

111TH CONGRESS  
1ST SESSION

# H. R. 44

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2009

Received; read twice and referred to the Committee on Energy and Natural  
Resources

MARCH 5, 2009

Committee discharged; referred to the Committee on the Judiciary

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## 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,*

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

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

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

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

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

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

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

21          (3) SURVIVORS OF DECEASED INJURED RESI-  
22 DENTS.—In the case of a compensable Guam victim  
23 who is deceased, the Secretary shall pay \$7,000 for  
24 distribution to eligible survivors of the victim as  
25 specified in subsection (b). The Secretary shall make

1 payments under this paragraph after payments are  
2 made under paragraphs (1) and (2).

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

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

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

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

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

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

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

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

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

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

22 (B) Forced labor or a personal injury not  
23 under subparagraph (A) (such as disfigure-  
24 ment, scarring, or burns).

1 (C) Forced march, internment, or hiding  
2 to evade internment.

3 (3) DEFINITIONS OF SEVERE PERSONAL INJU-  
4 RIES AND PERSONAL INJURIES.—The Foreign  
5 Claims Settlement Commission shall promulgate reg-  
6 ulations to specify injuries that constitute a severe  
7 personal injury or a personal injury for purposes of  
8 subparagraphs (A) and (B), respectively, of para-  
9 graph (2).

10 **SEC. 4. ADJUDICATION.**

11 (a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT  
12 COMMISSION.—

13 (1) IN GENERAL.—The Foreign Claims Settle-  
14 ment Commission is authorized to adjudicate claims  
15 and determine eligibility for payments under section  
16 3.

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

23 (b) CLAIMS SUBMITTED FOR PAYMENTS.—

24 (1) SUBMITTAL OF CLAIM.—For purposes of  
25 subsection (a)(1) and subject to paragraph (2), the

1 Foreign Claims Settlement Commission may not de-  
2 termine an individual is eligible for a payment under  
3 section 3 unless the individual submits to the Com-  
4 mission a claim in such manner and form and con-  
5 taining such information as the Commission speci-  
6 fies.

7 (2) FILING PERIOD FOR CLAIMS AND NOTICE.—  
8 All claims for a payment under section 3 shall be  
9 filed within one year after the Foreign Claims Set-  
10 tlement Commission publishes public notice of the  
11 filing period in the Federal Register. The Foreign  
12 Claims Settlement Commission shall provide for the  
13 notice required under the previous sentence not later  
14 than 180 days after the date of the enactment of  
15 this Act. In addition, the Commission shall cause to  
16 be publicized the public notice of the deadline for fil-  
17 ing claims in newspaper, radio, and television media  
18 on Guam.

19 (3) ADJUDICATORY DECISIONS.—The decision  
20 of the Foreign Claims Settlement Commission on  
21 each claim shall be by majority vote, shall be in writ-  
22 ing, and shall state the reasons for the approval or  
23 denial of the claim. If approved, the decision shall  
24 also state the amount of the payment awarded and  
25 the distribution, if any, to be made of the payment.

1           (4) DEDUCTIONS IN PAYMENT.—The Foreign  
2 Claims Settlement Commission shall deduct, from  
3 potential payments, amounts previously paid under  
4 the Guam Meritorious Claims Act of 1945 (Public  
5 Law 79–224).

6           (5) INTEREST.—No interest shall be paid on  
7 payments awarded by the Foreign Claims Settlement  
8 Commission.

9           (6) REMUNERATION PROHIBITED.—No remun-  
10 eration on account of representational services ren-  
11 dered on behalf of any claimant in connection with  
12 any claim filed with the Foreign Claims Settlement  
13 Commission under this Act shall exceed one percent  
14 of the total amount paid pursuant to any payment  
15 certified under the provisions of this Act on account  
16 of such claim. Any agreement to the contrary shall  
17 be unlawful and void. Whoever demands or receives,  
18 on account of services so rendered, any remunera-  
19 tion in excess of the maximum permitted by this sec-  
20 tion shall be fined not more than \$5,000 or impris-  
21 oned not more than 12 months, or both.

22           (7) APPEALS AND FINALITY.—Objections and  
23 appeals of decisions of the Foreign Claims Settle-  
24 ment Commission shall be to the Commission, and  
25 upon rehearing, the decision in each claim shall be

1 final, and not subject to further review by any court  
2 or agency.

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

8 (9) TREATMENT OF AFFIDAVITS.—For pur-  
9 poses of section 3 and subject to paragraph (2), the  
10 Foreign Claims Settlement Commission shall treat a  
11 claim that is accompanied by an affidavit of an indi-  
12 vidual that attests to all of the material facts re-  
13 quired for establishing eligibility of such individual  
14 for payment under such section as establishing a  
15 prima facie case of the individual's eligibility for  
16 such payment without the need for further docu-  
17 mentation, except as the Commission may otherwise  
18 require. Such material facts shall include, with re-  
19 spect to a claim under paragraph (2) or (3) of sec-  
20 tion 3(a), a detailed description of the injury or  
21 other circumstance supporting the claim involved, in-  
22 cluding the level of payment sought.

23 (10) RELEASE OF RELATED CLAIMS.—Accept-  
24 ance of payment under section 3 by an individual for  
25 a claim related to a compensable Guam decedent or

1 a compensable Guam victim shall be in full satisfac-  
2 tion of all claims related to such decedent or victim,  
3 respectively, arising under the Guam Meritorious  
4 Claims Act of 1945 (Public Law 79–224), the imple-  
5 menting regulations issued by the United States  
6 Navy pursuant thereto, or this Act.

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

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

14 (a) ESTABLISHMENT.—Subject to section 6(b) and in  
15 accordance with this section, the Secretary of the Interior  
16 shall establish a grants program under which the Sec-  
17 retary shall award grants for research, educational, and  
18 media activities that memorialize the events surrounding  
19 the occupation of Guam during World War II, honor the  
20 loyalty of the people of Guam during such occupation, or  
21 both, for purposes of appropriately illuminating and inter-  
22 preting the causes and circumstances of such occupation  
23 and other similar occupations during a war.

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

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

4 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND  
6 ADJUDICATION.—For purposes of carrying out sections 3  
7 and 4, there are authorized to be appropriated  
8 \$126,000,000, to remain available for obligation until Sep-  
9 tember 30, 2013, to the Foreign Claims Settlement Com-  
10 mission. Not more than 5 percent of funds made available  
11 under this subsection shall be used for administrative  
12 costs.

13 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For  
14 purposes of carrying out section 5, there are authorized  
15 to be appropriated \$5,000,000, to remain available for ob-  
16 ligation until September 30, 2013.

Passed the House of Representatives February 23,  
2009.

Attest: LORRAINE C. MILLER,  
*Clerk.*