

112TH CONGRESS  
1ST SESSION

# H. R. 44

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Ms. BORDALLO (for herself, Ms. LORETTA SANCHEZ of California, Mr. ANDREWS, Ms. HIRONO, Mr. CUMMINGS, Mr. BISHOP of Georgia, Ms. RICHARDSON, Mr. GRIJALVA, Mr. SABLAN, Mrs. CHRISTENSEN, Mr. FALDOMAVAEGA, Mr. PIERLUISI, Mr. JONES, Mr. HOYER, Ms. JACKSON LEE of Texas, Mr. LOEBSACK, Mr. BURTON of Indiana, Mr. SENSENBRENNER, Mr. BECERRA, Ms. NORTON, Mr. BARTLETT, Mr. RAHALL, Mr. WILSON of South Carolina, Mr. NADLER, and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Natural Resources

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## 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”.

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 the availability of appropriations authorized to  
24 be appropriated under section 6(a), after receipt of certifi-  
25 cation pursuant to section 4(b)(8) and in accordance with

1 the provisions of this title, the Secretary of the Treasury  
2 shall make payments as follows:

3 (1) RESIDENTS INJURED.—Before any pay-  
4 ments are made to individuals described in para-  
5 graph (2), the Secretary shall pay compensable  
6 Guam victims who are not deceased as follows:

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

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

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

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

22 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Pay-  
23 ments under paragraph (2) of subsection (a) to eligible  
24 survivors of an individual who is a compensable Guam de-  
25 cedent shall be made as follows:

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

4           (2) If there is living a spouse of the individual  
5 and one or more children of the individual, one-half  
6 of the payment shall be made to the spouse and the  
7 other half to the child (or to the children in equal  
8 shares).

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

13           (4) If there is no living spouse or child of the  
14 individual but there is a living parent (or parents)  
15 of the individual, all of the payment shall be made  
16 to the parent (or to the parents in equal shares).

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

19           (c) DEFINITIONS.—For purposes of this title:

20           (1) COMPENSABLE GUAM DECEDENT.—The  
21 term “compensable Guam decedent” means an indi-  
22 vidual determined under section 4 to have been a  
23 resident of Guam who died or was killed as a result  
24 of the attack and occupation of Guam by Imperial  
25 Japanese military forces during World War II, or in-

1       cident to the liberation of Guam by United States  
2       military forces, and whose death would have been  
3       compensable under the Guam Meritorious Claims  
4       Act of 1945 (Public Law 79–224) if a timely claim  
5       had been filed under the terms of such Act.

6               (2) COMPENSABLE GUAM VICTIM.—The term  
7       “compensable Guam victim” means an individual de-  
8       termined under section 4 to have suffered, as a re-  
9       sult of the attack and occupation of Guam by Impe-  
10      rial Japanese military forces during World War II,  
11      or incident to the liberation of Guam by United  
12      States military forces, any of the following:

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

15               (B) Forced labor or a personal injury not  
16      under subparagraph (A) (such as disfigure-  
17      ment, scarring, or burns).

18               (C) Forced march, internment, or hiding  
19      to evade internment.

20               (3) DEFINITIONS OF SEVERE PERSONAL INJU-  
21      RIES AND PERSONAL INJURIES.—The Foreign  
22      Claims Settlement Commission shall promulgate reg-  
23      ulations to specify injuries that constitute a severe  
24      personal injury or a personal injury for purposes of

1       subparagraphs (A) and (B), respectively, of para-  
2       graph (2).

3 **SEC. 4. ADJUDICATION.**

4       (a) **AUTHORITY OF FOREIGN CLAIMS SETTLEMENT**  
5 **COMMISSION.—**

6           (1) **IN GENERAL.—**The Foreign Claims Settle-  
7       ment Commission is authorized to adjudicate claims  
8       and determine eligibility for payments under section  
9       3.

10          (2) **RULES AND REGULATIONS.—**The chairman  
11       of the Foreign Claims Settlement Commission shall  
12       prescribe such rules and regulations as may be nec-  
13       essary to enable it to carry out its functions under  
14       this title. Such rules and regulations shall be pub-  
15       lished in the Federal Register.

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

17           (1) **SUBMITTAL OF CLAIM.—**For purposes of  
18       subsection (a)(1) and subject to paragraph (2), the  
19       Foreign Claims Settlement Commission may not de-  
20       termine an individual is eligible for a payment under  
21       section 3 unless the individual submits to the Com-  
22       mission a claim in such manner and form and con-  
23       taining such information as the Commission speci-  
24       fies.

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

2           All claims for a payment under section 3 shall be  
3           filed within one year after the Foreign Claims Set-  
4           tlement Commission publishes public notice of the  
5           filing period in the Federal Register. The Foreign  
6           Claims Settlement Commission shall provide for the  
7           notice required under the previous sentence not later  
8           than 180 days after the date of the enactment of  
9           this title. In addition, the Commission shall cause to  
10          be publicized the public notice of the deadline for fil-  
11          ing claims in newspaper, radio, and television media  
12          on Guam.

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

20          (4) DEDUCTIONS IN PAYMENT.—The Foreign  
21          Claims Settlement Commission shall deduct, from  
22          potential payments, amounts previously paid under  
23          the Guam Meritorious Claims Act of 1945 (Public  
24          Law 79–224).

1           (5) INTEREST.—No interest shall be paid on  
2           payments awarded by the Foreign Claims Settlement  
3           Commission.

4           (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 title shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this title 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.

17           (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.

23           (8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission



1 shall certify it to the Secretary of the Treasury for  
2 authorization of a payment under section 3.

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

18 (10) RELEASE OF RELATED CLAIMS.—Accept-  
19 ance of payment under section 3 by an individual for  
20 a claim related to a compensable Guam decedent or  
21 a compensable Guam victim shall be in full satisfac-  
22 tion of all claims related to such decedent or victim,  
23 respectively, arising under the Guam Meritorious  
24 Claims Act of 1945 (Public Law 79-224), the imple-

1           menting regulations issued by the United States  
2           Navy pursuant thereto, or this title.

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

5           (a) ESTABLISHMENT.—Subject to section 6(b) and in  
6   accordance with this section, the Secretary of the Interior  
7   shall establish a grants program under which the Sec-  
8   retary shall award grants for research, educational, and  
9   media activities that memorialize the events surrounding  
10  the occupation of Guam during World War II, honor the  
11  loyalty of the people of Guam during such occupation, or  
12  both, for purposes of appropriately illuminating and inter-  
13  preting the causes and circumstances of such occupation  
14  and other 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 con-  
19  taining such information as the Secretary specifies.

20   **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

21          (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND  
22  ADJUDICATION.—For purposes of carrying out sections 3  
23  and 4, there are authorized to be appropriated  
24  \$100,000,000, to remain available for obligation until Sep-  
25  tember 30, 2016, to the Foreign Claims Settlement Com-

1 mission. Not more than 5 percent of funds made available  
2 under this subsection shall be used for administrative  
3 costs.

4 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For  
5 purposes of carrying out section 5, there are authorized  
6 to be appropriated \$5,000,000, to remain available for ob-  
7 ligation until September 30, 2016.

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