I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

RESOLUTION STATUS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
255-34 (COR)	Michael F.Q. San Nicolas	Relative to respectfully requesting that Congresswoman Madeleine Z. Bordallo introduce legislation in the United States Congress to grant Chamorros, the indigenous people of Guam, federal recognition as an Indian tribe under 25 U.S.C. and to recognize the Chamorro Land Trust lands administered under Guam Public Law 12-226, as amended, as Chamorro tribal lands.	10/03/17 3:17 p.m.							

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Resolution No. 255-34 (COR)

Introduced by: Michael F.Q. San Nicolas

2017 OCT -3 PM 3:17

Relative to respectfully requesting that Congresswoman Madeleine Z. Bordallo introduce legislation in the United States Congress to grant Chamorros, the indigenous people of Guam, federal recognition as an Indian tribe under 25 U.S.C. and to recognize the Chamorro Land Trust lands administered under Guam Public Law 12-226, as amended, as Chamorro tribal lands.

BE IT RESOLVED BY *I LIHESLATURAN GUÅHAN*:

WHEREAS, Senator Paul J. Bordallo introduced Bill No. 715, creating the Chamorro Land Trust Commission in the Second (2nd) Regular Session of the Twelfth (12th) Guam Legislature in 1974. It was passed by the Guam Legislature on January 13, 1975 and was subsequently signed by Governor Ricardo J. Bordallo on February 4, 1975 as Guam Public Law 12-226; and

WHEREAS, eligibility for the Chamorro Land Trust leases is limited by Guam law to 'native Chamorros' which is defined as any person who became a U.S. citizen by virtue of the authority and enactment of the Organic Act of Guam or descendants of such person; and

WHEREAS, the United States Congress passed the Hawaiian Homes Commission Act, which established a land trust of approximately two hundred thousand (200,000) acres for the express purpose of providing a land trust for homesteading by Native Hawaiians, in 1921; and

WHEREAS, eligibility for the Hawaiian Homes Commission land is limited by the federal law to 'native Hawaiians' which is defined as any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778; and

WHEREAS, the Hawaiian Homes Commission Act provides a clear precedent for the United States Congress authorizing the establishment of a land trust to offer long-term leases to the indigenous people of a United States Territory; and

WHEREAS, the United States Department of Justice has brought a lawsuit against the government of Guam and the Chamorro Land Trust Commission, alleging that the Chamorro Land Trust Act violates the Fair Housing Act; and

WHEREAS, the United States Department of Justice has stated in its filings that the Chamorro Land Trust Act and its implementation "constitute discrimination on the basis of race or national origin in violation of the Fair Housing Act;" and

WHEREAS, in the Supreme Court ruling in Rice v. Cayetano, legal vulnerabilities were exposed in relation to the Hawaiian Homestead Act, necessitating greater protection of Chamorro lands in the form of full tribal recognition; and

WHEREAS, §4103 of Chapter 43, Title 25 of the United States Code, relative to Native American Housing Assistance and Self-Determination, includes Guam under the definition of State, and the Federal Register of September 7, 1995, Vol. 60.173 identified Chamorros of Guam as Native American Pacific Islanders; and

WHEREAS, under § 4103(13) of Chapter 43, 25 U.S.C. a Federally-recognized tribe means, "any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act;" and

WHEREAS, federal recognition of the native Chamorros as an Indian tribe would allow the Chamorro people to incorporate the Chamorro Land Trust lands as tribal land to the benefit of the native Chamorro population; now, therefore, be it

RESOLVED, that *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, assert that the native Chamorros possess indigenous land rights and should be recognized as a sovereign Indian tribe, allowing the incorporation of Chamorro Land Trust lands as tribal lands to the benefit of the native Chamorro population; and be it further

RESOLVED, that *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, respectfully request that Congresswoman Madeleine Z. Bordallo introduce legislation in the United States Congress to grant Chamorros, the indigenous people of Guam, federal recognition as an Indian tribe under 25 U.S.C. and to recognize the Chamorro Land Trust lands administered under Guam Public Law 12-226, as amended, as Chamorro tribal lands; and be it further

RESOLVED, that the Speaker and the Chairperson of the Committee on Rules certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of the same be thereafter transmitted to the Honorable Madeleine Z.

Bordallo, Guam's Delegate to the United States Congress; to the Honorable Douglas L. "Doug" LaMalfa, Representative for California's First (1st) Congressional District and Chairman of the Subcommittee on Indian, Insular, and Alaska Native Affairs; to the Honorable Robert W. "Rob" Bishop, United States Representative for Utah's First (1st) Congressional District and Chairman of the Committee on Natural Resources; to the Honorable Paul D. Ryan, Jr., United States Representative for Wisconsin's First (1st) Congressional District and Speaker of the United States House of Representatives; to the Honorable Michael Richard "Mike" Pence, Jr., Vice President of the United States and President of the United States Senate; the Honorable Elizabeth Barrett-Anderson, Attorney General of Guam; and the Honorable Eddie Baza Calvo, *I Maga'låhen Guåhan*.

DULY AND REGULARLY ADOPTED ON THE ___ DAY OF _____, 2017.

BENJAMIN J.F. CRUZ
Speaker

REGINE B. LEE
Chairperson, Committee on Rules

REGINE B. LEE
Legislative Secretary