

DELEGATE

68. AN AMENDMENT TO BE OFFERED BY ~~REPRESENTATIVE~~
Bordallo OF Guam, OR HER
DESIGNEE, DEBATABLE FOR 10 MINUTES:

REVISED #1

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AMENDMENT TO H.R. 2647
OFFERED BY MS. BORDALLO OF GUAM

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

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

3 **SEC. 1601. SHORT TITLE.**

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

6 **SEC. 1602. 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
19 grateful to the residents of Guam for their steadfast loy-

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

6 **SEC. 1603. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

7 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
8 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
9 Subject to the availability of appropriations authorized to
10 be appropriated under section 1606(a), after receipt of
11 certification pursuant to section 1604(b)(8) and in accord-
12 ance with the provisions of this title, the Secretary of the
13 Treasury shall make payments as follows:

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

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

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

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

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

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

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

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

24 (2) If there is living a spouse of the individual
25 and one or more children of the individual, one-half

1 of the payment shall be made to the spouse and the
2 other half to the child (or to the children in equal
3 shares).

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

8 (4) If there is no living spouse or child of the
9 individual but there is a living parent (or parents)
10 of the individual, all of the payment shall be made
11 to the parents (or to the parents in equal shares).

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

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

15 (1) COMPENSABLE GUAM DECEDENT.—The
16 term “compensable Guam decedent” means an indi-
17 vidual determined under section 1604(a)(1) to have
18 been a resident of Guam who died or was killed as
19 a result of the attack and occupation of Guam by
20 Imperial Japanese military forces during World War
21 II, or incident to the liberation of Guam by United
22 States military forces, and whose death would have
23 been compensable under the Guam Meritorious
24 Claims Act of 1945 (Public Law 79–224) if a timely
25 claim had been filed under the terms of such Act.

1 (2) COMPENSABLE GUAM VICTIM.—The term
2 “compensable Guam victim” means an individual de-
3 termined under section 1604(a)(1) to have suffered,
4 as a result of the attack and occupation of Guam by
5 Imperial Japanese military forces during World War
6 II, or incident to the liberation of Guam by United
7 States military forces, any of the following:

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

10 (B) Forced labor or a personal injury not
11 under subparagraph (A) (such as disfigure-
12 ment, scarring, or burns).

13 (C) Forced march, internment, or hiding
14 to evade internment.

15 (3) DEFINITIONS OF SEVERE PERSONAL INJU-
16 RIES AND PERSONAL INJURIES.—The Foreign
17 Claims Settlement Commission shall promulgate reg-
18 ulations to specify injuries that constitute a severe
19 personal injury or a personal injury for purposes of
20 subparagraphs (A) and (B), respectively, of para-
21 graph (2).

22 **SEC. 1604. ADJUDICATION.**

23 (a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT
24 COMMISSION.—

1 (1) IN GENERAL.—The Foreign Claims Settle-
2 ment Commission is authorized to adjudicate claims
3 and determine eligibility for payments under section
4 1603.

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

11 (b) CLAIMS SUBMITTED FOR PAYMENTS.—

12 (1) SUBMITTAL OF CLAIM.—For purposes of
13 subsection (a)(1) and subject to paragraph (2), the
14 Foreign Claims Settlement Commission may not de-
15 termine an individual is eligible for a payment under
16 section 1603 unless the individual submits to the
17 Commission a claim in such manner and form and
18 containing such information as the Commission
19 specifies.

20 (2) FILING PERIOD FOR CLAIMS AND NOTICE.—
21 All claims for a payment under section 1603 shall be
22 filed within one year after the Foreign Claims Set-
23 tlement Commission publishes public notice of the
24 filing period in the Federal Register. The Foreign
25 Claims Settlement Commission shall provide for the

1 notice required under the previous sentence not later
2 than 180 days after the date of the enactment of
3 this title. In addition, the Commission shall cause to
4 be publicized the public notice of the deadline for fil-
5 ing claims in newspaper, radio, and television media
6 on Guam.

7 (3) ADJUDICATORY DECISIONS.—The decision
8 of the Foreign Claims Settlement Commission on
9 each claim shall be by majority vote, shall be in writ-
10 ing, and shall state the reasons for the approval or
11 denial of the claim. If approved, the decision shall
12 also state the amount of the payment awarded and
13 the distribution, if any, to be made of the payment.

14 (4) DEDUCTIONS IN PAYMENT.—The Foreign
15 Claims Settlement Commission shall deduct, from
16 potential payments, amounts previously paid under
17 the Guam Meritorious Claims Act of 1945 (Public
18 Law 79–224).

19 (5) INTEREST.—No interest shall be paid on
20 payments awarded by the Foreign Claims Settlement
21 Commission.

22 (6) REMUNERATION PROHIBITED.—No remu-
23 neration on account of representational services ren-
24 dered on behalf of any claimant in connection with
25 any claim filed with the Foreign Claims Settlement

1 Commission under this title shall exceed one percent
2 of the total amount paid pursuant to any payment
3 certified under the provisions of this title on account
4 of such claim. Any agreement to the contrary shall
5 be unlawful and void. Whoever demands or receives,
6 on account of services so rendered, any remunera-
7 tion in excess of the maximum permitted by this sec-
8 tion shall be fined not more than \$5,000 or impris-
9 oned not more than 12 months, or both.

10 (7) APPEALS AND FINALITY.—Objections and
11 appeals of decisions of the Foreign Claims Settle-
12 ment Commission shall be to the Commission, and
13 upon rehearing, the decision in each claim shall be
14 final, and not subject to further review by any court
15 or agency.

16 (8) CERTIFICATIONS FOR PAYMENT.—After a
17 decision approving a claim becomes final, the chair-
18 man of the Foreign Claims Settlement Commission
19 shall certify it to the Secretary of the Treasury for
20 authorization of a payment under section 1603.

21 (9) TREATMENT OF AFFIDAVITS.—For pur-
22 poses of section 1603 and subject to paragraph (2),
23 the Foreign Claims Settlement Commission shall
24 treat a claim that is accompanied by an affidavit of
25 an individual that attests to all of the material facts

1 required for establishing eligibility of such individual
2 for payment under such section as establishing a
3 prima facie case of the individual's eligibility for
4 such payment without the need for further docu-
5 mentation, except as the Commission may otherwise
6 require. Such material facts shall include, with re-
7 spect to a claim under paragraph (2) or (3) of sec-
8 tion 1603(a), a detailed description of the injury or
9 other circumstance supporting the claim involved, in-
10 cluding the level of payment sought.

11 (10) RELEASE OF RELATED CLAIMS.—Accept-
12 ance of payment under section 1603 by an individual
13 for a claim related to a compensable Guam decedent
14 or a compensable Guam victim shall be in full satis-
15 faction of all claims related to such decedent or vic-
16 tim, respectively, arising under the Guam Meri-
17 torious Claims Act of 1945 (Public Law 79-224),
18 the implementing regulations issued by the United
19 States Navy pursuant thereto, or this title.

20 (11) PENALTY FOR FALSE CLAIMS.—The provi-
21 sions of section 1001 of title 18 of the United States
22 Code (relating to criminal penalties for false state-
23 ments) apply to claims submitted under this sub-
24 section.

1 **SEC. 1605. GRANTS PROGRAM TO MEMORIALIZE THE OCCU-**
2 **PATION OF GUAM DURING WORLD WAR II.**

3 (a) ESTABLISHMENT.—Subject to section 1606(b)
4 and in accordance with this section, the Secretary of the
5 Interior shall establish a grants program under which the
6 Secretary shall award grants for research, educational,
7 and media activities that memorialize the events sur-
8 rounding the occupation of Guam during World War II,
9 honor the loyalty of the people of Guam during such occu-
10 pation, or both, for purposes of appropriately illuminating
11 and interpreting the causes and circumstances of such oc-
12 cupation and other similar occupations during a war.

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

18 **SEC. 1606. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
20 ADJUDICATION.—For purposes of carrying out sections
21 1603 and 1604, there are authorized to be appropriated
22 \$126,000,000, to remain available for obligation until Sep-
23 tember 30, 2013, to the Foreign Claims Settlement Com-
24 mission. Not more than 5 percent of funds made available
25 under this subsection shall be used for administrative
26 costs.

1 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
2 purposes of carrying out section 1605, there are author-
3 ized to be appropriated \$5,000,000, to remain available
4 for obligation until September 30, 2013.

