

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To establish the Guam War Claims Review Commission.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Guam War Claims Review Commission Act”.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—There is hereby established a commission to be known as the “Guam War Claims Review Commission” (in this Act referred to as the “Commission”).

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

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

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

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

(d) **COMPENSATION.**—Notwithstanding section 3, members of the Commission shall not be paid for their service as members, but in the performance of their duties, shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

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

SEC. 3. EMPLOYEES.

The Commission may appoint an executive director and other employees as it may require. The executive director and other employees of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Section 3161 of title 5, United States Code, shall apply to the executive director and other employees of the Commission.

SEC. 4. ADMINISTRATIVE.

The Secretary of the Interior shall provide the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

SEC. 5. DUTIES OF COMMISSION.

The Commission shall—

(1) review the facts and circumstances surrounding the implementation and administration of the Guam Meritorious Claims Act and the effectiveness of such Act in addressing the war claims of American nationals residing on Guam between December 8, 1941, and July 21, 1944;

(2) review all relevant Federal and Guam territorial laws, records of oral testimony previously taken, and documents in Guam and the Archives of the Federal Government regarding Federal payments of war claims in Guam;

(3) receive oral testimony of persons who personally experienced the taking and occupation of Guam by Japanese military forces, noting especially the effects of infliction of death, personal injury, forced labor, forced march, and internment;

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

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

(6) not later than 9 months after the Commission is established submit a report, including any comments or recommendations for action, to the Secretary of the Interior, the Committee on Resources and the Committee on the Judiciary of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate.

SEC. 6. POWERS OF THE COMMISSION.

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

(1) shall exercise the executive and administrative powers of the Commission; and

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

(b) **HEARINGS AND SESSIONS.**—For the purpose of carrying out its duties under section 5, the Commission may hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS-15 of the General Schedule. The services of an expert or consultant may be procured without compensation if the expert or consultant agrees to such an arrangement, in writing, in advance.

(d) **SUPPORT OF FEDERAL AGENCIES.**—Upon request of the Commission, the head of any Federal department or agency may

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provide support to the Commission to assist it in carrying out its duties under section 5.

SEC. 7. TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after submission of its report under section 5(6).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*