

THE GUAM MERITORIOUS CLAIMS ACT OF 1945

November 15,
1945
[S. 1139]

[CHAPTER 483]

AN ACT

For the relief of the residents of Guam through the settlement of meritorious claims.

[Public Law 79-
224]

Guam.
Settlement
of damage claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of granting immediate relief to the residents of Guam by the prompt settlement of meritorious claims arising in Guam, the Secretary of the Navy, and such other officer or officers as the Secretary of the Navy may designate for such purposes

Appointment
of commissions.

and under such regulations as the Secretary of the Navy may prescribe, are hereby authorized to appoint a claims commission or commissions, each composed of one or more officers of the Navy or the Marine Corps, to consider, ascertain, adjust, determine, and make payments of amounts determined as just compensation, where accepted by the claimant in full satisfaction and in final settlement, including waiver of any claims against the War Damage Corporation, of claims for damage occurring in Guam, including claims of insured but excluding claims of subrogees, on account of damage to or loss or destruction of public property, both real and personal, or on account of damage to or loss or destruction of private property, both real and personal of residents of Guam, including claims for damage to or loss or destruction of claims incident

Claims incident
to hostilities, etc.

to personal property bailed to the Government and claims for damages incident to use and occupation of real property, whether under a lease, express or implied, or otherwise, when such damage, loss, or destruction is the result of or incident to hostilities or hostile occupation, or is caused by or incident to noncombat activities of the United States Army, Navy, or Marine Corps forces or individual members thereof, including military and civilian employees thereof, where the amount of such claim does not exceed \$5,000: *Provided,*

Time limitation.

That no claim shall be considered by such commissions unless presented within one year after the occurrence of the accident or the incident or engagement out of which such claim arises, except that claims arising out of accidents, incidents, or engagements, after December 6, 1941, but prior to the first day of the month following enactment of this Act, may be presented at any time prior to the expiration of one year after the latter date: *Provided further,*

Regulations.

That any such settlements made by such commissions shall be subject to such regulations as the Secretary of the Navy may prescribe and may, in cases

Specified
settlements subject
to approval.

where the amount exceeds \$2,500 but does not exceed \$5,000, be subject to the approval of such commanding or other officer of the Navy or Marine Corps forces, as the Secretary of the Navy may prescribe; and the Secretary

Claims in excess of \$5,000.	<p>of the Navy shall have authority, he deems any claim in excess of \$5,000, or any claims for death or personal injury to residents of Guam arising under the conditions herein set forth as a basis for property damage claims, to be meritorious, to certify such amount as may be found to be just and reasonable thereon to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of such claim, the amount claimed, and the amount allowed: <i>Provided further,</i></p>
Claims not allowed.	<p>That no claim of any person who has voluntarily aided an enemy of the United States, or of any national of any country at war with the United States, or of any ally of such enemy country, except when the local military commander or his designee shall determine that such national was at the time of the damage or injury and still is friendly to the United States, shall be allowed under this Act:</p>
Finality of settlements.	<p><i>Provided further,</i> That any such settlements made by such commissions under the authority of this Act shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary.</p>
Reimbursement in kind.	<p>Sec 2. In the discretion of the Secretary of the Navy or his designees, settlements of claims under section 1 of this Act shall be made by reimbursement in kind from available Government property stores and services and/or out of the appropriation current at the time of settlement, for "Pay and subsistence of naval personnel".</p>
Substitution of provisions.	<p>Sec. 3. Insofar as the claims of residents of Guam arising in Guam are concerned, this Act is in lieu of all other provisions of law authorizing settlement of war-damage claims by the agencies of the United States Government, but shall otherwise be supplementary to, and not in lieu of, all other provisions of law authorizing consideration, ascertainment, adjustment, determination, or payment of claims by the Secretary of the Navy.</p>
Coast Guard.	<p>Sec. 4. Claims of the type described in section 1 hereof on account of damage to or loss or destruction of property, both real and personal, or personal injury or death of any person, caused by Coast Guard forces, or individual members, including military personnel and civilian employees thereof, or otherwise incident to activities of such forces, arising at any time while the Coast Guard shall be operating as part of the Navy may be considered, ascertained, adjusted, determined, and paid in the manner in this Act provided for the settlement of Navy and Marine Corps claims: <i>Provided,</i> That no claims on account of damage to or loss or destruction of property, or personal injury or death, caused by Coast Guard forces or individual members thereof, or otherwise incident to the activities of such forces, shall be considered, ascertained, adjusted, determined, or paid under the provisions of this Act at any time when the Coast Guard shall be operating under the Treasury Department.</p>

Nonapplicability. Sec. 5. This Act shall not apply to claims of persons not permanent residents of Guam or to claims not arising in Guam.

Approved November 15, 1945.