

Calendar No. 437

107TH CONGRESS
1ST SESSION

H. R. 308

[Report No. 107-172]

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2000

Received; read twice and referred to the Committee on Energy and Natural
Resources

JUNE 24, 2002

Reported by Mr. BINGAMAN, without amendment

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Guam War Claims Re-
3 view Commission Act”.

4 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

5 (a) **ESTABLISHMENT.**—There is hereby established a
6 commission to be known as the “Guam War Claims Re-
7 view Commission” (in this Act referred to as the “Com-
8 mission”).

9 (b) **MEMBERS.**—The Commission shall be composed
10 of five members who by virtue of their background and
11 experience are particularly suited to contribute to the
12 achievement of the purposes of the Commission. The mem-
13 bers shall be appointed by the Secretary of the Interior
14 not later than 60 days after funds are made available for
15 this Act. Two 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
20 United States House of Representatives.

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

24 (d) **COMPENSATION.**—Notwithstanding section 3,
25 members of the Commission shall not be paid for their
26 service as members, but in the performance of their duties,

1 shall receive travel expenses, including per diem in lieu
2 of subsistence, in accordance with sections 5702 and 5703
3 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. 3. EMPLOYEES.**

7 The Commission may appoint an executive director
8 and other employees as it may require. The executive di-
9 rector and other employees of the Commission may be ap-
10 pointed without regard to the provisions of title 5, United
11 States Code, governing appointments in the competitive
12 service. Section 3161 of title 5, United States Code, shall
13 apply to the executive director and other employees of the
14 Commission.

15 **SEC. 4. 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. 5. 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

1 American nationals residing on Guam between De-
2 cember 8, 1941, and July 21, 1944;

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

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

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

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

24 (6) not later than 9 months after the Commis-
25 sion is established submit a report, including any

1 comments or recommendations for action, to the
2 Secretary of the Interior, the Committee on Re-
3 sources and the Committee on the Judiciary of the
4 House of Representatives and the Committee on En-
5 ergy and Natural Resources and the Committee on
6 the Judiciary of the Senate.

7 **SEC. 6. POWERS OF THE COMMISSION.**

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

11 (1) shall exercise the executive and administra-
12 tive powers of the Commission; and

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

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

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

1 eral Schedule. The services of an expert or consultant may
2 be procured without compensation if the expert or consult-
3 ant agrees to such an arrangement, in writing, in advance.

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

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

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

11 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

Passed the House of Representatives March 13,
2001.

Attest:

JEFF TRANDAHL,
Clerk.

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