

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2019 (FIRST) Regular Session**

**Bill No. 181-35 (COR)**

As substituted on the Floor.

Introduced by:

Tina Rose Muña Barnes

Amanda L. Shelton

William M. Castro

**AN ACT TO *ADD* A NEW ARTICLE 13 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING A GUAM WAR CLAIMS FUND TO COMPENSATE ADJUDICATED CLAIMS OF THE GREATEST GENERATION OF GUAM FOR THE ATROCITIES SUFFERED DURING THE WORLD WAR II OCCUPATION OF GUAM.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** During World War II, on December 8, 1941, the Imperial Japanese Military invaded and occupied Guam for nearly three (3) years. During the period of the island's occupation, its residents, largely of *CHamoru* ancestry and estimated at approximately twenty thousand (20,000) suffered and were subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

On July 21, 1944, U.S. military forces returned to Guam and liberated the island from Japan. On November 15, 1945, the U.S. Congress passed the Guam Meritorious Claims Act and it was signed into law by President Harry S. Truman as Public Law 79-224. The Guam Meritorious Claims Act authorized the Secretary of the Navy to grant immediate relief to the residents of Guam by adjudicating and

settling claims for property damage, death, or personal injury. Claims in excess of Five Thousand Dollars (\$5,000) needed additional Congressional approval and, unlike most claims for property damage, residents of Guam did not receive adequate settlement.

In 1947, Dr. Ernest M. Hopkins chaired a committee appointed by the Secretary of the Navy to evaluate the U.S. Navy's execution of the Guam Meritorious Claims Act. The report generated by the committee, known as the "Hopkins Report," determined that the implementation of the Guam Meritorious Claims Act was not sufficient and payments for claims were too slow. The Hopkins Report recommended to Congress that changes were necessary to address the inefficiencies; however, the Congress failed to adopt any of the recommendations in future war claims legislation passed by the U.S. Congress.

On December 23, 2016, nearly seventy-two (72) years after the passage of the Guam Meritorious Claims Act, the Guam World War II Loyalty Recognition Act was signed into law as U.S. Public Law 114-328. This Act recognizes the suffering and loyalty of the people of Guam during the Japanese occupation and authorizes the Foreign Claims Settlement Commission to accept and adjudicate claims, and then directs the Secretary of the Treasury to make payments of adjudicated claims.

In 2019, which is the seventy-fifth (75<sup>th</sup>) year anniversary commemorating the Liberation of Guam, *I Maga'hågan Guåhan* and *I Liheslaturan Guåhan* have learned that additional Congressional action is necessary to fully implement Public Law 114-328; and while Congressional action is pending, the remaining survivors of Guam's World War II occupation with adjudicated claims continue to wait for their final award payment.

Therefore, it is the intent of *I Maga'hågan Guåhan* and *I Mina'trentai Singko Na Liheslaturan Guåhan* to do right by our survivors.

**Section 2. Creating a Guam War Claims Fund.** A new Article 13 is hereby *added* to Chapter 1, Division 1, Title 5, Guam Code Annotated, to read as follows:

**“ARTICLE 13**

**GUAM WAR CLAIMS FUND**

**§ 11301. Fund Structure and Administration.**

(a) There is hereby established the Seventy-fifth (75<sup>th</sup>) Guam Liberation War Claims Fund (Fund) which shall be administered by the Department of Administration.

(b) The purpose of this Fund is to receive deposits to pay for certified claims to Compensable Guam Victims, as defined in Section 1704(c)(2), P.L. 114-328, by the Foreign Claims Settlement Commission, as referenced in Section 1705, P.L. 114-328.

(c) *I Maga'hågan Guåhan* is authorized to transfer such sums as are available from the General Fund to pay adjudicated claims as of the passage of this measure from the General Fund appropriations contained within Public Law 34-116 and Public Law 35-36 for the purposes outlined in Subsection (d) of this Section.

(d) Any funds transferred to the Fund shall only be used to pay Compensable Guam Victims with certified claims by the Foreign Claims Settlement Commission and such use shall be consistent under a Memorandum of Agreement between the Guam Department of Administration and the U.S. Department of the Treasury. This Fund shall be exempt from the Governor’s transfer authority; and any funds remaining shall be subject to legislative appropriation.

(e) All money reimbursed to the Government of Guam for payment of claims as authorized in Subsection (d) of this Section shall be deposited in the Fund.

(f) The Department of Administration and the Bureau of Budget and Management Research shall submit a report every six (6) months to I Liheslaturan Guåhan and I Maga'hågan Guåhan on the status of payments and reimbursements to Compensable Guam Victims pursuant to this Article, until such time all payments and reimbursements of claims are exhausted. Information provided by the United States Government to the Government of Guam concerning the identity of war survivors and their application for war claims shall be protected and shall not be a part of the public record.”

**Section 3. Effective Date.** This Act shall be effective upon the execution of a Memorandum of Understanding between the United States Government and the Government of Guam which sets out the administrative process that must be adhered to for the Government of Guam to pay awards; provided, that this Memorandum of Understanding must be filed with the Guam Legislature prior to any funds being transferred for the payment of claims.-

**Section 4. Severability.** If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application and to this end the provisions of this Act are severable.