

AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY MS. BORDALLO OF GUAM AND MR. YOUNG OF ALASKA

At the end of division A, add 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
19 grateful to the residents of Guam for their steadfast loy-
20 alty to the United States of America, as demonstrated by

1 the countless acts of courage they performed despite the
2 threat of death or great bodily harm they faced at the
3 hands of the Imperial Japanese military forces that occu-
4 pied Guam during World War II.

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

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

13 (1) RESIDENTS INJURED.—Before any pay-
14 ments are made to individuals described in para-
15 graph (2), the Secretary shall pay compensable
16 Guam victims who are not deceased as follows:

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

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

22 (C) If the victim is not described in sub-
23 paragraph (A) or (B) but has suffered an in-
24 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).

8 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Pay-
9 ments under paragraph (2) of subsection (a) to eligible
10 survivors of an individual who is a compensable Guam de-
11 cedent shall be made as follows:

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

15 (2) If there is living a spouse of the individual
16 and one or more children of the individual, one-half
17 of the payment shall be made to the spouse and the
18 other half to the child (or to the children in equal
19 shares).

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

24 (4) If there is no living spouse or child of the
25 individual but there is a living parent (or parents)

1 of the individual, all of the payment shall be made
2 to the parent (or to the parents in equal shares).

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

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

6 (1) COMPENSABLE GUAM DECEDENT.—The
7 term “compensable Guam decedent” means an indi-
8 vidual determined under section 1704 to have been
9 a resident of Guam who died or was killed as a re-
10 sult of the attack and occupation of Guam by Impe-
11 rial Japanese military forces during World War II,
12 or incident to the liberation of Guam by United
13 States military forces, and whose death would have
14 been compensable under the Guam Meritorious
15 Claims Act of 1945 (Public Law 79–224) if a timely
16 claim had been filed under the terms of such Act.

17 (2) COMPENSABLE GUAM VICTIM.—The term
18 “compensable Guam victim” means an individual de-
19 termined under section 1704 to have suffered, as a
20 result of the attack and occupation of Guam by Im-
21 perial Japanese military forces during World War II,
22 or incident to the liberation of Guam by United
23 States military forces, any of the following:

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

1 (B) Forced labor or a personal injury not
2 under subparagraph (A) (such as disfigure-
3 ment, scarring, or burns).

4 (C) Forced march, internment, or hiding
5 to evade internment.

6 (3) DEFINITIONS OF SEVERE PERSONAL INJU-
7 RIES AND PERSONAL INJURIES.—The Foreign
8 Claims Settlement Commission shall promulgate reg-
9 ulations to specify injuries that constitute a severe
10 personal injury or a personal injury for purposes of
11 subparagraphs (A) and (B), respectively, of para-
12 graph (2).

13 **SEC. 1704. ADJUDICATION.**

14 (a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT
15 COMMISSION.—

16 (1) IN GENERAL.—The Foreign Claims Settle-
17 ment Commission is authorized to adjudicate claims
18 and determine eligibility for payments under section
19 1703.

20 (2) RULES AND REGULATIONS.—The chairman
21 of the Foreign Claims Settlement Commission shall
22 prescribe such rules and regulations as may be nec-
23 essary to enable it to carry out its functions under
24 this title. Such rules and regulations shall be pub-
25 lished in the Federal Register.

1 (b) CLAIMS SUBMITTED FOR PAYMENTS.—

2 (1) SUBMITTAL OF CLAIM.—For purposes of
3 subsection (a)(1) and subject to paragraph (2), the
4 Foreign Claims Settlement Commission may not de-
5 termine an individual is eligible for a payment under
6 section 1703 unless the individual submits to the
7 Commission a claim in such manner and form and
8 containing such information as the Commission
9 specifies.

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

11 All claims for a payment under section 1703 shall be
12 filed within one year after the Foreign Claims Set-
13 tlement Commission publishes public notice of the
14 filing period in the Federal Register. The Foreign
15 Claims Settlement Commission shall provide for the
16 notice required under the previous sentence not later
17 than 180 days after the date of the enactment of
18 this title. In addition, the Commission shall cause to
19 be publicized the public notice of the deadline for fil-
20 ing claims in newspaper, radio, and television media
21 on Guam.

22 (3) ADJUDICATORY DECISIONS.—The decision
23 of the Foreign Claims Settlement Commission on
24 each claim shall be by majority vote, shall be in writ-
25 ing, and shall state the reasons for the approval or

1 denial of the claim. If approved, the decision shall
2 also state the amount of the payment awarded and
3 the distribution, if any, to be made of the payment.

4 (4) DEDUCTIONS IN PAYMENT.—The Foreign
5 Claims Settlement Commission shall deduct, from
6 potential payments, amounts previously paid under
7 the Guam Meritorious Claims Act of 1945 (Public
8 Law 79–224).

9 (5) INTEREST.—No interest shall be paid on
10 payments awarded by the Foreign Claims Settlement
11 Commission.

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

1 (7) APPEALS AND FINALITY.—Objections and
2 appeals of decisions of the Foreign Claims Settle-
3 ment Commission shall be to the Commission, and
4 upon rehearing, the decision in each claim shall be
5 final, and not subject to further review by any court
6 or agency.

7 (8) CERTIFICATIONS FOR PAYMENT.—After a
8 decision approving a claim becomes final, the chair-
9 man of the Foreign Claims Settlement Commission
10 shall certify it to the Secretary of the Treasury for
11 authorization of a payment under section 1703.

12 (9) TREATMENT OF AFFIDAVITS.—For pur-
13 poses of section 1703 and subject to paragraph (2),
14 the Foreign Claims Settlement Commission shall
15 treat a claim that is accompanied by an affidavit of
16 an individual that attests to all of the material facts
17 required for establishing eligibility of such individual
18 for payment under such section as establishing a
19 prima facie case of the individual's eligibility for
20 such payment without the need for further docu-
21 mentation, except as the Commission may otherwise
22 require. Such material facts shall include, with re-
23 spect to a claim under paragraph (2) or (3) of sec-
24 tion 1703(a), a detailed description of the injury or

1 other circumstance supporting the claim involved, in-
2 cluding the level of payment sought.

3 (10) RELEASE OF RELATED CLAIMS.—Accept-
4 ance of payment under section 1703 by an individual
5 for a claim related to a compensable Guam decedent
6 or a compensable Guam victim shall be in full satis-
7 faction of all claims related to such decedent or vic-
8 tim, respectively, arising under the Guam Meri-
9 torious Claims Act of 1945 (Public Law 79–224),
10 the implementing regulations issued by the United
11 States Navy pursuant thereto, or this title.

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

14 (a) ESTABLISHMENT.—Subject to section 1706(b)
15 and in accordance with this section, the Secretary of the
16 Interior shall establish a grants program under which the
17 Secretary shall award grants for research, educational,
18 and media activities that memorialize the events sur-
19 rounding the occupation of Guam during World War II,
20 honor the loyalty of the people of Guam during such occu-
21 pation, or both, for purposes of appropriately illuminating
22 and interpreting the causes and circumstances of such oc-
23 cupation and other similar occupations during a war.

24 (b) ELIGIBILITY.—The Secretary of the Interior may
25 not award to a person a grant under subsection (a) unless

1 such person submits an application to the Secretary for
2 such grant, in such time, manner, and form and con-
3 taining such information as the Secretary specifies.

4 **SEC. 1706. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
6 ADJUDICATION.—For purposes of carrying out sections
7 1703 and 1704, there are authorized to be appropriated
8 \$100,000,000, to remain available for obligation until Sep-
9 tember 30, 2016, to the Foreign Claims Settlement Com-
10 mission. Not more than 5 percent of funds made available
11 under this subsection shall be used for administrative
12 costs.

13 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
14 purposes of carrying out section 1705, there are author-
15 ized to be appropriated \$5,000,000, to remain available
16 for obligation until September 30, 2016.

