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**I MINA 'BENTE NUEBI NA LIHESLATURAN GUAHAN
2007 (FIRST) REGULAR SESSION**

Resolution No. 52 (LS)

Introduced by:

A.R. Unpingco
RJ Respiuo Jr
J. Alvarez

**RELATIVE TO ENDORSING H.R. 1595,
INTRODUCED BY THE GUAM DELEGATE TO
CONGRESS, RELATIVE TO IMPLEMENTING THE
RECOMMENDATIONS OF THE GUAM WAR
CLAIMS REVIEW COMMISSION.**

F. ISAJAZAR
F.F. Blas, Jr.
Guam Gutierrez
A.B. Palacios
David L. Schemizer
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1 **BE IT RESOLVED BY I MINA' BENTE NUEBI NA LIHESLATURAN**
2 **GUAHAN:**

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

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

1 **WHEREAS**, recognizing the suffering, death and destruction of
2 property wrought by the War, the United States Congress, in November of
3 1945, passed Bill No. S. 1139 which was enacted into Public Law 79-224
4 known as the "Guam Meritorious Claims Act"; and

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

8 **WHEREAS**, the Guam Meritorious Claims Act required Congressional
9 approval and appropriation of any award over Five Thousand Dollars
10 (\$5,000) and all death benefit awards; and

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

16 **WHEREAS**, this committee, known as the "Hopkins Committee", did
17 conduct extensive interviews and investigations, and issued a highly critical
18 report; and

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

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

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

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

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

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

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

19 **WHEREAS**, the Guam War Reparations Commission and I Liheslaturan
20 Guåhan (the Guam Legislature) recommended substantial changes to the
21 proposed substitute bill which materially changed the bill’s intent, thereby
22 causing the bill to die in committee; and

23 **WHEREAS**, the Honorable Delegate Robert Underwood introduced five
24 (5) bills during his five (5) terms, the last being the “Guam War Claims

1 Review Commission Act”, enacted into law on December 16, 2002 as Public
2 Law 107-333; and

3 **WHEREAS**, the statutory duties of the Review Commission are set out
4 as follows:

5 (1) review the facts and circumstances surrounding the
6 implementation and administration of the Guam Meritorious Claims
7 Act and the effectiveness of such Act in addressing the war claims of
8 American nationals residing on Guam between December 8, 1941, and
9 July 21, 1944;

10 (2) review all relevant Federal and Guam territorial laws, records
11 of oral testimony previously taken, and documents in Guam and the
12 Archives of the Federal Government regarding Federal payments of war
13 claims in Guam;

14 (3) receive oral testimony of persons who personally experienced
15 the taking and occupation of Guam by Japanese military forces, noting
16 especially the effects of infliction of death, personal injury, forced labor,
17 forced march and internment;

18 (4) determine whether there was parity of war claims paid to the
19 residents of Guam under the Guam Meritorious Claims Act as
20 compared with awards made to other similarly affected U. S. citizens or
21 nationals in territory occupied by the Imperial Japanese military forces
22 during World War II;

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

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

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

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

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

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

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

1 **WHEREAS**, the United States Congress recognized this obligation with
2 respect to Guam as evidenced by its prompt enactment of the Guam
3 Meritorious Claims Act of 1945 (the “Guam Act”), within weeks after the
4 termination of World War II; and

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

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

12 **WHEREAS**, the Review Commission further finds that the Japanese
13 occupation of Guam was particularly cruel, oppressive, and brutal, and that
14 the loyalty and steadfastness shown by the people of Guam in the face of the
15 atrocities and barbarism inflicted on them by their Japanese occupiers was all
16 the more extraordinary in the circumstances in which they were forced to live;
17 and

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

1 **WHEREAS**, in April 1990, after the hearing of former U. S.
2 Congressional Delegate Ben Blaz’s bill (H.R. 2024) to pay additional
3 compensation to Guamanians, the bi-partisan leadership of the Subcommittee
4 on Insular and International Affairs, along with Senator Daniel Inouye,
5 offered to introduce an amendment in the nature of a substitute to H.R. 2024,
6 which is strong evidence that there was U. S. Congressional awareness of the
7 willingness to provide additional compensation; and

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

12 **WHEREAS**, it has been fifteen (15) years since then and, in the
13 meantime, many claimants who could have been included under the
14 legislation and compensated have died; and

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

17 **WHEREAS**, the Review Commission further finds that it would be
18 appropriate to limit eligibility for any further compensation for suffering
19 during the Japanese occupation of Guam to individuals who were alive as of
20 1990, and their descendants, because that year represents the last time that the
21 Administration, the leadership of the U. S. Congress, and the leadership of I
22 Liheslaturan Guåhan were within reach of achieving agreement on claims
23 legislation to arrive at the closure which the people of Guam have been
24 seeking; and

1 **WHEREAS**, the Review Commission further finds that the U. S.
2 Congress and the Navy should have adopted the 1947 Hopkins Report's
3 recommendations regarding the Guam-related claims, including raising the
4 ceiling on the amounts that could be paid to claimants on Guam and
5 abandoning the complicated processes followed and calculating amounts due
6 in death and personal injury claims; and

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

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

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

23 **WHEREAS**, the Review Commission further finds that there was lack of
24 parity with respect to the types of claims covered by the Guam Act as
25 compared with the types of claims covered by the War Claims Act of 1948, in

1 that the Guam Act did not cover claims for civilian internment by the enemy;
2 and

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

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

15 **WHEREAS**, the Review Commission further finds that as a result of
16 inaccurate dissemination of information regarding claims eligibility by some
17 local village "commissioners" (mayors) in informing the people of the Guam
18 claims program, a number of the residents of Guam were erroneously
19 dissuaded from filing claims under the Guam Act during the filing period;
20 and

21 **WHEREAS**, the Review Commission further finds that the U. S. Navy
22 put forth vigorous good-faith efforts to address the war damage and loss
23 claims of the residents of Guam, beginning as early as January 1945, but that it
24 was hampered by the lack of modern communications media on island; by the
25 ongoing build-up of forces on the island in preparation for the Allied assault

1 on Japan; by the frequent turnover of Navy personnel, as evidenced by the
2 fact that before 1950, a total of seven (7) Land and Claims Commissions were
3 successfully appointed; and by the fact that at the same time the Navy was
4 dealing with the claims, it was also responsible for conducting a large-scale
5 land acquisition program on the island, under which the U. S. Government
6 eventually came to occupy nearly three-fourths (3/4) of the island; and

7 **WHEREAS**, the Review Commission further finds that there was lack of
8 parity with respect to the composition of the Land and Claims Commission
9 established by the Guam Act as compared to the Commissions established by
10 the Philippines Act and the Micronesian Claims Act, in that the latter statutes
11 provided for inclusion of a Filipino Commissioner and of two (2) Micronesian
12 Commissioners while the Guam Act required that the Land and Claims
13 Commission be composed exclusively of uniformed officers of the U. S. Navy
14 or Marine Corps; and

15 **WHEREAS**, the Review Commission recognizes that at the time, the
16 Navy Department was charged with administration of Guam and that
17 hostilities continued during the early period of implementation of the
18 program by the Navy; and

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

1 **WHEREAS**, the Review Commission further finds that there was lack of
2 parity with respect to payments of interest on claims, in that residents of
3 Guam did not receive interest payments on claims for property loss and
4 damage that arose after the securing of Guam by the U. S. Military on August
5 10, 1944, while claimants under Title II of the Micronesian Claims Act with
6 claims for property losses arising after the secure dates of the various
7 Micronesian islands did receive such interest payments; and

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

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

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

24 **WHEREAS**, the Review Commission further finds that there was lack of
25 parity with respect to claims for property loss and damage under the Guam

1 Act as compared to claims filed under the other statutes covered by their
2 report, in that, unlike those other statutes, the Guam Act included a Five
3 Thousand Dollar (\$5,000.00) ceiling on payments that could be disbursed by
4 the Navy on Guam while claims exceeding this amount would require U. S.
5 Congressional approval which only produced pressure on some claimants
6 with valid property claims of over Five Thousand Dollars (\$5,000.00) to
7 reduce their claims below the ceiling in order to obtain payment quickly; and

8 **WHEREAS**, the Review Commission is satisfied that there was parity
9 with respect to the payment of Guamanians' claims for wartime loss and
10 damage of real and personal property under the Guam Act as compared with
11 awards made in similar such claims under the Philippines Act, the War
12 Claims Act of 1948, and the Micronesian Claims Act, in that the awards made
13 for wartime property losses under all of the latter were only paid pro rata,
14 while the awards made under the Guam Act were paid in full; and

15 **WHEREAS**, the Review Commission is satisfied that there was parity
16 with respect to the payment of Guamanians' claims for loss and damage of
17 real and personal property under the Guam Act as compared with awards
18 made in similar such claims under Title II of the War Claims Act, added in
19 1962; and

20 **WHEREAS**, the Review Commission further finds that there was lack of
21 parity with respect to death claims under the Guam Act as compared to death
22 claims under the War Claims Act of 1948, in that the maximum that could be
23 claimed under the Guam Act was Four Thousand Dollars (\$4,000.00) while
24 the maximum that could be claimed under the War Claims Act was Seven

1 Thousand Five Hundred Dollars (\$7,500.00), with the Guam Act requiring U.
2 S. Congressional approval; and

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

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

13 **WHEREAS**, the Review Commission further finds that there was lack of
14 parity with respect to the personal injury awards issued to residents of Guam
15 under the Guam Act as compared to the personal injury awards issued to
16 American citizens or other American nationals resulting from the occupation
17 by Japanese Imperial Forces during World War II, in that the amount that
18 could be awarded for the loss of prospective earnings to a resident of Guam
19 compared to the amount that could be awarded to a civilian American citizen
20 was grossly disparate; and

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

1 under the Navy's Guam Act Implementing Regulations, a claim based on the
2 death of a person that resulted from an injury for which compensation had
3 previously been awarded was expressly barred, while under the War Claims
4 Act, the survivor(s) of a person who died as the result of an injury for which
5 compensation had been awarded under Section 5 (f) of the War Claims Act of
6 1948 could claim additional compensation of up to Seven Thousand Five
7 Hundred Dollars (\$7,500.00) based on the person's death; and

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

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

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

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

9 **WHEREAS**, the Review Commission recommends that Congress
10 provide funding in an amount sufficient to pay compensation in a single
11 lump-sum total amount of Twenty-Five Thousand Dollars (\$25,000.00) to
12 those identified and defined as eligible claimants in the Review Commission's
13 Report [limited to a spouse, child or children, or parents, respectively, in this
14 order of priority, who constitute the classes of survivors identified as eligible
15 successor claimant(s) in Subsection 5(d) of Title I of the War Claims Act of
16 1948, as amended (50 U.S.C. App. 2004(d)); and

17 **WHEREAS**, the Review Commission recommends that the
18 compensation figure of Twenty-Five Thousand Dollars (\$25,000.00) is
19 comparable to the Twenty Thousand Dollars (\$20,000.00) in compensation to
20 which the eligible survivors of decedents killed by the Japanese occupiers
21 would have been entitled under the 1990 substitute to the proposed
22 legislation, H.R. 2024, as well as other proposed legislation, and when
23 adjusted forward from the 1940's, it is comparable to the Seven Thousand
24 Five Hundred Dollars (\$7,500.00) to Fifteen Thousand Dollars (\$15,000.00) for
25 death which eligible Guamanians could have sought under Subsection 5(f) of

1 the War Claims Act of 1948, had they not been excluded from the coverage of
2 that law and that the figure of at least one thousand (1,000) deaths have been
3 cited requiring a funding of at least Twenty-Five Million Dollars (\$25,000,000);
4 and

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

16 **WHEREAS**, the Review Commission recommends that the U. S.
17 Congress provide funding in an amount sufficient to pay compensation in a
18 single lump-sum amount of Twelve Thousand Dollars (\$12,000.00) to each
19 person who was a resident of Guam during the Japanese occupation and who
20 personally suffered one or more of the types of harm in question, or to the
21 eligible survivor(s) of such individual, who were alive as of the year 1990 and
22 to those who were living in 1990 but who are no longer living, the
23 compensation provided in this category shall be limited to claimants who are
24 a spouse, child or children, or parents, respectively, in this order of priority,

1 who constitute the classes of survivors identified in the War Claims Act of
2 1948, as amended (50 U.S.C. App. 2004(d)); and

3 **WHEREAS**, the Review Commission recommends that after adjustment
4 forward from the 1940's, the compensation figure of Twelve Thousand
5 Dollars (\$12,000.00) is at least comparable to the compensation of up to Nine
6 Thousand Four Hundred Twenty Dollars (\$9,420.00) that the eligible
7 survivors of the Japanese occupation of Guam or their eligible successors
8 would have been entitled to for thirty-two (32) months of internment (Sixty
9 Dollars (\$60.00) per month or One Thousand Nine Hundred Twenty Dollars
10 (\$1,920.00), and up to Seven Thousand Five Hundred Dollars (\$7,500.00) for
11 either personal injury or death authorized under the War Claims Act, had
12 they not been excluded from the coverage of that law; and

13 **WHEREAS**, the Review Commission recommends that based on the
14 1990 Census figure, there are eight thousand five hundred fifty-one (8,551)
15 survivors on Guam which will require a funding of approximately One
16 Hundred One Million Dollars (\$101,000,000) for compensation to eligible
17 claimants of this category; and

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

23 **WHEREAS**, the Review Commission recommends that the FCSC
24 should be charged with creating a sub-commission modeled after the

1 Micronesian Claims Commission and that this new commission be composed
2 of some Guamanian and some non-Guamanian commissioners; and

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

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

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

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

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

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

8 **WHEREAS**, the Review Commission recommends that the activities of
9 the Trust Fund should be modeled after the fund established under the
10 Aleutian and Pribilof Island Trust Fund to sponsor research and educational
11 activities, so that the events surrounding the wartime occupation and
12 liberation of Guam as well as the loyalty of the people of Guam will be
13 remembered, and so that the causes and circumstances of this and other
14 wartime events may be illuminated and understood;

15 **WHEREAS**, House Resolution 1595, introduced by Guam's Delegate to
16 the United States Congress, the Honorable Madeleine Z. Bordallo, would
17 implement the recommendations of the Guam War Claims Commission,
18 additionally providing an Authorization for Appropriations for \$126,000,000
19 in order to carry out the act, and further prioritizing payments from the act to
20 first pay Guam residents who were injured in the War and who are still
21 surviving, to second pay the survivors of those residents who died during the
22 War, and to third pay the survivors of those residents who were injured
23 during the War but died subsequently; now, therefore, be it

24 **RESOLVED**, that *I Mina 'Bente Nuebi na Liheslaturan Guåhan* does
25 hereby, on behalf of the people of Guam, express its unequivocal

1 endorsement of the Guam War Claims Review Commission's "Report on the
2 Implementation of the Guam Meritorious Claims Act of 1945" and the
3 findings and recommendations contained therein; and be it further

4 **RESOLVED**, that *I I Mina 'Bente Nuebi na Liheslaturan Guåhan* does
5 hereby, on behalf of the people of Guam, express its unequivocal
6 endorsement of House Resolution 1595, introduced by Guam's Delegate to
7 the United States Congress, the Honorable Madeleine Z. Bordallo, relative to
8 implementing the recommendations contained in the report of the Guam War
9 Claims Review Commission; and be it further

10 **RESOLVED**, that *I I Mina 'Bente Nuebi na Liheslaturan Guåhan* does
11 hereby, on behalf of the people of Guam, petition the United States Congress
12 to support the expedited passage of the H.R. 1595, implementing the
13 Recommendations contained in the Report of the Guam War Claims Review
14 Commission; and be it further

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

22 **RESOLVED**, that the Speaker of *I I Mina 'Bente Nuebi na Liheslaturan*
23 *Guåhan* certify, and the Secretary of the Legislature attest to, the adoption
24 hereof, and that copies of the same be thereafter transmitted to the Honorable
25 Felix P. Camacho, *I Maga'lahaen Guåhan* (the Governor of Guam); to the

1 Honorable Madeleine Z. Bordallo, Member of Congress, U. S. House of
2 Representatives; to Mauricio J. Tamargo, Chairman, Foreign Claims
3 Settlement Commission; to Rob Portman, Director of the Office of
4 Management and Budget; to Dirk Kempthorne, Secretary of the Interior; to
5 Alberto R. Gonzales, Attorney General of the United States; to Condoleezza
6 Rice, Secretary of State; to Nick J. Rahall II, Chairperson of the House
7 Committee on Natural Resources; to John Conyers Jr., Chairperson of the
8 House Committee on the Judiciary; to Patrick J. Leahy, Chairperson of the
9 Senate Committee on the Judiciary; and to the Honorable George W. Bush,
10 President of the United States of America.

DULY AND REGULARLY ADOPTED BY *I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN* ON THE __ DAY OF _____, 2007.

MARK FORBES
Speaker

RAY TENORIO
Senator and Secretary of the Legislature