AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. BORDALLO OF GUAM AND MR. YOUNG OF ALASKA

At the end of division A, add the following new title:

TITLE XVII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the "Guam World War II Loyalty Recognition Act".

SEC. 1702. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) Recognition of the Suffering of the Residents of Guam.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) Recognition of the Loyalty of the Residents of Guam.—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States of America, as demonstrated by
the countless acts of courage they performed despite the
threat of death or great bodily harm they faced at the
hands of the Imperial Japanese military forces that occu-
pied Guam during World War II.

SEC. 1703. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY,
FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
Subject to the availability of appropriations authorized to
be appropriated under section 1706(a), after receipt of
certification pursuant to section 1704(b)(8) and in accord-
ance with the provisions of this title, the Secretary of the
Treasury shall make payments as follows:

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

(A) If the victim has suffered an injury de-
scribed in subsection (c)(2)(A), $15,000.
(B) If the victim is not described in sub-
paragraph (A) but has suffered an injury de-
scribed in subsection (c)(2)(B), $12,000.
(C) If the victim is not described in sub-
paragraph (A) or (B) but has suffered an in-
jury described in subsection (c)(2)(C), $10,000.
(2) Survivors of residents who died in
war.—In the case of a compensable Guam decedent,
the Secretary shall pay $25,000 for distribution to
eligible survivors of the decedent as specified in sub-
section (b). The Secretary shall make payments
under this paragraph after payments are made
under paragraph (1).

(b) Distribution of survivor payments.—Pay-
ments under paragraph (2) of subsection (a) to eligible
survivors of an individual who is a compensable Guam de-
cedent shall be made as follows:

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

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

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

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

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

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

(1) COMPENSABLE GUAM DECEDENT.—The
term “compensable Guam decedent” means an indi-
dividual determined under section 1704 to have been
a resident of Guam who died or was killed as a re-
sult of the attack and occupation of Guam by Impe-
rial Japanese military forces during World War II,
or incident to the liberation of Guam by United
States military forces, and whose death would have
been compensable under the Guam Meritorious
Claims Act of 1945 (Public Law 79–224) if a timely
claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term
“compensable Guam victim” means an individual de-
determined under section 1704 to have suffered, as a
result of the attack and occupation of Guam by Im-
perial Japanese military forces during World War II,
or incident to the liberation of Guam by United
States military forces, any of the following:

(A) Rape or severe personal injury (such
as loss of a limb, dismemberment, or paralysis).
(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

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

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—The Foreign Claims Settlement Commission shall promulgate regulations to specify injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 1704. ADJUDICATION.

(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

(1) IN GENERAL.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 1703.

(2) RULES AND REGULATIONS.—The chairman of the Foreign Claims Settlement Commission shall prescribe such rules and regulations as may be necessary to enable it to carry out its functions under this title. Such rules and regulations shall be published in the Federal Register.
(b) CLAIMS SUBMITTED FOR PAYMENTS.—

(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1703 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) FILING PERIOD FOR CLAIMS AND NOTICE.—

All claims for a payment under section 1703 shall be filed within one year after the Foreign Claims Settlement Commission publishes public notice of the filing period in the Federal Register. The Foreign Claims Settlement Commission shall provide for the notice required under the previous sentence not later than 180 days after the date of the enactment of this title. In addition, the Commission shall cause to be publicized the public notice of the deadline for filing claims in newspaper, radio, and television media on Guam.

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

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

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

(6) REMUNERATION PROHIBITED.—No remu-
neration on account of representational services ren-
dered 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 remunera-
tion in excess of the maximum permitted by this sec-
tion shall be fined not more than $5,000 or impris-
oned not more than 12 months, or both.
(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.

(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 1703.

(9) TREATMENT OF AFFIDAVITS.—For purposes of section 1703 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing eligibility of such individual for payment under such section as establishing a prima facie case of the individual’s eligibility for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim under paragraph (2) or (3) of section 1703(a), a detailed description of the injury or
other circumstance supporting the claim involved, includ-
ing the level of payment sought.

(10) RELEASE OF RELATED CLAIMS.—Accept-
ance of payment under section 1703 by an individual
for a claim related to a compensable Guam decedent
or a compensable Guam victim shall be in full satis-
faction of all claims related to such decedent or vic-
tim, respectively, arising under the Guam Meri-
torious Claims Act of 1945 (Public Law 79–224),
the implementing regulations issued by the United
States Navy pursuant thereto, or this title.

SEC. 1705. GRANTS PROGRAM TO MEMORIALIZE THE OCCU-
PATION OF GUAM DURING WORLD WAR II.

(a) ESTABLISHMENT.—Subject to section 1706(b)
and in accordance with this section, the Secretary of the
Interior shall establish a grants program under which the
Secretary shall award grants for research, educational,
and media activities that memorialize the events sur-
rounding the occupation of Guam during World War II,
honor the loyalty of the people of Guam during such occu-
pation, or both, for purposes of appropriately illuminating
and interpreting the causes and circumstances of such oc-
cupation and other similar occupations during a war.

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

SEC. 1706. AUTHORIZATION OF APPROPRIATIONS.

(a) Guam World War II Claims Payments and Adjudication.—For purposes of carrying out sections 1703 and 1704, there are authorized to be appropriated $100,000,000, to remain available for obligation until September 30, 2016, to the Foreign Claims Settlement Commission. Not more than 5 percent of funds made available under this subsection shall be used for administrative costs.

(b) Guam World War II Grants Program.—For purposes of carrying out section 1705, there are authorized to be appropriated $5,000,000, to remain available for obligation until September 30, 2016.