

110TH CONGRESS
2D SESSION

H. R. 6897

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23 (legislative day, SEPTEMBER 17), 2008

Received

AN ACT

To authorize the Secretary of Veterans Affairs to make certain payments to eligible persons who served in the Philippines during World War II.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Filipino Veterans Eq-
3 uity Act of 2008”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

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

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

12 (3) The regular Philippine Scouts, the new
13 Philippine Scouts, the Guerilla Services, and more
14 than 100,000 members of the Philippine Common-
15 wealth Army were called into the service of the
16 United States Armed Forces of the Far East on
17 July 26, 1941, by an executive order of President
18 Franklin D. Roosevelt.

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

23 (5) Filipino veterans who were granted benefits
24 prior to the enactment of the so-called Rescissions
25 Acts of 1946 (Public Laws 79–301 and 79–391)
26 currently receive full benefits under laws adminis-

1 tered by the Secretary of Veterans Affairs, but
2 under section 107 of title 38, United States Code,
3 the service of certain other Filipino veterans is
4 deemed not to be active service for purposes of such
5 laws.

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

10 (7) The benefits such veterans receive include
11 service-connected compensation benefits paid under
12 chapter 11 of title 38, United States Code, depend-
13 ency indemnity compensation survivor benefits paid
14 under chapter 13 of title 38, United States Code,
15 and burial benefits under chapters 23 and 24 of title
16 38, United States Code, and such benefits are paid
17 to beneficiaries at the rate of \$0.50 per dollar au-
18 thorized, unless they lawfully reside in the United
19 States.

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

1 **SEC. 3. PAYMENTS TO ELIGIBLE PERSONS WHO SERVED IN**
2 **THE PHILIPPINES DURING WORLD WAR II.**

3 (a) **COMPENSATION FUND.**—

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

8 (2) **AVAILABILITY OF FUNDS.**—Subject to the
9 availability of appropriations for such purpose,
10 amounts in the fund shall be available to the Sec-
11 retary of Veterans Affairs without fiscal year limita-
12 tion to make payments to eligible persons in accord-
13 ance with this section.

14 (b) **PAYMENTS.**—During the one-year period begin-
15 ning on the date of the enactment of this Act, the Sec-
16 retary shall make a payment to an eligible person who,
17 during such period, submits to the Secretary an applica-
18 tion containing such information and assurances as the
19 Secretary may require.

20 (c) **ELIGIBLE PERSONS.**—An eligible person is any
21 person who served—

22 (1) before July 1, 1946, in the organized mili-
23 tary forces of the Government of the Commonwealth
24 of the Philippines, while such forces were in the
25 service of the Armed Forces of the United States
26 pursuant to the military order of the President

1 dated July 26, 1941, including among such military
2 forces organized guerrilla forces under commanders
3 appointed, designated, or subsequently recognized by
4 the Commander in Chief, Southwest Pacific Area, or
5 other competent authority in the Army of the United
6 States; or

7 (2) in the Philippine Scouts under section 14 of
8 the Armed Forces Voluntary Recruitment Act of
9 1945 (59 Stat. 538).

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

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

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

18 (e) LIMITATION.—The Secretary may not make more
19 than one payment under this section for each person de-
20 scribed in subsection (f).

21 (f) ELIGIBILITY OF INDIVIDUALS LIVING OUTSIDE
22 THE UNITED STATES ENTITLED TO CERTAIN SOCIAL SE-
23 CURITY BENEFITS.—Receipt of a payment under this sec-
24 tion shall not affect the eligibility of an individual residing
25 outside the United States to receive benefits under title

1 VIII of the Social Security Act (42 U.S.C. 1001 et seq.)
2 or the amount of such benefits.

3 (g) RELEASE.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the acceptance by an eligible person of a
6 payment under this section shall be final, and shall
7 constitute a complete release of any claim against
8 the United States by reason of any service described
9 in subsection (c).

10 (2) PAYMENT OF PREVIOUSLY AWARDED BENE-
11 FITS.—Nothing in this section shall prohibit a per-
12 son from receiving any benefit to which the person
13 is entitled based on a claim for which benefits are
14 awarded before the date of the enactment of this
15 Act.

16 (h) REPORTS.—The Secretary shall include, in docu-
17 ments submitted to Congress by the Secretary in support
18 of the President's budget for each fiscal year in which pay-
19 ments are made from the compensation fund under this
20 section, detailed information on the operation of the com-
21 pensation fund, including the number of applicants, the
22 number of eligible persons receiving benefits, the amounts
23 paid out of the compensation fund, and the administration
24 of the compensation fund.

1 (i) REGULATIONS.—Not later than 90 days after the
2 date of the enactment of this Act, the Secretary shall pre-
3 scribe regulations to carry out this section.

4 (j) AUTHORIZATION OF APPROPRIATION.—There is
5 authorized to be appropriated to the compensation fund
6 \$198,000,000, to remain available until expended, to make
7 payments under this section.

Passed the House of Representatives September 23,
2008.

Attest: LORRAINE C. MILLER,
Clerk.