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August 22, 2019

Honorable Lindsey Graham
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen SOB
Washington, D.C. 20510

35GL-19-0933
Speaker Tina Rose Muña Barnes

AUG 2 6 2019
Time 8:30 (AM ( )PM
Received By:

Honorable Dianne Feinstein
Ranking Member, Committee on the Judiciary
United States Senate
331 Hart SOB
Washington, D.C. 20510

2019 AUG 26 AM 9:25

Dear Chairman Graham and Ranking Member Feinstein:

Hafa Adai! I am writing to respectfully request your expeditious consideration of H.R. 1365, *To make technical corrections to the Guam World War II Loyalty Recognition Act* (Act) (Title 17, Public Law 114-328), which was referred to your Committee on July 25, 2019. H.R. 1365 will provide the Department of the Treasury (Treasury) the authority to release available funds, derived from the remittance of customs duties and Federal income taxes to Guam[1], that are being set aside to pay Guam WWII survivor claims.

The Act provides recognition to residents of Guam, who suffered unspeakable harm from Imperial Japanese military forces, and to their steadfast loyalty to the U.S. during occupation. The Act further authorizes the Foreign Claims Settlement Commission (FCSC) to adjudicate claims and determine payments to occupation period victims and decedent which will be awarded by the Secretary of the Treasury[2].

Earlier this year, the Treasury determined that it lacked legislative authority to make award payments and that additional Congressional action was necessary. H.R 1365 was drafted by Treasury and prior to House passage, Interior Secretary David Bernhardt sent letters[3] requesting for expeditious action by the House and Senate

[1] 48 U.S.C.§1421h.
[2] P.L. 114-328, Title XVII; Sections 1704 and 1705.
3 A) Bernhardt to Pelosi; Jun 18, 2019; B) Bernhardt to McConnell; Jun 18, 2019 (Enclosed).

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This year marks the 75th Anniversary of Guam's Liberation from Japan by U.S. military forces. As you can imagine, over this period, time has slowly taken from us the survivors of occupation and it is estimated that fewer than three thousand remain today.

The Congressional Budget Office (CBO) estimates that enacting H.R. 1365 would cost $40 million dollars over the 2020-2023 period[4]. Because Treasury is unable to release available federal funds without the passage of H.R. 1365, I worked with the Guam Legislature to introduce bipartisan legislation[5] that will create a local war claims fund and authorizing $7.5 million dollars to make awards that have been adjudicated by the FCSC. However, $7.5 million is initial funding and the government of Guam will not be able to absorb CBO's estimated total cost.

For several months, my Administration has been working closely with Trump Administration officials, represented by the White House and the Departments of the Interior, Treasury, and Justice to ensure that Guam's pending legislation would work cohesively with Treasury and had the agency's concurrence. Additionally, given the Trump Administration's support of H.R. 1365, we wanted to ensure that enacting local law in advance of Congress's consideration of H.R. 1365 posed no conflict nor would it negate the need for its passage. No issues have arisen in our work with the Trump Administration to have us believe that either a conflict exists or negating the need for H.R. 1365.

I am hopeful the Judiciary Committee can affirm that creating a Guam program will not replace the necessity for Congressional action nor deter the Committee's consideration. It took Congress nearly thirty-six years to pass legislation providing parity, justice, and recognition for our survivors' sacrifices and, as Governor, I will exercise my authority to expedite awards for claims pending Congress's favorable action allowing Treasury to do so.

Thank you for your leadership, support, and consideration in this matter.

Senseramente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Cc: Hon. Mike San Nicolas (D-GU)
Hon. Tina Muna-Barnes, Speaker, 35th Guam Legislature

4 CBO Estimate; July 22, 2019;https://www.cbo.gov/system/files/2019-07/hr1365table.pdf

5 Bill No. 181-35 (COR); http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20181-35%20(COR).pdf

THE SECRETARY OF THE INTERIOR
WASHINGTON

JUN 18 2019

The Honorable Nancy Pelosi
Speaker of the U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

I am writing to urge the U.S. House of Representatives to expedite its consideration and approval of H.R. 1365, legislation making technical corrections to the Guam World War II Loyalty Recognition Act (Act) (Title XVII, Public Law 114-328). I understand the House Committee on Natural Resources has scheduled H.R. 1365 for its markup on June 19, 2019.

Representative San Nicolas introduced this important bill because the Department of the Treasury (Treasury) believes that it lacks the authority to use certain existing funds to pay adjudicated claims to compensable victims and Guam decedents, as required by the Act. I understand that Treasury provided drafting assistance to Representative San Nicolas for H.R. 1365, as well as H.R. 1141, which was referred to the House Committee on Appropriations. Therefore, the language in H.R. 1365 accounts for and resolves Treasury's concerns.

Passage of H.R. 1365 will bring to close a dark chapter for the people of Guam. Having endured the atrocities committed by Imperial Japanese Forces when the island was occupied during World War II, the people of Guam then experienced a long, tormented history of success and disappointment with respect to the payment of their war claims. The enactment of the Act was supposed to put in place mechanisms that would allow funds to be distributed. However, the citizens of Guam were disappointed yet again by the Act's ambiguous authorization language. H.R. 1365 finally will fix this and allow compensable victims and Guam decedents to receive their payments.

Guam celebrates its 75th anniversary of liberation on July 21, 2019. The Department of the Interior respectfully requests prompt congressional action to enact H.R. 1365 and thereby allow Treasury to start distributing payments for certified claims before Guam's historic event.

Thank you for your consideration of this urgent request. A similar letter is being sent to Senate Majority Leader Mitch McConnell.

Sincerely,

Secretary of the Interior

THE SECRETARY OF THE INTERIOR
WASHINGTON

JUN 18 2019

The Honorable Mitch McConnell
Senate Majority Leader
Washington, DC 20510

Dear Senator McConnell:

I am writing to urge the United States Senate to expedite its consideration and approval of H.R. 1365, legislation making technical corrections to the Guam World War II Loyalty Recognition Act (Act) (Title XVII, Public Law 114-328). I understand the House Committee on Natural Resources has scheduled H.R. 1365 for its markup on June 19, 2019.

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Sincerely,

Secretary of the Interior