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AMENDMENT TO H.R. 1

OFFERED BY MR. HONDA OF CALIFORNIA, MR. FALEO MAVAEGA, MR. WU, MR. ROBERT SCOTT, MS. HIRONO, MR. ABERCROMBIE, MS

At the end of division B (page 647, after line 12),
add the following new title (and revise the table of con-
tents accordingly):

**RICHARDSON ANI
MS. BARBARA
LEE.**

**1 TITLE VIII—FILIPINO VETERANS
2 COMPENSATION**

3 SEC. 8001. SHORT TITLE.

4 This title may be cited as the “Filipino Veterans
5 Compensation Act of 2009”.

6 SEC. 8002. FINDINGS.

7 Congress makes the following findings:

8 (1) The Philippine islands became a United
9 States possession in 1898 when they were ceded
10 from Spain following the Spanish-American War.

11 (2) During World War II, Filipinos served in a
12 variety of units, some of which came under the di-
13 rect control of the United States Armed Forces.

14 (3) The regular Philippine Scouts, the new
15 Philippine Scouts, the Guerilla Services, and more
16 than 100,000 members of the Philippine Common-
17 wealth Army were called into the service of the
18 United States Armed Forces of the Far East on

1 July 26, 1941, by an executive order of President
2 Franklin D. Roosevelt.

3 (4) Even after hostilities had ceased, wartime
4 service of the new Philippine Scouts continued as a
5 matter of law until the end of 1946, and the force
6 gradually disbanded and was disestablished in 1950.

7 (5) Filipino veterans who were granted benefits
8 prior to the enactment of the so-called Rescissions
9 Acts of 1946 (Public Laws 79-301 and 79-391)
10 currently receive full benefits under laws adminis-
11 tered by the Secretary of Veterans Affairs, but
12 under section 107 of title 38, United States Code,
13 the service of certain other Filipino veterans is
14 deemed not to be active service for purposes of such
15 laws.

16 (6) These other Filipino veterans only receive
17 certain benefits under title 38, United States Code,
18 and, depending on where they legally reside, are paid
19 such benefit amounts at reduced rates.

20 (7) The benefits such veterans receive include
21 service-connected compensation benefits paid under
22 chapter 11 of title 38, United States Code, depend-
23 ency indemnity compensation survivor benefits paid
24 under chapter 13 of title 38, United States Code,
25 and burial benefits under chapters 23 and 24 of title

1 38, United States Code, and such benefits are paid
2 to beneficiaries at the rate of \$0.50 per dollar au-
3 thorized, unless they lawfully reside in the United
4 States.

5 (8) Dependents' educational assistance under
6 chapter 35 of title 38, United States Code, is also
7 payable for the dependents of such veterans at the
8 rate of \$0.50 per dollar authorized, regardless of the
9 veterans' residency.

10 **SEC. 8003. PAYMENTS TO ELIGIBLE PERSONS WHO SERVED**
11 **IN THE UNITED STATES ARMY FORCES IN**
12 **THE FAR EAST DURING WORLD WAR II.**

13 (a) **COMPENSATION FUND.**—

14 (1) **IN GENERAL.**—There is in the general fund
15 of the Treasury a fund to be known as the “Filipino
16 Veterans Equity Compensation Fund” (in this sec-
17 tion referred to as the “compensation fund”).

18 (2) **AVAILABILITY OF FUNDS.**—Subject to the
19 availability of appropriations for such purpose,
20 amounts in the fund shall be available to the Sec-
21 retary of Veterans Affairs without fiscal year limita-
22 tion to make payments to eligible persons in accord-
23 ance with this section.

24 (b) **PAYMENTS.**—

1 (1) IN GENERAL.—The Secretary may make a
2 payment from the compensation fund to an eligible
3 person who, during the one-year period beginning on
4 the date of the enactment of this Act, submits to the
5 Secretary a claim for benefits under this section.
6 The application for the claim shall contain such in-
7 formation and evidence as the Secretary may re-
8 quire.

9 (2) PAYMENT TO SURVIVING SPOUSE.—If an el-
10 igible person who has filed a claim for benefits under
11 this section dies before payment is made under this
12 section, the payment under this section shall be
13 made instead to the surviving spouse, if any, of the
14 eligible person.

15 (c) ELIGIBLE PERSONS.—An eligible person is any
16 person who—

17 (1) served—

18 (A) before July 1, 1946, in the organized
19 military forces of the Government of the Com-
20 monwealth of the Philippines, while such forces
21 were in the service of the Armed Forces of the
22 United States pursuant to the military order of
23 the President dated July 26, 1941, including
24 among such military forces organized guerrilla
25 forces under commanders appointed, des-

1 ignated, or subsequently recognized by the
2 Commander in Chief, Southwest Pacific Area,
3 or other competent authority in the Army of the
4 United States; or

5 (B) in the Philippine Scouts under section
6 14 of the Armed Forces Voluntary Recruitment
7 Act of 1945 (59 Stat. 538); and

8 (2) was discharged or released from service de-
9 scribed in paragraph (1) under conditions other than
10 dishonorable.

11 (d) PAYMENT AMOUNTS.—Each payment under this
12 section shall be—

13 (1) in the case of an eligible person who is not
14 a citizen of the United States, in the amount of
15 \$9,000; and

16 (2) in the case of an eligible person who is a
17 citizen of the United States, in the amount of
18 \$15,000.

19 (e) LIMITATION.—The Secretary may not make more
20 than one payment under this section for each eligible per-
21 son described in subsection (c).

22 (f) CLARIFICATION OF TREATMENT OF PAYMENTS
23 UNDER CERTAIN LAWS.—Amounts paid to a person
24 under this section—

1 (1) shall be treated for purposes of the internal
2 revenue laws of the United States as damages for
3 human suffering; and

4 (2) shall not be included in income or resources
5 for purposes of determining—

6 (A) eligibility of an individual to receive
7 benefits described in section 3803(c)(2)(C) of
8 title 31, United States Code, or the amount of
9 such benefits;

10 (B) eligibility of an individual to receive
11 benefits under title VIII of the Social Security
12 Act, or the amount of such benefits; or

13 (C) eligibility of an individual for, or the
14 amount of benefits under, any other Federal or
15 federally assisted program.

16 (g) RECOGNITION OF SERVICE.—The service of a
17 person as described in subsection (c) is hereby recognized
18 as active military service in the Armed Forces for purposes
19 of, and to the extent provided in, this section.

20 (h) ADMINISTRATION.—

21 (1) APPLICATION.—The Secretary shall
22 promptly issue application forms and instructions to
23 ensure the prompt and efficient administration of
24 the provisions of this section.

1 (2) APPLICABILITY OF OTHER LAWS.—The Sec-
2 retary shall administer the provisions of this section
3 in a manner consistent with applicable provisions of
4 title 38, United States Code, and other provisions of
5 law, and shall apply the definitions in section 101 of
6 such title in the administration of such provisions,
7 except to the extent otherwise provided in this sec-
8 tion.

9 (i) REPORTS.—The Secretary shall include, in docu-
10 ments submitted to Congress by the Secretary in support
11 of the President's budget for each fiscal year, detailed in-
12 formation on the operation of the compensation fund, in-
13 cluding, for the most recent fiscal year for which such data
14 is available—

15 (1) the number of applicants;

16 (2) the number of eligible persons receiving
17 benefits;

18 (3) the amounts paid out of the compensation
19 fund; and

20 (4) the cost of administering the compensation
21 fund.

22 (j) AUTHORIZATION OF APPROPRIATION.—There is
23 authorized to be appropriated to the compensation fund

- 1 \$198,000,000, to remain available until expended, to make
- 2 payments under this section.

