

107TH CONGRESS
1ST SESSION

H. R. 308

To establish the Guam War Claims Review Commission.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2001

Mr. UNDERWOOD introduced the following bill; which was referred to the
Committee on Resources

A BILL

To establish the Guam War Claims Review Commission.

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 “Guam War Claims Re-
5 view Commission Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Pursuant to the Treaty of Paris in 1898,
9 which ended the war between Spain and the United
10 States, the United States acquired sovereignty over
11 Guam.

1 (2) For 51 years, from the end of the Spanish-
2 American War until the transfer to the United
3 States Department of the Interior in September
4 1949, Guam was administered by the United States
5 Department of the Navy, and the people of Guam
6 were United States nationals until August 1, 1950,
7 when they became United States citizens upon the
8 enactment of Guam's Organic Act.

9 (3) On December 8, 1941, Japanese armed
10 forces invaded Guam and seized control of the island
11 from the United States, and occupied Guam which
12 then had a population of approximately 22,290, for
13 nearly 3 years.

14 (4) Guam was the only United States territory,
15 possession, or State with civilians present, which was
16 occupied by the Japanese armed forces during World
17 War II.

18 (5) During this period of Japanese occupation,
19 the people of Guam were subjected to death, per-
20 sonal injury, forced labor, forced march, and intern-
21 ment.

22 (6) On July 21, 1944, the United States liber-
23 ated Guam from Japanese occupation.

24 (7) On June 9, 1945, in a letter from the Hon-
25 orable H. Strive Hensel, Acting Secretary of the

1 Navy, to the Honorable Sam Rayburn, Speaker of
2 the House of Representatives, Mr. Hensel trans-
3 mitted proposed legislation to provide relief to the
4 residents of Guam through the settlement of meri-
5 torious claims.

6 (8) On November 15, 1945, the Guam Meri-
7 torious Claims Act (Public Law 79–224) authorized
8 the Secretary of the Navy to adjudicate and settle
9 claims, for a period of 1 year, for property damage
10 occurring on Guam during the occupation of Japa-
11 nese forces. Certification of claims in excess of
12 \$5,000 or any claims for personal injury or death
13 were to be forwarded to Congress.

14 (9) On January 8, 1947, United States Navy
15 Secretary James Forrestal appointed a civilian com-
16 mission, referred to as the Hopkins Commission, to
17 study and make recommendations on the Naval ad-
18 ministration of Guam.

19 (10) On March 25, 1947, the Hopkins Commis-
20 sion submitted a report (hereinafter referred to as
21 the “Report”) to Navy Secretary Forrestal, which
22 summarized that settlements and payments for war
23 damaged claims on property, personal injury, and
24 death had proceeded slowly and stated that imme-
25 diate steps should be taken to hasten this process

1 and to remove unsound and unfair distinctions in
2 the allowance for claims.

3 (11) The Report also stated that when many
4 claimants were advised that the local Naval Claims
5 Commission had power to settle and make imme-
6 diate payments of claims not in excess of \$5,000 but
7 that claims above that amount must go to Wash-
8 ington for further action with an indefinite time re-
9 quired for payment, they offered or agreed to reduce
10 their claim to below \$5,000 and accept the loss
11 above that amount, in order to receive money for
12 much-needed personal rehabilitation.

13 (12) The Report recommended that the Guam
14 Meritorious Claims Act be amended to authorize
15 Naval officials to provide immediate “on the spot”
16 settlement and payment of all claims.

17 (13) The Report also stated that officials of the
18 Naval Claims Commission testified to the basic hon-
19 esty and fairness of the Guamanians in presenting
20 their claims, that review in Washington of claims be-
21 tween \$5,000 and \$10,000 did not seem to serve any
22 useful purpose, and that sufficient reliance and trust
23 should be placed with the Naval authorities in Guam
24 to safeguard the national interest.

1 (14) The War Claims Act of 1948 (Public Law
2 80–896), was enacted by the Congress to address
3 victims of World War II.

4 (15) The War Claims Act of 1948 authorized
5 the creation of a commission to make inquiries and
6 reports to settle claims of American citizens and
7 military personnel imprisoned during World War II,
8 civilian American citizens captured by the Imperial
9 Japanese Government, United States contractual
10 employees, and religious organizations located in the
11 Philippines.

12 (16) Despite the recommendations from the
13 Hopkins Commission to amend the Guam Meri-
14 torious Claims Act, the War Claims Act of 1948 did
15 not address the claims arising out of the Japanese
16 occupation of Guam.

17 (17) In 1950, Congress passed the Organic Act
18 of Guam (Public Law 81–630), granting the people
19 of Guam United States citizenship and a measure of
20 self-government.

21 (18) On September 8, 1951, the United States,
22 along with 47 Allied Powers, signed a peace treaty
23 with Japan, in San Francisco, which waived all
24 claims of reparations against Japan by United
25 States citizens.

1 (19) In 1962, Congress passed Public Law 87–
2 846, which amended the War Claims Act of 1948
3 and addressed the remaining United States citizens
4 and nationals that had not received reparations from
5 previous enacted laws.

6 (20) The people of Guam were excluded from
7 the 1962 law because Federal policymakers believed
8 that they were included in the War Claims Act of
9 1948.

10 (21) As a consequence, despite the study and
11 recommendations of the Hopkins Commission, which
12 concluded that reparations for Guam as provided by
13 the Guam Meritorious Claims Act fell short of reha-
14 bilitating the island and redressing damages suffered
15 by its people from the occupation of Japan, Con-
16 gress failed to address the recommendations of the
17 Hopkins Commission under the War Claims Act of
18 1948.

19 (22) On December 30, 1980, the Government
20 of Guam created a Guam Reparations Commission
21 which, among its other duties, compiled war damage
22 claims for death, forced labor, forced march, intern-
23 ment, or injury, from survivors or descendants who
24 did not receive any or full reparations under the
25 Guam Meritorious Claims Act.

1 (23) Since given the authority to be represented
2 in Congress by an elected representative in 1972,
3 each Delegate from Guam to the United States
4 House of Representatives has introduced legislation
5 to correct the historical flaws of the Guam Meri-
6 torious Claims Act and the War Claims Act of 1948.

7 (24) Guam war restitution is long overdue.

8 (25) Congress supports the findings and rec-
9 ommendations of the Hopkins Commission and rec-
10 ognizes the declining population of survivors from
11 the Japanese occupation of Guam in World War II.

12 (26) Congress finds sufficient cause to revisit
13 Guam war restitution by establishing a commission
14 to review the relevant history and to determine the
15 appropriate relief damages to eligible claimants, the
16 eligibility requirements, and the total amount nec-
17 essary for compensation to the people of Guam who
18 experienced the occupation by Japanese military
19 forces in Guam from December 8, 1941, to July 21,
20 1944.

21 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

22 (a) ESTABLISHMENT.—There is hereby established a
23 commission to be known as the “Guam War Claims Re-
24 view Commission” (in this Act referred to as the “Com-
25 mission”).

1 (b) MEMBERS.—The Commission shall be composed
2 of five members who by virtue of their background and
3 experience are particularly suited to contribute to the
4 achievement of the purposes of the Commission. The mem-
5 bers shall be appointed by the Secretary of the Interior
6 not later than 60 days after funds are made available for
7 this Act. Two of the members shall be selected as follows:

8 (1) One member appointed from a list of three
9 names submitted by the Governor of Guam.

10 (2) One member appointed from a list of three
11 names submitted by the Guam Delegate to the
12 United States House of Representatives.

13 (c) CHAIRPERSON.—The Commission shall select a
14 Chairman from among its members. The term of office
15 shall be for the life of the Commission.

16 (d) COMPENSATION.—Members of the Commission
17 shall not be paid for their service as members, but in the
18 performance of their duties, shall receive travel expenses,
19 including per diem in lieu of subsistence, in accordance
20 with sections 5702 and 5703 of title 5, United States
21 Code.

22 (e) VACANCY.—Any vacancy in the Commission shall
23 be filled in the same manner as the original appointment.

1 **SEC. 4. STAFF.**

2 The Commission may appoint and fix the pay of an
3 executive director and other staff as it may require. The
4 executive director and other staff of the Commission may
5 be appointed without regard to the provisions of title 5,
6 United States Code, governing appointments in the com-
7 petitive service, and may be paid without regard to the
8 provisions of chapter 51 and subchapter III of chapter 53
9 of such title, relating to the classification and General
10 Schedule pay rates, except that the compensation of any
11 employees of the Commission may not exceed a rate equiv-
12 alent to the minimum rate of basic pay payable for GS-
13 15 of the General Schedule under section 5332(a) of such
14 title.

15 **SEC. 5. ADMINISTRATIVE.**

16 The Secretary of the Interior shall provide the Com-
17 mission, on a reimbursable basis, such administrative sup-
18 port services as the Commission may request.

19 **SEC. 6. DUTIES OF COMMISSION.**

20 The Commission shall—

21 (1) review the facts and circumstances sur-
22 rounding the implementation and administration of
23 the Guam Meritorious Claims Act and the effective-
24 ness of such Act in addressing the war claims of
25 American nationals residing on Guam between De-
26 cember 8, 1941, and July 21, 1944;

1 (2) review all relevant Federal and Guam terri-
2 torial laws, records of oral testimony previously
3 taken, and documents in Guam and the Archives of
4 the Federal Government regarding Federal pay-
5 ments of war claims in Guam;

6 (3) receive oral testimony of persons who per-
7 sonally experienced the taking and occupation of
8 Guam by Japanese military forces, noting especially
9 the effects of infliction of death, personal injury,
10 forced labor, forced march, and internment;

11 (4) determine whether there was parity of war
12 claims paid to the residents of Guam under the
13 Guam Meritorious Claims Act as compared with
14 awards made to other similarly affected United
15 States citizens or nationals in territory occupied by
16 the Imperial Japanese military forces during World
17 War II;

18 (5) advise on any additional compensation that
19 may be necessary to compensate the people of Guam
20 for death, personal injury, forced labor, forced
21 march, and internment; and

22 (6) not later than 9 months after the Commis-
23 sion is established submit a report, including any
24 comments or recommendations for action, to the
25 Secretary of the Interior, the Committee on Re-

1 sources and the Committee on the Judiciary of the
2 House of Representatives and the Committee on En-
3 ergy and Natural Resources and the Committee on
4 the Judiciary of the Senate.

5 **SEC. 7. POWERS OF THE COMMISSION.**

6 (a) **AUTHORITY OF CHAIRMAN.**—Subject to general
7 policies that the Commission may adopt, the Chairman of
8 the Commission—

9 (1) shall exercise the executive and administra-
10 tive powers of the Commission; and

11 (2) may delegate such powers to the staff of the
12 Commission.

13 (b) **HEARINGS AND SESSIONS.**—For the purpose of
14 carrying out its duties under section 6, the Commission
15 may hold hearings, sit and act at times and places, take
16 testimony, and receive evidence as the Commission con-
17 siders appropriate. The Commission may administer oaths
18 or affirmations to witnesses appearing before it.

19 (c) **EXPERTS AND CONSULTANTS.**—The Commission
20 may procure temporary and intermittent services under
21 section 3109(b) of title 5, United States Code, but at rates
22 for individuals not to exceed the daily equivalent of the
23 maximum annual rate of basic pay for GS–15 of the Gen-
24 eral Schedule. The services of an expert or consultant may

1 be procured without compensation if the expert or consult-
2 ant agrees to such an arrangement, in writing, in advance.

3 (d) SUPPORT OF FEDERAL AGENCIES.—Upon re-
4 quest of the Commission, the head of any Federal depart-
5 ment or agency may provide support to the Commission
6 to assist it in carrying out its duties under section 6.

7 **SEC. 8. TERMINATION OF COMMISSION.**

8 The Commission shall terminate 30 days after sub-
9 mission of its report under section 6(5).

10 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated \$500,000 to
12 carry out this Act.

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