

111TH CONGRESS
1ST SESSION

H. R. 44

AN ACT

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,*

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

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

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 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. Grants program to memorialize the occupation of Guam during World
War II.
- Sec. 6. Authorization of appropriations.

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
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
21 the countless acts of courage they performed despite the
22 threat of death or great bodily harm they faced at the

1 hands of the Imperial Japanese military forces that occu-
2 pied Guam during World War II.

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

4 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
5 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—

6 Subject to section 6(a), after receipt of certification pursu-
7 ant to section 4(b)(8) and in accordance with the provi-
8 sions of this Act, the Secretary of the Treasury shall make
9 payments as follows:

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

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

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

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

22 (2) SURVIVORS OF RESIDENTS WHO DIED IN
23 WAR.—In the case of a compensable Guam decedent,
24 the Secretary shall pay \$25,000 for distribution to
25 eligible survivors of the decedent as specified in sub-

1 section (b). The Secretary shall make payments
2 under this paragraph after payments are made
3 under paragraph (1) and before payments are made
4 under paragraph (3).

5 (3) SURVIVORS OF DECEASED INJURED RESI-
6 DENTS.—In the case of a compensable Guam victim
7 who is deceased, the Secretary shall pay \$7,000 for
8 distribution to eligible survivors of the victim as
9 specified in subsection (b). The Secretary shall make
10 payments under this paragraph after payments are
11 made under paragraphs (1) and (2).

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

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

20 (2) If there is living a spouse of the individual
21 and one or more children of the individual, one-half
22 of the payment shall be made to the spouse and the
23 other half to the child (or to the children in equal
24 shares).

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

5 (4) If there is no living spouse or child of the
6 individual but there is a living parent (or parents)
7 of the individual, all of the payment shall be made
8 to the parents (or to the parents in equal shares).

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

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

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

23 (2) COMPENSABLE GUAM VICTIM.—The term
24 “compensable Guam victim” means an individual de-
25 termined under section 4(a)(1) to have suffered, as

1 a result of the attack and occupation of Guam by
2 Imperial Japanese military forces during World War
3 II, or incident to the liberation of Guam by United
4 States military forces, any of the following:

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

7 (B) Forced labor or a personal injury not
8 under subparagraph (A) (such as disfigure-
9 ment, scarring, or burns).

10 (C) Forced march, internment, or hiding
11 to evade internment.

12 (3) DEFINITIONS OF SEVERE PERSONAL INJU-
13 RIES AND PERSONAL INJURIES.—The Foreign
14 Claims Settlement Commission shall promulgate reg-
15 ulations to specify injuries that constitute a severe
16 personal injury or a personal injury for purposes of
17 subparagraphs (A) and (B), respectively, of para-
18 graph (2).

19 **SEC. 4. ADJUDICATION.**

20 (a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT
21 COMMISSION.—

22 (1) IN GENERAL.—The Foreign Claims Settle-
23 ment Commission is authorized to adjudicate claims
24 and determine eligibility for payments under section
25 3.

1 (2) RULES AND REGULATIONS.—The chairman
2 of the Foreign Claims Settlement Commission shall
3 prescribe such rules and regulations as may be nec-
4 essary to enable it to carry out its functions under
5 this Act. Such rules and regulations shall be pub-
6 lished in the Federal Register.

7 (b) CLAIMS SUBMITTED FOR PAYMENTS.—

8 (1) SUBMITTAL OF CLAIM.—For purposes of
9 subsection (a)(1) and subject to paragraph (2), the
10 Foreign Claims Settlement Commission may not de-
11 termine an individual is eligible for a payment under
12 section 3 unless the individual submits to the Com-
13 mission a claim in such manner and form and con-
14 taining such information as the Commission speci-
15 fies.

16 (2) FILING PERIOD FOR CLAIMS AND NOTICE.—
17 All claims for a payment under section 3 shall be
18 filed within one year after the Foreign Claims Set-
19 tlement Commission publishes public notice of the
20 filing period in the Federal Register. The Foreign
21 Claims Settlement Commission shall provide for the
22 notice required under the previous sentence not later
23 than 180 days after the date of the enactment of
24 this Act. In addition, the Commission shall cause to
25 be publicized the public notice of the deadline for fil-

1 ing claims in newspaper, radio, and television media
2 on Guam.

3 (3) ADJUDICATORY DECISIONS.—The decision
4 of the Foreign Claims Settlement Commission on
5 each claim shall be by majority vote, shall be in writ-
6 ing, and shall state the reasons for the approval or
7 denial of the claim. If approved, the decision shall
8 also state the amount of the payment awarded and
9 the distribution, if any, to be made of the payment.

10 (4) DEDUCTIONS IN PAYMENT.—The Foreign
11 Claims Settlement Commission shall deduct, from
12 potential payments, amounts previously paid under
13 the Guam Meritorious Claims Act of 1945 (Public
14 Law 79–224).

15 (5) INTEREST.—No interest shall be paid on
16 payments awarded by the Foreign Claims Settlement
17 Commission.

18 (6) REMUNERATION PROHIBITED.—No remu-
19 neration on account of representational services ren-
20 dered on behalf of any claimant in connection with
21 any claim filed with the Foreign Claims Settlement
22 Commission under this Act shall exceed one percent
23 of the total amount paid pursuant to any payment
24 certified under the provisions of this Act on account
25 of such claim. Any agreement to the contrary shall

1 be unlawful and void. Whoever demands or receives,
2 on account of services so rendered, any remunera-
3 tion in excess of the maximum permitted by this sec-
4 tion shall be fined not more than \$5,000 or impris-
5 oned not more than 12 months, or both.

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

12 (8) CERTIFICATIONS FOR PAYMENT.—After a
13 decision approving a claim becomes final, the chair-
14 man of the Foreign Claims Settlement Commission
15 shall certify it to the Secretary of the Treasury for
16 authorization of a payment under section 3.

17 (9) TREATMENT OF AFFIDAVITS.—For pur-
18 poses of section 3 and subject to paragraph (2), the
19 Foreign Claims Settlement Commission shall treat a
20 claim that is accompanied by an affidavit of an indi-
21 vidual that attests to all of the material facts re-
22 quired for establishing eligibility of such individual
23 for payment under such section as establishing a
24 prima facie case of the individual's eligibility for
25 such payment without the need for further docu-

1 mentation, except as the Commission may otherwise
2 require. Such material facts shall include, with re-
3 spect to a claim under paragraph (2) or (3) of sec-
4 tion 3(a), a detailed description of the injury or
5 other circumstance supporting the claim involved, in-
6 cluding the level of payment sought.

7 (10) RELEASE OF RELATED CLAIMS.—Accept-
8 ance of payment under section 3 by an individual for
9 a claim related to a compensable Guam decedent or
10 a compensable Guam victim shall be in full satisfac-
11 tion of all claims related to such decedent or victim,
12 respectively, arising under the Guam Meritorious
13 Claims Act of 1945 (Public Law 79–224), the imple-
14 menting regulations issued by the United States
15 Navy pursuant thereto, or this Act.

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

21 **SEC. 5. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPA-**
22 **TION OF GUAM DURING WORLD WAR II.**

23 (a) ESTABLISHMENT.—Subject to section 6(b) and in
24 accordance with this section, the Secretary of the Interior
25 shall establish a grants program under which the Sec-

1 reitary shall award grants for research, educational, and
2 media activities that memorialize the events surrounding
3 the occupation of Guam during World War II, honor the
4 loyalty of the people of Guam during such occupation, or
5 both, for purposes of appropriately illuminating and inter-
6 preting the causes and circumstances of such occupation
7 and other similar occupations during a war.

8 (b) ELIGIBILITY.—The Secretary of the Interior may
9 not award to a person a grant under subsection (a) unless
10 such person submits an application to the Secretary for
11 such grant, in such time, manner, and form and con-
12 taining such information as the Secretary specifies.

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
15 ADJUDICATION.—For purposes of carrying out sections 3
16 and 4, there are authorized to be appropriated
17 \$126,000,000, to remain available for obligation until Sep-
18 tember 30, 2013, to the Foreign Claims Settlement Com-
19 mission. Not more than 5 percent of funds made available
20 under this subsection shall be used for administrative
21 costs.

22 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
23 purposes of carrying out section 5, there are authorized

1 to be appropriated \$5,000,000, to remain available for ob-
2 ligation until September 30, 2013.

Passed the House of Representatives February 23,
2009.

Attest:

Clerk.

11TH CONGRESS
1ST SESSION

H. R. 44

AN ACT

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