

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1460 would amend the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for the membership in the Ysleta del Sur Pueblo tribe.

The 1987 Act, which restored recognition to the Ysleta del Sur Pueblo tribe, requires that this tribe's members have a blood quantum of at least one-eighth in order to qualify for tribal membership.

H.R. 1460 would amend the Ysleta Tribe's blood quantum requirement from one-eighth to one-sixteenth at the request of the tribe. There are currently 1,252 members of the Ysleta del Sur Pueblo Tribe.

This is an important bill to the Ysleta Tribe and I ask Members for their support.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Oregon. I want to compliment the chief supporter of this legislation, the gentleman from Texas (Mr. REYES).

Mr. Speaker, H.R. 1460 is important legislation in that it provides assistance to the Ysleta del Sur Pueblo Tribe in Texas.

Mr. Speaker, I rise in support of H.R. 1460, which will reduce the blood quantum required for membership in the Ysleta del Sur Pueblo tribe from one-eighth to one-sixteenth.

Congress has long recognized that inherent in the power of any tribal government is the power to set membership criteria and thereby determine who its members are. Absent some gross abuse of this power, I see no reason to interfere in this important area.

With regard to the Ysleta del Sur Pueblo tribe, as I understand it, the tribe has asked that the blood quantum requirement be set in public law. And while I personally am opposed to blood quantum requirements, and believe better criteria exist, this change is well within the tribe's authority, and I support their request.

It is my understanding that the tribe has about 1,200 members. Presumably with tribal members marrying non-tribal members, and the older tribal members passing away, the tribal council believes it won't be long before there won't be much of a tribe left. I am pleased to see that the tribal council is addressing this issue now rather than wait until there is a crisis, or run the risk of losing their identity as a tribe.

I support this bill and urge my colleagues to vote aye.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

(Mr. REYES asked and was given permission to revise and extend his remarks.)

Mr. REYES. Mr. Speaker, I want to thank both gentlemen for helping with this very important bill for the Tigua Tribe in El Paso. It is an issue of fairness. It is one that I would urge all my colleagues to support. It is vitally important to be able to sustain the tribe in the coming years.

Mr. Speaker, I rise in strong support of H.R. 1460. As I walked over from my office a few minutes ago, I thought of a number of things that I wanted to tell you about how important this bill is to the members of the Tigua tribe. I thought that I might tell you about the proud tradition and the remarkable history of the Ysleta del Sur tribe that dates back to prehistoric times. I thought that I might tell you about a unique group of individuals that will be reduced to a mere handful of members within a few generations if we fail to pass this bill, and I thought I might tell you about the disappointment and sorrow that the parents and members of the tribe have when a child is born, and because of the current blood quantum requirements, that child is excluded from tribal membership. I thought about talking about all of these things to you but decided that I would instead talk about fairness, about doing what is right and doing what is honorable.

This bill is not about money or power or politics. Its about the long-term existence of the Ysleta del Sur Pueblo, commonly known as the Tigua Indian Tribe. The current statute requires that a person have a blood quantum of at least 1/8th in order to qualify for tribal membership. This bill would reduce the blood quantum requirement to at least 1/16th. There are currently only 1,252 members with the requisite blood quantum of 1/8th or more. When we pass this bill, another 500 members will be included in the tribal membership. This increase in numbers under the lowered blood quantum requirements would help to ensure that the offspring of tribal members who fall within those requirements would also qualify for tribal membership.

This is not rocket science. I don't have any charts and pictures to show you. All I have to offer is a profound sense of how important it is for individuals born to this tribe to belong to a family a culture and a people with a distinct place and tradition in America.

I urge you to support this bill and vote to reduce the blood quantum requirement for the Tigua Indian tribe.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 1460.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GUAM WAR RESTITUTION ACT

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 755) 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, as amended.

The Clerk read as follows:

H.R. 755

*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" (hereinafter referred to as the "Commission").

(b) MEMBERS.—The Commission shall be composed of 5 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.—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. STAFF.

The Commission may appoint and fix the pay of an executive director and other staff as it may require. The executive director and other staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter II of chapter 53 of such title, relating to the classification and General Schedule pay rates, except that the compensation of any employees of the Commission may not exceed a rate equivalent to the minimum rate of basic pay payable for GS-15 of the General Schedule under section 5332(a) of such title.

### 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 with war claims paid to United States citizens or nationals who lived in or had holdings in foreign countries and other possessions of the United States occupied by the Japanese during World War II;

(5) estimate the total amount 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.

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.

#### SEC. 7. TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after submission of its report.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 755, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 755, the Guam War Restitution Act.

H.R. 755 will establish a temporary commission to review an important matter for the people of Guam that has been unresolved since World War II. An American territory, Guam, was invaded and occupied by Japan during the Second World War, and the U.S. nationals of Guam suffered immensely because of their loyalty to the United States.

Although there was an intention to provide restitution to the people of

Guam for loss of life and property due to the war, post-war restitution acts by Congress inadvertently excluded the U.S. nationals of Guam.

H.R. 755 would create a temporary Federal commission lasting no more than 10 months and costing no more than half a million dollars. The commission would estimate the amount appropriate to compensate the people of Guam for their deaths, permanent injury, forward labor, forced marches, and internment during World War II.

The administration supports H.R. 755, and I ask my colleagues to vote in support of this very important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, today is a momentous occasion for the people of Guam. With the passage of this legislation, the Guam War Claims Review Commission, the people of Guam will move one step closer to being healed from the brutalities of enemy occupation during World War II.

For nearly 3 years the people of Guam were subjected to horrendous acts inflicted by an enemy occupier. Many were executed by firing squads or beheadings. The entire island was in fact an internment camp, and families whose lives were once consumed with farming and subsistence living were now forced to labor to the needs of its occupiers.

But the will of the people of Guam was much stronger than the infliction cast upon them by the Japanese. They concealed the presence of U.S. military men who remained on the island by moving them from house to house. They composed songs, such as "Uncle Sam, please come back to Guam," and made makeshift American flags from tattered rags as a reminder that America would soon return.

Some even organized small militia units, often only teenaged boys, to bedevil Japan soldiers, hoping to ease the matter for the return of U.S. military forces, and America did. In July of 1944, U.S. naval forces began the liberation of Guam. For days they bombarded the island to draw out the enemy, and paved the way for America's invasion. Marines stormed the beaches of Guam's capital, Hagatna, and the southern villages of Asan, Sumay, and Agat. The liberation of Guam was achieved on July 21, 1944.

Soon after, the acting Secretary of the Navy, H. Strive Hensel, recommended to Congress that legislation be enacted to provide relief to the people of Guam through the settlement of meritorious claims. Congress responded by enacting the 1945 Guam Meritorious Claims Act, and authorized the Navy to adjudicate claims for property resulting from Japanese occupa-

tion. Claims in excess of \$5,000 or for personal injury or death were to be forwarded to Congress for settlement.

Several years later, there was a civilian commission appointed by the Secretary of the Navy, referred to as the Hopkins Commission, to study and make recommendations on the naval administration of Guam. The Commission reported that the settlements and payments for war damage claims on property, personal injury, and death had proceeded slowly, and that immediate steps should be taken to hasten this process and to resolve unfair and unsound distinctions in the allowance for claims.

It was clear at this time that the Guam Meritorious Claims Act, as acknowledged even in 1947, was falling short of what the original intent was.

The Commission went on to report that because claims exceeding \$5,000 needed to be forwarded to Congress, locals were more inclined to reduce their claim in order to receive financial help immediately.

Their final recommendation was that review in Washington of claims between \$5,000 and \$10,000 did not seem to serve any useful purpose, and that sufficient reliance and trust should be placed with naval authorities in Guam to safeguard the national interests.

Congress failed to act on the Commission's recommendation, and that is why we are here today. H.R. 755 establishes a Federal Commission to review the historical records of claims made by the people of Guam in the wake of World War II. The Commission will make its recommendation to Congress as to how we can finally resolve the issue of war claims for Guam.

For more than two decades, this issue has been aggressively pursued by the leaders of Guam. Locally, a Commission had been established to establish a record of claims that merited awards.

On the Federal level, each one of my predecessors has introduced legislation to address this issue. Their combined efforts have helped bring us to the point we are at today, the closest we have been. I am hopeful that once the work of the Commission is completed, we can finally heal this very painful memory and bring justice to the World War II generation in Guam.

I want to especially thank the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), for his assistance in bringing this matter to the floor, and our senior Democrat, the gentleman from California (Mr. GEORGE MILLER), for his steadfast support and cosponsorship of this measure, as well as the chairman, the gentleman from Illinois (Mr. HYDE), who has been very supportive of this endeavor.

□ 1615

It has been with their help that we have been able to address past concerns on this issue and move forward legislation that brings us a step closer to justice.

Mr. Speaker, I yield 4 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Guam (Mr. UNDERWOOD), the chief sponsor and author of this legislation for yielding me this time.

Mr. Speaker, as has been so eloquently stated by the gentleman from Guam (Mr. UNDERWOOD) and others before me, reparations to the people of Guam, who were subjected to death, personal injury, forced labor, forced march and internment during World War II is long, long overdue.

Mr. Speaker, before the military occupation of Guam, for some reason, it escapes me, at least this Member, the United States Territory of Guam was in existence. I have always asked the question why was it that these loyal Americans were not evacuated, properly evacuated before the occupation forces of Japan took over this island. Why was it that only U.S. citizens were evacuated? This bugs the heck out of me, Mr. Speaker.

As has been noted, Guam was the only land under the jurisdiction of the United States to be occupied by Japanese military forces during World War II. The people of Guam could have, I suppose, greeted this new force with open arms, and perhaps spared themselves some of the misery they suffered during 3 years of brutal occupation by military forces of the Japanese government. But these loyal Americans did not. They were proud Americans before the occupation, during the occupation, and after the occupation.

In response to their loyalty, Mr. Speaker, 55 years later, we are still debating whether we should establish a commission to study whether the people of Guam who suffered from such atrocities during this occupation period should receive proper reparations.

Mr. Speaker, it has been 55 years. Even the Navy supported reparations decades ago, and direct action on the part of this Congress is still long overdue.

Mr. Speaker, it is my understanding that legislation has been introduced for how many years now. I support this legislation but still feel compelled to speak out that we should be doing more. This bill was introduced 19 months ago. Today, with 19 legislative days left in the Congress, we are finally getting around to passing a bill which still has to go to the Senate.

Mr. Speaker, we can and we should do better than this. I urge my colleagues to support this bill.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for those very kind comments. Just on a personal note, I think this is a very emotional piece of

legislation for the people of Guam in terms of my own family. My parents endured the occupation. I am the only member of my family that was born after World War II. I think the imprint of the war experience on our lives as a people and our lives as family members are very strong.

This will bring a justice and sense of fairness to a long struggle for the people of Guam and for all of the families of Guam.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of H.R. 755—the Guam War Claims Review Commission Act. I thank Mr. UNDERWOOD for his work on this substitute version of H.R. 755 which addresses concerns that have been raised in previous Congresses. This legislation has been, in one form or another, offered by every delegate from Guam to Congress since the people of Guam began electing delegates to Congress in the 1970's.

In my years of service on the Resources Committee, I have had the privilege of meeting many from Guam who traveled a great distance to share their wartime memories of Japanese occupation. Their stories are compelling and regrettable. Their experiences often sounded unbelievable but they were very real. I recall an elder woman who came to testify before our Committee—Mrs. Beatrice Elmsley. She bore a scar along her neck. A permanent reminder of her attempted beheading at the hands of Japanese soldiers.

To the American public, Guam's story is not widely well-known. The island's loyalty to the United States before, during, and after World War II has never been questioned. Our fellow citizens are proud and patriotic Americans and if they were not fully made whole from the atrocities they faced from Japanese occupation, then we should make a good faith effort to correct those errors.

That we have been able to overcome concerns raised in the past over this legislation, while still recognizing the validity of reexamining war claim awards made to the people of Guam in the wake of World War II, is truly a milestone. We would not have reached this point if it weren't for the patience, diligence, and tenacity of Mr. UNDERWOOD. I congratulate him for his persistence and ask my colleagues to give this measure their full support.

Mr. UNDERWOOD. Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 755, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to establish the Guam War Claims Review Commission.

A motion to reconsider was laid on the table.

## FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4986) to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income, as amended.

The Clerk read as follows:

H.R. 4986

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

### SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "FSC Repeal and Extraterritorial Income Exclusion Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

### SEC. 2. REPEAL OF FOREIGN SALES CORPORATION RULES.

Subpart C of part III of subchapter N of chapter 1 (relating to taxation of foreign sales corporations) is hereby repealed.

### SEC. 3. TREATMENT OF EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting before section 115 the following new section:

#### "SEC. 114. EXTRATERRITORIAL INCOME.

"(a) EXCLUSION.—Gross income does not include extraterritorial income.

"(b) EXCEPTION.—Subsection (a) shall not apply to extraterritorial income which is not qualifying foreign trade income as determined under subpart E of part III of subchapter N.

"(c) DISALLOWANCE OF DEDUCTIONS.—

"(1) IN GENERAL.—Any deduction of a taxpayer allocated under paragraph (2) to extraterritorial income of the taxpayer excluded from gross income under subsection (a) shall not be allowed.

"(2) ALLOCATION.—Any deduction of the taxpayer properly apportioned and allocated to the extraterritorial income derived by the taxpayer from any transaction shall be allocated on a proportionate basis between—

"(A) the extraterritorial income derived from such transaction which is excluded from gross income under subsection (a), and

"(B) the extraterritorial income derived from such transaction which is not so excluded.

"(d) DENIAL OF CREDITS FOR CERTAIN FOREIGN TAXES.—Notwithstanding any other provision of this chapter, no credit shall be allowed under this chapter for any income, war profits, and excess profits taxes paid or accrued to any foreign country or possession of the United States with respect to extraterritorial income which is excluded from gross income under subsection (a).

"(e) EXTRATERRITORIAL INCOME.—For purposes of this section, the term 'extraterritorial income' means the gross income of the taxpayer attributable to foreign trading gross receipts (as defined in section 942) of the taxpayer."

(b) QUALIFYING FOREIGN TRADE INCOME.—Part III of subchapter N of chapter 1 is amended by inserting after subpart D the following new subpart:

#### "Subpart E—Qualifying Foreign Trade Income

"Sec. 941. Qualifying foreign trade income.