

Union Calendar No. 277

109TH CONGRESS
2^D SESSION

H. R. 1595

[Report No. 109–437, Parts I and II]

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2005

Ms. BORDALLO (for herself, Mr. RAHALL, Mr. SENSENBRENNER, Mr. CONYERS, Mr. YOUNG of Alaska, Mr. SKELTON, Mr. BURTON of Indiana, Mr. LANTOS, Mr. JONES of North Carolina, Mr. HONDA, Mr. FLAKE, Mr. EVANS, Mr. RENZI, Ms. VELÁZQUEZ, Mr. FORTUÑO, Mr. GEORGE MILLER of California, Mr. ISSA, Mr. SCOTT of Virginia, Mr. MILLER of Florida, Ms. ZOE LOFGREN of California, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. WILSON of South Carolina, Mr. ORTIZ, Mr. ALEXANDER, Mrs. CHRISTENSEN, Mr. REHBERG, Mr. KIND, Mrs. NAPOLITANO, Mr. UDALL of New Mexico, Mr. GRIJALVA, Mr. CARDOZA, Mr. TOWNS, Mr. PAYNE, Ms. NORTON, Mr. BECERRA, Mr. HASTINGS of Florida, Mr. HOLDEN, Ms. BERKLEY, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. LANGEVIN, Ms. SOLIS, Mr. WU, Ms. WATSON, Mr. CASE, Mr. SCOTT of Georgia, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Resources

APRIL 25, 2006

Reported with an amendment and referred to the Committee on the Judiciary for a period ending not later than June 9, 2006 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that Committee pursuant to clause 1(f), rule X

[Strike out all after the enacting clause and insert the part printed in *italic*]

JUNE 9, 2006

Additional sponsors: Ms. ROS-LEHTINEN, Mr. GILCHREST, Mr. PALLONE, Mr. FILNER, Mr. HINOJOSA, Mr. LARSEN of Washington, Mr. FRANK of Massachusetts, Mrs. CAPPS, Mr. ISRAEL, Mr. LARSON of Connecticut, Mrs. MALONEY, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. SIMMONS, Ms. LEE, Ms. MILLENDER-MCDONALD,

Mr. KUCINICH, Mrs. MCCARTHY, Mr. KILDEE, Mr. BISHOP of Georgia, Mr. LIPINSKI, Mr. SCHWARZ of Michigan, Ms. WOOLSEY, Ms. DELAURO, Mr. WEXLER, Mr. MCINTYRE, Mr. UDALL of Colorado, Mr. OWENS, Mr. BERMAN, Ms. ROYBAL-ALLARD, Mr. GONZALEZ, Mr. MCDERMOTT, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Mr. BRADY of Pennsylvania, Ms. HERSETH, Mr. MOORE of Kansas, Mr. SCHIFF, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BUTTERFIELD, Mr. COSTA, Ms. JACKSON-LEE of Texas, Mr. STUPAK, Mrs. BLACKBURN, Mr. GALLEGLY, Mr. MELANCON, Mr. AL GREEN of Texas, Mr. MCGOVERN, Ms. MCKINNEY, Mr. SAXTON, Mr. GOHMERT, Mr. MCCOTTER, Ms. SCHWARTZ of Pennsylvania, Mrs. DAVIS of California, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. KOLBE, Mr. HEFLEY, Ms. PELOSI, Mr. INSLEE, Mr. HOYER, and Mr. SERRANO

JUNE 9, 2006

Reported from the Committee on the Judiciary with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on April 13, 2005]

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; 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 this*
 7 *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.

1 **SEC. 2. RECOGNITION OF THE SUFFERING AND LOYALTY OF**
2 **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, forced*
11 *march, or internment.*

12 (b) *RECOGNITION OF THE LOYALTY OF THE RESI-*
13 *DENTS OF GUAM.—The United States forever will be grate-*
14 *ful to the residents of Guam for their steadfast loyalty to*
15 *the United States of America, as demonstrated by the count-*
16 *less acts of courage they performed despite the threat of*
17 *death or great bodily harm they faced at the hands of the*
18 *Imperial Japanese military forces that occupied Guam dur-*
19 *ing 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 *After receipt of certification pursuant to section 4(b)(8) and*
24 *in accordance with this section, the Secretary of the Treas-*
25 *ury shall make the following payments:*

1 (1) *SURVIVORS OF RESIDENTS WHO DIED IN*
2 *WAR.—In the case of a compensable Guam decedent*
3 *(as defined in subsection (c)(1)), the Secretary shall*
4 *pay \$25,000 for distribution to eligible survivors of*
5 *the decedent as specified in subsection (b).*

6 (2) *RESIDENTS INJURED.—In the case of a com-*
7 *pensable Guam victim who is not deceased, the Sec-*
8 *retary shall pay such victim the following:*

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

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

14 (C) *If the victim is not described in sub-*
15 *paragraph (A) or (B) but has suffered an injury*
16 *described in subsection (c)(2)(C), \$10,000.*

17 (3) *SURVIVORS OF DECEASED INJURED RESI-*
18 *DENTS.—In the case of a compensable Guam victim*
19 *who is deceased, the Secretary shall pay \$7,000 for*
20 *distribution to eligible survivors of the victim as spec-*
21 *ified in subsection (b).*

22 *Payments under this section shall be treated for purposes*
23 *of section 1304(a) of title 31, United States Code, as an*
24 *award otherwise authorized as law.*

1 **(b) DISTRIBUTION OF SURVIVOR PAYMENTS.**—Pay-
2 ments under paragraph (1) or (3) of subsection (a) to eligi-
3 ble survivors of an individual who is a compensable Guam
4 decedent or a compensable Guam victim who is deceased
5 shall be made as follows:

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

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

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

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

22 (5) *If there is no such living spouse, child, or*
23 *parent, no payment shall be made.*

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

1 (1) *COMPENSABLE GUAM DECEDENT.*—*The term*
2 “*compensable Guam decedent*” *means an individual*
3 *determined under section 4(a)(1) to have been a resi-*
4 *dent of Guam who died or was killed as a result of*
5 *the attack and occupation of Guam by Imperial Jap-*
6 *anese military forces during World War II, or inci-*
7 *dent to the liberation of Guam by United States mili-*
8 *tary forces, and whose death would have been compen-*
9 *sable under the Guam Meritorious Claims Act of 1945*
10 *(Public Law 79–224) if a timely claim had been filed*
11 *under the terms of such Act.*

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

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

21 (B) *Forced labor or a personal injury not*
22 *under subparagraph (A) (such as disfigurement,*
23 *scarring, or burns).*

24 (C) *Forced march, internment, or hiding to*
25 *evade internment.*

1 (3) *DEFINITIONS OF SEVERE PERSONAL INJU-*
2 *RIES AND PERSONAL INJURIES.*—*The Foreign Claims*
3 *Settlement Commission shall promulgate regulations*
4 *to specify injuries that constitute a severe personal*
5 *injury or a personal injury for purposes of subpara-*
6 *graphs (A) and (B), respectively, of paragraph (2).*

7 **SEC. 4. ADJUDICATION.**

8 (a) *AUTHORITY OF FOREIGN CLAIMS SETTLEMENT*
9 *COMMISSION.*—

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

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

20 (b) *CLAIMS SUBMITTED FOR PAYMENTS.*—

21 (1) *SUBMITTAL OF CLAIM.*—*For purposes of sub-*
22 *section (a)(1) and subject to paragraph (2), the For-*
23 *oreign Claims Settlement Commission may not deter-*
24 *mine an individual is eligible for a payment under*
25 *section 3 unless the individual submits to the Com-*

1 *mission a claim in such manner and form and con-*
2 *taining such information as the Commission specifies.*

3 (2) *FILING PERIOD FOR CLAIMS AND NOTICE.*—

4 *All claims for a payment under section 3 shall be*
5 *filed within one year after the Foreign Claims Settle-*
6 *ment Commission publishes public notice of the filing*
7 *period in the Federal Register. In addition, the Com-*
8 *mission shall cause to be publicized the public notice*
9 *of the deadline for filing claims in newspaper, radio,*
10 *and television media on Guam.*

11 (3) *ADJUDICATORY DECISIONS.*—*The decision of*
12 *the Foreign Claims Settlement Commission on each*
13 *claim shall be by majority vote, shall be in writing,*
14 *and shall state the reasons for the approval or denial*
15 *of the claim. If approved, the decision shall also state*
16 *the amount of the payment awarded and the distribu-*
17 *tion, if any, to be made of the payment.*

18 (4) *DEDUCTIONS IN PAYMENT.*—*The Foreign*
19 *Claims Settlement Commission shall deduct, from po-*
20 *tential payments, amounts previously paid under the*
21 *Guam Meritorious Claims Act of 1945 (Public Law*
22 *79-224).*

23 (5) *INTEREST.*—*No interest shall be paid on*
24 *payments awarded by the Foreign Claims Settlement*
25 *Commission.*

1 (6) *REMUNERATION PROHIBITED.*—No remuneration on account of representational services rendered on behalf of any claimant in connection with any claim filed with the Foreign Claims Settlement Commission under this Act shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this Act on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than \$5,000 or imprisoned not more than 12 months, or both.

14 (7) *APPEALS AND FINALITY.*—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

19 (8) *CERTIFICATIONS FOR PAYMENT.*—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission shall certify it to the Secretary of the Treasury for authorization of a payment under section 3.

24 (9) *TREATMENT OF AFFIDAVITS.*—For purposes of section 3 and subject to paragraph (2), the Foreign

1 *Claims Settlement Commission shall treat a claim*
2 *that is accompanied by an affidavit of an individual*
3 *that attests to all of the material facts required for es-*
4 *tablishing eligibility of such individual for payment*
5 *under such section as establishing a prima facie case*
6 *of the individual's eligibility for such payment with-*
7 *out the need for further documentation, except as the*
8 *Commission may otherwise require. Such material*
9 *facts shall include, with respect to a claim under*
10 *paragraph (2) or (3) of section 3(a), a detailed de-*
11 *scription of the injury or other circumstance sup-*
12 *porting the claim involved, including the level of pay-*
13 *ment sought.*

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

23 (11) *PENALTY FOR FALSE CLAIMS.—The provi-*
24 *sions of section 1001 of title 18 of the United States*
25 *Code (relating to criminal penalties for false state-*

1 *ments) apply to claims submitted under this sub-*
2 *section.*

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

5 *(a) ESTABLISHMENT.—Subject to subsection (c) and in*
6 *accordance with this section, the Secretary of the Interior*
7 *shall establish a grants program under which the Secretary*
8 *shall award grants for research, educational, and media ac-*
9 *tivities that memorialize the events surrounding the occupa-*
10 *tion of Guam during World War II, honor the loyalty of*
11 *the people of Guam during such occupation, or both, for*
12 *purposes of appropriately illuminating and interpreting*
13 *the causes and circumstances of such occupation and other*
14 *similar occupations during a war.*

15 *(b) ELIGIBILITY.—The Secretary of the Interior may*
16 *not award to a person a grant under subsection (a) unless*
17 *such person submits an application to the Secretary for*
18 *such grant, in such time, manner, and form and containing*
19 *such information as the Secretary specifies.*

20 *(c) AUTHORIZATION FOR APPROPRIATIONS.—There*
21 *are authorized to be appropriated \$5,000,000, to remain*
22 *available for obligation until September 30, 2011, to carry*
23 *out the grant program under this section. In addition, the*
24 *Secretary of the Interior may use unobligated funds made*

- 1 *available to the Secretary that may be used for such purpose*
- 2 *to carry out this section.*

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