

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 4310, AS REPORTED
OFFERED BY MS. BORDALLO OF GUAM**

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

1 **TITLE XVII—GUAM WORLD WAR**
2 **II LOYALTY RECOGNITION ACT**

3 **SEC. 1701. SHORT TITLE.**

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

6 **SEC. 1702. RECOGNITION OF THE SUFFERING AND LOY-**
7 **ALTY OF THE RESIDENTS OF GUAM.**

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

17 (b) RECOGNITION OF THE LOYALTY OF THE RESI-
18 DENTS OF GUAM.—The United States forever will be

1 grateful to the residents of Guam for their steadfast loy-
2 alty to the United States of America, as demonstrated by
3 the countless acts of courage they performed despite the
4 threat of death or great bodily harm they faced at the
5 hands of the Imperial Japanese military forces that occu-
6 pied Guam during World War II.

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

8 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
9 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
10 Subject to the availability of funds authorized to be appro-
11 priated under section 1706(a), after receipt of certification
12 pursuant to section 1704(b)(8), and in accordance with
13 the provisions of this title, the Secretary of the Treasury
14 shall make payments as follows:

15 (1) RESIDENTS INJURED.—Before any pay-
16 ments are made to individuals described in para-
17 graph (2), the Secretary shall pay compensable
18 Guam victims as follows:

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

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

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

4 (2) SURVIVORS OF RESIDENTS WHO DIED IN
5 WAR.—In the case of a compensable Guam decedent,
6 the Secretary shall pay \$25,000 for distribution to
7 survivors of the decedent in accordance with sub-
8 section (b). The Secretary shall make payments
9 under this paragraph after payments are made
10 under paragraph (1).

11 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Pay-
12 ments under subsection (a)(2) to survivors of a compen-
13 sable Guam decedent shall be made as follows:

14 (1) In the case of a decedent whose spouse is
15 living as of the date of the enactment of this title,
16 but who had no living children as of the date of the
17 enactment of this title, all of the payment shall be
18 made to such spouse.

19 (2) In the case of a decedent whose spouse is
20 living as of the date of the enactment of this title,
21 and who had one or more living children as of the
22 date of the enactment of this title, 50 percent of the
23 payment shall be made to the spouse and 50 percent
24 shall be made to such children, to be divided into
25 equal shares.

1 (3) In the case of a decedent whose spouse is
2 not living as of the date of the enactment of this
3 title, and who had one or more living children as of
4 the date of the enactment of this title, all of the pay-
5 ment shall be made to such children, to be divided
6 into equal shares.

7 (4) In the case of a decedent whose spouse is
8 not living as of the date of the enactment of this
9 title, and who had no living children as of the date
10 of the enactment of this title, but who—

11 (A) had a parent who is living as of the
12 date of the enactment of this title, the payment
13 shall be made to the parent; or

14 (B) had two parents who are living as of
15 the date of the enactment of this title, the pay-
16 ment shall be divided equally between the par-
17 ents.

18 (5) In the case of a decedent whose spouse is
19 living as of the date of the enactment of this title,
20 who had no living children as of the date of the en-
21 actment of this title, and who had no parents who
22 are living as of the date of the enactment of this
23 title, no payment shall be made.

24 (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 1704 to have been
4 a resident of Guam who died or was killed as a re-
5 sult of the attack and occupation of Guam by Impe-
6 rial Japanese military forces during World War II,
7 or incident to the liberation of Guam by United
8 States military forces, and whose death would have
9 been compensable under the Guam Meritorious
10 Claims Act of 1945 (Public Law 79–224) if a timely
11 claim had 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 title and who is determined under section
16 1704 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 enactment of this title, the Foreign
6 Claims Settlement Commission shall promulgate reg-
7 ulations to specify injuries that constitute a severe
8 personal injury or a personal injury for purposes of
9 subparagraphs (A) and (B), respectively, of para-
10 graph (2).

11 **SEC. 1704. ADJUDICATION.**

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

14 (1) IN GENERAL.—The Foreign Claims Settle-
15 ment Commission is authorized to adjudicate claims
16 and determine eligibility for payments under section
17 1703.

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

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 1703 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) NOTICE OF FILING PERIOD.—Not later
11 than 180 days after the date of the enactment
12 of this title, the Foreign Claims Settlement
13 Commission shall publish a notice that all
14 claims for a payment under section 1703 shall
15 be filed not later than one year after the Com-
16 mission publishes such notice—

17 (i) in the Federal Register; and

18 (ii) in newspaper, radio, and television
19 media on Guam.

20 (B) FILING PERIOD.—A claim for payment
21 under section 1703 shall be filed not later than
22 one year after the publication of the notice de-
23 scribed in subparagraph (A).

1 (3) ADJUDICATORY DECISIONS.—The decision
2 of the Foreign Claims Settlement Commission on
3 each claim 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 awarded under this section to a compen-
14 sable Guam victim or survivors of a compensable
15 Guam decedent, amounts paid to such victim or
16 survivors under the Guam Meritorious Claims Act of
17 1945 (Public Law 79–224) before the date of the
18 enactment of this title.

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

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

24 (A) COMPENSATION ALLOWED.—A pay-
25 ment may be made to an individual who pro-

1 vided representational services under this title
2 to a claimant for a payment under this title in
3 an amount that does not exceed one percent of
4 the total amount of such payment.

5 (B) PAYMENT OVER ALLOWED COMPENSA-
6 TION UNLAWFUL.—It is unlawful for any agree-
7 ment to provide more than such one percent
8 payment. Any such agreement shall be void.

9 (C) PENALTIES.—Whoever demands or re-
10 ceives any payment in excess of the amount al-
11 lowed under subparagraph (A) shall be fined
12 not more than \$5,000 or imprisoned not more
13 than one year, or both.

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

20 (8) CERTIFICATIONS FOR PAYMENT.—After a
21 decision approving a claim becomes final, the chair-
22 man of the Foreign Claims Settlement Commission
23 shall certify it to the Secretary of the Treasury for
24 authorization of a payment under section 1703.

1 (9) TREATMENT OF AFFIDAVITS.—For pur-
2 poses of section 1703 and subject to paragraph (2),
3 the Foreign Claims Settlement Commission shall
4 treat a claim that is accompanied by an affidavit of
5 an individual that attests to all of the material facts
6 required for establishing eligibility of such individual
7 for payment under such section as establishing a
8 prima facie case of the individual's eligibility for
9 such payment without the need for further docu-
10 mentation, except as the Commission may otherwise
11 require. Such material facts shall include, with re-
12 spect to a claim under paragraph (2) or (3) of sec-
13 tion 1703(a), a detailed description of the injury or
14 other circumstance supporting the claim involved, in-
15 cluding the level of payment sought.

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

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

3 (a) ESTABLISHMENT.—Subject to section 1706(b)
4 and in accordance with this section, the Secretary of the
5 Interior shall establish a grant program under which the
6 Secretary shall award grants for research, educational,
7 and media activities for purposes of appropriately illu-
8 minating and interpreting the causes and circumstances
9 of the occupation of Guam during World War II and other
10 similar occupations during the war that—

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

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

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. 1706. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
22 ADJUDICATION.—For purposes of carrying out sections
23 1703 and 1704, there are authorized to be appropriated
24 to the Foreign Claims Settlement Commission an amount
25 equal to the amount deposited into the General Fund of
26 the Treasury in a fiscal year under section 1707(a) for

1 each fiscal year in which such amount is so deposited. Not
2 more than 5 percent of funds made available under this
3 subsection shall be used for administrative costs.

4 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
5 purposes of carrying out section 1705, there are author-
6 ized to be appropriated \$5,000,000 for each of fiscal years
7 2013 through 2017.

8 **SEC. 1707. PAYMENT OF CERTAIN DUTIES, TAXES, AND**
9 **FEES COLLECTED FROM GUAM TO SEC-**
10 **RETARY OF TREASURY.**

11 (a) IN GENERAL.—Notwithstanding section 30 of the
12 Organic Act of Guam (48 U.S.C. 1421h), the excess of—

13 (1) any amount of duties, taxes, and fees col-
14 lected under such section after fiscal year 2012, over

15 (2) the amount of duties, taxes, and fees col-
16 lected under such section during fiscal year 2012,

17 shall be deposited into the General Fund of the Treasury.

18 (b) APPLICATION.—Subsection (a) shall not apply
19 after the date for which the Secretary of the Treasury de-
20 termines that—

21 (1) all payments required to be made under sec-
22 tion 1703 of this title have been made; and

23 (2) the amount deposited into the General
24 Fund of the Treasury under subsection (a) is equal

1 to the total amount of all payments made under sec-
2 tion 1703 of this title.

