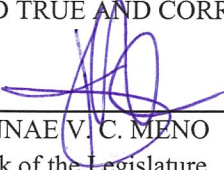


I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session
LEGISLATIVE SESSION VOTING RECORD

Bill No. 181-35 (COR) As substituted on the Floor.		Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building December 20, 2019				
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN		✓				
Senator Louise B. MUÑA		III ✓				
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON	✓					
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓	II				
Senator Jose "Pedo" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES		✓				

TOTAL:	12	3				
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:


 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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
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

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

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

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. U.S. Public Law 114-328
16 recognizes the suffering and loyalty of the people of Guam during the Japanese
17 occupation and authorizes the Foreign Claims Settlement Commission to accept and
18 adjudicate claims, and further directs the U.S. Secretary of the Treasury to make
19 payments of adjudicated claims.

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

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

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

4 **“ARTICLE 13**

5 **GUAM WAR CLAIMS FUND**

6 **§ 11301. Fund Structure and Administration.**

7 (a) There is hereby established the Seventy-fifth (75th) Guam Liberation
8 War Claims Fund (Fund), which *shall* be administered by the Department of
9 Administration.

10 (b) The purpose of the Fund is to receive deposits to pay for certified claims
11 to Compensable Guam Victims, as defined in Section 1704(c)(2) of U.S. Public Law
12 114-328, by the Foreign Claims Settlement Commission, as referenced in Section
13 1705 of U.S. Public Law 114-328.

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

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

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

26 (f) The Department of Administration and the Bureau of Budget and
27 Management Research *shall* submit a report every six (6) months to *I Liheslaturan*

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