

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
181-35 (COR)	Tina Rose Muña Barnes Amanda L. Shelton William M. Castro	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.	7/18/19 3:00 p.m.	7/18/19	Committee on General Government Operations, Appropriations, and Housing	8/2/19 2:00 p.m.	8/15/19 12:13 p.m.	Request: 7/18/19 8/13/19	12/18/19 As substituted on the floor

**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.**

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

2 **Section 1. Legislative Findings and Intent.** During World War II, on
3 December 8, 1941, the Imperial Japanese Military invaded and occupied Guam for
4 nearly three (3) years. During the period of the island’s occupation, its residents,
5 largely of *CHamoru* ancestry and estimated at approximately twenty thousand
6 (20,000) suffered and were subjected to death, rape, severe personal injury, personal
7 injury, forced labor, forced march, or internment.

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

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

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

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

19 In 2019, which is the seventy-fifth (75th) year anniversary commemorating the
20 Liberation of Guam, *I Maga'hågan Guåhan* and *I Liheslaturan Guåhan* have learned
21 that additional Congressional action is necessary to fully implement Public Law 114-
22 328; and while Congressional action is pending, the remaining survivors of Guam’s
23 World War II occupation with adjudicated claims continue to wait for their final
24 award payment.

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

1 Guåhan and I Maga'hågan Guåhan on the status of payments and reimbursements
 2 to Compensable Guam Victims pursuant to this Article, until such time all payments
 3 and reimbursements of claims are exhausted. Information provided by the United
 4 States Government to the Government of Guam concerning the identity of war
 5 survivors and their application for war claims shall be protected and shall not be a
 6 part of the public record.”

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

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