I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
230-36 (LS)	Committee on Rules by request of *I Maga'hågan Guåhan* , the Governor of Guam, in accordance with the Organic Act of Guam.	AN ACT TO *ADD* A *NEW* ARTICLE 13.3 TO CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ADOPTING THE IMPLEMENTATION PLAN FOR PAYMENTS FOR GUAM WORLD WAR II CLAIMS.	12/9/21 11:26 a.m.						Exhibit A-D

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 230-36 (LS)

Introduced by: Committee on Rules
by request of *I Maga'hågan Guåhan*, the Governor of Guam, in accordance with the Organic Act of Guam.

AN ACT TO *ADD* A *NEW* ARTICLE 13.3 TO CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ADOPTING THE IMPLEMENTATION PLAN FOR PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Implementation Plan for Payments for Guam World War II Claims. A *new* Article 13.3 is hereby *added* to Chapter 1, Title 5, Guam Code Annotated to read:

"**ARTICLE 13.3**

IMPLEMENTATION PLAN FOR PAYMENTS FOR GUAM WORLD WAR II CLAIMS

§ 13.301. Definitions.
§ 13.302. Payments for Certified Guam World War II Claims.
§ 13.303. Filing Period for Claims and Notice.
§ 13.304. Adjudication and Eligibility.
§ 13.305. Appeals.
§ 13.306. Appropriation.

§ 13.307. Office.
§ 13.308. Limited Compensation for Provision of Representational Services.
§ 13.309. Affidavit.
§ 13.310. Release of Related Claims.
§ 13.311. Memorandum of Agreement.
§ 13.312. Repository.
§ 13.313. Schedule and Exhibits to the Schedule.

§ 13.301. Definitions.

For purposes of this Chapter:

(a) *Compensable Guam decedent* means an individual determined under § 13.302 of this Chapter to have been a resident of Guam who died as a result of the attack and occupation of Guam by Imperial 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 (U.S. Public Law 79-224) if a timely claim had been filed under the terms of such Act.

(b) *Compensable Guam victim* means an individual who is not deceased as of the date of the enactment of the Guam World War II Loyalty Recognition Act and who is determined under § 13.302 to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(1) rape or severe personal injury, such as loss of a limb, dismemberment, or paralysis;

(2) forced labor or a personal injury not under item (1) of this Section, such as disfigurement, scarring, or burns; and

(3) forced march, internment, or hiding to evade internment.

(c) *Personal injury* means a discernible injury, such as disfigurement, scarring, or burns, that is more serious than a superficial injury.

(d) *Severe personal injury* means loss of a limb, dismemberment, paralysis, or any injury of a similar type that is comparable in severity.

§ 13.302. Payments for Certified Guam World War II Claims.

(a) Payments for Death, Personal Injury, Forced Labor, Forced March, and Internment. After the Director of the Department of Administration receives the certification from the Chairperson of the Adjudication Committee as required under § 13.304(g), the Director *shall* make payments, subject to the availability of funds, to compensable Guam victims and survivors of compensable Guam decedents as follows:

(1) Compensable Guam Victim. Before making any payments under item (2) of this Section, the Director *shall* make payments to compensable Guam victims as follows:

(A) In the case of a victim who has suffered an injury described in § 13.301(b)(1), Fifteen Thousand Dollars ($15,000).

(B) In the case of a victim who is not described in subitem (A) of this Section, but who has suffered an injury described in § 13.301(b)(2), Twelve Thousand Dollars ($12,000).

(C) In the case of a victim, who is not described in subitem (A) or subitem (B) of this Section, but who has suffered an injury described in § 13.301(b)(3), Ten Thousand Dollars ($10,000).

(2) Survivors of Compensable Guam Decedents. In the case of a compensable Guam decedent, the Director *shall* pay a total of Twenty-five Thousand Dollars ($25,000) for distribution to survivors of the decedent in accordance with Subsection (b) of this Section. The Director *shall* make

payments under this paragraph only after all payments are made under subitem (1) of this Section.

(b) Distribution of Survivor Payments. A payment made under Subsection (a)(2) to the survivors of a compensable Guam decedent *shall* be distributed as follows:

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

(2) In the case of a decedent whose spouse is living as of the date of the enactment of this Act and who had one or more living children as of such date, Fifty Percent (50%) of the payment *shall* be made to the spouse and Fifty Percent (50%) *shall* be made to such children, to be divided among such children to the greatest extent possible into equal shares.

(3) In the case of a decedent whose spouse is not living as of the date of the enactment of this Act and who had one or more living children as of such date, the payment *shall* be made to such children, to be divided among such children to the greatest extent possible into equal shares.

(4) In the case of a decedent whose spouse is not living as of the date of the enact of this Act and who had no living children as of such date, but who:

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

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

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

§ 13.303. Filing Period for Claims and Notice.

(a) An individual filing a claim for a payment under § 13.302 shall file such claim not later than three (3) months after the date on which the Adjudication Committee publishes the notice described in Subsection (b).

(b) Not later than thirty (30) days after the date of the enactment of this Act, the Adjudication Committee shall publish a notice of the deadline for filing a claim described in Subsection (a) in a newspaper of general circulation, radio, and television media in Guam.

§ 13.304. Adjudication and Eligibility.

(a) Notwithstanding any other provision of law, the Adjudication Committee established by Public Law 36-62, *shall* adjudicate claims and determine the eligibility of individuals for payments under § 13.302 pursuant to the provisions of this Act.

(b) Eligibility.

(1) The Adjudication Committee *shall not* determine an individual is eligible for a payment under § 13.302 unless the individual submits to the Adjudication Committee a claim in such manner and form and containing such information as the Adjudication Committee specifies, and within the filing period specified.

(2) The Adjudication Committee *shall not* determine an individual is eligible for a payment under § 13.302 if such individual received a payment under the Guam World War II Loyalty Recognition Act. Such individuals *shall not* receive payments under this Act.

(c) The decision of the Adjudication Committee on each claim filed under this Article shall:

(1) be by majority vote;

(2) be in writing;

(3) state the reasons for the approval or denial of the claim; and

(4) if approved, state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(e) The Adjudication Committee shall deduct, from a payment made to a compensable Guam victim or survivors of a compensable Guam decedent under this Section, amounts paid to such victim or survivors under the Guam Meritorious Claims Act of 1945 (U.S. Public Law 79-224) before the date of the enactment of the Guam World War II Loyalty Recognition Act.

(f) No interest shall be paid on payments made by the Adjudication Committee under § 13.302.

(g) After a decision approving a claim becomes final, the Chairperson of the Adjudication Committee *shall* certify such decision to the Director of the Department of Administration for authorization of a payment under § 13.302.

§ 13.305. Appeals.

Objections and appeals of decisions of the Adjudication Committee shall be to the Committee, and upon rehearing, subject to any rules or regulations, the decision in each claim shall be final, and not subject to further review by any court or agency.

§ 13.306. Appropriation.

Notwithstanding any other provision of law, the sum of ten million dollars ($10,000,000) is appropriated from the General Fund to the Department of Administration to pay certified claims to compensable Guam victims and survivors of compensable Guam decedents as duly adjudicated by the Adjudication Committee. Amounts appropriated under this Section *shall* remain available until expended.

§ 13.307. Office.

The Guam Museum *shall* serve as the administrative office of the Adjudication Committee. No less than five hundred thousand dollars ($500,000) shall be allocated from the appropriation in § 13.306 of this Article for administrative costs or expenses necessary to carry out the mandates of this Act. Amounts allocated under this Section *shall* remain available until expended.

§ 13.308. Limited Compensation for Provision of Representational Services.

(a) Any agreement under which an individual who provided representational services to an individual who filed a claim for a payment under this Act that provides for compensation to the individual who provided such services in an amount that is more than one percent (1%) of the total amount of such payment shall be unlawful and void.

(b) Whoever demands or receives any compensation in excess of the amount allowed under Subsection (a) shall be fined not more than five thousand dollars ($5,000) or imprisoned not more than one (1) year, or both.

§ 13.309. Affidavits.

(a) An individual filing a claim pursuant to this Act *shall* execute a valid affidavit declaring, under penalty of perjury, that the information provided in his or her application and requisite forms is true and correct and that he or she is an eligible claimant under this Act.

(b) The Adjudication Committee *shall* treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing the eligibility of such individual for payment under such section as establishing a prima facie case of the eligibility of the individual 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 for payment made under § 13.302(a) of this Article, a detailed description of the injury

or other circumstance supporting the claim involved, including the level of payment sought.

§ 13.310. Release of Related Claims.

Acceptance of a payment under § 13.302 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim *shall* be in full satisfaction of all claims related to such decedent or victim, respectively, arising under this Act.

§ 13.311. Memorandum of Agreement.

The Department of Administration is hereby authorized to enter into a Memorandum of Agreement (MOA) with the U.S. Department of the Treasury for the purpose of ascertaining whether individuals filing claims pursuant to this Act received payments from the U.S. Department of the Treasury pursuant to the Guam World War II Loyalty Recognition Act enacted by U.S. Public Law 114-328 or the Guam Meritorious Claims Act of 1945 in order to determine eligibility and payments for claims under this Act.

§ 13.312. Repository.

The Guam Museum *shall* be the repository of all public records and materials pertaining to war claims for Guam. The Adjudication Committee *shall* transfer all of its official public documents upon completion of its work to such repository.

§ 13.313. Schedule and Exhibits to the Schedule.

I Liheslaturan Guåhan hereby *adopts* the attached schedule and exhibits thereto, labeled Exhibit A, Exhibit B, Exhibit C, and Exhibit D. Such adopted schedule and exhibits thereto may be changed hereafter according to the Administrative Adjudication Law.

Guam World War II Reconciliation Act of 2021

IMPLEMENTATION PLAN

Schedule

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1 PURPOSE

The government of Guam has demonstrated through the passage of Public Law 35-61 its intent to pay out World War II claims as expeditiously as possible, however, Section 1705(B) of U.S. Public Law 114-328 prohibits payment to those who have not filed within the one (1) year filing period from filing claims. It is the intent of Guam Public Law 36-59 to provide a formal application process for the filing of war claims from individuals who were eligible to apply for compensation through U.S. Public Law 114-328 but who were unable to submit the required documents to the Foreign Claims Settlement Commission of the United States on or before June 20, 2018.

2 COMMITTEE AND AGENCIES

2.1 Adjudication Committee

The Adjudication Committee (Committee), as established under Guam Public Law 36-59, shall be responsible for adjudicating, through a formal application process, war claims from individuals who were eligible to apply for compensation pursuant to U.S. Public Law 114-328 but who were unable to submit the required documents to the Foreign Claims Settlement Commission on or before June 20, 2018.

Approval of claims shall be consistent with program guidance and awards established pursuant to U.S. Public Law 114-328.

2.2 Adjudication Committee responsibilities

The Committee shall:

- Establish rules and regulations to administer its program and review process.
- Be responsible for the intake of applications from war Claimants.
- Identify documents needed for review process to include but not limited to written testimonies.
- Establish and assign intake control numbers.
- Establish and assign approval control numbers.
- Develop sample documents to aid claimants in the submission process.
- Develop a checklist of required items to be attached to submitted documents.
- Review submission of claims. Determine those approved and disapproved.
- Issue Notice of Proposed Decisions.
- Collection of Exhibits and ensure proper completion of Exhibits.
- Have designated days to review submitted claims in the presence of each other or as deemed necessary. Hearings are confidential and not for public attendance.
- Maintain a master listing of all claims submitted, claims denied, and claims approved.

All required documents are to be submitted directly to the Committee at _____.

2.3 Department of Administration – Employee Benefits Branch

The Employee Benefits Branch will serve as secondary reviewer of all approved claims forwarded by the Committee. Upon satisfaction by the Employee Benefits Branch,

approved claims will be forwarded to the Division of Accounts for processing of payments. Any claims not meeting the secondary review will be returned to the Committee in its entirety for further action.

2.4 Department of Administration – Division of Accounts

The Division of Accounts will process payment for approved claims. The division will pay accordingly by batch numbers received and inform the Employee Benefits Branch of payment dates.

Payments shall be made via EFT payments to the account number provided by the Claimant. The Division of Accounts shall maintain a master listing of all claims paid.

3 REQUIREMENTS AND SUBMISSION PROCESS

3.1 When and How to Submit

Claimants must submit all sealed original documents to the Adjudication Committee as follows:

Location:
Contact Numbers:
Point of Contact:

3.2 Eligible Applicants and Amounts

Eligible individuals are compensable Guam victims and survivors of compensable Guam decedents, as defined in Section 13.301 of Bill__. Eligible payment amounts are specified in Section 13.302 of Bill __.

Applicants who previously received payment from the Guam World War II Loyalty Recognition Act, U.S. Public 114-328 Title XVII and Guam Public Law 35-61 are not eligible to apply under the Guam World War II Reconciliation Act of 2021.

Documents received via a Power of Attorney on behalf of an eligible claimant must be approved by the Committee who may seek legal review and assistance.

3.3 Written Testimonies

Claimant must submit written testimonies describing any damages to property, personal injuries, death, and sufferings as a result of forced labor, forced march, rape, or severe personal injuries experienced during the Japanese occupation of World War II. Personal injury means a discernible injury (such as disfigurement, scarring, or burn). Severe personal injury means a loss of limb, dismemberment, paralysis, or any injury of a similar type or that is comparable in severity.

Written testimonies and supporting documents are confidential and not for public disclosure.

3.4 Designation of Beneficiary

A Beneficiary Designation form (Exhibit A) must be completed and submitted along with the testimony. This beneficiary form is necessary in the event the Claimant passes prior to an award payment. The beneficiary will be awarded the claim should a Final Decision from the Committee be rendered.

3.5 Supporting Information and Intake

Submission of written testimonies must be accompanied with the war Claimant's full name, a government issued identification card, social security number, mailing address, physical address and date of birth.

A notarized document, developed by the Committee, must be accompanied with the above mentioned information attesting to the information being submitted. Committee may request further documentations to support the claimant's application.

Each intake should be accompanied by a checklist of all documents submitted for record keeping purposes. The checklist must be signed by the receiving personnel on behalf of the Committee. An acknowledgement receipt and copies of all documents submitted should be issued to the Claimant.

3.6 Approval - Notice of Final Decision

Committee shall inform the Claimant of its final decision.

If approved, the following must be satisfied:

1. The Committee shall issue a notice of Proposed Decision (Exhibit B).
2. An Award Acknowledgement (Exhibit C) shall be notarized and submitted by Claimant.
3. An electronic funds transfer EFT (Exhibit D) form must be completed for processing of payment.

If the Claimant disagrees with the Proposed Decision, the Claimant may file a Notice of Objection (refer to section 6).

The Committee shall only forward approved claims with Exhibits A - D identified above to the Department of Administration.

The Committee shall make arrangements to provide an on-site notary services free of charge.

3.5 Batch number, Control Numbers and Approval Numbers

Upon intake of claims, the Committee shall assign numerical intake control numbers as follows but may change such processes if deemed necessary:

GWCRA 0001-XXXX (last four of the SS)
GWCRA 0002-XXXX

Upon approval of claims, the Committee shall assign an approval number and categorized in batches as follows: Approval 0001, 0002, etc.

Example:	GWCRA 0001-XXXX	Decision Number 0001	Batch 1*
	GWCRA 0002-XXXX	Decision Number 0002	Batch 1*
	GWCRA 0003-XXXX	Decision Number 0003	Batch 2*

* Claims must be sent to DOA in batches.

4.PAYMENT PROCESS – DEPARTMENT OF ADMINISTRATION

4.1 Department of Administration – Employee Benefits Branch

The Committee shall officially notify and forward all approved claims and supporting documents to the Department of Administration. Only documents of approved claims will be forwarded to the Department of Administration.

The Department of Administration (DOA), Employee Benefits Branch shall serve as the secondary processing agency of all approved claims submitted by the Committee. DOA shall, upon review and upon verifying such, prepare and forward the information to the Division of Accounts for final payouts in accordance with amounts approved by the Committee.

4.2 Department of Administration – Division of Accounts

Payments for all approved claims will be made by the Department of Administration, Division of Accounts via EFT and bank information provided. The Division of Accounts shall maintain master files of those claims paid to include, but not limited to, amount awarded, date, mailing address and name of claimant (or beneficiary if a deceased claimant).

5. FUNDING SOURCE

The sum of ten million dollars ($10,000,000) has been appropriated from the General Fund to the Department of Administration to pay certified claims to compensable Guam victims and survivors of compensable Guam decedents as duly adjudicated by the Adjudication Committee. Amounts appropriated for this purpose shall remain available until expended.

No less than five hundred thousand dollars ($500,000) is allocated from the appropriation above for administrative costs or expenses. Amounts allocated for administrative expenses shall remain available until expended.

6. FILING OF NOTICE OF OBJECTION

6.1 Filing Timeframe

In the event the claimant disagrees with the payment award amount, the claimant may file a notice of objection within 15 calendar days of delivery of the decision. The filing must clearly state the reasons for objections and the alleged error in the decision.

Claimant may also request an oral hearing before the committee and must be made at the time of submission of the claimant's Notice of Objection.

6.2 Hearings

The Committee must establish hearing dates to hear the objection being brought by the Claimant.

If an oral hearing is being requested, the Claimant must be notified of the date and time the hearing will take place. The purpose of the oral hearing is to permit the presentation of oral testimony and/or additional documents. If additional documents are to be submitted, it must be forwarded to the Committee as least 21 calendar days prior to the date of the hearing.

If a notice of objection is filed, but no hearing is requested, the objection, including any additional briefing or evidence being submitted, will be reviewed by the Commission.

The Commission shall not forward any previously approved claims to DOA until the timeframe for Notice to Object has lapsed.

EXHIBIT A
Statement of Claim

(FOR OFFICIAL USE ONLY) CLAIM NO.

STATEMENT OF CLAIM

FOR FILING OF CLAIMS IN THE GUAM CLAIMS PROGRAM PURSUANT TO THE GUAM WORLD WAR II RECONCILIATION ACT OF 2021

CONTACT INFORMATION

1. CLAIMANT

Name of Claimant _____ _____ _____
(Last) (First) (Middle)

_____
(Street Address)

_____ _____ _____
(City) (State/Territory) (Zip Code)

Work Phone _____ Home Phone _____

Email _____

Date of Birth _____

2. LEGAL REPRESENTATIVE (if any)

Name of Legal Representative _____ _____ ___
(Last) (First) (Middle)

Name of Law Firm _____

_____
(Street Address)

_____ _____ _____
(City) (State/Territory) (Zip Code)

Phone _____ Fax _____

Email _____

BASIC CLAIM INFORMATION

3. TYPE OF CLAIM

I hereby submit a claim for payment under the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328 (December 23, 2016) as a: (check all that apply)

☐ Compensable Guam Victim (Claimant suffered at least one of the following as a result of the attack/occupation/liberation of Guam: hiding to evade internment, internment, forced march, forced labor, personal injury, severe personal injury, or rape)

4. GUAM RESIDENCY

Have you ever been a resident of Guam? ☐

If the above answer is "Yes," please provide the date(s) of residency (from/to).

5. CLAIM OF COMPENSABLE GUAM VICTIM

Complete this Section only if you are submitting a claim as a Compensable Guam Victim.

5.1 Hiding To Evade Internment

5.1.1 Did you hide to evade internment, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below. ☐

5.1.2 Please provide the approximate date(s) and location(s) of your hiding.

5.1.3 Please provide a detailed account of the facts or circumstances relating to your hiding and describe the conditions you experienced while in hiding. (Attach additional pages as necessary)

5.2 Internment

5.2.1 Were you interned as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below. ☐

5.2.2 Please provide the approximate date(s) and location(s) of your internment.

5.2.3 Please provide a detailed account of the facts or circumstances relating to your internment and describe the conditions you experienced while interned. (Attach additional pages as necessary)

5.3 Forced March

5.3.1 Were you a victim of forced march as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below.

5.3.2 Please provide the approximate date(s) and location(s) where the forced march took place.

5.3.3 Please provide a detailed account of the facts or circumstances that resulted in the forced march and describe the conditions you experienced. Please specify the food, water, and clothing rations you received, the number of hours you were required to walk every day, and the provisions made for overnight or temporary accommodation. (Attach additional pages as necessary)

5.4 Forced Labor

5.4.1 Were you a victim of forced labor as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below. ☐

5.4.2 Please provide the approximate date(s) and location(s) where labor was performed.

5.4.3 Please provide your age at the time the labor was performed. ☐

5.4.4 Did you receive compensation for your labor? ☐

5.4.5 Please provide a detailed description of the type of labor that you performed and the conditions you experienced at your place(s) of labor. Please specify whether your labor had direct relation to war operations. (Attach additional pages as necessary)

5.5 Personal Injury

5.5.1 Did you suffer a personal injury as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below. ☐

5.5.2 Please identify the injury that you suffered (check all that apply) and provide the date and place of injury. If your injury is not listed, please enter it in the space provided at the end of the chart below.

Type of Injury	Approximate Date of Injury	Place of Injury
☐ Dismemberment		
☐ Loss of Limb		
☐ Paralysis		
☐ Disfigurement		
☐ Burns Scarring		
☐ Other (Please Specify)		
☐ Other (Please Specify)		

5.5.3 Please provide a detailed description of the nature and extent of your injury, the cause of your injury (if known), and the circumstances under which it occurred. You may also attach to this claim form any other evidence, including photographic evidence, that you believe supports your answers to the above questions. (Attach additional pages as necessary)

5.5.4 Did your injury require treatment?

5.5.5 If the answer is "Yes," where were you treated and what kind of treatment did you receive?

5.6 Rape

5.6.1 Were you the victim of rape as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below.

5.6.2 Please provide the approximate date(s) and location(s) of your injury.

5.6.3 Please provide a detailed account of your injury and the facts and circumstances relating to it. (Attach additional pages as necessary)

5.7 Level of Payment Sought

Please specify the level of payment sought for your Compensable Guam Victim claim.

Have you or anyone else received any compensation from any source with respect to the subject matter

6. PRIOR RECEIPT OF COMPENSATION

of this claim, including amounts paid under the Guam Meritorious Claims Act of 1945 (Public Law 79-224)?

If the answer is "Yes," state the date of receipt, source, and amount of compensation.

7. ACKNOWLEDGEMENT

Claimants who previously received payment from the Guam World War II Loyalty Recognition Act, U.S. Public 114-328 Title XVII and Guam Public Law 35-61 are not eligible to apply or receive funds under the Guam World War II Reconciliation Act of 2021.

8. NOTICE OF DISCLOSURE

The information provided in this Statement of Claim and in any attachments, and any material and information submitted before or after this Statement of Claim in regard to or in support of the claim, will be treated as public information. The aforementioned information and materials may be made available to interested persons who make inquiries about the claims program, in conformity with the Freedom of Information Act. Any decision issued by the Committee in relation to this

Statement of Claim will be made publicly available, including via the Internet.

9. SIGNATURE AND AFFIDAVIT

NOTE--This Statement of Claim must be signed in the presence of a legally-Committeeed notary public.

I, _____, do solemnly swear (or affirm), under penalty of perjury, that the answers that I have provided to the questions set forth in this Statement of Claim, and any attachments hereto, are true and correct, and made with full knowledge of the fact that penalties involving fines and imprisonment are prescribed by various statutes of the United States for making a false statement.

_____ _____

Date Signature of Claimant

SUBSCRIBED and SWORN TO (or AFFIRMED) before me this___day of_____, 20_.

At_____

(City) (State or Territory)

_____

NOTARY PUBLIC

My Commission expires: _____

Privacy Act Statement

The Adjudication Committee (The Committee) is authorized to collect the information requested on this form (or requested at any other time regarding this claim) under P.L. 114-328 §1705/ P.L. 36-59/ P.L. 36-62. The information collected will be used to enable the Committee to carry out its statutory responsibility to determine the validity and amount of the claims submitted to it under P.L. 114-328 §1705/ P.L. 36-59/ P.L. 36-62. Furnishing the requested information to the Committee is voluntary; however, failure to provide such information may result in either the delay of the adjudication or denial of the claim. Information collected may be disclosed pursuant to routine uses, published at 82 Fed. Reg. 21264 (May 5, 2017). Such routine uses include:

- To the Department of Administration Division of Accounting in connection with the payment of claims;
- To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records;
- To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record;
- Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law - criminal, civil, or regulatory in nature - the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;
- In an appropriate proceeding before the Committee, or before a court, grand jury, or administrative or adjudicative body, when the The Committee determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

EXHIBIT B
Beneficiary Designation

GUAM WORLD WAR II RECONCILIATION ACT OF 2021

Beneficiary Designation Form

CLAIMANT Information

Your Name: Date:

SSN: DOB: Claim#: Control#

DEFINITIONS

PRIMARY BENEFICIARY(IES): I hereby designate the person or entity named below as primary beneficiary.

CONTINGENT BENEFICIARY(IES): If there are no primary beneficiary living at the time of my death, I hereby specify that the balance be distributed to the contingent beneficiary.

[PRIMARY] Designation of Beneficiary

Name	SSN/DOB	Mailing Address	Contact No.	Relationship

[CONTINGENT] Designation Beneficiary

Name	SSN/DOB	Mailing Address	Contact No.	Relationship

I understand that should I pass during the adjudication of my claim, it will be a one-time payout in the amount awarded by the Committee to the primary beneficiary identified below. If there are no primary beneficiary living at the time of my death, it will be paid out to the contingent beneficiary identified below. If no designated beneficiary survives me, or if no beneficiary designation is in effect at my death, the account balance(s) will be paid to my spouse, or if I am not survived by a spouse, to my estate. I am aware that this form replaces all prior beneficiary designations for the account(s) listed on this form, becomes effective when received and accepted by [AGENCY], and will remain in effect until I deliver to [AGENCY] another designation form with a later date.

PRINT Name SIGNATURE Date

Signature of Plan Administrator or Notary Public Date

Notary Title/Commission Expiration Date

EXHIBIT C
Proposed Decision

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20579

In the Matter of the Claim of 5 U.S.C. §552(b)(6) Under the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328	Claim No. GUAM-0322 Decision No. GUAM-0747

PROPOSED DECISION

Claimant brings this claim under the Guam World War II Loyalty Recognition Act for injuries suffered as a result of the occupation of Guam by Imperial Japanese military forces during World War II.[1] Sections 1704 and 1705 of the Act authorize the Commission to award compensation to "compensable Guam victims," defined as those individuals who (1) were alive on December 23, 2016, and (2) are determined to have suffered any of the following as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces: rape, severe personal injury, personal injury, forced labor, forced march, internment, and hiding to evade internment.[2]

The Commission finds, based on the affidavit included with Claimant's claim form, and public records from the Social Security Administration and other government agencies, that Claimant was living on December 23, 2016, and that Claimant suffered a personal

[1] Guam World War II Loyalty Recognition Act, Pub. L. 114-328, tit. XVII, 130 Stat. 2642 (2016) ("GLRA" or "Act").

[2] *See id.* §§ 1704(a), 1704(c)(2), 1705(a)(1).

injury and/or was subjected to forced labor by Imperial Japanese forces during the invasion and occupation of Guam by Japan during World War II. Claimant's sworn statements are consistent with the public record and evidence in other claims filed in this claims program, which show that Imperial Japanese forces subjected thousands of Guamanians to forced labor during the occupation, and that many Guamanians suffered personal injuries.[3] Section 1705(b)(9) of the GLRA provides that the Commission "shall treat a claim that is accompanied by an affidavit of an individual that attests to all material facts required for establishing the eligibility of such individual for payment . . . as establishing a prima facie case of the eligibility of the individual for such payment without the need for further documentation, except as the Commission may otherwise require."[4] In the absence of rebutting evidence, Claimant's sworn statements averring that Claimant suffered one or more of these injuries are sufficient, under the statutorily promulgated standards, to establish Claimant's eligibility for compensation.[5]

A claimant who establishes a meritorious claim as a "compensable Guam victim" under Section 1704(a)(1)(B) of the GLRA for forced labor and/or personal injury but who neither asserts nor establishes any of the injuries set forth in Section 1704(c)(2)(A) (rape and severe personal injury) is entitled to a single payment of $12,000 and is not eligible for compensation for internment, hiding to evade internment, or forced march.[6] Claimant is thus entitled to a payment of $12,000.[7]

Pursuant to the GLRA, the Commission is required to deduct, from a payment made to a compensable Guam victim, amounts paid to such victim under the Guam Meritorious

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[3] *See* Claim No. GUAM-0573, Decision No. GUAM-604, at 5-8.
[4] Guam World War II Loyalty Recognition Act § 1705(b)(9).
[5] *See* Claim No. GUAM-0573, Decision No. GUAM-604, at 11-12.
[6] *See* Guam World War II Loyalty Recognition Act §§ 1704(a)(1)(B), 1704(c)(2); Claim No. GUAM-0573, Decision No. GUAM-604, at 13.
[7] *See id.*

Claims Act of 1945, Public Law 79-224,[8] before the date of the enactment of the GLRA.[9] The evidence in the record, however, does not show that the United States Government has provided Claimant any compensation under the 1945 Act. Therefore, no deduction in payment will be made from Claimant's award.

In summary, Claimant is entitled to an award of $12,000. This amount constitutes the entirety of the compensation to which Claimant is entitled under the GLRA.[10] The Commission hereby enters the following award, which will be certified to the Secretary of the Treasury for payment under Section 1705 of the GLRA.[11]

AWARD

Claimant is entitled to an award in the amount of $12,000.

Dated at Washington, DC, April 12, 2019
and entered as the Proposed Decision
of the Commission.

Sylvia M. Becker, Commissioner

Patrick Hovakimian, Commissioner

This decision was entered as the Commission's Final Decision on

September 10, 2019

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days of delivery of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after delivery, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. §§ 509.5 (e), (g), 510.3 (2018).

[8] *See* An Act: For the relief of the residents of Guam through the settlement of meritorious claims, ch. 483, Pub. L. 79-224, 59 Stat. 582 (1945).

[9] *See* Guam World War II Loyalty Recognition Act § 1705(b)(4).

[10] Under the GLRA, interest is not available on payments made by the Commission under Section 1704. *Id.* § 1705(b)(5).

[11] *Id.* § 1705(b)(8).

EXHIBIT D

Electronic Fund Transfer Form

[redacted]

GOVERNMENT OF GUAM

DEPARTMENT OF ADMINISTRATION
DIVISION OF ACCOUNTS
P.O. Box 884, Hagatna, GU 96932 * ***fax*** : 671-472-8483

GUAM WORLD WAR II RECONCILIATION ACT 2021
EFT ESTABLISHMENT REQUEST

To: Accounts PayableSection

From: _____

Subject: Request for establishment of vendor number or change of vendor record.

This is a request for the establishment of vendor number or the change of vendor record for the following:

☐ **NEW VENDOR** ☐ **CHANGE OF VENDOR RECORD**

NAME			
MAILING ADDRESS			
CONTACT NUMBER		ALTERNATE NUMBER	
EMAIL ADDRESS			

ELECTRONIC FUNDS TRANFER (EFT) INFORMATION	Please check one: ☐ SAVINGS ☐ CHECKING
BANK NAME:	ROUTING NUMBER
BANK ADDRESS:	ACCOUNT NUMBER:
Required Documents: CHECKING- Voided Check or Personalized Deposit Slip or copy of Current Bank Statement	
Existing **Vendor Number:**	

[1] The undersigned confirms its account number and title named above and hereby acknowledged that the undersigned has no enforceable right in, or to Department of Administration. The undersigned also has read and understood 4 GCA §8169 which state:

Any person who knowingly makes any false statement or falsifies or permits to be falsified, any record or records of this system, in any attempt to defraud the system, is guilty of a misdemeanor and shall be punishable therefore under the laws of the govement of Guam, and the system shall have the right to recover any payments made under false representations.

PRINT NAME _____ SIGNATURE _____ DATE _____

NOTE: Please attach all required supporting documentation. Incomplete requests will not be processed and may create unnecesary delays in the vendor establishment process.

DEPARTMENT OF ADMINISTRATION			
Vendor Number		Established by:	
		Signature	*Date*

Guam World War II Reconciliation Act of 2021

IMPLEMENTATION PLAN

Schedule

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3. REQUIREMENTS AND SUBMISSION PROCESS 6
4. PAYMENT PROCESS 6
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1 PURPOSE

The government of Guam has demonstrated through the passage of Public Law 35-61 its intent to pay out World War II claims as expeditiously as possible, however, Section 1705(B) of U.S. Public Law 114-328 prohibits payment to those who have not filed within the one (1) year filing period from filing claims. It is the intent of Guam Public Law 36-59 to provide a formal application process for the filing of war claims from individuals who were eligible to apply for compensation through U.S. Public Law 114-328 but who were unable to submit the required documents to the Foreign Claims Settlement Commission of the United States on or before June 20, 2018.

2 COMMITTEE AND AGENCIES

2.1 Adjudication Committee

The Adjudication Committee (Committee), as established under Guam Public Law 36-59, shall be responsible for adjudicating, through a formal application process, war claims from individuals who were eligible to apply for compensation pursuant to U.S. Public Law 114-328 but who were unable to submit the required documents to the Foreign Claims Settlement Commission on or before June 20, 2018.

Approval of claims shall be consistent with program guidance and awards established pursuant to U.S. Public Law 114-328.

2.2 Adjudication Committee responsibilities

The Committee shall:

- Establish rules and regulations to administer its program and review process.
- Be responsible for the intake of applications from war Claimants.
- Identify documents needed for review process to include but not limited to written testimonies.
- Establish and assign intake control numbers.
- Establish and assign approval control numbers.
- Develop sample documents to aid claimants in the submission process.
- Develop a checklist of required items to be attached to submitted documents.
- Review submission of claims. Determine those approved and disapproved.
- Issue Notice of Proposed Decisions.
- Collection of Exhibits and ensure proper completion of Exhibits.
- Have designated days to review submitted claims in the presence of each other or as deemed necessary. Hearings are confidential and not for public attendance.
- Maintain a master listing of all claims submitted, claims denied, and claims approved.

All required documents are to be submitted directly to the Committee at _____.

2.3 Department of Administration – Employee Benefits Branch

The Employee Benefits Branch will serve as secondary reviewer of all approved claims forwarded by the Committee. Upon satisfaction by the Employee Benefits Branch,

approved claims will be forwarded to the Division of Accounts for processing of payments. Any claims not meeting the secondary review will be returned to the Committee in its entirety for further action.

2.4 Department of Administration – Division of Accounts

The Division of Accounts will process payment for approved claims. The division will pay accordingly by batch numbers received and inform the Employee Benefits Branch of payment dates.

Payments shall be made via EFT payments to the account number provided by the Claimant. The Division of Accounts shall maintain a master listing of all claims paid.

3 REQUIREMENTS AND SUBMISSION PROCESS

3.1 When and How to Submit

Claimants must submit all sealed original documents to the Adjudication Committee as follows:

Location:
Contact Numbers:
Point of Contact:

3.2 Eligible Applicants and Amounts

Eligible individuals are compensable Guam victims and survivors of compensable Guam decedents, as defined in Section 13.301 of Bill__. Eligible payment amounts are specified in Section 13.302 of Bill __.

Applicants who previously received payment from the Guam World War II Loyalty Recognition Act, U.S. Public 114-328 Title XVII and Guam Public Law 35-61 are not eligible to apply under the Guam World War II Reconciliation Act of 2021.

Documents received via a Power of Attorney on behalf of an eligible claimant must be approved by the Committee who may seek legal review and assistance.

3.3 Written Testimonies

Claimant must submit written testimonies describing any damages to property, personal injuries, death, and sufferings as a result of forced labor, forced march, rape, or severe personal injuries experienced during the Japanese occupation of World War II. Personal injury means a discernible injury (such as disfigurement, scarring, or burn). Severe personal injury means a loss of limb, dismemberment, paralysis, or any injury of a similar type or that is comparable in severity.

Written testimonies and supporting documents are confidential and not for public disclosure.

3.4 Designation of Beneficiary

A Beneficiary Designation form (Exhibit A) must be completed and submitted along with the testimony. This beneficiary form is necessary in the event the Claimant passes prior to an award payment. The beneficiary will be awarded the claim should a Final Decision from the Committee be rendered.

3.5 Supporting Information and Intake

Submission of written testimonies must be accompanied with the war Claimant's full name, a government issued identification card, social security number, mailing address, physical address and date of birth.

A notarized document, developed by the Committee, must be accompanied with the above mentioned information attesting to the information being submitted. Committee may request further documentations to support the claimant's application.

Each intake should be accompanied by a checklist of all documents submitted for record keeping purposes. The checklist must be signed by the receiving personnel on behalf of the Committee. An acknowledgement receipt and copies of all documents submitted should be issued to the Claimant.

3.6 Approval - Notice of Final Decision

Committee shall inform the Claimant of its final decision.

If approved, the following must be satisfied:

1. The Committee shall issue a notice of Proposed Decision (Exhibit B).
2. An Award Acknowledgement (Exhibit C) shall be notarized and submitted by Claimant.
3. An electronic funds transfer EFT (Exhibit D) form must be completed for processing of payment.

If the Claimant disagrees with the Proposed Decision, the Claimant may file a Notice of Objection (refer to section 6).

The Committee shall only forward approved claims with Exhibits A - D identified above to the Department of Administration.

The Committee shall make arrangements to provide an on-site notary services free of charge.

3.5 Batch number, Control Numbers and Approval Numbers

Upon intake of claims, the Committee shall assign numerical intake control numbers as follows but may change such processes if deemed necessary:

GWCRA 0001-XXXX (last four of the SS)
GWCRA 0002-XXXX

Upon approval of claims, the Committee shall assign an approval number and categorized in batches as follows: Approval 0001, 0002, etc.

Example:	GWCRA 0001-XXXX	Decision Number 0001	Batch 1*
	GWCRA 0002-XXXX	Decision Number 0002	Batch 1*
	GWCRA 0003-XXXX	Decision Number 0003	Batch 2*

* Claims must be sent to DOA in batches.

4.PAYMENT PROCESS – DEPARTMENT OF ADMINISTRATION

4.1 Department of Administration – Employee Benefits Branch

The Committee shall officially notify and forward all approved claims and supporting documents to the Department of Administration. Only documents of approved claims will be forwarded to the Department of Administration.

The Department of Administration (DOA), Employee Benefits Branch shall serve as the secondary processing agency of all approved claims submitted by the Committee. DOA shall, upon review and upon verifying such, prepare and forward the information to the Division of Accounts for final payouts in accordance with amounts approved by the Committee.

4.2 Department of Administration – Division of Accounts

Payments for all approved claims will be made by the Department of Administration, Division of Accounts via EFT and bank information provided. The Division of Accounts shall maintain master files of those claims paid to include, but not limited to, amount awarded, date, mailing address and name of claimant (or beneficiary if a deceased claimant).

5. FUNDING SOURCE

The sum of ten million dollars ($10,000,000) has been appropriated from the General Fund to the Department of Administration to pay certified claims to compensable Guam victims and survivors of compensable Guam decedents as duly adjudicated by the Adjudication Committee. Amounts appropriated for this purpose shall remain available until expended.

No less than five hundred thousand dollars ($500,000) is allocated from the appropriation above for administrative costs or expenses. Amounts allocated for administrative expenses shall remain available until expended.

6. FILING OF NOTICE OF OBJECTION

6.1 Filing Timeframe

In the event the claimant disagrees with the payment award amount, the claimant may file a notice of objection within 15 calendar days of delivery of the decision. The filing must clearly state the reasons for objections and the alleged error in the decision.

Claimant may also request an oral hearing before the committee and must be made at the time of submission of the claimant's Notice of Objection.

6.2 Hearings

The Committee must establish hearing dates to hear the objection being brought by the Claimant.

If an oral hearing is being requested, the Claimant must be notified of the date and time the hearing will take place. The purpose of the oral hearing is to permit the presentation of oral testimony and/or additional documents. If additional documents are to be submitted, it must be forwarded to the Committee as least 21 calendar days prior to the date of the hearing.

If a notice of objection is filed, but no hearing is requested, the objection, including any additional briefing or evidence being submitted, will be reviewed by the Commission.

The Commission shall not forward any previously approved claims to DOA until the timeframe for Notice to Object has lapsed.

EXHIBIT A
Statement of Claim

(FOR OFFICIAL USE ONLY) CLAIM NO.

STATEMENT OF CLAIM

FOR FILING OF CLAIMS IN THE GUAM CLAIMS PROGRAM PURSUANT TO THE GUAM WORLD WAR II RECONCILIATION ACT OF 2021

CONTACT INFORMATION

1. CLAIMANT

Name of Claimant _____ _____ _____
(Last) (First) (Middle)

_____
(Street Address)

_____ _____ _____
(City) (State/Territory) (Zip Code)

Work Phone _____ Home Phone _____

Email _____

Date of Birth _____

2. LEGAL REPRESENTATIVE (if any)

Name of Legal Representative _____ _____ ___
(Last) (First) (Middle)

Name of Law Firm _____

_____
(Street Address)

_____ _____ _____
(City) (State/Territory) (Zip Code)

Phone _____ Fax _____

Email _____

BASIC CLAIM INFORMATION

3. TYPE OF CLAIM

I hereby submit a claim for payment under the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328 (December 23, 2016) as a: (check all that apply)

☐ Compensable Guam Victim (Claimant suffered at least one of the following as a result of the attack/occupation/liberation of Guam: hiding to evade internment, internment, forced march, forced labor, personal injury, severe personal injury, or rape)

4. GUAM RESIDENCY

Have you ever been a resident of Guam? ☐

If the above answer is "Yes," please provide the date(s) of residency (from/to).

5. CLAIM OF COMPENSABLE GUAM VICTIM

Complete this Section only if you are submitting a claim as a Compensable Guam Victim.

5.1 Hiding To Evade Internment

5.1.1 Did you hide to evade internment, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below. ☐

5.1.2 Please provide the approximate date(s) and location(s) of your hiding.

5.1.3 Please provide a detailed account of the facts or circumstances relating to your hiding and describe the conditions you experienced while in hiding. (Attach additional pages as necessary)

5.2 Internment

5.2.1 Were you interned as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below. ☐

5.2.2 Please provide the approximate date(s) and location(s) of your internment.

5.2.3 Please provide a detailed account of the facts or circumstances relating to your internment and describe the conditions you experienced while interned. (Attach additional pages as necessary)

5.3 Forced March

5.3.1 Were you a victim of forced march as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below.

5.3.2 Please provide the approximate date(s) and location(s) where the forced march took place.

5.3.3 Please provide a detailed account of the facts or circumstances that resulted in the forced march and describe the conditions you experienced. Please specify the food, water, and clothing rations you received, the number of hours you were required to walk every day, and the provisions made for overnight or temporary accommodation. (Attach additional pages as necessary)

5.4 Forced Labor

5.4.1 Were you a victim of forced labor as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below. ☐

5.4.2 Please provide the approximate date(s) and location(s) where labor was performed.

5.4.3 Please provide your age at the time the labor was performed. ☐

5.4.4 Did you receive compensation for your labor? ☐

5.4.5 Please provide a detailed description of the type of labor that you performed and the conditions you experienced at your place(s) of labor. Please specify whether your labor had direct relation to war operations. (Attach additional pages as necessary)

5.5 Personal Injury

5.5.1 Did you suffer a personal injury as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below. ☐

5.5.2 Please identify the injury that you suffered (check all that apply) and provide the date and place of injury. If your injury is not listed, please enter it in the space provided at the end of the chart below.

Type of Injury	Approximate Date of Injury	Place of Injury
☐ Dismemberment		
☐ Loss of Limb		
☐ Paralysis		
☐ Disfigurement		
☐ Burns Scarring		
☐ Other (Please Specify)		
☐ Other (Please Specify)		

5.5.3 Please provide a detailed description of the nature and extent of your injury, the cause of your injury (if known), and the circumstances under which it occurred. You may also attach to this claim form any other evidence, including photographic evidence, that you believe supports your answers to the above questions. (Attach additional pages as necessary)

5.5.4 Did your injury require treatment?

5.5.5 If the answer is "Yes," where were you treated and what kind of treatment did you receive?

5.6 Rape

5.6.1 Were you the victim of rape as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces? If so, please respond to each question below.

5.6.2 Please provide the approximate date(s) and location(s) of your injury.

5.6.3 Please provide a detailed account of your injury and the facts and circumstances relating to it. (Attach additional pages as necessary)

5.7 Level of Payment Sought

Please specify the level of payment sought for your Compensable Guam Victim claim.

Have you or anyone else received any compensation from any source with respect to the subject matter

6. PRIOR RECEIPT OF COMPENSATION

of this claim, including amounts paid under the Guam Meritorious Claims Act of 1945 (Public Law 79-224)?

If the answer is "Yes," state the date of receipt, source, and amount of compensation.

7. ACKNOWLEDGEMENT

Claimants who previously received payment from the Guam World War II Loyalty Recognition Act, U.S. Public 114-328 Title XVII and Guam Public Law 35-61 are not eligible to apply or receive funds under the Guam World War II Reconciliation Act of 2021.

8. NOTICE OF DISCLOSURE

The information provided in this Statement of Claim and in any attachments, and any material and information submitted before or after this Statement of Claim in regard to or in support of the claim, will be treated as public information. The aforementioned information and materials may be made available to interested persons who make inquiries about the claims program, in conformity with the Freedom of Information Act. Any decision issued by the Committee in relation to this

Statement of Claim will be made publicly available, including via the Internet.

9. SIGNATURE AND AFFIDAVIT

NOTE--This Statement of Claim must be signed in the presence of a legally-Committeeed notary public.

I, _____, do solemnly swear (or affirm), under penalty of perjury, that the answers that I have provided to the questions set forth in this Statement of Claim, and any attachments hereto, are true and correct, and made with full knowledge of the fact that penalties involving fines and imprisonment are prescribed by various statutes of the United States for making a false statement.

_____ _____

Date Signature of Claimant

SUBSCRIBED and SWORN TO (or AFFIRMED) before me this___day of_____, 20_.

At_____

(City) (State or Territory)

_____

NOTARY PUBLIC

My Commission expires: _____

Privacy Act Statement

The Adjudication Committee (The Committee) is authorized to collect the information requested on this form (or requested at any other time regarding this claim) under P.L. 114-328 §1705/ P.L. 36-59/ P.L. 36-62. The information collected will be used to enable the Committee to carry out its statutory responsibility to determine the validity and amount of the claims submitted to it under P.L. 114-328 §1705/ P.L. 36-59/ P.L. 36-62. Furnishing the requested information to the Committee is voluntary; however, failure to provide such information may result in either the delay of the adjudication or denial of the claim. Information collected may be disclosed pursuant to routine uses, published at 82 Fed. Reg. 21264 (May 5, 2017). Such routine uses include:

- To the Department of Administration Division of Accounting in connection with the payment of claims;
- To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records;
- To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record;
- Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law - criminal, civil, or regulatory in nature - the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;
- In an appropriate proceeding before the Committee, or before a court, grand jury, or administrative or adjudicative body, when the The Committee determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

EXHIBIT B
Beneficiary Designation

GUAM WORLD WAR II RECONCILIATION ACT OF 2021

Beneficiary Designation Form

CLAIMANT Information

Your Name: Date:

SSN: DOB: Claim#: Control#

DEFINITIONS

PRIMARY BENEFICIARY(IES): I hereby designate the person or entity named below as primary beneficiary.

CONTINGENT BENEFICIARY(IES): If there are no primary beneficiary living at the time of my death, I hereby specify that the balance be distributed to the contingent beneficiary.

[PRIMARY] Designation of Beneficiary

Name	SSN/DOB	Mailing Address	Contact No.	Relationship

[CONTINGENT] Designation Beneficiary

Name	SSN/DOB	Mailing Address	Contact No.	Relationship

I understand that should I pass during the adjudication of my claim, it will be a one-time payout in the amount awarded by the Committee to the primary beneficiary identified below. If there are no primary beneficiary living at the time of my death, it will be paid out to the contingent beneficiary identified below. If no designated beneficiary survives me, or if no beneficiary designation is in effect at my death, the account balance(s) will be paid to my spouse, or if I am not survived by a spouse, to my estate. I am aware that this form replaces all prior beneficiary designations for the account(s) listed on this form, becomes effective when received and accepted by [AGENCY], and will remain in effect until I deliver to [AGENCY] another designation form with a later date.

PRINT Name SIGNATURE Date

Signature of Plan Administrator or Notary Public Date

Notary Title/Commission Expiration Date

EXHIBIT C
Proposed Decision

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20579

In the Matter of the Claim of 5 U.S.C. §552(b)(6) Under the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328	Claim No. GUAM-0322 Decision No. GUAM-0747

PROPOSED DECISION

Claimant brings this claim under the Guam World War II Loyalty Recognition Act for injuries suffered as a result of the occupation of Guam by Imperial Japanese military forces during World War II.[1] Sections 1704 and 1705 of the Act authorize the Commission to award compensation to "compensable Guam victims," defined as those individuals who (1) were alive on December 23, 2016, and (2) are determined to have suffered any of the following as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces: rape, severe personal injury, personal injury, forced labor, forced march, internment, and hiding to evade internment.[2]

The Commission finds, based on the affidavit included with Claimant's claim form, and public records from the Social Security Administration and other government agencies, that Claimant was living on December 23, 2016, and that Claimant suffered a personal

[1] Guam World War II Loyalty Recognition Act, Pub. L. 114-328, tit. XVII, 130 Stat. 2642 (2016) ("GLRA" or "Act").

[2] *See id.* §§ 1704(a), 1704(c)(2), 1705(a)(1).

injury and/or was subjected to forced labor by Imperial Japanese forces during the invasion and occupation of Guam by Japan during World War II. Claimant's sworn statements are consistent with the public record and evidence in other claims filed in this claims program, which show that Imperial Japanese forces subjected thousands of Guamanians to forced labor during the occupation, and that many Guamanians suffered personal injuries.[3] Section 1705(b)(9) of the GLRA provides that the Commission "shall treat a claim that is accompanied by an affidavit of an individual that attests to all material facts required for establishing the eligibility of such individual for payment . . . as establishing a prima facie case of the eligibility of the individual for such payment without the need for further documentation, except as the Commission may otherwise require."[4] In the absence of rebutting evidence, Claimant's sworn statements averring that Claimant suffered one or more of these injuries are sufficient, under the statutorily promulgated standards, to establish Claimant's eligibility for compensation.[5]

A claimant who establishes a meritorious claim as a "compensable Guam victim" under Section 1704(a)(1)(B) of the GLRA for forced labor and/or personal injury but who neither asserts nor establishes any of the injuries set forth in Section 1704(c)(2)(A) (rape and severe personal injury) is entitled to a single payment of $12,000 and is not eligible for compensation for internment, hiding to evade internment, or forced march.[6] Claimant is thus entitled to a payment of $12,000.[7]

Pursuant to the GLRA, the Commission is required to deduct, from a payment made to a compensable Guam victim, amounts paid to such victim under the Guam Meritorious

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[3] *See* Claim No. GUAM-0573, Decision No. GUAM-604, at 5-8.
[4] Guam World War II Loyalty Recognition Act § 1705(b)(9).
[5] *See* Claim No. GUAM-0573, Decision No. GUAM-604, at 11-12.
[6] *See* Guam World War II Loyalty Recognition Act §§ 1704(a)(1)(B), 1704(c)(2); Claim No. GUAM-0573, Decision No. GUAM-604, at 13.
[7] *See id.*

Claims Act of 1945, Public Law 79-224,[8] before the date of the enactment of the GLRA.[9] The evidence in the record, however, does not show that the United States Government has provided Claimant any compensation under the 1945 Act. Therefore, no deduction in payment will be made from Claimant's award.

In summary, Claimant is entitled to an award of $12,000. This amount constitutes the entirety of the compensation to which Claimant is entitled under the GLRA.[10] The Commission hereby enters the following award, which will be certified to the Secretary of the Treasury for payment under Section 1705 of the GLRA.[11]

AWARD

Claimant is entitled to an award in the amount of $12,000.

Dated at Washington, DC, April 12, 2019
and entered as the Proposed Decision
of the Commission.

Sylvia M. Becker, Commissioner

Patrick Hovakimian, Commissioner

This decision was entered as the Commission's Final Decision on

September 10, 2019

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days of delivery of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after delivery, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. §§ 509.5 (e), (g), 510.3 (2018).

[8] *See* An Act: For the relief of the residents of Guam through the settlement of meritorious claims, ch. 483, Pub. L. 79-224, 59 Stat. 582 (1945).

[9] *See* Guam World War II Loyalty Recognition Act § 1705(b)(4).

[10] Under the GLRA, interest is not available on payments made by the Commission under Section 1704. *Id.* § 1705(b)(5).

[11] *Id.* § 1705(b)(8).

EXHIBIT D

Electronic Fund Transfer Form

[redacted]

GOVERNMENT OF GUAM

DEPARTMENT OF ADMINISTRATION
DIVISION OF ACCOUNTS
P.O. Box 884, Hagatna, GU 96932 * ***fax*** : 671-472-8483

GUAM WORLD WAR II RECONCILIATION ACT 2021
EFT ESTABLISHMENT REQUEST

To: Accounts PayableSection

From: _____

Subject: Request for establishment of vendor number or change of vendor record.

This is a request for the establishment of vendor number or the change of vendor record for the following:

☐ **NEW VENDOR** ☐ **CHANGE OF VENDOR RECORD**

NAME			
MAILING ADDRESS			
CONTACT NUMBER		ALTERNATE NUMBER	
EMAIL ADDRESS			

ELECTRONIC FUNDS TRANFER (EFT) INFORMATION	Please check one: ☐ SAVINGS ☐ CHECKING
BANK NAME:	ROUTING NUMBER
BANK ADDRESS:	ACCOUNT NUMBER:
Required Documents: CHECKING- Voided Check or Personalized Deposit Slip or copy of Current Bank Statement	
Existing **Vendor Number:**	

[1] The undersigned confirms its account number and title named above and hereby acknowledged that the undersigned has no enforceable right in, or to Department of Administration. The undersigned also has read and understood 4 GCA §8169 which state:

Any person who knowingly makes any false statement or falsifies or permits to be falsified, any record or records of this system, in any attempt to defraud the system, is guilty of a misdemeanor and shall be punishable therefore under the laws of the govement of Guam, and the system shall have the right to recover any payments made under false representations.

PRINT NAME _____ SIGNATURE _____ DATE _____

NOTE: Please attach all required supporting documentation. Incomplete requests will not be processed and may create unnecesary delays in the vendor establishment process.

DEPARTMENT OF ADMINISTRATION			
Vendor Number		Established by:	
		Signature	*Date*