grant one (1) single uniform lump-sum amount covering all death claims; and

21       **WHEREAS**, the Review Commission further finds that there was lack of  
22 parity with respect to the personal injury awards issued to residents of Guam  
23 under the Guam Act as compared to the personal injury awards issued to  
24 American citizens or other American nationals resulting from the occupation  
25 by Japanese Imperial Forces during World War II, in that the amount that

1 could be awarded for the loss of prospective earnings to a resident of Guam  
2 compared to the amount that could be awarded to a civilian American citizen  
3 was grossly disparate; and

4       **WHEREAS**, the Review Commission further finds that there was lack of  
5 parity with respect to the personal injury awards that could be issued to  
6 residents of Guam under the Guam Act as compared to the personal injury  
7 awards issued to American citizens or their American nationals resulting from  
8 the occupation by Japanese Imperial Forces during World II, in that under the  
9 Navy's Guam Act Implementing Regulations, a claim based on the death of a  
10 person that resulted from an injury for which compensation had previously  
11 been awarded was expressly barred, while under the War Claims Act, the  
12 survivor(s) of a person who died as the result of an injury for which  
13 compensation had been awarded under Section 5 (f) of the War Claims Act of  
14 1948 could claim additional compensation of up to Seven Thousand Five  
15 Hundred Dollars (\$7,500.00) based on the person's death; and

16       **WHEREAS**, the Review Commission further finds that there was lack of  
17 parity between the Guam Act and the War Claims Act of 1948, in that the  
18 wage level used in claims for personal injury and death under the Guam Act  
19 was limited to the average wage paid to a claimant or decedent between  
20 January 1 and November 30, 1941, up to a maximum of Fifty Dollars (\$50.00)  
21 per month, while under the War Claims Act of 1948 the wage level was  
22 specified to be Thirty-Seven Dollars and Fifty Cents (\$37.50) per week; and

23       **WHEREAS**, the Review Commission further finds that due to the  
24 passage of years since the 1944 Liberation of Guam and the loss of relevant  
25 records, it is virtually impossible to differentiate among the survivors of the

1 Japanese occupation of the island as to the types of harm they suffered—  
2 whether it was damage resulting from personal injury (including rape and  
3 malnutrition), internment (including hiding to avoid capture), forced labor, or  
4 forced march—or the extent of the harm suffered in each of their cases  
5 concluding that the best method for apportioning compensation for their  
6 suffering would be to grant one (1) single uniform lump-sum amount  
7 covering all categories of harm, irrespective of how many types of harm a  
8 person may have suffered; and

9       **WHEREAS**, the Review Commission further finds that during the  
10 testimonies given at the public hearings held on Guam, a significant number  
11 of the survivors of the Japanese occupation of the island continue to suffer  
12 psychologically from their experience; and

13       **WHEREAS**, the Review Commission recommends that the U. S.  
14 Congress acknowledge both the suffering of the Guamanians during the  
15 Japanese occupation of Guam in World War II and the loyalty shown by the  
16 Guamanians to the United States during the war; and

17       **WHEREAS**, the Review Commission recommends that Congress  
18 provide funding in an amount sufficient to pay compensation in a single  
19 lump-sum total amount of Twenty-Five Thousand Dollars (\$25,000.00) to  
20 those identified and defined as eligible claimants in the Review Commission's  
21 Report [limited to a spouse, child or children, or parents, respectively, in this  
22 order of priority, who constitute the classes of survivors identified as eligible  
23 successor claimant(s) in Subsection 5(d) of Title I of the War Claims Act of  
24 1948, as amended (50 U.S.C. App. 2004(d)]; and

1           **WHEREAS,** the Review Commission recommends that the  
2 compensation figure of Twenty-Five Thousand Dollars (\$25,000.00) is  
3 comparable to the Twenty Thousand Dollars (\$20,000.00) in compensation to  
4 which the eligible survivors of decedents killed by the Japanese occupiers  
5 would have been entitled under the 1990 substitute to the proposed  
6 legislation, H.R. 2024, as well as other proposed legislation, and when  
7 adjusted forward from the 1940's, it is comparable to the Seven Thousand Five  
8 Hundred Dollars (\$7,500.00) to Fifteen Thousand Dollars (\$15,000.00) for  
9 death which eligible Guamanians could have sought under Subsection 5(f) of  
10 the War Claims Act of 1948, had they not been excluded from the coverage of  
11 that law and that the figure of at least one thousand (1,000) deaths have been  
12 cited requiring a funding of at least Twenty-Five Million Dollars (\$25,000,000);  
13 and

14           **WHEREAS,** the Review Commission recommends that due to the  
15 passage of years since the 1944 Liberation of Guam and the loss of relevant  
16 records, it is virtually impossible to differentiate among the survivors of the  
17 Japanese occupation of the island as to the types of harm they suffered—  
18 whether it was damage resulting from personal injury (including rape and  
19 malnutrition), internment (including hiding to avoid capture), forced labor, or  
20 forced march—or the extent of the harm suffered in each of their cases  
21 concluding that the most appropriate method for apportioning compensation  
22 for their suffering would be to grant one (1) single uniform lump-sum amount  
23 covering all categories of harm, regardless of how many types of harm a person  
24 may have suffered; and



1           **WHEREAS**, the Review Commission recommends that the U. S.  
2 Congress provide funding in an amount sufficient to pay compensation in a  
3 single lump-sum amount of Twelve Thousand Dollars (\$12,000.00) to each  
4 person who was a resident of Guam during the Japanese occupation and who  
5 personally suffered one or more of the types of harm in question, or to the  
6 eligible survivor(s) of such individual, who were alive as of the year 1990 and  
7 to those who were living in 1990 but who are no longer living, the  
8 compensation provided in this category shall be limited to claimants who are  
9 a spouse, child or children, or parents, respectively, in this order of priority,  
10 who constitute the classes of survivors identified in the War Claims Act of  
11 1948, as amended (50 U.S.C. App. 2004(d)); and

12           **WHEREAS**, the Review Commission recommends that after adjustment  
13 forward from the 1940's, the compensation figure of Twelve Thousand Dollars  
14 (\$12,000.00) is at least comparable to the compensation of up to Nine  
15 Thousand Four Hundred Twenty Dollars (\$9,420.00) that the eligible  
16 survivors of the Japanese occupation of Guam or their eligible successors  
17 would have been entitled to for thirty-two (32) months of internment (Sixty  
18 Dollars (\$60.00) per month or One Thousand Nine Hundred Twenty Dollars  
19 (\$1,920.00), and up to Seven Thousand Five Hundred Dollars (\$7,500.00) for  
20 either personal injury or death authorized under the War Claims Act, had  
21 they not been excluded from the coverage of that law; and

22           **WHEREAS**, the Review Commission recommends that based on the  
23 1990 Census figure, there are eight thousand five hundred fifty-one (8,551)  
24 survivors on Guam which will require a funding of approximately One

1 Hundred One Million Dollars (\$101,000,000) for compensation to eligible  
2 claimants of this category; and

3       **WHEREAS**, the Review Commission recommends that before any  
4 payment of compensation is made in a claim under Death or Injury, there  
5 should be deducted any amount of compensation previously paid under the  
6 Guam Act of 1945 of One Thousand Dollars (\$1,000.00) or more for Death  
7 claims, or Five Hundred Dollars (\$500.00) or more, on Injury claims; and

8       **WHEREAS**, the Review Commission recommends that the FCSC should  
9 be charged with creating a sub-commission modeled after the Micronesian  
10 Claims Commission and that this new commission be composed of some  
11 Guamanian and some non-Guamanian commissioners; and

12       **WHEREAS**, the Review Commission recommends that a filing period of  
13 one (1) year should be set for the filing of claims and that the one (1) year  
14 period should commence on the effective date of any required implementing  
15 regulations; and

16       **WHEREAS**, the Review Commission recommends that objections to  
17 and appeals of the new Commission's decisions should be to the Commission,  
18 and upon a rehearing, the decision should become final and not subject to  
19 outside review by any court or agency; and

20       **WHEREAS**, the Review Commission recommends that the acceptance  
21 of payment by an eligible individual should be in full satisfaction of all claims  
22 arising out of the Japanese occupation of Guam during the war and that no  
23 interest should be payable on the amounts awarded; and

1           **WHEREAS**, the Review Commission recommends the establishment of  
2 a Trust Fund for scholarship, medical facilities, and other public purposes for  
3 the benefit of the people of Guam; and

4           **WHEREAS**, the Review Commission further recommends that within  
5 ninety (90) days after the end of the period for filing of claims as  
6 recommended, the Board of Directors of the Trust Fund be authorized to  
7 submit a claim to the Guam Commission, on behalf of the Trust Fund, for any  
8 person, who while eligible as a Category I or Category II claimant, failed to  
9 file a claim for compensation. Any awards issued in such claims would be  
10 deposited in the Trust Fund; and

11           **WHEREAS**, the Review Commission further recommends that in the  
12 event that an individual refuses, in writing, to accept an award and files the  
13 refusal with the Board of Directors of the Trust Fund, the amount of such  
14 award would pass to the Fund and no payment may be made to such  
15 individual at any time after such refusal. Additionally, credit for uncashed  
16 checks that become stale after the normal one (1) year period should be  
17 transferred to the Fund and should be reissued to the payee; and

18           **WHEREAS**, the Review Commission recommends that the activities of  
19 the Trust Fund should be modeled after the fund established under the  
20 Aleutian and Pribilof Island Trust Fund to sponsor research and educational  
21 activities, so that the events surrounding the wartime occupation and  
22 liberation of Guam as well as the loyalty of the people of Guam will be  
23 remembered, and so that the causes and circumstances of this and other  
24 wartime events may be illuminated and understood; now, therefore, be it

1           **RESOLVED**, that *I Mina'Bente Ocho Na Liheslaturan Guåhan* does hereby,  
2 on behalf of the people of Guam, express its unequivocal endorsement of the  
3 Guam War Claims Review Commission's "Report on the Implementation of  
4 the Guam Meritorious Claims Act of 1945" and the findings and  
5 recommendations contained therein; and be it further

6           **RESOLVED**, that *I Mina'Bente Ocho Na Liheslaturan Guåhan* does hereby,  
7 on behalf of the people of Guam, petition Guam's Delegate to the United  
8 States Congress, the Honorable Madeleine Z. Bordallo, to immediately  
9 introduce legislation implementing the recommendations contained in the  
10 report of the Guam War Claims Review Commission; and be it further

11           **RESOLVED**, that *I Mina'Bente Ocho Na Liheslaturan Guåhan* does hereby,  
12 on behalf of the people of Guam, petition the United States Congress to  
13 support the expedited passage of the House Resolution introduced by U. S.  
14 Congressional Delegate Bordallo, implementing the Recommendations  
15 contained in the Report of the Guam War Claims Review Commission; and be  
16 it further


17           **RESOLVED**, that *I Mina'Bente Ocho Na Liheslaturan Guåhan* does hereby,  
18 on behalf of the people of Guam, petition the President of the United States,  
19 the Honorable George W. Bush, to show his support for the findings and  
20 recommendations made by the Guam War Claims Review Commission by  
21 directing the relevant Secretaries and Federal Agency heads to expedite their  
22 favorable responses and comments to the Report and the legislation to be  
23 introduced implementing the recommendations; and be it further

24           **RESOLVED**, that the Speaker of *I Mina'Bente Ocho Na Liheslaturan*  
25 *Guåhan* certify, and the Secretary of the Legislature attest to, the adoption

1 hereof, and that copies of the same be thereafter transmitted to the Honorable  
2 Felix P. Camacho, *I Maga'lahaen Guåhan* (the Governor of Guam); to the  
3 Honorable Madeleine Z. Bordallo, Member of Congress, U. S. House of  
4 Representatives; to the Chairman, Foreign Claims Settlement Commission; to  
5 the Director of the Office of Management and Budget; to the Secretary of the  
6 Interior; to the Attorney General of the United States; to the Honorable Colin  
7 L. Powell, Secretary, United States Department of State; to the Chairperson of  
8 the Committee on Resources; to the Committee on the Judiciary of the House  
9 of Representatives; to the Committee on Energy and Natural Resources; and  
10 to the Committee on the Judiciary of the Senate; and to the Honorable George  
11 W. Bush, President of the United States of America.

**DULY AND REGULARLY ADOPTED BY *I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN* ON THE 4<sup>TH</sup> DAY OF JANUARY 2005.**

  
**MARK FORBES**  
Speaker

  
**EDWARD J. B. CALVO**  
Senator and Secretary of the Legislature