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Congress of the United States
House of Representatives

March 25, 2011

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The Honorable Benjamin J.F. Cruz
Vice Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Place Suite 107
Hagatna, GU 96910

Dear Vice Speaker Cruz,

I write in response to your letter of March 25, 2011 regarding passage of H.R. 4783 the Claims Resolution Act of 2010. I appreciate your continued interest and assistance in trying to pass H.R. 44 the Guam World War II Loyalty Recognition Act.

During the last Congress, I worked with Chairman Rahall as well as other House and Senate leadership to find appropriate legislative vehicles to pass H.R. 44. I continually look for legislative vehicles through which to address this matter. As such, that is why I worked to attach Guam War Claims to the National Defense Authorization Act during both sessions of the 111th Congress. The defense bill is a must pass bill and requires Congressional attention each year. I continue to believe this is our best legislative vehicle but I do remain open to other opportunities and ideas.

Further, on a technical note, H.R. 4783 was considered under a closed rule and no amendments were offered. The structured rule only provided for debate on the Senate amendments to the underlying text. I understand and appreciate your approach on this matter; however the legislation was trying to implement the results of a court action forcing the federal government to pay Native Americans for oil and gas rights and Black farmers for civil rights violations. Leadership indicated that it was not going to allow amendments to this legislation.


As a former Chief Justice of the Guam Supreme Court and member of the Guam War Claims Review Commission, you are in the best position to advise the survivors of the occupation as to whether a class action lawsuit is the best course of action to resolve Guam War Claims. If a lawsuit on Guam War Claims were successful then legislation similar to H.R. 4783 would have to be introduced to fulfill the federal government's legal obligation under any such court settlement.

My staff is available to brief you on the various bills that we sought to attach Guam War Claims to at the end of the 111th Congress. Legislation that we considered was the Supplemental and Omnibus Appropriations Acts as well as the Omnibus Public Land bills and other such

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legislation. As you can appreciate, after the November elections the ability of the Democratic leadership to resolve a number of legislation issues was diminished due to the influence of fiscal conservatives that you mention in your letter. Thank you for your interest in helping us to pass H.R. 44. I would appreciate hearing your other ideas.

Sincerely,



MADELEINE Z. BORDALLO
Member of Congress