2004 Current Fiscal Year Report: Guam War Claims Review Commission

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1. Department or Agency	2. Fiscal Year
Department of the Interior	2004

3. Committee or Subcommittee	3b. GSA Committee No.
Guam War Claims Review Commission	16610

4. Is this New During Fiscal Year?	5. Current Charter	6. Expected Renewal Date	7. Expected Term Date
No	09/10/2003	09/10/2005	07/10/2004

8a. Was Terminated During FiscalYear?	8b. Specific Termination Authority	8c. Actual Term Date
Yes	PL 107-333	07/10/2004

9. Agency Recommendation for Next FiscalYear	10a. Legislation Req to Terminate?	10b. Legislation Pending?
Terminate	No	

11. Establishment Authority Statutory (Congress Created)

12. Specific Establishment Authority	13. Effective Date	14. Commitee Type	14c. Presidential?
PL 107-333	12/16/2002	Ad hoc	No

15. Description of Committee Grant Review Committee

16a. Total Number of Reports 1

16b. Report Date	Report Title
06/09/2004	Report of the Implementation of the Guam Meritorious Claims Act of 1945

Number of Committee Reports Listed: 1

17a. Open 8 **17b. Closed** 0 **17c. Partially Closed** 0 **Other Activities** 0 **17d. Total** 8

Meetings and Dates

Purpose	Start	End
Swearing in of Commission members and organizational meeting.	10/03/2003	10/03/2003

Plan December 2003 hearings that will take place on Guam	11/05/2003 - 11/05/2003
Hear the testimony of persons resident on Guam during the World War II occupation of Guam by Japanese Imperial military forces.	12/08/2003 - 12/09/2003
Prepare for hearing on war claims legal issues.	02/19/2004 - 02/19/2004
Hear expert testimony on war claims legal issues.	02/20/2004 - 02/20/2004
Draft Report on the Implementation of the Guam Mewritorious Claims Act of 1945.	04/05/2004 - 04/08/2004
Review and amend the draft Report on the Implementation of the Guam Meritorious Claims Act of 1945.	04/26/2004 - 04/27/2004
Finalize the Report on the Implementation of the Guam Maritorious Claims Act of 1945.	06/02/2004 - 06/04/2004

Number of Committee Meetings Listed: 8

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	$0.00	$0.00
18a(2). Personnel Pmts to Federal Members	$0.00	$0.00
18a(3). Personnel Pmts to Federal Staff	$32,200.00	$0.00
18a(4). Personnel Pmts to Non-Member Consultants	$56,081.00	$0.00
18b(1). Travel and Per Diem to Non-Federal Members	$66,556.00	$0.00
18b(2). Travel and Per Diem to Federal Members	$10,414.00	$0.00
18b(3). Travel and Per Diem to Federal Staff	$11,463.00	$0.00
18b(4). Travel and Per Diem to Non-member Consultants	$10,137.00	$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	$100,000.00	$0.00
18d. Total	$286,851.00	$0.00
19. Federal Staff Support Years (FTE)	0.20	0.00

20a. How does the Committee accomplish its purpose?

The Commission shall provide 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. A draft report shall be submitted to the Secretary of the Interior (Secretary) within 8 months from the date the charter is filed, with the final report submitted 9 months from the date the charter is filed 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

20b. How does the Committee balance its membership?

The Commission is composed of five members appointed by the Secretary who by virtue of their background and experience are particularly suited to contribute to the achievement of the purposes of the Commission. Two members were appointed by the Secretary from separate lists candidates submitted by the Governor of Guam and the Delegate from Guam to the U.S. House of Representatives.

20c. How frequent and relevant are the Committee Meetings?

Estimated Number of Meetings per Year - 6
Estimated Total Meetings - 6

20d. Why can't the advice or information this committee provides be obtained elsewhere?

The Commission is to 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. CMO is required to provide this information.

20e. Why is it necessary to close and/or partially closed committee meetings?

All meetings (except those to discuss administrative details) will be open to the public.

21. Remarks

This Commission has fulfilled it statutory duties to submit a report, which can be found at: http://www.doi.gov/oia/Stories/warclaim/finalwarclaimrpt/Gumwarclaimsum.htm The Commission's recommendations can be found on pages 79 through 82 of the report.

Designated Federal Officer

Stephen D. Sander Designate Federal Official

Committee Members	Start	End	Occupation	Member Designation
Cruz, Benjamin	09/10/2003	07/10/2004	Chief Justice (Retired), Supreme Court of Guam	Special Government Employee (SGE) Member
Lagomarsino, Robert	09/10/2003	07/10/2004	Former Member of Congress	Special Government Employee (SGE) Member
Tamargo, Mauricio	09/10/2003	07/10/2004	Chairman, Foreign Claims Settlement Commission	Special Government Employee (SGE) Member
Unpingco, Antonio	09/10/2003	07/10/2004	Former Speaker, Legislature of Guam	Special Government Employee (SGE) Member

Van Cleve, Ruth	09/10/2003	07/10/2004	Lawyer; Former Director, Office of Territorial and Insular Affairs Department of the Interior	Special Government Employee (SGE) Member

Number of Committee Members Listed: 5

Narrative Description

Enacted by the U.S. Congress, the Organic Act of Guam (48 U.S.C. 1421a) provides that the Government of Guam's relations with the Federal Government in all matters not the program responsibility of another Federal department or agency, shall be under the general administrative supervision of the Secretary of the Interior. Therefore, the Guam War Claims Review Commission was placed by the Congress with the Department of the Interior.

What are the most significant program outcomes associated with this committee?

	Checked if Applies
Improvements to health or safety	☐
Trust in government	☑
Major policy changes	☐
Advance in scientific research	☐
Effective grant making	☐
Improved service delivery	☐
Increased customer satisfaction	☑
Implementation of laws or regulatory requirements	☐
Other	☐

Outcome Comments

NA

What are the cost savings associated with this committee?

	Checked if Applies
None	☑
Unable to Determine	☐

Under $100,000	☐
$100,000 - $500,000	☐
$500,001 - $1,000,000	☐
$1,000,001 - $5,000,000	☐
$5,000,001 - $10,000,000	☐
Over $10,000,000	☐
Cost Savings Other	☐

Cost Savings Comments

The Commission's recommendations to the Congress call for the payment of additional war claims awards in excess of $100 million.

What is the approximate Number of recommendations produced by this committee for the life of the committee?

6

Number of Recommendations Comments

Recommendation HighlightsUnder the Guam War Claims Review Commission Act, this Commission is directed to 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.After extensive research, review of information, discussion, and analysis, and the findings made in the preceding section, the Review Commission submits the following recommendations:1. Recognition - The Review Commission recommends that Congress acknowledge both the suffering of the Guamanians during the Japanese occupation of Guam in World War II and the loyalty shown by the Guamanians to the United States during the war.2. Category I: Claims for Death - The Review Commission recommends that Congress provide funding in an amount sufficient to pay compensation in a single lump-sum total amount of $25,000 to the eligible survivor(s), as defined below, of each resident of Guam who died or was killed, and whose death would have been compensable under the Guam Act and its regulations during the Japanese attack and occupation of the island, or incident to the liberation of the island.3. Category II: Claims for Personal Iniury, Includinq Rape and Malnutrition: Forced Labor: Forced March; and Internment, Including Hidinq to Avoid Capture - The Review Commission has found that, due to the passage of years since the 1944 liberation of Guam and the loss of relevant records, it is virtually impossible to differentiate among the survivors of the Japanese occupation of the island as to the types of harm they suffered-whether it was damage resulting from personal injury (including rape and malnutrition), internment (including hiding to avoid capture), forced labor, or forced march--or the extent of the harm suffered in each of their cases. Therefore, the Review Commission found that the most appropriate

method for apportioning compensation for their suffer~ng would be to grant one single uniform lump-sum amount covering all categories of harm, irrespective of how many types of harm a person may have suffered. Accordingly, the Review Commission recommends thatCongress provide funding in an amount sufficient. to pay compensation in a single lump-sum amount of $12,000 'to each person who was a resident of Guam during the Japanese occupation and who personally suffered one or more of the types of harm in question, or to the eligible survivor(s) of such individual, subject to the conditions set forth below.4. Deductions - The Review Commission recommends that before any payment of compensation is made in a claim under Category I or Category II above, there should be deducted any amount of compensation previously paid under the Guam Act of 1945 of $1000 or more, in the case of Category I payments, or of $500 or more, in the case of Category II payments.5. Adiudication of Claims - The Review Commission makes the following additional recommendations:-- Administration by the FCSC - The FCSC, because of its experience and expertise in adjudication of claims, should be charged with creating a sub-commission modeled after the Micronesian Claims Commission. It is further recommended that this new Commission be composed of some Guamanian and some non-Guamanian commissioners.-- Filing period - A filing period of one year should be set for the filing of claims. The one-year period should commence on the effective date of any required implementing regulations.-- Appeals and Finality - Objections to and appeals of the new Commission's decisions should be to the Commission, and upon a rehearing, the decision. should become final and not subject to outside review by any court or agency.--Release and Notice - The acceptance of payment by an eligible individual under this proposal should be in full satisfaction of all claims arising out of the Japanese occupation of Guam during the war.-- Interest - No interest should be payable on the amounts awarded.6. Establishment of Foundation to Fund World War II Lovalty Scholarships -The Review Commission recommends the establishment of a Trust. Fund for scholarship, medical facilities, and other public purposes for the benefit of the people of Guam. The Review Commission further recommends that wi thin 90 days after the end of the period for the filing of claims as recommended above, the Board of Directors of the Trust Fund be authorized to submit a claim to the Guam Commission, on behalf of the Trust Fund, for any person who, while eligible as a Category I orCategory II claimant, failed to file .a claim for compensation. Any awards issued in such claims would be deposited in the Trust Fund.Further, in the event that an individual refuses in writing to accept an award and files the refusal with the Board of Directors of the Trust Fund, the amount of such award would pass to the Fund and no pament may be made to such individual at any time after such refusal. Additionally, credit for uncashed checks that become stale after the normal one-year period should be transferred to the Fund and should not be reissued to the payee.The activities of the Trust Fund should be modeled after the fund established under the Aleutian and Pribilof Islands Restitution Act of 1988.

Disbursements may be made from the Trust Fund to sponsor research and educational activities, so that the events surrounding the wartime occupation and liberation of Guam as well as the loyalty of the people of Guam will be remembered, and so that the causes and circumstances of this and other wartime events may be illuminated and understood.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?
0%

% of Recommendations Fully Implemented Comments
There are no recommendations directed to the Department of the Department of the Interior. The recommendations are for action by the United States Congress.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?
0%

% of Recommendations Partially Implemented Comments
NA

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?
Yes ☐ No ☑ Not Applicable ☐

Agency Feedback Comments
NA

What other actions has the agency taken as a result of the committee's advice or recommendation?

	Checked if Applies
Reorganized Priorities	☐
Reallocated resources	☐
Issued new regulation	☐
Proposed legislation	☐
Approved grants or other payments	☐
Other	☐

Action Comments
n/A

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

The work of the Commission did not involve Grants.

How is access provided to the information for the Committee's documentation?

	Checked if Applies
Contact DFO	☐
Online Agency Web Site	☑
Online Committee Web Site	☐
Online GSA FACA Web Site	☐
Publications	☐
Other	☐

Access Comments

The June 2004 final report of the Commission can be found on line at:http://www.doi.gov/oia/Stories/warclaim/finalwarclaimrpt/Gumwarclaimsum.htm