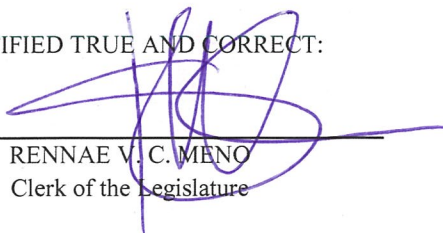


I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session
VOTING RECORD

Bill No. 217-36 (LS) As substituted on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building November 5, 2021					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan		✓				
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator Telen Cruz Nelson	✓					
Senator Sabina Flores Perez	✓					
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin					✓	✓
Senator Amanda L. Shelton		✓				
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje					✓	✓
Senator Mary Camacho Torres	✓					
TOTAL	10	2			3	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 SAIS NA LIHESLATURAN GUÁHAN
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
Amanda L. Shelton
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Christopher M. Duenas
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.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Public Law 36-59 is hereby *repealed*. Article 13.2 of Chapter 1,
3 Division 1, Title 5, Guam Code Annotated, as enacted by Public Law 36-59, is
4 hereby *repealed*.

1 Commission to publish a notice of the deadline for filing a claim in the Federal
2 Register, and in newspaper, radio, and television media in Guam. Pursuant to Section
3 1705(b)(2) of U.S. Public Law 114-328, following the implementation of the Guam
4 World War II Loyalty Recognition Act Claims Program, claimants were given one
5 (1) year to file. The deadline to file a claim was on June 20, 2018. Since the June 20,
6 2018 deadline, over seven hundred (700) remaining survivors of Guam’s wartime
7 occupation and their descendants have signed a petition urging Congress to amend
8 the Guam World War II Loyalty Recognition Act to remove the deadline to file their
9 claim.

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

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

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

26 **§ 13.202. Implementation of the Guam World War II Reconciliation**
27 **Act of 2021.**

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

11 **§ 13.203. Adjudication Committee Established.**

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

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

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

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

3 **§ 13.204. Consistency with Established Guidelines, Rules and**
4 **Regulations, and Award Limits.**

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

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

12 **§ 13.205. Reporting Requirements.**

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

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

23 **§ 13.206. Authorization to Deposit Funds in the Guam War Claims**
24 **Fund.**

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

1 the implementation of Public Law 35-61 shall remain in said Fund and are
2 authorized to be expended for the payment of war claims under U.S. Public Law
3 114-328 to claimants who missed the one (1)-year filing deadline under Section
4 1705(b)(2) of U.S. Public Law 114-328.

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

13 **§ 13.207. Effective Date.** This Article shall be effective upon enactment.”