

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

Bill No. 181-35 (COR)

Introduced by:

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**AN ACT TO ADD A NEW ARTICLE 13 TO CHAPTER 1,
DIVISION 1 OF TITLE 5 GUAM CODE ANNOTATED,
RELATIVE TO COMPENSATING 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 years. During the period of the island's occupation, its residents, largely of CHamoru ancestry and estimated at approximately 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 15th 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

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1 \$5,000 needed additional Congressional approval and, unlike most claims for
2 property damage, did not receive adequate settlement.

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

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

18 In this Seventy-fifth anniversary year commemorating the Liberation of
19 Guam, the *Maga'håga* and *I Liheslaturan Guahan* have learned that additional
20 Congressional action is necessary to fully implement Public Law 114-328. While
21 Congressional action is pending, the remaining survivors of Guam's occupation
22 with adjudicated claims continue to await a final award payment.

23 It is the intent of *I Maga'hågan Guahan* and *I Mina'trentai Singko Na*
24 *Liheslaturan Guåhan* to do right by our survivors.

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

1 **§11301. Fund Structure and Administration.**

2 (a) There is hereby established the 75th Guam Liberation War Claims
3 Fund which shall be administered by the Department of Administration.

4 (b) The purpose of this fund is to receive deposits to pay for certified
5 claims to Compensable Guam Victims, as defined in Section 1704(c)(2), P.L. 114-
6 328, by the Foreign Claims Settlement Commission, as referenced in Section 1705,
7 P.L. 114-328.

8 (c) *I Maga'Hagan Guahan* is authorized to transfer a sum not to exceed
9 \$7.5 million dollars from the General Fund appropriations contained within Public
10 Law 34-116 for the purposes outlined in (d) of this section.

11 (d) Any funds transferred to this account shall be used only to award
12 Compensable Guam Victims with certified claims by the Foreign Claims
13 Settlement Commission and shall be consistent under a memorandum of agreement
14 between the Department of Administration and the U.S. Department of the
15 Treasury . This fund shall be exempt from the Governor's transfer authority. Any
16 funds remaining in said account shall be transferred back into the General Fund
17 upon the compensation of every compensable Guam Victim or the passing of the
18 last Compensable Guam Victim.

19 **Section 3. Severability:** If any provision of this Act or its application to any
20 person or circumstance is held invalid, the invalidity *shall not* affect other
21 provisions or applications of this Act that can be given effect without the invalid
22 provision or application and to this end the provisions of this Act are severable.