UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

35GL-20-1379

Speaker Tina Rose Muña Barnes

JAN 03 2020

Time 11:31 (✓)AM ( )PM

Received By: CBhagwan

HAND-DELIVERED

January 3, 2020

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

2020 JAN -3 AM 11:58 KC

Re: Substitute Bill No. 181-35 (COR) – An Act to *Add* a New Article 13 to Chapter 1 of 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

Dear Madame Speaker:

Over 75 years ago, our people suffered unspeakable harm from Imperial Japanese military forces. After 75 years of waiting, our Greatest Generation can now begin to heal old wounds.

Their loyalty is recognized, their courage is honored, and, soon, a memorandum of agreement with the Department of Treasury can begin the process of healing old wounds.

Signing this bill into law is more than just paying long overdue debt; it acknowledges the pains of the past, is symbolic of the peace of the present, and is about making our Greatest Generation whole.

This meaningful work could not have been accomplished without your courage and tenacity and the partnership you forged on the floor of the 35th Guam Legislature. While a small chorus of cynics have questioned this measure's motive or timing, each of us recognized that those directly impacted by this bill no longer had time to wait.

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With the enactment of this law, the long struggle of our *manåmko'* will finally be fully recognized.

While the creation of this local program is essential for those running out of time, this Administration maintains its support for the passage of H.R. 1365. Passage of H.R. 1365 is vital to the payment of all claims adjudicated under federal law.

It is with my deepest honor that I sign Bill 181-35 into **Public Law 35-61**.

Senseremente,

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

Enclosure(s): Substitute Bill No. 181-35 (COR) *nka Public Law 35-61*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

Tina Sanchez
RCVD AT CENTRAL FILES
DEC 23'19 AM11:43
2019-8259

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

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Substitute Bill No. 181-35 (COR), "AN ACT TO *ADD* A NEW ARTICLE 13 TO CHAPTER 1 OF 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,"** was on the 20th day of December 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 23rd day of Dec, 2019, at 11:43 o'clock A.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 1/03/2020

Public Law No. 35-61

RCVD AT CENTRAL FILES
DEC 28 '19 AM 11:54
Tina Sanchez
2019-8359

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
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* A NEW ARTICLE 13 TO CHAPTER 1 OF 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, approximately

twenty thousand (20,000) of its residents comprised largely of *CHamoru* ancestry, 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 Japanese occupation. On November 15, 1945, the U.S. Congress passed the Guam Meritorious Claims Act, which was signed into law by President Harry S. Truman as U.S. 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 settlements.

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 of claims were made too slow. The Hopkins Report recommended to Congress that changes were necessary to address the inefficiencies; however, Congress failed to adopt any of the recommendations in future war claims legislation.

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. U.S. Public Law 114-328 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 further directs the U.S. Secretary of the Treasury to make payments of adjudicated claims.

In 2019, which is the seventy-fifth (75th) year anniversary commemorating the Liberation of Guam, *I Maga'hågan Guåhan* and *I Liheslaturan Guåhan* learned that additional congressional action is necessary to fully implement U.S. 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 payment of their awards.

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

Section 2. Creating a Guam War Claims Fund. A new Article 13 is hereby *added* to Chapter 1 of 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 (75th) Guam Liberation War Claims Fund (Fund), which *shall* be administered by the Department of Administration.

(b) The purpose of the Fund is to receive deposits to pay for certified claims to Compensable Guam Victims, as defined in Section 1704(c)(2) of U.S. Public Law 114-328, by the Foreign Claims Settlement Commission, as referenced in Section 1705 of U.S. Public Law 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 Act 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 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 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 *I Liheslaturan Guåhan* 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.