

I Mina'trentai Sais Na Lihelaturan 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)	Therese M. Terlaje	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.						

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

Bill No. 217-36 (LS)

Introduced by:

Therese M. Terlaje *TMT*

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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

§ 13.201 THE GUAM WORLD WAR II RECONCILIATION ACT OF 2021

Legislative Findings and Intent. On December 8, 1947, the Imperial Japanese military invaded and occupied Guam for nearly three (3) years. During these years, approximately twenty thousand (20,000) people suffered and were subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment. The United States Congress passed the Guam Meritorious Claims Act on November 15, 1945 and was signed by President Harry S. Truman as Public Law 79-224. This Act authorized the Secretary of the Navy

1 to grant immediate relief to the resident of Guam by adjudicating and settling
2 claims for property damage, death, or personal injury.

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

10 On December 23, 2016, nearly seventy-two (72) years after the passage of
11 the Guam Meritorious Claims Act, the Guam World War II Loyalty Recognition
12 Act was signed into law as U.S. Public Law 144-328. On June 20, 2017, the
13 Commission's Guam World War II Loyalty Recognition Act Claims Program
14 began. The Guam World War II Loyalty Recognition Act authorizes the Foreign
15 Claims Settlement Commission to accept and adjudicate claims. Section 1705(B)
16 of Public Law 144-328 gives the authority of the Foreign Claims Settlement
17 Commission to publish a notice of the deadline for filing a claim in the Federal
18 Register, newspaper, radio and television media in Guam. Pursuant to Section
19 1705(B) of Public Law 144-328, following the implementation of the Guam
20 World War II Loyalty Recognition Act Claims Program, claimants were given
21 one (1) year to file. The deadline to file a claim was on June 20, 2018. Since the
22 June 20, 2018 deadline, over seven hundred remaining survivors of Guam's
23 wartime occupation and their descendants have signed a petition urging Congress
24 to amend the Guam World War II Loyalty Recognition Act to remove the deadline
25 to file their claim.

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

6 While the Government of Guam has demonstrated through the Passage of
7 P.L. 35-61 its intent and desire to pay out World War II claims as expeditiously
8 as possible, Section 1705(B) of Public Law 144-328 prohibits members of the
9 Greatest Generation who have not filed within the one-year filing period to file
10 claims. It is the intent of the Guam World War II Reconciliation Act of 2021 to
11 make right by these individuals as *I Liheslaturan* finds that it is a moral obligation
12 to do right by our *Manamko*’.

13 While *I Liheslaturan* finds that it is the duty of the United States Congress
14 to correct this technical flaw, Guam’s Delegate to Congress has urged *I*
15 *Liheslaturan Guahan* to act independently as *I Liheslaturan* can ensure that its
16 moral obligation to our *Manamko*’ is fulfilled in a timely manner.

17 **§ 13.202. Implementation of the Guam World War II Reconciliation Act**
18 **of 2021.**

19 Notwithstanding any provision of law, within thirty (30) days of the
20 enactment of the Guam World War II Reconciliation Act of 2021, *I Maga'hågan*
21 *Guåhan* shall submit to the Speaker of *I Liheslaturan Guåhan* an implementable
22 plan for the payment of War Claims under Public Law 144-328 to claimants whom
23 under no fault of their own, failed to meet the one (1) year filing deadline under
24 Section 1705(B) of Public Law 144-328. Upon the submission of *I Maga'hågan*
25 *Guåhan*’s implementation plan, *I Liheslaturan Guåhan* may adopt, reject, or amend

1 the plan by Resolution passed by a majority of *I Liheslaturan Guåhan*. If after 30
2 calendar days, *I Liheslaturan Guåhan* fails to act on the plan as submitted, the plan
3 *shall* be deemed adopted.

4 **§ 13.203. Authorization to Deposit funds into the Guam War Claims**

5 **Fund.**

6 (a) The Guam War Claims fund, established by P.L. 35-61, was established to
7 expedite the payments of adjudicated claims. As prescribed under
8 Subsection (e) of Article 13.1 of Chapter 1, Title 5 Guam Code Annotated,
9 monies reimbursed by the United States Department of Treasury for the
10 implementation of Public Law 35-61 *shall* remain in said fund and is
11 authorized to be expended for the payment of War Claims under Public
12 Law 144-328 to claimants whom under no fault of their own, missed the
13 one-year filing deadline under Section 1705(B) of Public Law 144-328.

14 (b) Should such funds not suffice for the implementation of the Guam World
15 War II Reconciliation Act of 2021, notwithstanding any other provision of
16 law, *I Maga'hågan Guåhan* is authorized to transfer such sums as may be
17 available to her for the purposes outlined in Section § 13.202 of this Act.

18 **Section 13.204. Effective Date.** This act shall be effective immediately upon
19 enactment and shall not expire.