

AMENDMENT

OFFERED BY MS. BORDALLO OF GUAM

[Amendment to H.R. 5136]

At the end of division A of the bill, insert the following new title:

1 **TITLE XVII—GUAM WORLD WAR**
2 **II LOYALTY RECOGNITION ACT**

3 **SEC. 1701. SHORT TITLE.**

4 This title may be cited as the “Guam World War II
5 Loyalty Recognition Act”.

6 **SEC. 1702. RECOGNITION OF THE SUFFERING AND LOY-**
7 **ALTY OF THE RESIDENTS OF GUAM.**

8 (a) RECOGNITION OF THE SUFFERING OF THE RESI-
9 DENTS OF GUAM.—The United States recognizes that, as
10 described by the Guam War Claims Review Commission,
11 the residents of Guam, on account of their United States
12 nationality, suffered unspeakable harm as a result of the
13 occupation of Guam by Imperial Japanese military forces
14 during World War II, by being subjected to death, rape,
15 severe personal injury, personal injury, forced labor,
16 forced march, or internment.

17 (b) RECOGNITION OF THE LOYALTY OF THE RESI-
18 DENTS OF GUAM.—The United States forever will be

1 grateful to the residents of Guam for their steadfast loy-
2 alty to the United States of America, as demonstrated by
3 the countless acts of courage they performed despite the
4 threat of death or great bodily harm they faced at the
5 hands of the Imperial Japanese military forces that occu-
6 pied Guam during World War II.

7 **SEC. 1703. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

8 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
9 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
10 Subject to the availability of appropriations authorized to
11 be appropriated under section 1706(a), after receipt of
12 certification pursuant to section 1704(b)(8) and in accord-
13 ance with the provisions of this title, the Secretary of the
14 Treasury shall make payments as follows:

15 (1) RESIDENTS INJURED.—The Secretary shall
16 pay compensable Guam victims who are not de-
17 ceased before any payments are made to individuals
18 described in paragraphs (2) and (3) as follows:

19 (A) If the victim has suffered an injury de-
20 scribed in subsection (c)(2)(A), \$15,000.

21 (B) If the victim is not described in sub-
22 paragraph (A) but has suffered an injury de-
23 scribed in subsection (c)(2)(B), \$12,000.

1 (C) If the victim is not described in sub-
2 paragraph (A) or (B) but has suffered an in-
3 jury described in subsection (c)(2)(C), \$10,000.

4 (2) SURVIVORS OF RESIDENTS WHO DIED IN
5 WAR.—In the case of a compensable Guam decedent,
6 the Secretary shall pay \$25,000 for distribution to
7 eligible survivors of the decedent as specified in sub-
8 section (b). The Secretary shall make payments
9 under this paragraph after payments are made
10 under paragraph (1) and before payments are made
11 under paragraph (3).

12 (3) SURVIVORS OF DECEASED INJURED RESI-
13 DENTS.—In the case of a compensable Guam victim
14 who is deceased, the Secretary shall pay \$7,000 for
15 distribution to eligible survivors of the victim as
16 specified in subsection (b). The Secretary shall make
17 payments under this paragraph after payments are
18 made under paragraphs (1) and (2).

19 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Pay-
20 ments under paragraph (2) or (3) of subsection (a) to eli-
21 gible survivors of an individual who is a compensable
22 Guam decedent or a compensable Guam victim who is de-
23 ceased shall be made as follows:

1 (1) If there is living a spouse of the individual,
2 but no child of the individual, all of the payment
3 shall be made to such spouse.

4 (2) If there is living a spouse of the individual
5 and one or more children of the individual, one-half
6 of the payment shall be made to the spouse and the
7 other half to the child (or to the children in equal
8 shares).

9 (3) If there is no living spouse of the individual,
10 but there are one or more children of the individual
11 alive, all of the payment shall be made to such child
12 (or to such children in equal shares).

13 (4) If there is no living spouse or child of the
14 individual but there is a living parent (or parents)
15 of the individual, all of the payment shall be made
16 to the parents (or to the parents in equal shares).

17 (5) If there is no such living spouse, child, or
18 parent, no payment shall be made.

19 (c) DEFINITIONS.—For purposes of this title:

20 (1) COMPENSABLE GUAM DECEDENT.—The
21 term “compensable Guam decedent” means an indi-
22 vidual determined under section 1704(a)(1) to have
23 been a resident of Guam who died or was killed as
24 a result of the attack and occupation of Guam by
25 Imperial Japanese military forces during World War

1 II, or incident to the liberation of Guam by United
2 States military forces, and whose death would have
3 been compensable under the Guam Meritorious
4 Claims Act of 1945 (Public Law 79-224) if a timely
5 claim had been filed under the terms of such Act.

6 (2) COMPENSABLE GUAM VICTIM.—The term
7 “compensable Guam victim” means an individual de-
8 termined under section 1704(a)(1) to have suffered,
9 as a result of the attack and occupation of Guam by
10 Imperial Japanese military forces during World War
11 II, or incident to the liberation of Guam by United
12 States military forces, any of the following:

13 (A) Rape or severe personal injury (such
14 as loss of a limb, dismemberment, or paralysis).

15 (B) Forced labor or a personal injury not
16 under subparagraph (A) (such as disfigure-
17 ment, scarring, or burns).

18 (C) Forced march, internment, or hiding
19 to evade internment.

20 (3) DEFINITIONS OF SEVERE PERSONAL INJU-
21 RIES AND PERSONAL INJURIES.—The Foreign
22 Claims Settlement Commission shall promulgate reg-
23 ulations to specify injuries that constitute a severe
24 personal injury or a personal injury for purposes of

1 subparagraphs (A) and (B), respectively, of para-
2 graph (2).

3 **SEC. 1704. ADJUDICATION.**

4 (a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT
5 COMMISSION.—

6 (1) IN GENERAL.—The Foreign Claims Settle-
7 ment Commission is authorized to adjudicate claims
8 and determine eligibility for payments under section
9 1703.

10 (2) RULES AND REGULATIONS.—The chairman
11 of the Foreign Claims Settlement Commission shall
12 prescribe such rules and regulations as may be nec-
13 essary to enable it to carry out its functions under
14 this title. Such rules and regulations shall be pub-
15 lished in the Federal Register.

16 (b) CLAIMS SUBMITTED FOR PAYMENTS.—

17 (1) SUBMITTAL OF CLAIM.—For purposes of
18 subsection (a)(1) and subject to paragraph (2), the
19 Foreign Claims Settlement Commission may not de-
20 termine an individual is eligible for a payment under
21 section 1703 unless the individual submits to the
22 Commission a claim in such manner and form and
23 containing such information as the Commission
24 specifies.

1 (2) FILING PERIOD FOR CLAIMS AND NOTICE.—

2 All claims for a payment under section 1703 shall be
3 filed within one year after the Foreign Claims Set-
4 tlement Commission publishes public notice of the
5 filing period in the Federal Register. The Foreign
6 Claims Settlement Commission shall provide for the
7 notice required under the previous sentence not later
8 than 180 days after the date of the enactment of
9 this title. In addition, the Commission shall cause to
10 be publicized the public notice of the deadline for fil-
11 ing claims in newspaper, radio, and television media
12 on Guam.

13 (3) ADJUDICATORY DECISIONS.—The decision
14 of the Foreign Claims Settlement Commission on
15 each claim shall be by majority vote, shall be in writ-
16 ing, and shall state the reasons for the approval or
17 denial of the claim. If approved, the decision shall
18 also state the amount of the payment awarded and
19 the distribution, if any, to be made of the payment.

20 (4) DEDUCTIONS IN PAYMENT.—The Foreign
21 Claims Settlement Commission shall deduct, from
22 potential payments, amounts previously paid under
23 the Guam Meritorious Claims Act of 1945 (Public
24 Law 79–224).

1 (5) INTEREST.—No interest shall be paid on
2 payments awarded by the Foreign Claims Settlement
3 Commission.

4 (6) REMUNERATION PROHIBITED.—No remun-
5 eration on account of representational services ren-
6 dered on behalf of any claimant in connection with
7 any claim filed with the Foreign Claims Settlement
8 Commission under this title shall exceed one percent
9 of the total amount paid pursuant to any payment
10 certified under the provisions of this title on account
11 of such claim. Any agreement to the contrary shall
12 be unlawful and void. Whoever demands or receives,
13 on account of services so rendered, any remunera-
14 tion in excess of the maximum permitted by this sec-
15 tion shall be fined not more than \$5,000 or impris-
16 oned not more than 12 months, or both.

17 (7) APPEALS AND FINALITY.—Objections and
18 appeals of decisions of the Foreign Claims Settle-
19 ment Commission shall be to the Commission, and
20 upon rehearing, the decision in each claim shall be
21 final, and not subject to further review by any court
22 or agency.

23 (8) CERTIFICATIONS FOR PAYMENT.—After a
24 decision approving a claim becomes final, the chair-
25 man of the Foreign Claims Settlement Commission

1 shall certify it to the Secretary of the Treasury for
2 authorization of a payment under section 1703.

3 (9) TREATMENT OF AFFIDAVITS.—For pur-
4 poses of section 1703 and subject to paragraph (2),
5 the Foreign Claims Settlement Commission shall
6 treat a claim that is accompanied by an affidavit of
7 an individual that attests to all of the material facts
8 required for establishing eligibility of such individual
9 for payment under such section as establishing a
10 prima facie case of the individual's eligibility for
11 such payment without the need for further docu-
12 mentation, except as the Commission may otherwise
13 require. Such material facts shall include, with re-
14 spect to a claim under paragraph (2) or (3) of sec-
15 tion 1703(a), a detailed description of the injury or
16 other circumstance supporting the claim involved, in-
17 cluding the level of payment sought.

18 (10) RELEASE OF RELATED CLAIMS.—Accept-
19 ance of payment under section 1703 by an individual
20 for a claim related to a compensable Guam decedent
21 or a compensable Guam victim shall be in full satis-
22 faction of all claims related to such decedent or vic-
23 tim, respectively, arising under the Guam Meri-
24 torious Claims Act of 1945 (Public Law 79-224),

1 the implementing regulations issued by the United
2 States Navy pursuant thereto, or this title.

3 **SEC. 1705. GRANTS PROGRAM TO MEMORIALIZE THE OCCU-**
4 **PATION OF GUAM DURING WORLD WAR II.**

5 (a) **ESTABLISHMENT.**—Subject to section 1706(b)
6 and in accordance with this section, the Secretary of the
7 Interior shall establish a grants program under which the
8 Secretary shall award grants for research, educational,
9 and media activities that memorialize the events sur-
10 rounding the occupation of Guam during World War II,
11 honor the loyalty of the people of Guam during such occu-
12 pation, or both, for purposes of appropriately illuminating
13 and interpreting the causes and circumstances of such oc-
14 cupation and other similar occupations during a war.

15 (b) **ELIGIBILITY.**—The Secretary of the Interior may
16 not award to a person a grant under subsection (a) unless
17 such person submits an application to the Secretary for
18 such grant, in such time, manner, and form and con-
19 taining such information as the Secretary specifies.

20 **SEC. 1706. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) **GUAM WORLD WAR II CLAIMS PAYMENTS AND**
22 **ADJUDICATION.**—For purposes of carrying out sections
23 1703 and 1704, there are authorized to be appropriated
24 \$126,000,000, to remain available for obligation until Sep-
25 tember 30, 2013, to the Foreign Claims Settlement Com-

1 mission. Not more than 5 percent of funds made available
2 under this subsection shall be used for administrative
3 costs.

4 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
5 purposes of carrying out section 1705, there are author-
6 ized to be appropriated \$5,000,000, to remain available
7 for obligation until September 30, 2013.

