I Mina'trentai Sais 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
217-36 (LS) As substituted on the Floor.	Therese M. Terlaje Tina Rose Muña Barnes James C. Moylan V. Anthony Ada Frank Blas Jr. Joanne Brown Christopher M. Dueñas Telena Cruz Nelson Sabina Flores Perez Clynton E. Ridgell Joe S. San Agustin Telo T. Taitague Jose "Pedo" Terlaje Mary Camacho Torres	AN ACT TO *ADD* A NEW SECTION 13.2 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM WORLD WAR II RECONCILIATION ACT OF 2021 TO COMPENSATE CLAIMS OF THE GREATEST GENERATION OF GUAM FOR THE ATROCITIES SUFFERED DURING THE WORLD WAR II OCCUPATION OF GUAM.	10/25/21 11:03 a.m.					11/5/21	Public Hearing Waiver 10/25/21

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES
10/22/21	AN ACT TO *REPEAL* PUBLIC LAW 36-59 AND ARTICLE 13.2 OF CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED AS ENACTED BY THE SAME; AND TO ADD A NEW ARTICLE 13.2 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE "GUAM WORLD WAR II RECONCILIATION ACT OF 2021" TO COMPENSATE CLAIMS OF THE GREATEST GENERATION OF GUAM FOR THE ATROCITIES SUFFERED DURING THE WORLD WAR II OCCUPATION OF GUAM.	11/5/21	11/5/21	11/17/21	

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I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
Thirty-Sixth Guam Legislature

Jessica Cruz
RCVD AT CENTRAL FILE
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November 5, 2021

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith is **Substitute Bill No. 217-36 (LS)** which was passed by *I Mina'trentai Sais Na Liheslaturan Guåhan* on November 5, 2021.

Sincerely,

AMANDA L. SHELTON
Legislative Secretary

Enclosure (1)

COPY

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 217-36 (LS), "AN ACT TO *REPEAL* PUBLIC LAW 36-59 AND ARTICLE 13.2 OF CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED AS ENACTED BY THE SAME; AND TO *ADD* A NEW ARTICLE 13.2 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE "GUAM WORLD WAR II RECONCILIATION ACT OF 2021" TO COMPENSATE CLAIMS OF THE GREATEST GENERATION OF GUAM FOR THE ATROCITIES SUFFERED DURING THE WORLD WAR II OCCUPATION OF GUAM,"** was on the 5th day of November 2021, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 5th day of November, 2021, at 5:32 o'clock P.M.

Jessica Cruz

Assistant Staff Officer
Maga'håga's Office

APPROVED:

_____
Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Jessica Cruz
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Date:_____

Public Law No._____

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 217-36 (LS)
As substituted on the Floor.

Introduced by: Therese M. Terlaje
Tina Rose Muña Barnes
James C. Moylan
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Christopher M. Dueñas
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Telo T. Taitague
Jose "Pedo" Terlaje
Mary Camacho Torres

AN ACT TO *REPEAL* PUBLIC LAW 36-59 AND ARTICLE 13.2 OF CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED AS ENACTED BY THE SAME; AND TO *ADD* A NEW ARTICLE 13.2 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE "GUAM WORLD WAR II RECONCILIATION ACT OF 2021" TO COMPENSATE 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. Public Law 36-59 is hereby *repealed*. Article 13.2 of Chapter 1, Division 1, Title 5, Guam Code Annotated, as enacted by Public Law 36-59, is hereby *repealed*.

Section 2. A new Article 13.2 is hereby *added* to Chapter 1 of Division 1, Title 5, Guam Code Annotated, to read as follows:

"ARTICLE 13.2

GUAM WORLD WAR II RECONCILIATION ACT OF 2021

§ 13.201. Legislative Findings and Intent.

On December 8, 1941, the Imperial Japanese military invaded and occupied Guam for nearly three (3) years. During the occupation, approximately twenty thousand (20,000) people suffered and were subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment. On November 15, 1945, the United States Congress passed the Guam Meritorious Claims Act, which was signed by President Harry S. Truman as Public Law 79-224. This 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.

In 1947, Dr. Ernest M. Hopkins chaired a committee appointed to evaluate the U.S. Navy's execution of the Guam Meritorious Claims Act. The "Hopkins Report" generated by the committee determined that the implementation of the Guam Meritorious Claims Act was not sufficient and payments for claims were slow. The Hopkins Report recommended to Congress that changes were necessary; however, Congress failed to adopt any recommendations in future war claims legislation passed by it.

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. On June 20, 2017, the Commission's Guam World War II Loyalty Recognition Act Claims Program began. The Guam World War II Loyalty Recognition Act authorizes the Foreign Claims Settlement Commission to accept and adjudicate claims. Section 1705(b)(2) of U.S. Public Law 114-328 gives the authority of the Foreign Claims Settlement

Commission to publish a notice of the deadline for filing a claim in the Federal Register, and in newspaper, radio, and television media in Guam. Pursuant to Section 1705(b)(2) of U.S. Public Law 114-328, following the implementation of the Guam World War II Loyalty Recognition Act Claims Program, claimants were given one (1) year to file. The deadline to file a claim was on June 20, 2018. Since the June 20, 2018 deadline, over seven hundred (700) remaining survivors of Guam's wartime occupation and their descendants have signed a petition urging Congress to amend the Guam World War II Loyalty Recognition Act to remove the deadline to file their claim.

While under the National Defense Authorization Act of 2017, the Guam World War II Claims Fund, also known as the "Claims Fund," was established as a special fund by the Secretary of the Treasury for the payments of claims. Deposits collected under Section 30 over the 2014 threshold are to be made into the Claims Fund with deductions for administrative expenses.

While the government of Guam has demonstrated through the passage of Public Law 35-61 its intent and desire to pay out World War II claims as expeditiously as possible, Section 1705(b)(2) of U.S. Public Law 114-328 prohibits members of the Greatest Generation who have not filed within the one (1)-year filing period from filing claims. It is the intent of the Guam World War II Reconciliation Act of 2021 to make right by these individuals as *I Liheslaturan Guåhan* finds that it is a moral obligation to do right by our *manåmko'*.

While *I Liheslaturan Guåhan* finds that it is the duty of the United States Congress to correct this technical flaw, Guam's Delegate to Congress has urged *I Liheslaturan Guåhan* to act independently as *I Liheslatura* can ensure that its moral obligation to our *manåmko'* is fulfilled in a timely manner.

§ 13.202. Implementation of the Guam World War II Reconciliation Act of 2021.

Notwithstanding any other provision of law, within thirty (30) days of the enactment of the Guam World War II Reconciliation Act of 2021, *I Maga'hågan Guåhan* shall submit to the Speaker of *I Liheslaturan Guåhan* an implementation plan, which shall include a proposed funding source(s), for the payment of war claims under U.S. Public Law 114-328 to claimants who failed to meet the one (1)-year filing deadline under Section 1705(b)(2) of U.S. Public Law 114-328. Upon the submission of *I Maga'hågan Guåhan's* implementation plan, *I Liheslaturan Guåhan* may adopt, reject, or amend the plan in the form of a bill. If after thirty (30) calendar days, *I Liheslaturan Guåhan* fails to act on the plan as submitted, the plan shall be deemed adopted.

§ 13.203. Adjudication Committee Established.

(a) At a minimum, the implementation plan required by this Act shall incorporate the establishment of an Adjudication Committee responsible for adjudicating, through a formal application process, war claims from individuals who were eligible to apply for compensation pursuant to U.S. Public Law 114-328 but were unable to submit required documents to the Foreign Claims Settlement Commission of the United States on or before June 20, 2018.

The Adjudication Committee shall consist of five (5) members: (1) the Executive Director of the Commission on Decolonization or their designee; (2) the Governor of Guam or their designee; (3) the Speaker of *I Liheslaturan Guåhan* or their designee; (4) the President of the Mayors Council of Guam or their designee; and (5) a member of the general public appointed by the Governor of Guam. A Chairperson shall be elected from among the members of the Adjudication Committee.

The Adjudication Committee may establish rules and regulations, procure goods and services, and solicit personnel assistance and other administrative support from the Governor of Guam and the Speaker of *I Liheslaturan Guåhan* as may be

necessary to effectively and efficiently administer the provisions of this Act. Decisions by the Adjudication Committee shall require a majority vote.

§ 13.204. Consistency with Established Guidelines, Rules and Regulations, and Award Limits.

The Adjudication Committee shall adjudicate all applications submitted by compensable Guam victims and survivors of compensable Guam decedents, as defined by the Guam World War II Loyalty Recognition Act enacted through U.S. Public Law 114-328.

All rules and regulations and decisions rendered by the Adjudication Committee shall be consistent with program guidance and award limits established pursuant to U.S. Public Law 114-328.

§ 13.205. Reporting Requirements.

(a) A portion of any funds authorized to effectuate the requirements of this Act may be used by the Adjudication Committee for administrative and legal assistance. Until the payment of all eligible war claims applications have been paid, the Director of Administration shall submit a report every six (6) months summarizing the number of applications which have been submitted, adjudicated, and settled, which shall include information on all payments issued pursuant to this Act.

(b) Information concerning the identity of war survivors and their application for war claims shall be protected and shall not be part of the public record.

§ 13.206. Authorization to Deposit Funds in the Guam War Claims Fund.

(a) The Guam War Claims Fund, established by Public Law 35-61, was established to expedite the payments of adjudicated claims. As prescribed under 5 GCA § 13.101, monies reimbursed by the United States Department of Treasury for

the implementation of Public Law 35-61 shall remain in said Fund and are authorized to be expended for the payment of war claims under U.S. Public Law 114-328 to claimants who missed the one (1)-year filing deadline under Section 1705(b)(2) of U.S. Public Law 114-328.

(b) Should such funds be insufficient for the implementation of the Guam World War II Reconciliation Act of 2021, notwithstanding any other provision of law, *I Maga'hågan Guåhan* is authorized to transfer such sums as may be available to her for the purposes outlined in § 13.202 of this Article; provided, that such transfer is reported to the Speaker of *I Liheslaturan Guåhan* and the Office of Finance and Budget no later than five (5) working days before the transfer is made. Said transfer report shall indicate which fund, object categories, object groups, and agencies the funds were transferred to or from.

§ 13.207. Effective Date. This Article shall be effective upon enactment."