

113TH CONGRESS
1ST SESSION

H. R. 44

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

Ms. BORDALLO (for herself, Mr. ANDREWS, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Ms. NORTON, Mr. PIERLUISI, Mr. RAHALL, Mr. SABLAN, Mr. YOUNG of Alaska, Mr. HOYER, and Mr. MICHAUD) 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.**

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

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

8 (a) RECOGNITION OF THE SUFFERING OF THE RESI-
9 DENTS OF GUAM.—The United States recognizes that, as

1 described by the Guam War Claims Review Commission,
2 the residents of Guam, on account of their United States
3 nationality, suffered unspeakable harm as a result of the
4 occupation of Guam by Imperial Japanese military forces
5 during World War II, by being subjected to death, rape,
6 severe personal injury, personal injury, forced labor,
7 forced march, or internment.

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

16 **SEC. 3. GUAM WORLD WAR II CLAIMS FUND.**

17 (a) ESTABLISHMENT OF FUND.—The Secretary of
18 the Treasury shall establish in the Treasury of the United
19 States a special fund (in this Act referred to as the
20 “Claims Fund”) for the payment of claims submitted by
21 compensable Guam victims and survivors of compensable
22 Guam decedents in accordance with sections 4 and 5.

23 (b) COMPOSITION OF FUND.—The Claims Fund es-
24 tablished under subsection (a) shall be composed of

1 amounts deposited into the Claims Fund under subsection
2 (c).

3 (c) PAYMENT OF CERTAIN DUTIES, TAXES, AND
4 FEES COLLECTED FROM GUAM DEPOSITED INTO
5 FUND.—

6 (1) IN GENERAL.—Notwithstanding section 30
7 of the Organic Act of Guam (48 U.S.C. 1421h), the
8 excess of—

9 (A) any amount of duties, taxes, and fees
10 collected under such section after fiscal year
11 2012, over

12 (B) the amount of duties, taxes, and fees
13 collected under such section during fiscal year
14 2012,

15 shall be deposited into the Claims Fund.

16 (2) APPLICATION.—Paragraph (1) shall not
17 apply after the date for which the Secretary of the
18 Treasury determines that all payments required to
19 be made under section 4 have been made.

20 (d) LIMITATION ON PAYMENTS MADE FROM
21 FUND.—

22 (1) IN GENERAL.—No payment may be made in
23 a fiscal year under section 4 until funds are depos-
24 ited into the Claims Fund in such fiscal year under
25 subsection (c).

1 (2) AMOUNTS.—For each fiscal year in which
2 funds are deposited into the Claims Fund under
3 subsection (c), the total amount of payments made
4 in a fiscal year under section 4 may not exceed the
5 amount of funds available in the Claims Fund for
6 such fiscal year.

7 (e) DEDUCTIONS FROM FUND FOR ADMINISTRATIVE
8 EXPENSES.—The Secretary of the Treasury shall deduct
9 from any amounts deposited into the Claims Fund an
10 amount equal to 5 per cent of such amounts as reimburse-
11 ment to the Federal Government for expenses incurred by
12 the Foreign Claims Settlement Commission and by the
13 Department of the Treasury in the administration of this
14 Act. The amounts so deducted shall be covered into the
15 Treasury as miscellaneous receipts.

16 **SEC. 4. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

17 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
18 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
19 After the Secretary of the Treasury receives the certifi-
20 cation from the Chairman of the Foreign Claims Settle-
21 ment Commission as required under section 4(b)(8), the
22 Secretary of the Treasury shall make payments to com-
23 pensable Guam victims and survivors of a compensable
24 Guam decedents as follows:

1 (1) COMPENSABLE GUAM VICTIM.—Before mak-
2 ing any payments under paragraph (2), the Sec-
3 retary shall make payments to compensable Guam
4 victims as follows:

5 (A) In the case of a victim who has suf-
6 fered an injury described in subsection
7 (c)(2)(A), \$15,000.

8 (B) In the case of a victim who is not de-
9 scribed in subparagraph (A), but who has suf-
10 fered an injury described in subsection
11 (c)(2)(B), \$12,000.

12 (C) In the case of a victim who is not de-
13 scribed in subparagraph (A) or (B), but who
14 has suffered an injury described in subsection
15 (c)(2)(C), \$10,000.

16 (2) SURVIVORS OF COMPENSABLE GUAM DECE-
17 DENTS.—In the case of a compensable Guam dece-
18 dent, the Secretary shall pay \$25,000 for distribu-
19 tion to survivors of the decedent in accordance with
20 subsection (b). The Secretary shall make payments
21 under this paragraph only after all payments are
22 made under paragraph (1).

23 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—A
24 payment made under subsection (a)(2) to the survivors of

1 a compensable Guam decedent shall be distributed as fol-
2 lows:

3 (1) In the case of a decedent whose spouse is
4 living as of the date of the enactment of this Act,
5 but who had no living children as of such date, the
6 payment shall be made to such spouse.

7 (2) In the case of a decedent whose spouse is
8 living as of the date of the enactment of this Act
9 and who had one or more living children as of such
10 date, 50 percent of the payment shall be made to the
11 spouse and 50 percent shall be made to such chil-
12 dren, to be divided among such children to the
13 greatest extent possible into equal shares.

14 (3) In the case of a decedent whose spouse is
15 not living as of the date of the enactment of this Act
16 and who had one or more living children as of such
17 date, the payment shall be made to such children, to
18 be divided among such children to the greatest ex-
19 tent possible into equal shares.

20 (4) In the case of a decedent whose spouse is
21 not living as of the date of the enactment of this Act
22 and who had no living children as of such date, but
23 who—

1 (A) had a parent who is living as of such
2 date, the payment shall be made to the parent;
3 or

4 (B) had two parents who are living as of
5 such date, the payment shall be divided equally
6 between the parents.

7 (5) In the case of a decedent whose spouse is
8 not living as of the date of the enactment of this
9 Act, who had no living children as of such date, and
10 who had no parents who are living as of such date,
11 no payment shall be made.

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

13 (1) COMPENSABLE GUAM DECEDENT.—The
14 term “compensable Guam decedent” means an indi-
15 vidual determined under section 5 to have been a
16 resident of Guam who died as a result of the attack
17 and occupation of Guam by Imperial Japanese mili-
18 tary forces during World War II, or incident to the
19 liberation of Guam by United States military forces,
20 and whose death would have been compensable
21 under the Guam Meritorious Claims Act of 1945
22 (Public Law 79–224) if a timely claim had been
23 filed under the terms of such Act.

24 (2) COMPENSABLE GUAM VICTIM.—The term
25 “compensable Guam victim” means an individual

1 who is not deceased as of the date of the enactment
2 of this Act and who is determined under section 5
3 to have suffered, as a result of the attack and occu-
4 pation of Guam by Imperial Japanese military forces
5 during World War II, or incident to the liberation of
6 Guam by United States military forces, any of the
7 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.—Not later than 180
17 days after the date of the enactment of this Act, the
18 Foreign Claims Settlement Commission shall pro-
19 mulgate regulations to specify the injuries that con-
20 stitute a severe personal injury or a personal injury
21 for purposes of subparagraphs (A) and (B), respec-
22 tively, of paragraph (2).

23 **SEC. 5. ADJUDICATION.**

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

1 (1) IN GENERAL.—The Foreign Claims Settle-
2 ment Commission shall adjudicate claims and deter-
3 mine the eligibility of individuals for payments under
4 section 4.

5 (2) RULES AND REGULATIONS.—Not later than
6 180 days after the date of the enactment of this Act,
7 the Chairman of the Foreign Claims Settlement
8 Commission shall publish in the Federal Register
9 such rules and regulations as may be necessary to
10 enable the Commission to carry out the functions of
11 the Commission under this Act.

12 (b) CLAIMS SUBMITTED FOR PAYMENTS.—

13 (1) SUBMITTAL OF CLAIM.—For purposes of
14 subsection (a)(1) and subject to paragraph (2), the
15 Foreign Claims Settlement Commission may not de-
16 termine an individual is eligible for a payment under
17 section 4 unless the individual submits to the Com-
18 mission a claim in such manner and form and con-
19 taining such information as the Commission speci-
20 fies.

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

22 (A) FILING PERIOD.—An individual filing
23 a claim for a payment under section 4 shall file
24 such claim not later than one year after the
25 date on which the Foreign Claims Settlement

Commission publishes the notice described in subparagraph (B).

(B) NOTICE OF FILING PERIOD.—Not later than 180 days after the date of the enactment of this Act, the Foreign Claims Settlement Commission shall publish a notice of the deadline for filing a claim described in subparagraph (A)—

(i) in the Federal Register; and

(ii) in newspaper, radio, and television media in Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim filed under this Act shall—

(A) be by majority vote;

(B) be in writing;

(C) state the reasons for the approval or denial of the claim; and

(D) if approved, state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from a payment made to a compensable Guam victim or survivors of a compensable Guam decedent under

1 this section, amounts paid to such victim or sur-
2 vivors under the Guam Meritorious Claims Act of
3 1945 (Public Law 79–224) before the date of the
4 enactment of this Act.

5 (5) INTEREST.—No interest shall be paid on
6 payments made by the Foreign Claims Settlement
7 Commission under section 4.

8 (6) LIMITED COMPENSATION FOR PROVISION
9 OF REPRESENTATIONAL SERVICES.—

10 (A) LIMIT ON COMPENSATION.—Any
11 agreement under which an individual who pro-
12 vided representational services to an individual
13 who filed a claim for a payment under this Act
14 that provides for compensation to the individual
15 who provided such services in an amount that
16 is more than one percent of the total amount of
17 such payment shall be unlawful and void.

18 (B) PENALTIES.—Whoever demands or re-
19 ceives any compensation in excess of the
20 amount allowed under subparagraph (A) shall
21 be fined not more than \$5,000 or imprisoned
22 not more than one year, or both.

23 (7) APPEALS AND FINALITY.—Objections and
24 appeals of decisions of the Foreign Claims Settle-
25 ment Commission shall be to the Commission, and

1 upon rehearing, the decision in each claim shall be
2 final, and not subject to further review by any court
3 or agency.

4 (8) CERTIFICATIONS FOR PAYMENT.—After a
5 decision approving a claim becomes final, the Chair-
6 man of the Foreign Claims Settlement Commission
7 shall certify such decision to the Secretary of the
8 Treasury for authorization of a payment under sec-
9 tion 4.

10 (9) TREATMENT OF AFFIDAVITS.—For pur-
11 poses of section 4 and subject to paragraph (2), the
12 Foreign Claims Settlement Commission shall treat a
13 claim that is accompanied by an affidavit of an indi-
14 vidual that attests to all of the material facts re-
15 quired for establishing the eligibility of such indi-
16 vidual for payment under such section as estab-
17 lishing a prima facie case of the eligibility of the in-
18 dividual for such payment without the need for fur-
19 ther documentation, except as the Commission may
20 otherwise require. Such material facts shall include,
21 with respect to a claim for a payment made under
22 section 4(a), a detailed description of the injury or
23 other circumstance supporting the claim involved, in-
24 cluding the level of payment sought.

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

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

13 (a) ESTABLISHMENT.—Subject to subsection (b), the
14 Secretary of the Interior shall establish a grant program
15 under which the Secretary shall award grants for research,
16 educational, and media activities for purposes of appro-
17 priately illuminating and interpreting the causes and cir-
18 cumstances of the occupation of Guam during World War
19 II and other similar occupations during the war that—

20 (1) memorialize the events surrounding such oc-
21 cupation; or

22 (2) honor the loyalty of the people of Guam
23 during such occupation.

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

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

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
6 ADJUDICATION.—There are authorized to be appropriated
7 for any fiscal year beginning after the date of the enact-
8 ment of this Act, such sums as may be necessary to enable
9 the Commission and the Treasury Department to pay
10 their respective administrative expenses incurred in car-
11 rying out their functions under sections 4 and 5. Amounts
12 appropriated under this section may remain available until
13 expended.

14 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
15 purposes of carrying out section 6, there are authorized
16 to be appropriated \$5,000,000 for each fiscal year begin-
17 ning after the date of the enactment of this Act.

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