

Union Calendar No.

110TH CONGRESS
2D SESSION**H. R. 6897**

To authorize the Secretary of Veterans Affairs to make certain payments to eligible persons who served in the Philippines during World War II.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2008

Mr. FILNER introduced the following bill; which was referred to the Committee on Veterans' Affairs

SEPTEMBER --, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 15, 2008]

A BILL

To authorize the Secretary of Veterans Affairs to make certain payments to eligible persons who served in the Philippines during World War II.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Filipino Veterans Eq-*
5 *uity Act of 2008”.*

1 **SEC. 2. FINDINGS.**

2 *Congress makes the following findings:*

3 *(1) The Philippine islands became a United*
4 *States possession in 1898 when they were ceded from*
5 *Spain following the Spanish-American War.*

6 *(2) During World War II, Filipinos served in a*
7 *variety of units, some of which came under the direct*
8 *control of the United States Armed Forces.*

9 *(3) The regular Philippine Scouts, the new Phil-*
10 *ippine Scouts, the Guerilla Services, and more than*
11 *100,000 members of the Philippine Commonwealth*
12 *Army were called into the service of the United States*
13 *Armed Forces of the Far East on July 26, 1941, by*
14 *an executive order of President Franklin D. Roosevelt.*

15 *(4) Even after hostilities had ceased, wartime*
16 *service of the new Philippine Scouts continued as a*
17 *matter of law until the end of 1946, and the force*
18 *gradually disbanded and was disestablished in 1950.*

19 *(5) Filipino veterans who were granted benefits*
20 *prior to the enactment of the so-called Rescissions*
21 *Acts of 1946 (Public Laws 79-301 and 79-391) cur-*
22 *rently receive full benefits under laws administered by*
23 *the Secretary of Veterans Affairs, but under section*
24 *107 of title 38, United States Code, the service of cer-*
25 *tain other Filipino veterans is deemed not to be active*
26 *service for purposes of such laws.*

1 (6) *These other Filipino veterans only receive*
2 *certain benefits under title 38, United States Code,*
3 *and, depending on where they legally reside, are paid*
4 *such benefit amounts at reduced rates.*

5 (7) *The benefits such veterans receive include*
6 *service-connected compensation benefits paid under*
7 *chapter 11 of title 38, United States Code, dependency*
8 *indemnity compensation survivor benefits paid under*
9 *chapter 13 of title 38, United States Code, and burial*
10 *benefits under chapters 23 and 24 of title 38, United*
11 *States Code, and such benefits are paid to bene-*
12 *ficiaries at the rate of \$0.50 per dollar authorized,*
13 *unless they lawfully reside in the United States.*

14 (8) *Dependents' educational assistance under*
15 *chapter 35 of title 38, United States Code, is also*
16 *payable for the dependents of such veterans at the rate*
17 *of \$0.50 per dollar authorized, regardless of the vet-*
18 *erans' residency.*

19 **SEC. 3. PAYMENTS TO ELIGIBLE PERSONS WHO SERVED IN**
20 **THE PHILIPPINES DURING WORLD WAR II.**

21 *(a) COMPENSATION FUND.—*

22 (1) *IN GENERAL.—There is in the general fund*
23 *of the Treasury a fund to be known as the “Filipino*
24 *Veterans Equity Compensation Fund” (in this section*
25 *referred to as the “compensation fund”).*

1 (2) *AVAILABILITY OF FUNDS.*—Subject to the
2 *availability of appropriations for such purpose,*
3 *amounts in the fund shall be available to the Sec-*
4 *retary of Veterans Affairs without fiscal year limita-*
5 *tion to make payments to eligible persons in accord-*
6 *ance with this section.*

7 (b) *PAYMENTS.*—During the one-year period beginning
8 *on the date of the enactment of this Act, the Secretary shall*
9 *make a payment to an eligible person who, during such pe-*
10 *riod, submits to the Secretary an application containing*
11 *such information and assurances as the Secretary may re-*
12 *quire.*

13 (c) *ELIGIBLE PERSONS.*—An eligible person is any
14 *person who served—*

15 (1) *before July 1, 1946, in the organized mili-*
16 *tary forces of the Government of the Commonwealth*
17 *of the Philippines, while such forces were in the serv-*
18 *ice of the Armed Forces of the United States pursuant*
19 *to the military order of the President dated July 26,*
20 *1941, including among such military forces organized*
21 *guerrilla forces under commanders appointed, des-*
22 *ignated, or subsequently recognized by the Com-*
23 *mander in Chief, Southwest Pacific Area, or other*
24 *competent authority in the Army of the United*
25 *States; or*

1 (2) *in the Philippine Scouts under section 14 of*
2 *the Armed Forces Voluntary Recruitment Act of 1945*
3 *(59 Stat. 538).*

4 (d) *PAYMENT AMOUNTS.—Each payment under this*
5 *section shall be—*

6 (1) *in the case of an eligible person who is not*
7 *a citizen of the United States, in the amount of*
8 *\$9,000; and*

9 (2) *in the case of an eligible person who is a cit-*
10 *izen of the United States, in the amount of \$15,000.*

11 (e) *LIMITATION.—The Secretary may not make more*
12 *than one payment under this section for each person de-*
13 *scribed in subsection (f).*

14 (f) *ELIGIBILITY OF INDIVIDUALS LIVING OUTSIDE THE*
15 *UNITED STATES ENTITLED TO CERTAIN SOCIAL SECURITY*
16 *BENEFITS.—Receipt of a payment under this section shall*
17 *not affect the eligibility of an individual residing outside*
18 *the United States to receive benefits under title VIII of the*
19 *Social Security Act (42 U.S.C. 1001 et seq.) or the amount*
20 *of such benefits.*

21 (g) *RELEASE.—*

22 (1) *IN GENERAL.—Except as provided in para-*
23 *graph (2), the acceptance by an eligible person of a*
24 *payment under this section shall be final, and shall*
25 *constitute a complete release of any claim against the*

1 *United States by reason of any service described in*
2 *subsection (c).*

3 (2) *PAYMENT OF PREVIOUSLY AWARDED BENE-*
4 *FITS.—Nothing in this section shall prohibit a person*
5 *from receiving any benefit to which the person is enti-*
6 *tled based on a claim for which benefits are awarded*
7 *before the date of the enactment of this Act.*

8 (h) *REPORTS.—The Secretary shall include, in docu-*
9 *ments submitted to Congress by the Secretary in support*
10 *of the President’s budget for each fiscal year in which pay-*
11 *ments are made from the compensation fund under this sec-*
12 *tion, detailed information on the operation of the compensa-*
13 *tion fund, including the number of applicants, the number*
14 *of eligible persons receiving benefits, the amounts paid out*
15 *of the compensation fund, and the administration of the*
16 *compensation fund.*

17 (i) *REGULATIONS.—Not later than 90 days after the*
18 *date of the enactment of this Act, the Secretary shall pre-*
19 *scribe regulations to carry out this section.*

20 (j) *AUTHORIZATION OF APPROPRIATION.—There is au-*
21 *thorized to be appropriated to the compensation fund*
22 *\$198,000,000, to remain available until expended, to make*
23 *payments under this section.*