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WAR CLAIMS AND ENEMY PROPERTY LEGISLATION

THURSDAY, APRIL 16, 1959

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COMMERCE AND FINANCE
OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:30 a.m., in room 1334, New House Office Building, Hon. Peter F. Mack, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Mack, Dollinger, Dingell, Hemphill, Collier, and Glenn.

Mr. MACK. The committee will come to order.

This morning we have invited the Foreign Claims Settlement Commission to come before this committee to give us a report on their activities and to give them an opportunity to present their legislative program for the 86th Congress. We hope that we will be able to schedule hearings on legislation concerning the Foreign Claims Settlement Commission during this session of Congress.

The practice which the Committee on Interstate and Foreign Commerce and its subcommittees have followed in the past Congresses of calling the departments and agencies which come under its legislative jurisdiction before the committee for this purpose, has been a very useful one particularly for the new members of the committee. A presentation of the departments and the agencies with regard to their programs and legislative recommendations enables the members of the committee to view individual bills against the background of the overall operations of the departments and agencies. This makes possible a better understanding of the legislation in question and the problems which the departments and agencies face.

We are also happy to have you here, since one of the members of the Commission is new, and all of us wanted to become acquainted with him. I am also happy to have the Commission here, so that new members of the committee might become acquainted with the activities of this Commission.

The Chairman of the Commission, the Honorable Whitney Gilliland—if you would like to take the stand this morning we would be happy to have your statement.

STATEMENT OF HON. WHITNEY GILLILLAND, CHAIRMAN, FOREIGN CLAIMS SETTLEMENT COMMISSION; ACCOMPANIED BY MRS. PEARL CARTER PACE, COMMISSIONER; ROBERT L. KUNZIG, COMMISSIONER; ANDREW T. McGUIRE, GENERAL COUNSEL; AND DONALD G. BENN, ASSISTANT GENERAL COUNSEL, OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION

Mr. GILLILLAND. Thank you, Mr. Chairman.

I believe, with your permission, before I commence I would like to present my fellow Commission members here with me, and the two members of our staff who are here. Perhaps when I finish it might be Mrs. Pace or Mr. Kunzig who would have some remarks to supplement what I will have to say, and I would appreciate an opportunity for them to do so, if they wish, because I likewise think it is good for the committee to have an opportunity to appraise the whole Commission.

I would like to present Mrs. Stanley Pace and Mr. Robert Kunzig, my fellow Commissioners, and Mr. Andrew McGuire, our General Counsel, and Mr. Donald Benn, the Assistant General Counsel of our agency.

Mr. MACK. We are very happy to meet your fellow Commissioners and your staff, and we will certainly be happy to have any separate statements from them if they wish to make them.

Mr. GILLILLAND. Thank you.

I might say this is the order in which we sit at Commission hearings.

Mr. Chairman and members of the subcommittee, I appreciate this opportunity to again review for you briefly the activities of the Foreign Claims Settlement Commission. The subject will be dealt with in six divisions: (1) a brief history of the agency, (2) a statement of claims programs completed, paid from the war claims fund, (3) claims programs completed not paid from the war claims fund, (4) current claims programs, (5) a brief statement of Commission procedures, and (6) a brief comment on bills before the Congress. In the last connection, I will make some special mention of the German claims bill presently pending before your committee. It will be most unfortunate if that bill should not be acted upon at this session of the Congress. There are many reasons, among them the following:

1. American claimants have already waited 15 years upon the matter.

2. Witnesses are dying, memories are growing dim, and records are being lost and destroyed.

3. The Commission's program continuing until August 12, 1962, will not, after June 30 of this year, justify the maintenance of the present experienced staff which is entirely competent to the German program. Should this staff be dissipated it will require years of training and many trials and errors before it can be replaced.

BRIEF HISTORY OF THE COMMISSION

The Foreign Claims Settlement Commission of the United States was established as an independent agency of the U.S. Government under the authority of Reorganization Plan No. 1 of 1954. It as-

sumed the functions previously exercised by the War Claims Commission, an independent agency, under the authority of the War Claims Act of 1948. It also assumed the functions previously exercised by the International Claims Commission, an agency within the Department of State, under the authority of the International Claims Settlement Act of 1949. In brief, the principal purpose of the War Claims Act was to provide machinery for the determination and processing of claims of various kinds against foreign governments for injuries and damages to American citizens arising out of war. The principal purpose of the International Claims Settlement Act was to provide machinery for the determination and processing of claims of various kinds against foreign governments for the nationalization or other taking of American property. However, some war claims have been authorized for determination and processing under the International Claims Settlement Act. The two statutes are very similar. Except as it may be necessary to vary methods of handling between large numbers of comparatively simple claims, i.e., production line claims, and more limited numbers of large, intricate, and complex claims which must be individually handled, procedures are very similar.

I might say at that point that one member of the staff criticized that language as supporting an inference that we didn't process all claims individually. We, of course, do. All claims before the Commission are processed individually.

Under both statutes the claims programs operated against specified filing periods and completion deadlines.

I think the members of this committee should keep foremost in mind, when I speak of claims, that I do not refer to claims against the United States. The funds which go to the satisfaction of claims on all programs, and with only one limited exception, are derived in one manner or another from the foreign governments and not from the taxpayers' pocketbooks. They are gratuities made available through the bounty of the Congress. Likewise the salaries of the Commissioners and the other expenses of the Commission are, in effect, almost entirely paid from these funds.

The War Claims Act required the War Claims Commission to make a study and report with recommendations to the Congress, concerning the whole field of war claims. That report was filed in January 1953. It included a number of recommendations nearly all of which have since been authorized and carried out. The most important of all, however—the German program—has not received attention.

CLAIMS PROGRAMS COMPLETED—PAID FROM THE WAR CLAIMS FUND

On March 5, 1957, I appeared before the full committee agency hearings and at that time presented a rather detailed report on the functions and accomplishments of the Commission. This may be found commencing at page 25 of the hearings. I will now undertake to summarize some portions of it and to supplement it.

The Foreign Claims Settlement Commission is the legal custodian of the war claims fund. The fund consists of all sums covered into the Treasury pursuant to section 39 of the Trading With the Enemy Act, that is, the net proceeds of the liquidation of vested World War II

German and Japanese assets by the Office of Alien Property in the Department of Justice. Transfers to the fund have totaled \$228,750,000. The present balance is slightly in excess of \$500,000.

Utilization of the fund in payment of claims within the jurisdiction of the Commission has been as follows:

1. Awards to members of the American Armed Forces who were held prisoners during World War II, at the rate of \$1 for each day of failure to receive the proper quantity and quality of food. This program was completed as directed by the Congress March 31, 1955, with 179,275 awards totaling \$49,891,911.

2. Awards to American civilians who went into hiding or were interned by the Japanese in the Philippines, Wake, Guam, or Midway at \$25 per month for persons under 18 years of age and \$60 per month for others. This program was completed March 31, 1955, with 9,238 awards totaling \$13,668,078.

3. Awards to religious organizations in the Philippines affiliated with religious organizations in the United States, or to the personnel of such Philippine organizations, for expenditures incurred or the value of supplies furnished to beleaguered Americans during World War II. This program was completed March 31, 1955, with 62 awards totaling \$2,857,899.

4. Awards to such religious organizations in the Philippines for the postwar reconstruction costs of schools, colleges, observatories, hospitals, and orphanages destroyed during the war. This program was completed March 31, 1955, with 60 awards totaling \$17,238,596.

5. Awards to members of the American Armed Forces held prisoner during World War II, at the rate of \$1.50 for each day they were abused or mistreated. This program was completed March 31, 1955, with 176,340 awards totaling \$73,377,245.

6. Awards to American civilians and their survivors of a class not covered by the original act who went into hiding or were interned by the Japanese. This program was completed as directed by the Congress August 31, 1956, with 2,191 awards totaling \$4,073,992.

7. Awards to American prisoners of war who had enlisted in the Armed Forces of our allies. The program was completed August 31, 1956, with 201 awards totaling \$335,836.

8. Awards to American merchant seamen captured and interned by the Japanese and Germans during World War II. The program was completed August 31, 1956, with 176 awards, totaling \$327,732.

9. Awards to Americans for losses on bank accounts and other credits sequestered by the Japanese in the Philippines, and to banks in the Philippines which had voluntarily reestablished sequestered American credits. This program was completed August 31, 1956, with 3,162 awards totaling \$10,570,478.

10. Awards, under an amendment to the original statutory authorization, to religious organizations in the Philippines of the same denominations as religious organizations in the United States for (a) the cost of assistance furnished to American civilian and military personnel captured by or in hiding from the Japanese during the war, and (b) the postwar reconstruction costs of schools, colleges, hospitals, and similar institutions, destroyed during the war. The program was completed as directed by the Congress February 6, 1958, with 109 awards, totaling \$8,711,482.25.

CLAIMS PROGRAMS COMPLETED—NOT PAID FROM THE WAR CLAIMS FUND

Two programs have been carried through under the International Claims Settlement Act, and one under the War Claims Act, which were not payable from the war claims fund.

1. Awards to prisoners of war and civilian internees in the Korean conflict of the same kind provided for in World War II. This is the only program the Commission has had payable from appropriated funds. It was completed as directed by the Congress August 21, 1956, with 9,241 awards, totaling \$8,888,292.

2. Awards to Americans for the loss of property in Panama. A fund of \$400,000 was provided by Panama. There were 66 awards, totaling \$441,891. The program was completed June 30, 1954.

3. Awards to Americans whose property in Yugoslavia was nationalized or otherwise taken by Yugoslavia. A fund of \$17 million was provided by Yugoslavia. The program was completed as directed by the Congress, December 31, 1954. There were 876 awards, totaling \$18,817,904.

CURRENT CLAIMS PROGRAMS

The Commission is in the final stages of claims determinations with respect to some 10,565 claims of Americans under title III of the International Claims Settlement Act of 1949, as amended, against Soviet Russia, Italy, Hungary, Rumania, and Bulgaria. This is the opening year of a program of claims of Americans against Czechoslovakia under title IV of the act, adopted by the Congress, August 8, 1958, and directed to be completed August 8, 1962.

1. The claims against Soviet Russia arose prior to November 16, 1933, primarily resulting from the 1917 Revolution and awards are to be paid from a fund of \$9,100,000 realized from the proceeds of property transferred to the United States by Russia under what is known as the Litvinov assignment. Awards will number more than 1,800 and will total more than \$60 million. The program will be completed August 9, 1959, as directed by the Congress.

2. Claims against Italy are those arising from World War II which were not provided for in the treaty of peace, primarily claims of Americans for damages attributable to Italy which occurred in Greece, Yugoslavia, Albania, France, North Africa, or on the seas. Italy provided a fund of \$5 million to cover them. Awards will number more than 550 and will exhaust the fund. The program will be completed August 9, 1959.

3. The claims against Hungary arose out of World War II damage to or nationalization or other taking of American-owned property (plus a limited category of prewar contract claims). A fund of approximately \$3 million will be available in the Hungarian fund from the net proceeds of the vesting of certain Hungarian assets in the United States. Awards will number more than 1,100 and will exceed \$45 million. The program will be completed August 9, 1959.

4. The claims against Rumania are similar to those against Hungary. A fund of approximately \$20 million will be available from the vesting of Rumanian assets in the United States. Awards will number more than 500 and will exceed \$45 million. The program will be completed August 9, 1959.

5. The claims against Bulgaria are likewise for World War II damage to or nationalization or other taking of American property (plus a limited category of prewar contract claims). A fund of approximately \$3 million will be available from the vesting of Bulgarian assets in the United States. Awards will number more than 200 and will exceed \$4 million. The program will be completed August 9, 1959, the date directed by the Congress.

As to the last five mentioned programs awards are payable in full up to \$1,000 and prorated above that.

6. The last Congress authorized a program providing compensation to Americans for the nationalization or other taking of their property by Czechoslovakia. A fund of \$9 million is available from the vesting of the proceeds of the sale of certain Czechoslovakian property. Negotiations are now underway for a settlement with Czechoslovakia which, if completed, will bring about the substitution of the settlement fund. Present indications are that claims filings, now going on, will exceed 2,500. The program will be completed on time, August 8, 1962.

Before I leave this subject I should make mention of the fact that the Congress authorized many other benefits of one kind or another to sufferers from World War II, under programs which were not administered by this Commission. For example, there was the Philippine Rehabilitation Act of 1946, under which the Congress provided over \$400 million for damages in the Philippines including damages to Americans and which was administered by the Philippine War Damage Commission. Another, was the Guam Relief Act, under which nearly \$2 million was administered by the War Damage Corporation. Americans who suffered war damages in Japan were given a remedy under the Japanese Peace Treaty. Likewise, those who suffered damages in Italy were given a remedy under the treaty with Italy. Many of our allies afforded compensation, in one way or another, to Americans for war damages to American property in those countries. In short, the whole waterfront has been pretty well covered except for those American claimants who would be included under the bill I have referred to as the German bill.

COMMISSION PROCEDURES

I have reviewed what the Commission does and what it has accomplished to date. It may be of interest to the members of the committee to know how the Commission functions. Upon enactment of a statute providing a new claims program, the scope and limitations of the projected undertaking are carefully examined and studied, appropriate procedural regulations are adopted and published, and application forms and instruction sheets are approved, printed, and prepared for distribution. Where required by statute, as is usually the case, potential applicants are notified. As the claims are filed they are docketed and receive a number. They are then sent to the operating divisions in the chronological order of receipt for development and processing.

During the early stages of a program, before all of the developmental material on individual claims has been received, the staff is required to bring forward every hypothetical question typical of problems the Commission will have to meet which can be foreseen.

They are briefed by the Division staff and in the General Counsel's Office. Our practice is to establish panels composed usually of the Commission to hear argument, study and resolve these points and to prepare what we call panel opinions on them. These panel opinions serve as the preliminary guides and ground rules for the staff for use in early decision. They are, of course, subject to reversal if and when specific cases come up which reveal any infirmities they may possess or otherwise warrant different treatment. Commission procedures include provision for public hearings on questions of broad application, for example, the proper exchange rates to be used in particular programs.

The incoming claims are assigned to individual staff attorneys for study, development, and investigation. When a staff attorney is satisfied that all sources of evidence and information relevant to the claim have been reasonably exhausted a proposed decision is prepared and submitted to the division director for approval. If approved it is then referred to the Office of the General Counsel for review to assure conformity with Commission precedents and policy. Upon completion of these actions the decision is forwarded to the claimant with the advice that if the claimant is dissatisfied with the proposal he has a statutory right to object and request a hearing. At the same time the decision is posted to give notice to other claimants who might be concerned with unwarranted depletion of a fund. If no hearing is requested and no third party complaint asserted, the decision is adopted as the decision of the Commission at the expiration of 30 days. If objections are raised and a hearing is requested the matter is calendared and heard de novo by the Commission. If objections are raised but no hearing is requested the entire record is reviewed and presented before the Commission. In this manner, we have tried to afford claimants as full a measure of consideration for their claims as may be possible in this kind of program.

To the extent possible, the Commission undertakes to conduct its hearings in a judicial manner. The Commission requests but does not require that any briefs claimants may wish to file be in its hands 15 days in advance of hearings. All hearings are conducted by Commissioners. A hearing opens with a statement of the claim by the Commission attorney who has handled it, summarizing the evidence already before the Commission, pointing out its strengths and weaknesses, and stating the reasons for the proposed decision. The claimant or his counsel then makes his opening statement followed by the production of any witnesses he may wish to call and the introduction of any other evidence he may wish to offer. The Commission does not follow strict rules of evidence and great liberality is indulged concerning its introduction. The witnesses may also be interrogated by members of the Commission's staff or by the Commissioners themselves or, more commonly, by both. The claimant's attorney then makes his oral argument. The Commission's attorney is not permitted to respond in argument in that we relentlessly require that members of our staff do their utmost to themselves maintain an objective and judicial attitude. Controversy is under no circumstances permitted. However, the Commission attorneys are permitted to interrogate claimants' attorneys at the hearings to bring out and give opportunity to explain what might be considered weaknesses in their positions.

I might add that, time permitting, even after issuance of a final decision the Commission has been prone to reopen and reconsider cases where a diligent claimant has come forward with new or previously unavailable evidence. This latter, of course, is entirely dependent upon time elements in relation to program completion requirements.

Generally, it may be said that we have followed the philosophy that our function is to pay just claims, not to devise ways and means for denying them.

The kinds and types of claims which are filed with the Commission are tremendously varied. They may be asserted by individuals or by corporations. Sometimes they are asserted by stockholders based on a percentage of loss to a foreign corporation and require the examination of intricate corporate structures. Amounts asserted may be a few dollars or a great number of millions. Many claims, presenting similar problems, may be collected into groups and processed with comparative rapidity. Others present individual problems of such difficulty that they can scarcely be categorized at all. Some claims may demand the attention of but a limited number of the Commission's personnel with a total time consumed of only a few hours. Others singly may require several months in man-hours and the attention of many members of the staff. Claims based on war damage or nationalization include almost every conceivable kind of property—stocks, bonds, bank accounts, currency, livestock, produce, personal belongings, furniture, dwelling houses, apartment houses, farms, farm buildings, stocks of merchandise, stores, warehouses, manufacturing plants, mines, oil wells, refineries, theaters, schools, colleges, ship cargoes, hospitals, public utilities, railroad equipment, motor vehicles, great industrial enterprises, and almost anything else you can think of. There are all sorts of combinations.

The committee is, of course, aware that Congress provided that the decisions of the Commission are final and not subject to review by any court, or other department, or agency of Government.

One problem which may again confront this committee in its consideration of pending legislation is that of whether or not decisions should be made subject to court reconsideration. Ultimate responsibility is not pleasant and from a purely personal standpoint each of the Commissioners would welcome an authorization to a disappointed claimant to take his claim to a superior forum. Whether it would be wise to provide it is another matter.

The functions of the Commission are in some respects similar to those of an administrator or executor of an estate who (presumably without prejudice) examines and investigates claims and exercises judgment as to those which should be allowed in whole or in part and as to those which should be disallowed. A disappointed claimant against an estate may take his claim to the courthouse. The judge, however, does not sit in review of the proceedings of the fiduciary but the matter is tried as an independent lawsuit.

There are, nevertheless, a number of differences. The first is, of course, that a claimant, disappointed with a proposed decision of the Commission, may have his appeal to the Commission itself.

The second is, that unless an estate of a decedent is insolvent, litigation of a particular claim does not interfere with payment of other

claims, whereas nearly all the Commission's claims funds are inadequate to full payment of claims, claims must be prorated, and if there were to be litigation, proration and final distribution could not be made on any claims until all litigation was completed. In the present state of the dockets of trial courts and courts of appeals this would delay final distributions many years.

In the third place, court action concerning a claim in an estate, dealing as it usually does with questions of fact merely, seldom has any relevance for precedent purposes to the disposition of other claims in the estate. This would not be true with the programs of the Commission where the claimants are quite as likely to object to our determinations of the novel questions of law which confront us as to questions of fact. Now I think it almost inevitable that if a claim involving a question of law were taken to the courthouse the work on all other claims, involving that question (and there might be thousands) would tend to come to a halt until judicial determination of the question had been finally made by the last court of appeal. Furthermore, if the court's determination were contrary to that of the Commission, the Commission in fairness might well feel obligated to reexamine many claims which had theretofore been disposed of.

Now I am sure we could count on it that if court review were provided that great numbers of claims would, in fact, go to the courthouse. Some of them involve very large sums of money and present intricate factual and legal questions in the resolution of which we may very well be wrong. But suppose there were only one case and that case were taken to the courthouse in the late stages of a program, that is after the program had already gone along for 4 or 5 years. Such a time would be the most likely time because difficult claims require longer periods of development. Final disposition of the matter could then not be anticipated for several more years during which period final dispositions of many other claims, perhaps thousands, might not be possible, and final distribution on all claims would have to be withheld.

I would say, conservatively speaking, that if court proceedings were to be provided generally, administrative cost of a program would be at least doubled and that the length of time required for completion would likewise be at least doubled. I say that speaking conservatively for I have some doubt as to whether a large program of say 35,000 claims could be carried through at all. Before one action had been finally determined another action bringing up another problem related to the same group of claims would likely have been commenced and the matter would go on and on. I think it probable that many claimants would prefer to take their chances on something like the present procedures, however informal, than to face the realization that awards could only be paid to their great grandchildren.

Furthermore, although we unquestionably make mistakes and sometimes have our disagreements, I have some doubt as to whether our margin of error is in fact substantially greater than that to be found at the courthouse. I spent many years in the trial of lawsuits and some few on the bench and therefore have had some experience with that, too.

There are two particular facets of this problem which I should like to call to your attention. One of them is this—the witnesses neces-

sary to the litigation of a claim in an estate are usually to be found in the vicinity. This is not true with claims before the Commission. Our claims have their situs in distant lands many of them behind the Iron Curtain. Witnesses and pertinent records may be and frequently are inaccessible. In addition events are likely to be obscured by antiquity. For example, the events giving rise to the claims which we are now processing against the Soviet Union took place in Russia in 1917 and 1918. All this points up the difficulty both from the standpoint of the claimant and the Commission of developing records which lend themselves well either to court review or independent suits.

The second one is this—inevitably with the constant study of the laws, history, events, customs, and usage of particular countries, and the examination and comparison of large numbers of claims and supporting proofs emanating in those countries, our staff attorneys and to some extent the members of the Commission develop a certain "feel" for the truth which is of great assistance in estimating and appraising the likelihood or unlikelihood of the various claimed factual situations. Let us say that we get to the place where there are many things of which we can take what might be termed "judicial notice" and to a considerable extent become specialists. It seems to me that individual judges might be under some handicap without such background.

In the event that the committee should favorably consider the establishment of some court remedies, I would strongly recommend, in order to ameliorate the dangers pointed out to some extent:

1. That it should be specifically written into the statute that a court determination should only affect the particular claim in which the remedy is sought and that the Commission should not be bound by it in its determination of other claims.

2. That the court remedy should be by suit on a particular claim, resembling that brought against an executor or administrator, and should not be a mere review of the Commission record, i.e., that the court should itself finally determine the matter rather than prolong it by sending it back to the Commission.

I would say, that if anything at all is to be done about the matter, it would be much better that any change lie in the direction of a stiffening of the Commission's own review procedures, although I will also say that, as now constituted, the procedures are pretty stiff and there is little likelihood of any claimant, who is reasonably diligent in his own behalf, encountering any limitation on his opportunity to fully present his case or failing to have it fully and carefully considered. I say this mindful of the fact that this Commission, in common with other commissions, has been and no doubt will continue to be subjected to criticism.

The present provision making the decisions of the Commission on appeal final and nonreviewable is to be found in both statutes, one of which had its origin in this committee and the other in the Committee on Foreign Affairs. It is the common provision in other statutes of similar nature. It is likewise the custom in other countries having similar programs, including England which maintains legal concepts and procedures so similar to our own.

BILLS BEFORE THE CONGRESS

Your committee has requested reports on several bills currently pending before the Congress. Some would be administered by the Commission. I will comment briefly on a few of them.

1. A proposal to include brothers and sisters as eligible survivors under section 17 of the War Claims Act. As the awards are gratuities, and not property rights, the Congress has not thought it wise in the past on War Claims Act claims to go outside the line of primary concern, i.e., awards to widows, parents, and children.

2. A proposal to extend prisoner of war compensation to members of the Armed Forces who hid themselves to avoid capture by the enemy. The theory, of course, of POW compensation is mistreatment in prison camp. Furthermore, it might be very difficult in some cases to appraise motivation.

3. A proposal to authorize the Commission to reopen and reconsider decisions under section 17 of the War Claims Act for the purpose of correcting errors. We have no knowledge of any errors although there may, of course, have been such in this as in any other program. It would be discriminatory to grant the power in this program without extending it to others and we believe it to be too great a power to be extended to the Commission as to long completed programs. There must be finality sometime.

4. A proposal to extend benefits to citizens of nations allied with the United States during World War II. It would appear but fair and reasonable that primary concern should be for those who were U.S. nationals when loss or damage was incurred.

5. A proposal to extend civilian internee benefits, now limited to the Philippines, Guam, Midway, and Wake Islands, to U.S. citizens interned in China. It has been the congressional policy in the past to limit such benefits to persons whose internment was, at least in part, occasioned by actions of the U.S. Government. This was not the case in China. However, many of these same persons might be eligible for benefits of other kinds under the German bill I will again refer to.

6. A proposal to include members of our Armed Forces in Korea declared missing in action as presumed prisoners of war to date of "big switch." This would create inequities in comparison with World War II, and probably would be so considered as to persons who lost their lives on the battlefield.

7. A proposal to eliminate the time-honored requirement of U.S. ownership of property at the time of loss. We believe that where limited funds are involved persons who were U.S. citizens at the time of loss should be protected against diminution of their rights. It was for injuries to them that the United States sought recovery from the foreign governments.

8. The eighth proposal relates to court review of a limited category of claims, I think five claims to be exact. I have already commented on this subject generally, although some of the comments would not be applicable to this particular bill. As we have not completed our report on the bill I must withhold further discussion until that is done.

9. A proposal to extend coverages of religious organizations in the Philippines to compensation for the destruction of church build-