

Union Calendar No. 476

106TH CONGRESS
2^D SESSION

H. R. 755

[Report No. 106-815]

To amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1999

Mr. UNDERWOOD (for himself, Mr. ABERCROMBIE, Mr. EALEOMAVAEGA, Mr. KENNEDY of Rhode Island, Mr. ROMERO-BARCELO, Mrs. CHRISTIAN-CHRISTENSEN, Mr. LIPINSKI, Mr. FROST, Mr. HOLDEN, and Mr. ORTIZ) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 6, 2000

Additional sponsors: Mr. HYDE and Mr. GEORGE MILLER of California

SEPTEMBER 6, 2000

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 *italie*]

[For text of introduced bill, see copy of bill as introduced on February 11, 1999]

A BILL

To amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment,

and death during the occupation of Guam in World War II, and for other purposes.

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.*

12 (2) *For 51 years, from the end of the Spanish-*
13 *American War until the transfer to the United States*
14 *Department of the Interior in September 1949, Guam*
15 *was administered by the United States Department of*
16 *the Navy, and the people of Guam were United States*
17 *nationals until August 1, 1950, when they became*
18 *United States citizens upon the enactment of Guam’s*
19 *Organic Act.*

20 (3) *On December 8, 1941, Japanese armed forces*
21 *invaded Guam and seized control of the island from*
22 *the United States, and occupied Guam which then*
23 *had a population of approximately 22,290, for nearly*
24 *3 years.*

1 (4) *Guam was the only United States territory,*
2 *possession, or State with civilians present, which was*
3 *occupied by the Japanese armed forces during World*
4 *War II.*

5 (5) *During this period of Japanese occupation,*
6 *the people of Guam were subjected to death, personal*
7 *injury, forced labor, forced march, and internment.*

8 (6) *On July 21, 1944, the United States liber-*
9 *ated Guam from Japanese occupation.*

10 (7) *On June 9, 1945, in a letter from the Honor-*
11 *able H. Strive Hensel, Acting Secretary of the Navy,*
12 *to the Honorable Sam Rayburn, Speaker of the House*
13 *of Representatives, Mr. Hensel transmitted proposed*
14 *legislation to provide relief to the residents of Guam*
15 *through the settlement of meritorious claims.*

16 (8) *On November 15, 1945, the Guam Meri-*
17 *torious Claims Act (Public Law 79–224) authorized*
18 *the Secretary of the Navy to adjudicate and settle*
19 *claims, for a period of 1 year, for property damage*
20 *occurring on Guam during the occupation of Japa-*
21 *nese forces. Certification of claims in excess of \$5,000*
22 *or any claims for personal injury or death were to be*
23 *forwarded to Congress.*

24 (9) *On January 8, 1947, United States Navy*
25 *Secretary James Forrestal appointed a civilian com-*

1 *mission, referred to as the Hopkins Commission, to*
2 *study and make recommendations on the Naval ad-*
3 *ministration of Guam.*

4 (10) *On March 25, 1947, the Hopkins Commis-*
5 *sion submitted a report (hereinafter referred to as the*
6 *“Report”) to Navy Secretary Forrestal, which sum-*
7 *marized that settlements and payments for war dam-*
8 *aged claims on property, personal injury, and death*
9 *had proceeded slowly and stated that immediate steps*
10 *should be taken to hasten this process and to remove*
11 *unsound and unfair distinctions in the allowance for*
12 *claims.*

13 (11) *The Report also stated that when many*
14 *claimants were advised that the local Naval Claims*
15 *Commission had power to settle and make immediate*
16 *payments of claims not in excess of \$5,000 but that*
17 *claims above that amount must go to Washington for*
18 *further action with an indefinite time required for*
19 *payment, they offered or agreed to reduce their claim*
20 *to below \$5,000 and accept the loss above that*
21 *amount, in order to receive money for much-needed*
22 *personal rehabilitation.*

23 (12) *The Report recommended that the Guam*
24 *Meritorious Claims Act be amended to authorize*

1 *Naval officials to provide immediate “on the spot”*
2 *settlement and payment of all claims.*

3 *(13) The Report also stated that officials of the*
4 *Naval Claims Commission testified to the basic hon-*
5 *esty and fairness of the Guamanians in presenting*
6 *their claims, that review in Washington of claims be-*
7 *tween \$5,000 and \$10,000 did not seem to serve any*
8 *useful purpose, and that sufficient reliance and trust*
9 *should be placed with the Naval authorities in Guam*
10 *to safeguard the national interest.*

11 *(14) The War Claims Act of 1948 (Public Law*
12 *80–896), was enacted by the Congress to address vic-*
13 *tims of World War II.*

14 *(15) The War Claims Act of 1948 authorized the*
15 *creation of a commission to make inquiries and re-*
16 *ports to settle claims of American citizens and mili-*
17 *tary personnel imprisoned during World War II, ci-*
18 *vilian American citizens captured by the Imperial*
19 *Japanese Government, United States contractual em-*
20 *ployees, and religious organizations located in the*
21 *Philippines.*

22 *(16) Despite the recommendations from the Hop-*
23 *kins Commission to amend the Guam Meritorious*
24 *Claims Act, the War Claims Act of 1948 did not ad-*

1 *dress the claims arising out of the Japanese occupa-*
2 *tion of Guam.*

3 (17) *In 1950, Congress passed the Organic Act*
4 *of Guam (Public Law 81–630), granting the people of*
5 *Guam United States citizenship and a measure of*
6 *self-government.*

7 (18) *On September 8, 1951, the United States,*
8 *along with 47 Allied Powers, signed a peace treaty*
9 *with Japan, in San Francisco, which waived all*
10 *claims of reparations against Japan by United States*
11 *citizens.*

12 (19) *In 1962, Congress passed Public Law 87–*
13 *846, which amended the War Claims Act of 1948 and*
14 *addressed the remaining United States citizens and*
15 *nationals that had not received reparations from pre-*
16 *vious enacted laws.*

17 (20) *The people of Guam were excluded from the*
18 *1962 law because Federal policymakers believed that*
19 *they were included in the War Claims Act of 1948.*

20 (21) *As a consequence, despite the study and rec-*
21 *ommendations of the Hopkins Commission, which*
22 *concluded that reparations for Guam as provided by*
23 *the Guam Meritorious Claims Act fell short of reha-*
24 *bilitating the island and redressing damages suffered*
25 *by its people from the occupation of Japan, Congress*

1 *failed to address the recommendations of the Hopkins*
2 *Commission under the War Claims Act of 1948.*

3 *(22) On December 30, 1980, the Government of*
4 *Guam created a Guam Reparations Commission*
5 *which, among its other duties, compiled war damage*
6 *claims for death, forced labor, forced march, intern-*
7 *ment, or injury, from survivors or descendants who*
8 *did not receive any or full reparations under the*
9 *Guam Meritorious Claims Act.*

10 *(23) Since given the authority to be represented*
11 *in Congress by an elected representative in 1972, each*
12 *Delegate from Guam to the United States House of*
13 *Representatives has introduced legislation to correct*
14 *the historical flaws of the Guam Meritorious Claims*
15 *Act and the War Claims Act of 1948.*

16 *(24) Guam war restitution is long overdue.*

17 *(25) Congress supports the findings and rec-*
18 *ommendations of the Hopkins Commission and recog-*
19 *nizes the declining population of survivors from the*
20 *Japanese occupation of Guam in World War II.*

21 *(26) Congress finds sufficient cause to revisit*
22 *Guam war restitution by establishing a commission*
23 *to review the relevant history and to determine the*
24 *appropriate relief damages to eligible claimants, the*
25 *eligibility requirements, and the total amount nec-*

1 *essary for compensation to the people of Guam who*
2 *experienced the occupation by Japanese military*
3 *forces in Guam from December 8, 1941, to July 21,*
4 *1944.*

5 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

6 (a) *ESTABLISHMENT.*—*There is hereby established a*
7 *commission to be known as the “Guam War Claims Review*
8 *Commission” (hereinafter referred to as the “Commission”).*

9 (b) *MEMBERS.*—*The Commission shall be composed of*
10 *5 members who by virtue of their background and experi-*
11 *ence are particularly suited to contribute to the achievement*
12 *of the purposes of the Commission. The members shall be*
13 *appointed by the Secretary of the Interior not later than*
14 *60 days after funds are made available for this Act. Two*
15 *of the members shall be selected as follows:*

16 (1) *One member appointed from a list of three*
17 *names submitted by the Governor of Guam.*

18 (2) *One member appointed from a list of three*
19 *names submitted by the Guam Delegate to the United*
20 *States House of Representatives.*

21 (c) *CHAIRPERSON.*—*The Commission shall select a*
22 *Chairman from among its members. The term of office shall*
23 *be for the life of the Commission.*

24 (d) *COMPENSATION.*—*Members of the Commission*
25 *shall not be paid for their service as members, but in the*

1 *performance of their duties, shall receive travel expenses, in-*
2 *cluding per diem in lieu of subsistence, in accordance with*
3 *sections 5702 and 5703 of title 5, United States Code.*

4 *(e) VACANCY.—Any vacancy in the Commission shall*
5 *be filled in the same manner as the original appointment.*

6 **SEC. 4. STAFF.**

7 *The Commission may appoint and fix the pay of an*
8 *executive director and other staff as it may require. The*
9 *executive director and other staff of the Commission may*
10 *be appointed without regard to the provisions of title 5,*
11 *United States Code, governing appointments in the com-*
12 *petitive service, and may be paid without regard to the pro-*
13 *visions of chapter 51 and subchapter II of chapter 53 of*
14 *such title, relating to the classification and General Sched-*
15 *ule pay rates, except that the compensation of any employ-*
16 *ees of the Commission may not exceed a rate equivalent to*
17 *the minimum rate of basic pay payable for GS–15 of the*
18 *General Schedule under section 5332(a) of such title.*

19 **SEC. 5. ADMINISTRATIVE.**

20 *The Secretary of the Interior shall provide the Com-*
21 *mission, on a reimbursable basis, such administrative sup-*
22 *port services as the Commission may request.*

23 **SEC. 6. DUTIES OF COMMISSION.**

24 *The Commission shall—*

1 (1) review the facts and circumstances sur-
2 rounding the implementation and administration of
3 the Guam Meritorious Claims Act and the effective-
4 ness of such Act in addressing the war claims of
5 American nationals residing on Guam between De-
6 cember 8, 1941, and July 21, 1944;

7 (2) review all relevant Federal and Guam terri-
8 torial laws, records of oral testimony previously
9 taken, and documents in Guam and the Archives of
10 the Federal Government regarding Federal payments
11 of war claims in Guam;

12 (3) receive oral testimony of persons who person-
13 ally experienced the taking and occupation of Guam
14 by Japanese military forces, noting especially the ef-
15 fects of infliction of death, personal injury, forced
16 labor, forced march, and internment;

17 (4) determine whether there was parity of war
18 claims paid to the residents of Guam under the Guam
19 Meritorious Claims Act with war claims paid to
20 United States citizens or nationals who lived in or
21 had holdings in foreign countries and other posses-
22 sions of the United States occupied by the Japanese
23 during World War II;

1 (5) *estimate the total amount necessary to com-*
2 *pensate the people of Guam for death, personal in-*
3 *jury, forced labor, forced march, and internment; and*

4 (6) *not later than 9 months after the Commis-*
5 *sion is established submit a report, including any*
6 *comments or recommendations for action, to the Sec-*
7 *retary of the Interior, the Committee on Resources*
8 *and the Committee on the Judiciary of the House of*
9 *Representatives and the Committee on Energy and*
10 *Natural Resources and the Committee on the Judici-*
11 *ary of the Senate.*

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

13 *Subject to general policies that the Commission may*
14 *adopt, the Chairman of the Commission—*

15 (1) *shall exercise the executive and administra-*
16 *tive powers of the Commission; and*

17 (2) *may delegate such powers to the staff of the*
18 *Commission.*

19 **SEC. 8. TERMINATION OF COMMISSION.**

20 *The Commission shall terminate 30 days after submis-*
21 *sion of its report.*

22 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

23 *There is authorized to be appropriated \$500,000 to*
24 *carry out this Act.*

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