

101st CONGRESS

1st Session

H. R. 2024

To amend the Organic Act of Guam, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 18, 1989

Mr. BLAZ introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Organic Act of Guam, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO ORGANIC ACT OF GUAM.

The Organic Act of Guam (48 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

SEC. 36. (a) For the purposes of this section:

(1) The term 'award' means the amount of compensation due to any claimant found eligible by the Secretary under the criteria set forth in this section.

(2) The term 'compensable injury' means one of the following three categories of injury incurred during, and as a result of, World War II:

(A) Death.

(B) Personal injury.

(C) Forced labor, forced march, or internment.

(3) The term 'Guamanian' means any person who resided in the territory of Guam during the period beginning December 8, 1941, and ending August 10, 1944, and who was a United States national during the period.

(4) The term 'Secretary' means the Secretary of the Interior.

(b)(1) The Secretary shall have the authority to receive, examine, and render final decisions concerning claims which may be filed under this section. In addition, the Secretary is authorized to certify and disburse payments from the Fund established in subsection (e)(1) to eligible claimants.

(2) In order to be eligible for benefits under this section, the following criteria must be met:

(A) The claimant is a living Guamanian who personally received the compensable injury, except that in a claim for death, a claimant may be the heir or next of kin of the decedent Guamanian;

(B) the claimant files a claim with the Secretary for a compensable injury containing all the information described in paragraph (3); and

(C) the claimant is able to furnish either documented proof of the compensable injury or is able to produce affidavits by two witnesses to the compensable injury.

(3) In order to be eligible for benefits under this section, the claimant must file a claim with the Secretary which must be under oath and shall include--

(A) the claimant's name and age;

(B) the village in which the claimant resided at the time the compensable injury occurred;

(C) the date or dates of such compensable injury;

(D) a brief description of the compensable injury being claimed; and

(E) the circumstances leading up to that compensable injury.

In the event that death is the compensable injury being claimed, the claimant must state, and furnish proof, of his or her relationship to the deceased.

`(c)(1) A claimant may only be eligible for benefits arising out of only one category of compensable injury.

`(2) The United States shall not be obligated to provide ex gratia relief to the people of Guam above the amount authorized in this section.

`(d)(1) The Secretary shall certify all awards for payment. The Secretary shall pay the following amounts to each eligible claimant from the Fund established in subsection (e)(1):

`(A) \$20,000 for the category of death.

`(B) \$5,000 for the category of personal injury.

`(C) \$3,000 for the category of forced labor, forced march, or internment.

`(2) Notwithstanding paragraph (1), in the event that a claimant files for either death or personal injury under this section, and has previously been awarded compensation for the same claim under the authority of Public Law 79-224 (chapter 483; 59 Stat. 582), the amount to be paid under paragraph (1) shall be reduced by the amount of such compensation.

`(3) If an eligible claimant refuses to accept payment under this section, such amount shall remain in the Fund established by subsection (e)(1), and no payment shall be made under this section to such claimant at any future date.

`(e)(1) There is hereby established in the Treasury of the United States the Guam Claims Fund, to be administered by the Secretary of the Treasury, as directed by the Secretary of the Interior. Amounts in the Fund shall only be available for disbursement by the Secretary of the Interior in the amounts specified in subsection (d). In the event that all eligible claims have been paid and a balance exists in the Fund, any unobligated funds shall revert to the general fund of the Treasury of the United States 60 days after the final report required in subsection (g)(2) is submitted to Congress.

`(2) No costs incurred by the Secretary in carrying out this section shall be paid from the Fund or set off against, or otherwise deducted from, any payment under subsection (d) to any eligible claimant.

`(3) The Fund may be audited by the Comptroller General of the United States under such rules and regulations as he may prescribe. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files, as well as to all other papers, things, or property belonging to or used by the Secretary pertaining to the provisions of this section and which are necessary to facilitate the audit.

`(4) There is authorized to be appropriated to the Fund \$20,000,000, which is authorized to remain available until expended.

`(5) There is hereby appropriated to the Fund, from the authorization in paragraph (4), \$4,000,000.

`(f)(1) Not later than 60 days after the date of enactment of this section, the Secretary shall give public notice in the territory of Guam and such other places as the Secretary deems appropriate of the time when, and the limit of time within which, claims may be filed under this section. The final date for the filing of claims under this section may not be more than one year after the date of enactment of this section. The Secretary shall assure that the provisions of this section are widely published in the territory of Guam and such other places as the Secretary deems appropriate, and the Secretary shall make every effort to advise promptly all persons who may be entitled to file claims under the provisions of this section and to assist them in the preparation and filing of their claims.

`(2) The Secretary shall act expeditiously in the examination, determination, and certification of submitted claims, but in no event not later than one year after the expiration of the time for filing claims under this section.

`(3) The Secretary shall notify each claimant in writing of the approval or denial of his or her claim, in writing as provided by regulations to be issued by the Secretary.

`(4) The Secretary shall certify eligible claims in the order in which they are presented to him.

`(g)(1) Beginning with the first full fiscal year ending after the date of enactment of this section and annually thereafter until the submission of a report under paragraph (2), the Secretary shall submit (as part of his annual appropriation request) a report to the Congress concerning operations under this section, the status of the Fund, and any request for an appropriation in order to make disbursements from the Fund.

`(2) Once the authorization provided in subsection (e)(4) has been exhausted, or, all eligible claims have been paid, the Secretary shall submit a report to the Congress certifying--

`(A) a list of all claims, categorized by compensable injury, which were approved under this section;

`(B) a list of all claims categorized by compensable injury, which were denied under this section and a brief description explaining the reason therefor; and

`(C) a list of all claims, categorized by injury, which were submitted but not approved because the amount exceeded the amount appropriated pursuant to subsection (e)(4).

A copy of this report shall be transmitted to the Governor of Guam.

`(h) Any remuneration on account of services rendered on behalf of any claimant, or any association of claimants, in connection with any claim or claims under this section may not exceed 5 percent of the amount paid on such claim or claims under this section. Any

agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in accordance with title 18, United States Code, imprisoned not more than 12 months, or both.

`(i) The action of the Secretary in allowing or denying any claim under this section shall be final and conclusive on all questions of law and fact and not subject to review by any other official, department, agency, or establishment of the United States or by any court by mandamus or otherwise.'.

END

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