

110TH CONGRESS
1ST SESSION

H. R. 1595

To implement the recommendations of the Guam War Claims Review
Commission.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2007

Ms. BORDALLO (for herself, Mr. HOYER, Mr. RAHALL, Mrs. CHRISTENSEN, Mr. FORTUÑO, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. HONDA, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To implement the recommendations of the Guam War Claims
Review Commission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Guam World War II Loyalty Recognition Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Recognition of the suffering and loyalty of the residents of Guam.
- Sec. 3. Payments for Guam World War II claims.
- Sec. 4. Adjudication.
- Sec. 5. Authorization for Appropriations.

Sec. 6. Grants program to memorialize the occupation of Guam during World War II.

1 **SEC. 2. RECOGNITION OF THE SUFFERING AND LOYALTY**
2 **OF THE RESIDENTS OF GUAM.**

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

12 (b) RECOGNITION OF THE LOYALTY OF THE RESI-
13 DENTS OF GUAM.—The United States forever will be
14 grateful to the residents of Guam for their steadfast loy-
15 alty to the United States of America, as demonstrated by
16 the countless acts of courage they performed despite the
17 threat of death or great bodily harm they faced at the
18 hands of the Imperial Japanese military forces that occu-
19 pied Guam during World War II.

20 **SEC. 3. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

21 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
22 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
23 Subject to section 5, after receipt of certification pursuant
24 to section 4(b)(8) and in accordance with the provisions

1 of this Act, the Secretary of the Treasury shall make pay-
2 ments as follows:

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

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

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

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

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

23 (3) SURVIVORS OF DECEASED INJURED RESI-
24 DENTS.—In the case of a compensable Guam victim
25 who is deceased, the Secretary shall pay \$7,000 for

1 distribution to eligible survivors of the victim as
2 specified in subsection (b). The Secretary shall make
3 payments under this paragraph after payments are
4 made under paragraphs (1) and (2).

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

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

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

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

22 (4) If there is no living spouse or child of the
23 individual but there is a living parent (or parents)
24 of the individual, all of the payment shall be made
25 to the parents (or to the parents in equal shares).

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

3 (c) DEFINITIONS.—For purposes of this Act:

4 (1) COMPENSABLE GUAM DECEDENT.—The
5 term “compensable Guam decedent” means an indi-
6 vidual determined under section 4(a)(1) to have been
7 a resident of Guam who died or was killed as a re-
8 sult of the attack and occupation of Guam by Impe-
9 rial Japanese military forces during World War II,
10 or incident to the liberation of Guam by United
11 States military forces, and whose death would have
12 been compensable under the Guam Meritorious
13 Claims Act of 1945 (Public Law 79–224) if a timely
14 claim had been filed under the terms of such Act.

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

22 (A) Rape or severe personal injury (such
23 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. 4. 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 3.

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 Act. 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 3 unless the individual submits to the Com-
7 mission a claim in such manner and form and con-
8 taining such information as the Commission speci-
9 fies.

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

11 All claims for a payment under section 3 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 Act. 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 Act shall exceed one percent
17 of the total amount paid pursuant to any payment
18 certified under the provisions of this Act 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 3.

12 (9) TREATMENT OF AFFIDAVITS.—For pur-
13 poses of section 3 and subject to paragraph (2), the
14 Foreign Claims Settlement Commission shall treat a
15 claim that is accompanied by an affidavit of an indi-
16 vidual that attests to all of the material facts re-
17 quired 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 3(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 3 by an individual for
5 a claim related to a compensable Guam decedent or
6 a compensable Guam victim shall be in full satisfac-
7 tion of all claims related to such decedent or victim,
8 respectively, arising under the Guam Meritorious
9 Claims Act of 1945 (Public Law 79–224), the imple-
10 menting regulations issued by the United States
11 Navy pursuant thereto, or this Act.

12 (11) PENALTY FOR FALSE CLAIMS.—The provi-
13 sions of section 1001 of title 18 of the United States
14 Code (relating to criminal penalties for false state-
15 ments) apply to claims submitted under this sub-
16 section.

17 **SEC. 5. AUTHORIZATION FOR APPROPRIATIONS.**

18 There are authorized to be appropriated
19 \$126,000,000, to remain available for obligation until Sep-
20 tember 30, 2012, to the Foreign Claims Settlement Com-
21 mission to carry out this Act. Not more than 5 percent
22 of funds made available under this subsection shall be
23 used for administrative costs.

1 **SEC. 6. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPA-**
2 **TION OF GUAM DURING WORLD WAR II.**

3 (a) ESTABLISHMENT.—Subject to subsection (c) and
4 in accordance with this section, the Secretary of the Inte-
5 rior shall establish a grants program under which the Sec-
6 retary shall award grants for research, educational, and
7 media activities that memorialize the events surrounding
8 the occupation of Guam during World War II, honor the
9 loyalty of the people of Guam during such occupation, or
10 both, for purposes of appropriately illuminating and inter-
11 preting the causes and circumstances of such occupation
12 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 (c) AUTHORIZATION FOR APPROPRIATIONS.—There
19 are authorized to be appropriated \$5,000,000, to remain
20 available for obligation until September 30, 2012, to carry
21 out the grant program under this section. In addition, the
22 Secretary of the Interior may use unobligated funds made
23 available to the Secretary that may be used for such pur-
24 pose to carry out this section.

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