

**AMENDMENT TO H.R. 4909, AS REPORTED
OFFERED BY MS. BORDALLO OF GUAM**

At the end of the bill, add the following:

1 **TITLE LXXIII—GUAM WORLD**
2 **WAR II LOYALTY RECOGNI-**
3 **TION ACT**

4 **SEC. 7301. SHORT TITLE.**

5 This title may be cited as the “Guam World War II
6 Loyalty Recognition Act”.

7 **SEC. 7302. RECOGNITION OF THE SUFFERING AND LOY-**
8 **ALTY OF THE RESIDENTS OF GUAM.**

9 (a) RECOGNITION OF THE SUFFERING OF THE RESI-
10 DENTS OF GUAM.—The United States recognizes that, as
11 described by the Guam War Claims Review Commission,
12 the residents of Guam, on account of their United States
13 nationality, suffered unspeakable harm as a result of the
14 occupation of Guam by Imperial Japanese military forces
15 during World War II, by being subjected to death, rape,
16 severe personal injury, personal injury, forced labor,
17 forced march, or internment.

18 (b) RECOGNITION OF THE LOYALTY OF THE RESI-
19 DENTS OF GUAM.—The United States forever will be
20 grateful to the residents of Guam for their steadfast loy-

1 alty to the United States, as demonstrated by the count-
2 less acts of courage they performed despite the threat of
3 death or great bodily harm they faced at the hands of the
4 Imperial Japanese military forces that occupied Guam
5 during World War II.

6 **SEC. 7303. GUAM WORLD WAR II CLAIMS FUND.**

7 (a) ESTABLISHMENT OF FUND.—The Secretary of
8 the Treasury shall establish in the Treasury of the United
9 States a special fund (in this title referred to as the
10 “Claims Fund”) for the payment of claims submitted by
11 compensable Guam victims and survivors of compensable
12 Guam decedents in accordance with sections 7304 and
13 7305.

14 (b) COMPOSITION OF FUND.—The Claims Fund es-
15 tablished under subsection (a) shall be composed of
16 amounts deposited into the Claims Fund under subsection
17 (c) and any other payments made available for the pay-
18 ment of claims under this title.

19 (c) PAYMENT OF CERTAIN DUTIES, TAXES, AND
20 FEES COLLECTED FROM GUAM DEPOSITED INTO
21 FUND.—

22 (1) IN GENERAL.—Notwithstanding section 30
23 of the Organic Act of Guam (48 U.S.C. 1421h), the
24 excess of—

1 (A) any amount of duties, taxes, and fees
2 collected under such section after fiscal year
3 2014, over

4 (B) the amount of duties, taxes, and fees
5 collected under such section during fiscal year
6 2014,

7 shall be deposited into the Claims Fund.

8 (2) APPLICATION.—Paragraph (1) shall not
9 apply after the date for which the Secretary of the
10 Treasury determines that all payments required to
11 be made under section 7304 have been made.

12 (d) LIMITATION ON PAYMENTS MADE FROM
13 FUND.—

14 (1) IN GENERAL.—No payment may be made in
15 a fiscal year under section 7304 until funds are de-
16 posited into the Claims Fund in such fiscal year
17 under subsection (c).

18 (2) AMOUNTS.—For each fiscal year in which
19 funds are deposited into the Claims Fund under
20 subsection (c), the total amount of payments made
21 in a fiscal year under section 7304 may not exceed
22 the amount of funds available in the Claims Fund
23 for such fiscal year.

24 (e) DEDUCTIONS FROM FUND FOR ADMINISTRATIVE
25 EXPENSES.—The Secretary of the Treasury shall deduct

1 from any amounts deposited into the Claims Fund an
2 amount equal to 5 percent of such amounts as reimburse-
3 ment to the Federal Government for expenses incurred by
4 the Foreign Claims Settlement Commission and by the
5 Department of the Treasury in the administration of this
6 title. The amounts so deducted shall be covered into the
7 Treasury as miscellaneous receipts.

8 **SEC. 7304. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

9 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
10 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
11 After the Secretary of the Treasury receives the certifi-
12 cation from the Chairman of the Foreign Claims Settle-
13 ment Commission as required under section 7305(b)(8),
14 the Secretary of the Treasury shall make payments to
15 compensable Guam victims and survivors of a compensable
16 Guam decedents as follows:

17 (1) COMPENSABLE GUAM VICTIM.—Before mak-
18 ing any payments under paragraph (2), the Sec-
19 retary shall make payments to compensable Guam
20 victims as follows:

21 (A) In the case of a victim who has suf-
22 fered an injury described in subsection
23 (c)(2)(A), \$15,000.

24 (B) In the case of a victim who is not de-
25 scribed in subparagraph (A), but who has suf-

1 ferred an injury described in subsection
2 (c)(2)(B), \$12,000.

3 (C) In the case of a victim who is not de-
4 scribed in subparagraph (A) or (B), but who
5 has suffered an injury described in subsection
6 (c)(2)(C), \$10,000.

7 (2) SURVIVORS OF COMPENSABLE GUAM DECE-
8 DENTS.—In the case of a compensable Guam dece-
9 dent, the Secretary shall pay \$25,000 for distribu-
10 tion to survivors of the decedent in accordance with
11 subsection (b). The Secretary shall make payments
12 under this paragraph only after all payments are
13 made under paragraph (1).

14 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—A
15 payment made under subsection (a)(2) to the survivors of
16 a compensable Guam decedent shall be distributed as fol-
17 lows:

18 (1) In the case of a decedent whose spouse is
19 living as of the date of the enactment of this Act,
20 but who had no living children as of such date, the
21 payment shall be made to such spouse.

22 (2) In the case of a decedent whose spouse is
23 living as of the date of the enactment of this Act
24 and who had one or more living children as of such
25 date, 50 percent of the payment shall be made to the

1 spouse and 50 percent shall be made to such chil-
2 dren, to be divided among such children to the
3 greatest extent possible into equal shares.

4 (3) In the case of a decedent whose spouse is
5 not living as of the date of the enactment of this Act
6 and who had one or more living children as of such
7 date, the payment shall be made to such children, to
8 be divided among such children to the greatest ex-
9 tent possible into equal shares.

10 (4) In the case of a decedent whose spouse is
11 not living as of the date of the enactment of this Act
12 and who had no living children as of such date, but
13 who—

14 (A) had a parent who is living as of such
15 date, the payment shall be made to the parent;
16 or

17 (B) had two parents who are living as of
18 such date, the payment shall be divided equally
19 between the parents.

20 (5) In the case of a decedent whose spouse is
21 not living as of the date of the enactment of this
22 Act, who had no living children as of such date, and
23 who had no parents who are living as of such date,
24 no payment shall be made.

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

1 (1) COMPENSABLE GUAM DECEDENT.—The
2 term “compensable Guam decedent” means an indi-
3 vidual determined under section 7305 to have been
4 a resident of Guam who died as a result of the at-
5 tack and occupation of Guam by Imperial Japanese
6 military forces during World War II, or incident to
7 the liberation of Guam by United States military
8 forces, and whose death would have been compen-
9 sable under the Guam Meritorious Claims Act of
10 1945 (Public Law 79–224) if a timely claim had
11 been filed under the terms of such Act.

12 (2) COMPENSABLE GUAM VICTIM.—The term
13 “compensable Guam victim” means an individual
14 who is not deceased as of the date of the enactment
15 of this Act and who is determined under section
16 7305 to have suffered, as a result of the attack and
17 occupation of Guam by Imperial Japanese military
18 forces during World War II, or incident to the lib-
19 eration of Guam by United States military forces,
20 any of the following:

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

23 (B) Forced labor or a personal injury not
24 under subparagraph (A) (such as disfigure-
25 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.—Not later than 180
5 days after the date of the enactment of this Act, the
6 Foreign Claims Settlement Commission shall pro-
7 mulgate regulations to specify the injuries that con-
8 stitute a severe personal injury or a personal injury
9 for purposes of subparagraphs (A) and (B), respec-
10 tively, of paragraph (2).

11 **SEC. 7305. ADJUDICATION.**

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

14 (1) IN GENERAL.—The Foreign Claims Settle-
15 ment Commission shall adjudicate claims and deter-
16 mine the eligibility of individuals for payments under
17 section 7304.

18 (2) RULES AND REGULATIONS.—Not later than
19 180 days after the date of the enactment of this Act,
20 the Chairman of the Foreign Claims Settlement
21 Commission shall publish in the Federal Register
22 such rules and regulations as may be necessary to
23 enable the Commission to carry out the functions of
24 the Commission under this title.

25 (b) CLAIMS SUBMITTED FOR PAYMENTS.—

1 (1) SUBMITTAL OF CLAIM.—For purposes of
2 subsection (a)(1) and subject to paragraph (2), the
3 Foreign Claims Settlement Commission may not de-
4 termine an individual is eligible for a payment under
5 section 7304 unless the individual submits to the
6 Commission a claim in such manner and form and
7 containing such information as the Commission
8 specifies.

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

10 (A) FILING PERIOD.—An individual filing
11 a claim for a payment under section 7304 shall
12 file such claim not later than one year after the
13 date on which the Foreign Claims Settlement
14 Commission publishes the notice described in
15 subparagraph (B).

16 (B) NOTICE OF FILING PERIOD.—Not later
17 than 180 days after the date of the enactment
18 of this Act, the Foreign Claims Settlement
19 Commission shall publish a notice of the dead-
20 line for filing a claim described in subparagraph
21 (A)—

22 (i) in the Federal Register; and

23 (ii) in newspaper, radio, and television
24 media in Guam.

1 (3) ADJUDICATORY DECISIONS.—The decision
2 of the Foreign Claims Settlement Commission on
3 each claim filed under this title shall—

4 (A) be by majority vote;

5 (B) be in writing;

6 (C) state the reasons for the approval or
7 denial of the claim; and

8 (D) if approved, state the amount of the
9 payment awarded and the distribution, if any,
10 to be made of the payment.

11 (4) DEDUCTIONS IN PAYMENT.—The Foreign
12 Claims Settlement Commission shall deduct, from a
13 payment made to a compensable Guam victim or
14 survivors of a compensable Guam decedent under
15 this section, amounts paid to such victim or sur-
16 vivors under the Guam Meritorious Claims Act of
17 1945 (Public Law 79–224) before the date of the
18 enactment of this Act.

19 (5) INTEREST.—No interest shall be paid on
20 payments made by the Foreign Claims Settlement
21 Commission under section 7304.

22 (6) LIMITED COMPENSATION FOR PROVISION
23 OF REPRESENTATIONAL SERVICES.—

24 (A) LIMIT ON COMPENSATION.—Any
25 agreement under which an individual who pro-

1 vided representational services to an individual
2 who filed a claim for a payment under this title
3 that provides for compensation to the individual
4 who provided such services in an amount that
5 is more than one percent of the total amount of
6 such payment shall be unlawful and void.

7 (B) PENALTIES.—Whoever demands or re-
8 ceives any compensation in excess of the
9 amount allowed under subparagraph (A) shall
10 be fined not more than \$5,000 or imprisoned
11 not more than one year, or both.

12 (7) APPEALS AND FINALITY.—Objections and
13 appeals of decisions of the Foreign Claims Settle-
14 ment Commission shall be to the Commission, and
15 upon rehearing, the decision in each claim shall be
16 final, and not subject to further review by any court
17 or agency.

18 (8) CERTIFICATIONS FOR PAYMENT.—After a
19 decision approving a claim becomes final, the Chair-
20 man of the Foreign Claims Settlement Commission
21 shall certify such decision to the Secretary of the
22 Treasury for authorization of a payment under sec-
23 tion 7304.

24 (9) TREATMENT OF AFFIDAVITS.—For pur-
25 poses of section 7304 and subject to paragraph (2),

1 the Foreign Claims Settlement Commission shall
2 treat a claim that is accompanied by an affidavit of
3 an individual that attests to all of the material facts
4 required for establishing the eligibility of such indi-
5 vidual for payment under such section as estab-
6 lishing a prima facie case of the eligibility of the in-
7 dividual for such payment without the need for fur-
8 ther documentation, except as the Commission may
9 otherwise require. Such material facts shall include,
10 with respect to a claim for a payment made under
11 section 7304(a), a detailed description of the injury
12 or other circumstance supporting the claim involved,
13 including the level of payment sought.

14 (10) RELEASE OF RELATED CLAIMS.—Accept-
15 ance of a payment under section 7304 by an indi-
16 vidual for a claim related to a compensable Guam
17 decedent or a compensable Guam victim shall be in
18 full satisfaction of all claims related to such dece-
19 dent or victim, respectively, arising under the Guam
20 Meritorious Claims Act of 1945 (Public Law 79–
21 224), the implementing regulations issued by the
22 United States Navy pursuant to such Act (Public
23 Law 79–224), or this title.

1 **SEC. 7306. GRANTS PROGRAM TO MEMORIALIZE THE OCCU-**
2 **PATION OF GUAM DURING WORLD WAR II.**

3 (a) ESTABLISHMENT.—Subject to subsection (b), the
4 Secretary of the Interior shall establish a grant program
5 under which the Secretary shall award grants for research,
6 educational, and media activities for purposes of appro-
7 priately illuminating and interpreting the causes and cir-
8 cumstances of the occupation of Guam during World War
9 II and other similar occupations during the war that—

10 (1) memorialize the events surrounding such oc-
11 cupation; or

12 (2) honor the loyalty of the people of Guam
13 during such occupation.

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

19 **SEC. 7307. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
21 ADJUDICATION.—There are authorized to be appropriated
22 for any fiscal year beginning after the date of the enact-
23 ment of this Act, such sums as may be necessary to enable
24 the Commission and the Treasury Department to pay
25 their respective administrative expenses incurred in car-
26 rying out their functions under sections 7304 and 7305.

1 Amounts appropriated under this section may remain
2 available until expended.

3 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
4 purposes of carrying out section 7306, there are author-
5 ized to be appropriated \$5,000,000 for each fiscal year
6 beginning after the date of the enactment of this Act.

