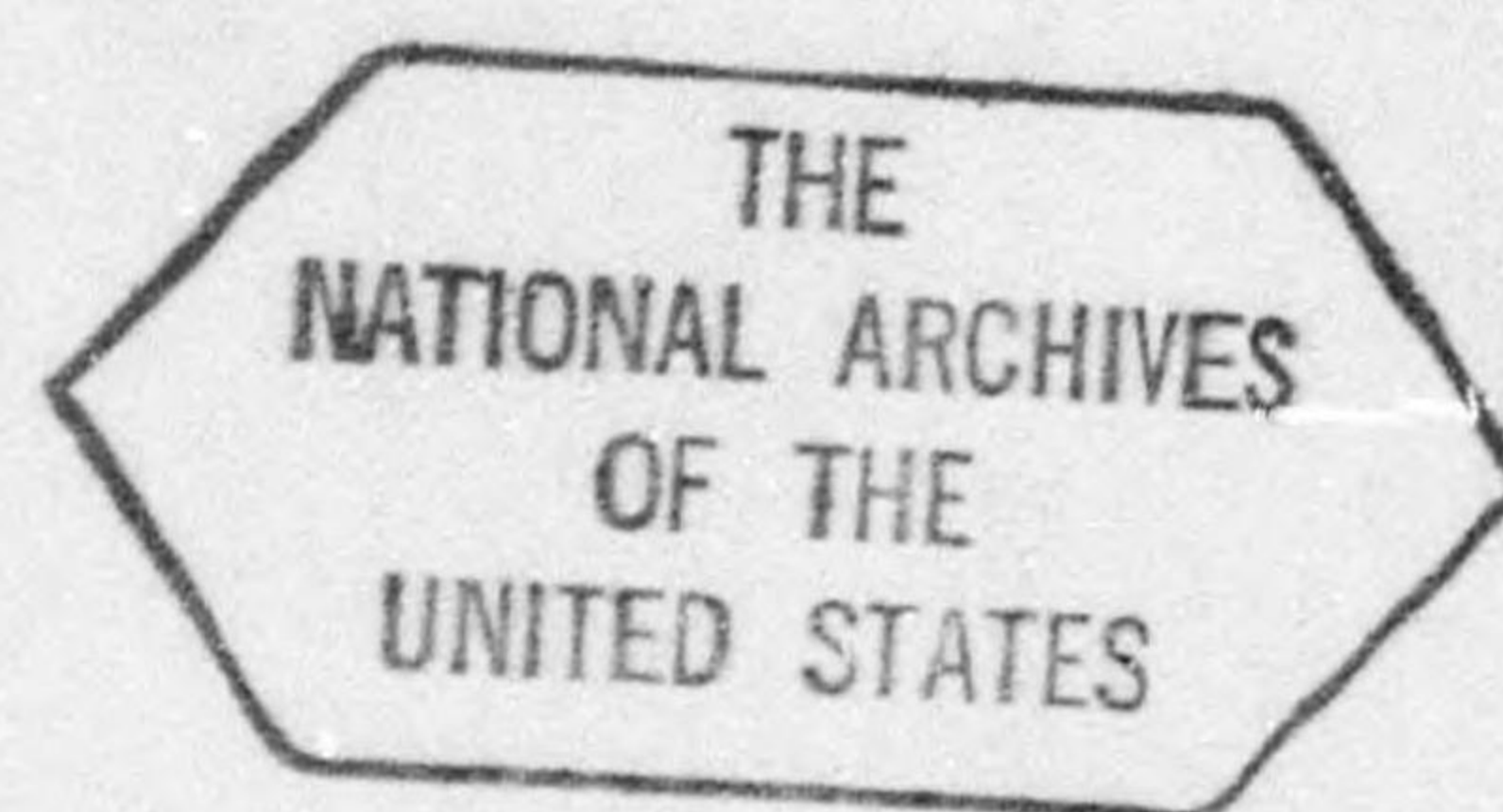


GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2043
- (2) Folder title/number: (7)
B - Housing
- (3) Date: Nov. 1947 - July 1949

(4) Subject:

Classification	Type of record
324	c, e

- (5) Item description and comment:
With a List of Papers

(6) Reproduction: Yes No

(7) Film no. _____ Sheet no. _____

NO.	FROM	DATE	TO	SYNOPSIS
1	Hoover	3 Nov 47		Re Official Residence Rent Free
2		24 Sep 48		Policy Statement to Provide Housing for National Public Servants
3	GS	11 Oct 48	ESS	Policy Concerning Govt Housing for National Public Servants
4	Bettis	19 Oct 48	M/R	Housing for Govt Officials & Employees
5	Bettis	16 Nov 48	M/R	Govt Housing
6	Hoover	8 Dec 48	Williams	Bill Concerning the Govt Housing for National Public Service Personnel
7	Salter	9 Feb 49	M/R	Housing Legislation
8		1 Mar 49		Opinion of the Supreme Court with respect to the Bill for Govt Housing
9	Bettis	7 Mar 49	M/R	Housing Law for Govt Employees
10	Bettis	11 Mar 49	M/R	Law Covering Housing for Govt Employees
11	Bettis	21 Mar 49	M/R	Law Covering Housing for Govt Employees
12	Bettis	1 Apr 49	M/R	Law Concerning Housing for Govt Employees
13	Sato	1 Apr 49	Bettis	Opinions of the NPA On the Bill Concerning Govt Housing for National Public Personnel
14	Bettis	5 Apr 49	M/R	Pending Housing Legislation
15	Bettis	13 Apr 49	M/R	Bill Concerning Govt Housing
16	Peterson	18 Apr 49	Hoover	Law Concerning the Govt Housing for the National Public Service Personnel
17	Bettis	29 Apr 49	M/R	Govt Housing Law
18	Bettis	17 May 49	M/R	Proposal of Chief of Welfare Sec, NPA Regarding Housing
19	Bettis	22 Jun 49	M/R	Administration of Govt Housing
20	Bettis	26 Jul 49	M/R	Activities of the Housing Committee

CIVIL SERVICE DIVISION
Government Section

26 July 1949

*3) Files.
Compensation
7-27-49*

MEMORANDUM FOR THE RECORD

SUBJECT: Activities of the Housing Committee

Messrs. Miyagawa and Watanabe of the Ministry of Finance called at this office on 25 July 1949 to make a report on the activities of the Housing Committee under the National Public Housing Law and to deliver an outline of the proposed program for the establishment of additional government housing.

Mr. Miyagawa has been named as a Secretary under the Ministry of Finance to handle the administration of government housing as provided in Article 20 of the housing law. He reported that the first meeting of the committee was held on 23 July and that the only business attended to was the discussion of the need for additional housing which resulted in the program outlined. Mr. Miyagawa was advised by the writer that the committee was charged with four other specific responsibilities in regard to public housing, these being the primary purposes of the law, and that the plans for the establishment of additional housing were of secondary importance and should not be considered until standards regarding rental charges, selection of occupants, personnel to be assigned to rent-free housing, and maintenance and control of housing, had been established.

He was further advised that this office would make no commitments regarding the proposal of establishment of additional housing. The proposal in question provides for the construction of 2,000 new housing units and dormitories and for the outright purchase of 850 units. Questioning of Mr. Miyagawa revealed that no survey had been made as to the need for housing in particular localities and as to the distribution of available housing on an equitable basis among the various agencies. He was requested to convey to the committee that it was vitally important that the committee take immediate steps to provide for the various matters outlined in paragraph 2, Article 2 of the housing law.

A conversation with Mr. Mossler following this conference revealed that he had replied to their proposal essentially the same as this office. Mr. Mossler stated that the Finance Division of ESS had no intention of approving allocation of funds for the construction of new housing until such time as standards for the equitable distribution of housing and for rental charges had been established.

JBB
JESSE B. BETTIS
Compensation Specialist

JBB:jd

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

24, July, 1949.

Report on the programme for the establishment of
the Government Housing for the National Public
Service personnels in the fiscal year of 1949-50.

1. Programme of the establishment of the Government houses for the National public service personnels (hereafter is to be referred as the house)

- (1) The Ministry of Finance executes directly the business of establishing the houses bases on the principle of newly-built in order to increase the number of houses. However, in consideration of these reasons,-----
- (1) construction works are to be executed promptly, (2) the materials and land etc. are under the limited condition, (3) in each Ministry or Board, some of the establishing proceses, are fairly well in progress, ----- about 20 % of the budget for establishment will be spent for purchasing the existing houses, while, of those actually started and progressed of the preparation for the establishment in each Ministry or Board, the Ministry or Board will respectively carry on the work.

2. Programme of Establishment.

(1) New Construction

- A. The Construction and Repairing Division, Administration Bureau of the Ministry of Construction is in charge of the construction and repairing work of the house.
- B. The regions in which the houses are to be established, are the following 10 big cities where are war-damaged, comparatively larger number of public service personnels are living in, and big local Government main offices are located:

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

Sendai-shi, Tokyo-to,
Yokohama-shi, Nagoya-shi,
Osaka-shi, Kobe-shi,
Hiroshima-shi, Takamatsu-shi,
Fukuoka-shi, Kumamoto-shi,

- C. Allocating percentage of the establishing houses in each City is, in consideration of these factors in each City, (A) the number of public service personnels, (B) degree of want of the house, (C) index number of the construction expenses, (D) percentage of war-damage etc., fixed approximately as follows:

Name of the City	Allocating percentage (%)
Sendai	5
Tokyo	40
Yokohama	5
Nagoya	8
Osaka	15
Kobe	5
Hiroshima	8
Takamatsu	5
Fukuoka	6
Kumamoto	5
Total	100

- D. The National Government owned land shall, as rule, be used for the site .
- E. As to the structure of the house, on the principle of taking the type of fire-proof and above two storied as far as possible, and in consideration of the material, budget and the circumstances in the City, the following approximate schedul is fixed:

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

Reinforced concrete apartment	;	60 %
New style fire-proof structure apartment	;	20 %
Wooden-house	;	20 %

F. The number of tsubo per a house shall be these of three kind ——
12 tsubo, 15 tsubo and 18 tsubo in the dwelling area.

15 tsubo and 18 tsubo will be limited only to the wooden-house.

- (2) The house of which purchased and of which is to be established by each Ministry or Board

Carefully taking in consideration of the standard of the newly built houses above stated as to the region and structure for the establishment, the construction work shall be carried on keeping pace with the actual circumstances of the location.

5. Maintenance and Administration .

- (1) The house established directly by each Ministry or Board shall be put in charge of each Ministry or Board respectively.
- (2) The houses other than those of mentioned above shall be put under the custody of the Property Custodia Bureau, the Ministry of Finance until the general and consolidated adjustment work of houses is completed. The houses shall be allocated to each Ministry and Board upon the consolidation of the allocating datum or materials.

CIVIL SERVICE DIVISION
Government Section

22 June 1949

File
6-22-49
Investigations

MEMORANDUM FOR THE RECORD


SUBJECT: Administration of Government Housing

Mr. Saruwatari, Chief of the Welfare Section, NPA, called at this office on 20 June 1949 to discuss a proposal that had been previously addressed to Mr. Tindale of this office on 2 June 1949 regarding the functioning of the Housing Investigating Committee as provided in the National Public Employees Housing Law.

Mr. Saruwatari proposed that changes be made in the assignments of the representatives of various ministries on the housing committee and that the Welfare Section of NPA be authorized to establish:

1. Policy for future establishment of living quarters
2. Scope of persons entitled to free living quarters
3. Adjustment of and surveillance over the allocation of living quarters to various ministries and agencies

Mr. Saruwatari was advised that the housing committee was established under the law and that they were charged with the responsibilities outlined above. He was further advised that any interest that the NPA should have in regard to housing should be handled by their representative on the committee, the Deputy Director-General of NPA; the primary interest that the Welfare Section of NPA should have in regard to housing would be in regard to sanitary and safety conditions existing in housing or dormitories occupied by government employees; and that it was not in any sense the responsibility of NPA, nor was it desirable for them to attempt to enter into the administration of government housing in general.


JESSE B. BETTIS
Compensation Specialist

JBB:jd

Att.

19

CIVIL SERVICE DIVISION
Government Section

17 May 1949

*File
Housing
5-17-49*

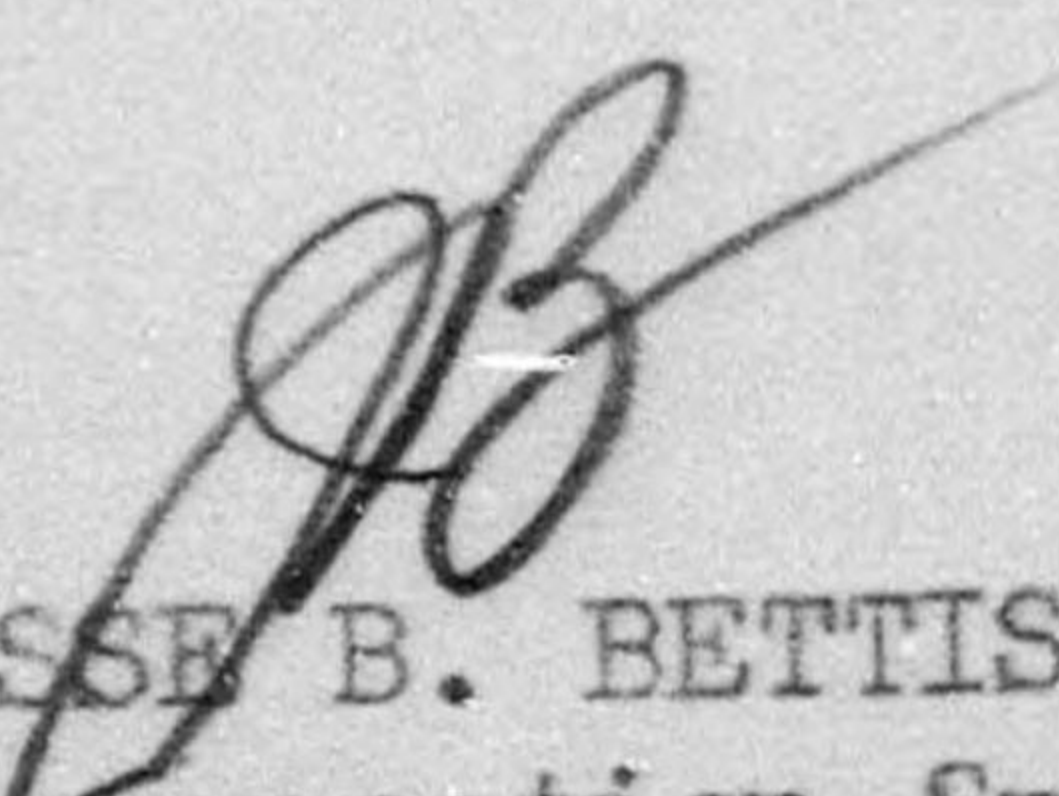
MEMORANDUM FOR THE RECORD

SUBJECT: Proposal of Chief of Welfare Section, NPA
Regarding Housing

Conference was held on 17 May 1949 with Mr. Kasuya, Chief of Efficiency Bureau, Mr. Saruwatari, Chief of Welfare Section, and Messrs. Tindale and Bettis of this office, in regard to the above subject.

Mr. Saruwatari presented draft of a proposal that the NPA take over the planning, establishment, allocation, etc., as well as integration and coordination among various ministries, of government housing. His attention was invited to the legislation now pending and which has been passed by the House of Representatives regarding the control of government housing. It was pointed out that this law provides that all measures concerning housing for government employees will be established by Cabinet Order upon recommendation of the housing committee and that the administration consistent with these Cabinet Orders would be the responsibility of the Ministry of Finance and the agencies concerned.

Mr. Saruwatari was advised that it had been decided by this office at the time the first drafts of housing laws were formulated that the NPA should in no way be involved in the administration. The only interest that NPA could or should have would be from the standpoint of compensation. It was further pointed out that the Deputy Director-General of NPA had been named as a member of the housing committee and should therefore look after any interest of NPA regarding housing.


JESSE B. BETTIS
Compensation Specialist

JBB:jd
Enc. 1

18

1 Dec 48

3. Cost of Living Unit - which will be basically concerned with research; handling those matters and problems in which cost-of-living statistical information is the basis of the computation or evaluation.
4. Wages and Working Condition Unit - which will be concerned with wage structure and all those allowances and matters relating to working conditions.

Mr. Hasumi was warned that he should not consider the division of work and functional statements developed at this meeting as representative of the clear cut functions that could be organized as independent units. The whole staff of the Salary and Wage Section must be well coordinated in its activities and interests. There must be adequate exchange of information and knowledge, not alone within units but also between units.

As a guide to staffing the organization it was suggested that a program be developed on the basis of approximately 100 employees. It was estimated that two-thirds of this staff should probably be technicians. The technicians should be divided approximately on the following basis: Pay and Leave Administration Unit - one-half; Cost of Living Unit - one-sixth; Wages and Working Conditions Unit - one-third. The clerical staff would probably be divided equally between the units, with a shifting of personnel to meet any particular peak loads.

This staff is recommended on the basis of work to be performed here in Tokyo with the understanding that those personnel assigned to auditing payrolls and to certain phases of cost of living or wage survey work may from time to time be sent into the field. In general it is planned to have a very minimum of field staff. In fact, what little field work may be required on a continuing basis should be performed by classification staff assigned to the regional offices. Extensive field work should be handled through the use of other Japanese government agencies, maximizing their present information and encouraging them to obtain information particularly desired by this section.

Attached is a proposed functional outline of the Salary and Wage Section.

MacDONALD SALTER
Chief, Classification and
Compensation Section

MS:jd

Att.

CIVIL SERVICE DIVISION
Government Section

29 April 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Government Housing Law

Mr. Keitoku of the Allowance Bureau, Ministry of Finance, called at this office at 1400 hours on 28 April and advised that the Ministry of Finance had received, through the Central Liaison Office, from the Government Section, approval of the housing law to be presented to the present session of the Diet. In approving the proposed legislation the Government Section advised that although some objections had been interposed by other interested SCAP sections, the bill was being cleared and that the matters under question were subjects for discussion on the floor of the Diet.

Mr. Keitoku stated that the bill would go to the Diet on the evening of the 28th and would come up for discussion in the committees on Saturday, 30 April.

JESSE B. BETTIS
Compensation Specialist

JBB:jd

CIVIL SERVICE DIVISION
Government Section

18 April 1949

Retts

MEMORANDUM FOR: Mr. Blaine Hoover, Chief
Civil Service Division *WS*

SUBJECT : Law Concerning the Government Housing for
the National Public Service Personnels

1. The above named bill, which was submitted to the Civil Service Division for comment or concurrence, was reviewed by Mr. Salter and not by the undersigned.

2. Mr. Salter recommends that we suggest, but not insist, upon the addition of a paragraph 2 to Article 10 as follows:
"2. Official residence shall not be construed as a part of total compensation fixed for each of such positions."

3. Despite the requirement in Article 10 of the National Public Service Law that, "Commissioners shall be compensated on the same basis as a Minister of State and no commissioner shall be paid by the government less in total compensation than is paid in total compensation to any Minister of State", the housing bill provides official residence for all Ministers of State but only for the President of the NPA. The addition of the above mentioned paragraph 2 would clarify the Japanese theory that the official residence is provided largely for official business rather than personal housing and therefore is not to be construed as part of compensation.

GORDON W. PETERSON
Organisation Specialist

GWP:jd

CIVIL SERVICE DIVISION
Government Section

13 April 1949

Jan
4-14-49

MEMORANDUM FOR THE RECORD

SUBJECT: Bill Concerning Government Housing

Mr. Watanabe of the Allowance Bureau, Ministry of Finance called by telephone to this office on 12 April 1949 and stated that the Cabinet had requested that the housing bill be presented to Cabinet meeting to be held on 15 April, and requested that this office attempt to clear the bill with the Legal Section, SCAP, that had originally raised some objections to certain provisions of the law.

Capt. Novotny of the Legal Section was contacted by telephone to determine if they had given the proposed law further consideration and were in position to give verbal clearance in regard to it. He was informed that provisions had been made whereby a representative of the Judicial Branch of the government, Secretary General of the Supreme Court, should be designated as a member of the Housing Committee. He stated that inasmuch as Dr. Oppler had informed him that this was the only objection that he had to the law he felt sure he could give verbal clearance.

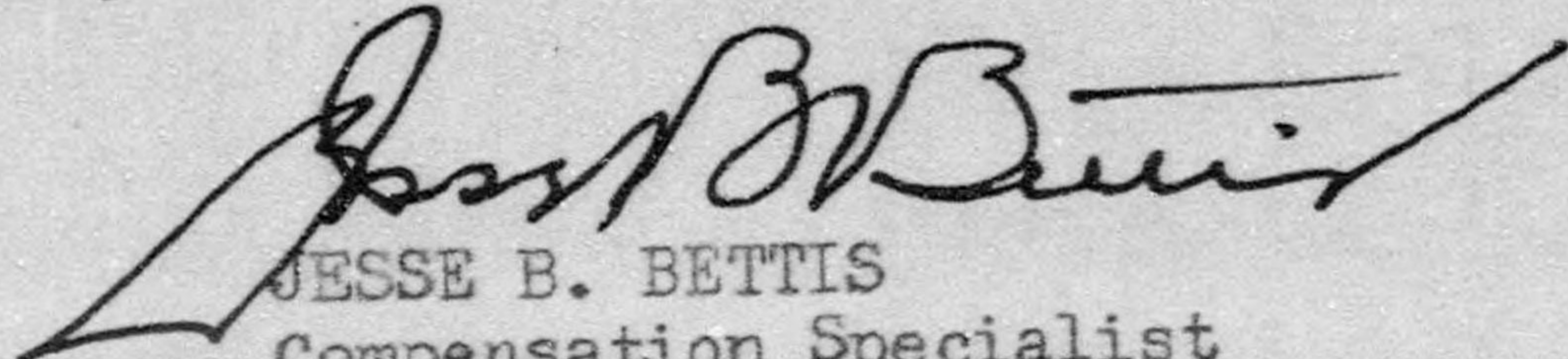
Mr. Keitoku of the Allowance Bureau called at this office on 13 April and presented a draft of the proposed law in revised form. The revision provides for a Housing Committee composed of eight members, three of which were added since the original bill was drafted, these being Secretary-General of the Supreme Court, Secretary-General of the House of Representatives, and Secretary-General of the House of Councillors; Deputy Director-General of the NPA was substituted for Director-General.

Capt. Novotny was again contacted by telephone and a copy of the draft of the proposed law was sent to his office by messenger. He stated that they would give the law hurried consideration and advise this office by telephone of their concurrence unless some further objections were made. The law is to be forwarded through channels to the Government Section on 14 April for final clearance.

Inasmuch as the Legislative Bureau of the Cabinet had advised that it would be illegal to name the Deputy Director-General of the NPA on the Housing Committee due to the fact that the office had not been established under provisions of the law or by resolution of NPA, they were immediately advised through Mr. Peterson of this office, and a resolution was adopted which is to be later enforced by regulation establishing the office of Deputy Director-General. The proper authorities were immediately advised in regard to this action.

JBB:jd

15


JESSE B. BETTIS
Compensation Specialist

CIVIL SERVICE DIVISION
Government Section

5 April 1949

*File
4-5-49*

MEMORANDUM FOR THE RECORD

SUBJECT: Pending Housing Legislation

Telephone conversation was held with Mr. Blakemore of the Legal Section, SCAP on 3 April 1949 concerning the exceptions taken by the Legal Section to the draft of the housing law for government employees.

Mr. Blakemore was advised that through conversation with Mr. Keitoku of the Allowance Bureau, Ministry of Finance, it had been learned that the Finance Division of ESS planned to withhold allocation of funds for government housing which are included in the present budget bill, until such time as the housing legislation to control the use and rental of government housing was passed by the Diet. Mr. Blakemore was also advised that this had been confirmed through conversation with Mr. Mossler of the Finance Division, ESS on 1 April 1949. Mr. Blakemore was told that this office could take no further steps in the matter until an approval and understanding had been reached by the Legal Section and it was suggested that contact be made with ESS Finance Division in order to clear up the questions involved.

In regard to the objections of the NPA concerning the Director-General being placed on the housing committee, this office is in receipt of a letter signed by Mr. Sato, Director-General of the Authority, stating that it will be agreeable with the commission to substitute "Assistant Director-General" for "Director-General". It is planned that the draft will be changed to read "Director-General or Assistant Director-General". In this case, if it is finally ruled by a legal authority that the Director-General could not serve on this committee the Assistant Director-General would automatically become a member of the committee.

JBB
JESSE B. BETTIS
Compensation Specialist

JBB:jd

Opinions of the National Personnel Authority
on the Bill concerning the Government Housing for the
National Public Personnel

April 1, 1949

To: Mr. Bettig

I hereby submit a report on the following three points on which
the Commissioners have reached complete agreement.

1. The provision of Item 5 in Article 4, Paragraph 1 should be
deleted for this is conflict with Article 15 of the National Public
Service Law.

2. The coverage of those who are to be assigned to rent-free
housing in accordance with Article 12 should conform with that prescribed
in Article 8, Paragraph 4 of the Law Administering the New Pay of
Government Employees.

3. The provisions for the housing of railway enterprise employees
be soon
who are expected to/excluded from the National Public Service should be
deleted.

T. Sato
Sato Tomoo

Director-General
of
National Personnel Authority

Suggested
"Deputy
Director"

of no
importance

Let Diet
Committee
decide

CIVIL SERVICE DIVISION
Government Section

File
4-1-49

1 April 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Law Concerning Housing for Government Employees

Mr. Keitoku, Allowance Bureau, Ministry of Finance, called at this office on the morning of 1 April to secure information in regard to the status of the proposed housing law.

Mr. Keitoku stated that his office had been advised by the Finance Division, ESS, that funds which had been included in the national budget to be allocated for government housing would not be earmarked for any government agency and the use of such funds would not be permitted until such time as the housing law had been passed by the Diet and effected. A call was made to Mr. Mossler of ESS Finance Division who confirmed this statement.

The housing law at the present time is being held up by the NPA on account of the provision of the law which designates the Director-General of the NPA as a member of the housing committee. It has been ruled by the Legal Division, and concurred in by the commissioners of NPA, that the Director-General could not be a member of this committee without violating the provisions of Article 15 of the NPSL.

Mr. Tsurumi of the Legal Division, NPA, was called into this office and it was suggested that "Deputy Director-General" be substituted for "Director-General" in the housing law. Mr. Tsurumi agreed on this point and was requested to discuss the matter further with the commissioners and Mr. Sato and to advise this office of their decision in regard to the matter not later than the morning of 3 April 1949.

After this provision has been properly cleared with NPA it will be necessary to secure concurrence of the Legal Section, SCAP in the law. Although several contacts have been made with personnel from that office it has been impossible to secure a definite commitment from them. However, their attention will be called to the statement of ESS in regard to the allocation of funds for government housing after which time it will be up to the Legal Section to properly clear the matter to the satisfaction of ESS. Until such time as this action takes place there appears to be nothing further that this office can do in regard to the matter.

"has been"
(after first informing
ESS of proposed
action)

JBB
JESSE B. BETTIS
Compensation Specialist

JBB:jd

CIVIL SERVICE DIVISION
Government Section

21 March 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Law Concerning Housing for Government Employees

Conference was held on 17 March 1949 with Mr. Tsurumi of the Legal Section and Mr. Hasumi of the Salary and Wage Section, NPA, concerning proposed legislation covering housing for government employees.

A summary of opinions of NPA in regard to proposed legislation was presented. An exception was taken to the fact that the Director-General of NPA under the provisions of Article 4, paragraph 1, should be a member of the housing committee. Mr. Tsurumi's contention was that this would constitute dual employment and that under the provisions of Article 15 of the NPSL the Director-General might not hold concurrently any other position.

An exception was also taken to the fact that provisions of the law made reference to railways in Article 12, paragraph 1, item 1, and Article 18, paragraph 2. In the opinion of the Law Division, NPA, reference should not be made to government railways or their employees inasmuch as they will no longer be considered as government employees after 1 June 1949, which is prior to the effective date of the housing law.

Other opinions were of minor importance and were amicably agreed upon.

It was suggested that Mr. Tsurumi discuss the provisions regarding the Director-General being on the committee with the Commissioners of NPA and it was pointed out that his presence on the committee would be more or less of a protective measure insofar as the housing policy concerning government employees and housing under the jurisdiction of NPA are concerned.

JESSE B. BETTIS
Compensation Specialist

JEB:jd

CIVIL SERVICE DIVISION
Government Section

11 March 1949

Salter ms
2) File II 7

MEMORANDUM FOR THE RECORD

SUBJECT: Law Covering Housing for Government Employees

A conference was held with Mr. Keitoku of the Allowance Bureau, Ministry of Finance, on 10 March 1949, in regard to proposed changes in the Law Covering Housing for Government Employees.

There is attached hereto a draft of the proposed changes to be made in the law which were agreed upon by the Housing Committee and the Ministry of Finance in a meeting on Monday, 7 March. The final draft of the law incorporating these changes will be presented to this office on 14 March 1949, after which a meeting will be held with the Legal Section and Finance Division of ESS in an attempt to secure concurrence by all sections concerned.

JBB
JESSE B. BETTIS
Compensation Specialist

JBB:jb

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

March 10, 1949

To be revised as follows:

A

Article 1, Paragraph 2.

2. The provisions of this Law shall not be construed to repeal, amend or supersede in any particular any provisions of the National Public Service Law (Law No. 120, 1947, including any provision to be therein amended hereafter - to be hereinafter referred to as the same), and the matters as provided for in this Law shall be subject of recommendation by National Personnel Authority under the provisions of Article 28 of the National Public Service Law.

Article 4. The Committee shall be composed of the following members:

- (1) Deputy Chief of the Cabinet Secretariat;
- (2) Vice Minister of Finance;
- (3) Vice Minister of Construction;
- (4) Deputy Director General of the Economic Stabilization Board;
- (5) Director General of the National Personnel Authority.

2. As to the members above mentioned in (1) and (4) items, the Prime Minister shall charge the duty of the Committee member to one of those who occupy the position concerned.

Article 19. In case the occupant of housing fall under one of the following specifications, he shall vacate the housing as soon as possible, such in any case not to exceed 60 days from effective date.

- (1) In case of _____
- (2) _____
- (3) _____
- (4) _____

Article 21. This Law shall come into force as from the day when the period ^{of two} ~~three~~ months will have elapsed from the day of its promulgation.

CIVIL SERVICE DIVISION
Government Section

Files
II.17

7 March 1949

MEMORANDUM FOR THE RECORD:

SUBJECT: Housing Law for Government Employees


Conference was held on 4 March 1949 in regard to re-drafting the proposed housing law. Attending this conference were Mr. Keitoku of the Allowance Bureau, Ministry of Finance, and Capt. Novotny of the Legal Section, GHQ, SCAP. Although there was no representative from the Finance Division, ESS, the items in question were discussed by telephone with Mr. Mosler of that Division, who concurred in proposed revisions suggested by this office.

Mr. Keitoku presented an opinion of the Supreme Court with respect to the bill for government housing. This opinion suggested that an official residence should be provided for the Secretary-General of the Supreme Court. This opinion was not concurred in by any of those attending the conference. Opinions set forth in paragraphs 2 and 3 (see attached draft) are matters that should be decided by the committee as proposed under the housing law, with the exception of the last paragraph. This paragraph proposes that housing for judges will be provided for or requested in an independent bill to be presented to the Diet by the Supreme Court.

Capt. Novotny stated that he was not in a position to make a decision in the matter as reflected in the exceptions to the law by the Legal Section but that he would discuss the opinion of the Supreme Court with Judge Oppler after which he would be able to give a final answer in regard to the matter. A conference is to be held on Monday, 7 March 1949 between members of the Allowance Bureau and the housing committee as presently existing and authorized under Cabinet policy of 12 October 1948. Revisions of the law will be discussed by the committee and it is expected that the results of this conference will be presented to this office during the week of 7 March.

Some discussion was had regarding the exceptions of the Civil Service Division, Government Section, to the proposed law. Those taking part in the conference were not of the opinion that the exceptions listed were justified with particular reference to the providing of official housing for commissioners of the NPA, with the exception of the President of the Authority. It was believed that to do so would cause many repercussions and proposals from other agencies with particular reference to some of the boards and independent agencies requesting that they be given like treatment.

It is hoped that a final decision can be reached in regard to the provisions of the housing law within the next few days and the draft of the final law will be ready for submission to the present session of the Diet.


JESSE B. BETTIS
Compensation Specialist

JBB:jd
Att.

March 1, 1949

Opinion of the Supreme Court with respect to the Bill for Government housing

With respect to the Bill for Government Housing for National Public Service Personnel which is slated to be presented before the coming Diet session, the Supreme Court has the following opinions and hopes they will be materialized in the bill.

1. Official residence

Official residence should be provided for Secretary-General of the Supreme Court.

2. Rent-free residence

The personnel enumerated below should be provided with rent-free housing.

a. Personnel falling under Article 11, item 1 of the Bill..

This category includes the clerk of court who is in charge of compulsory distraint and the issuance of warrants, serving in the major and small tribunal of the Supreme Court, the higher court and its branch, the district court and its branch, and in the summary court.

Reason: When he deems the request of procurator as justifiable, a judge is required to perform his duty, whenever necessary, in such way that he visits the scene the crime is committed and orders compulsory distraint (to assure evidence by inspection or to question witnesses), and that he orders in a written statement the arrest of suspect, seizure and search of pertinent things, etc. This compulsory distraint, according to law, requires the presence of the clerk of court, and the work of issuing various orders needs

him for latter's assistance and coordinated collaboration. The social security and the guarantee of fundamental human right depend largely on whether such duties will fairly and properly be performed.

- b. Personnel falling under item 3 of the same article.

This category includes personnel serving in remote areas where transportation facilities are scarcely provided.

- c. Personnel under item 4 of the same article.

This includes chief guards and others in the service of the Supreme Court, higher court and its branch, district court and its branch, domestic affairs court and its branch and the summary court.

Reason: They are responsible custodians of offices and have to live on the premises in order to carry out their duties.

3. Rented housing

The personnel enumerated below should be furnished with rented housing.

- a. Personnel falling under the Article 13, item 1 of the Bill, who are classified as follows:

- 1) Deputy chief of the Secretariat of the Supreme Court, chief of Bureau and chief of section of the same.

Reason: They occupy responsible and important positions in the judicial administration and have to be prepared constantly for the emergency service.

Court investigator.

Reason: Under the direct supervision of the judge of Supreme Court, he makes necessary investigation and gives his technical assistance in formulating a written judgment. The job is important for execution of court affairs.

Chief of the judicial research institute.

Reason: The job of this chief is important for the supervision of the institute.

Secretary to the judge of Supreme Court and to the chief of the highest court.

Reason: The job of secretary gives necessity to provide official housing.

ii) Chief of the Secretariat and chief of the general affairs section of the higher court, district court and domestic affairs court.

Reason: The chief of the Secretariat is required to assist the president of the court concerned, and supervise affairs of the said court as well as its subordinate offices and besides he is responsible for coordination of work with other courts. The chief of the general affairs section assumes duties of similar nature.

iii) Chief of the miscellaneous section of the branches of the higher court, district court and domestic affairs court and of the summary court.

Reason: He is responsible for the supervision of court affairs, assisting the chief of branch of the court concerned and judge of summary court in charge of judicial administration.

b. Personnel falling under item 2 of the same article.

This includes all the clerks of court provided with no rent-free housing otherwise.

Reason: The clerk of court works under the direct supervision of judge and duties of his position take vital part in the administration of court affairs. He must be prepared constantly for his job and it may be likely that his absence from duty owing to lack

of a house near his serving place will badly affect the execution of court affairs.

With regard to housing for judges, the Supreme Court has decided to take some comprehensive measure independent of the present Bill, because it believes that it will be more adapted to solve this problem as integral part of compensation.

*Files
II 17 (Housing)
file 2-10-49*

CIVIL SERVICE DIVISION
Government Section

February 9, 1949

MEMORANDUM FOR: The Record

SUBJECT : Housing Legislation

1. During the course of a conference dealing with another subject, Mr. Watanabe brought up today the question of housing legislation. He stated they were immediately considering this legislation and would contact the Legal Section to see if the problems they raised on the first bill could be immediately ironed out. If not, they would contact this office immediately and we arrange subsequent conferences with the Legal Section.

2. Mr. Kobayashi of the Central Liaison office came in today specifically to discuss this legislation. He stated that;

- (1.) A question had been raised that the decentralization of administration would result in improper administration of housing owned by the government and the feeling was that there should be a central administrative agency for all housing. Captain Guida, I believe, has taken an interest in this and we should contact him in this matter. I expressed the opinion of this office that we considered it as inexpedient and impracticable but that we were quite willing to discuss the matter.
- (2.) Apparent fear has been expressed by a number of the ministries that the Housing Committee is so controlled by the Ministry of Finance that that agency would get a lenient policy in contrast to a stern policy that might be given to other ministries. I told him we were not fully satisfied with the membership of the committee nor the number of members and that we would review this situation before coming to a final decision. However, since we had agreed originally on this committee, it is quite possible that we would go along with the existent proposal.

Macdonald Salter

MACDONALD SALTER

Chief, Classification and Compensation Branch

MS:vr

GOVERNMENT SECTION
Civil Service Division

8 December 1948

MEMORANDUM FOR: Dr. Justin Williams, Chief
Parliamentary and Political Division

SUBJECT : Bill Concerning the Government Housing for National
Public Service Personnel

The provisions of Paragraph 2, Article 1, should include an additional statement with respect to the housing policy and its relationship to the National Public Service Law. It is suggested that the following be added at the end of the first sentence of Paragraph 2, Article 1: "and housing provisions for government personnel shall be recognized as related to compensation and shall be the proper subject of recommendation by the National Personnel Authority under the provisions of Article 28 of the National Public Service Law (120 of 1947 as amended by Law 222 of 1948)."

Reference is made to Article 4, Paragraph 1, Items 3 and 4. It would seem that the officials referred to in these items should be listed as "Director General or Deputy Director General" of the Economic Stabilization Board, and "Director General or Deputy Director General" of the National Personnel Authority.

It is noted that in Article 10, official residence is provided for the President of the National Personnel Authority. Attention is drawn to the provisions of Article 10 of the National Public Service Law as amended by Law 222 of 1948 which states that a commissioner shall be compensated on the same basis as a Minister of State. To comply with this provision of law, it would seem necessary that the housing law provide in Article 10, Item 6, "Commissioners" of the National Personnel Authority instead of "President" of the National Personnel Authority.

With the exceptions as noted above to Articles 1, 4, and 10, this office will pass the bill without objection.

BLAINE HOOVER, CHIEF
Civil Service Division

MS:jb

Article 1, paragraph 2, add at end of first sentence;

"and housing ^{policy} provisions for ^{regular service} government personnel shall be recognized as related to compensation and shall be the proper subject of recommendation by the National Personnel Authority under the provisions of Article 28 of the National Public Service Law (Law No. 120 of 1947 as amended by Law No. 222 of 1948)."

Article 4, paragraph 1, items 3 and 4 should be changed to read " Director General or Deputy Director General" of the Economic Stabilization Board, and "Director General or Deputy Director General" of the National Personnel Authority.

Article 10, Item 6 should be changed to read "Commissioners" of the National Personnel Authority inasmuch as Article 10 of the National Public ~~Authority~~ Law as amended provides that " a commissioner shall be compensated on the same basis as a Minister of State.

There can be only three basic reasons for providing employees with full or partial maintenance, namely,

1. The necessity for actual additional service which, due to emergencies and the character of the employment, may be required at any hour of the day or night;
2. The necessity for available personnel to meet emergencies involving the care and preservation of government property, and the safeguarding of human life, the service requirement being more potential than actual; and
3. The necessity for providing maintenance for certain classes of employees, such as, (a) a resident medical director at a hospital or asylum; a mechanic at an institution where no regular night force is employed but where certain machinery must be kept continuously in operation, and who in case of a mechanical breakdown, may be called upon to make repairs at any time; or an employee who is continuously on call for fire or police duty; hospital nurses; or scientists engaged in research work requiring close attention over extended periods.

CIVIL SERVICE DIVISION
Government Section

16 November 1948

MEMORANDUM FOR: The record

SUBJECT : Government Housing

1. Conference was held on 16 November 1948 with Mr. Keitoku of the Allowance Bureau, Ministry of Finance, in regard to the proposed law concerning government housing for National Public Service personnel.

2. Draft of law that had been previously submitted to this office was studied and many suggested changes in the draft were recommended.

3. Mr. Keitoku concurred in the various changes and will present a revised draft to this office on Thursday, 18 November, 1948, for approval prior to study by the housing committee.

4. It was learned that the housing committee as authorized under cabinet policy in regard to housing had been duly appointed. The following are members of this Committee:

Mr. Hashimoto, Deputy Chief of the Cabinet Secretariat,
Mr. Noda, Vice Minister of Finance,
Mr. Horigoshi, Deputy Director General of the Economic
Stabilization Board, and
Mr. Sato, Director General of the National Personnel
Authority.

5. There had also been appointed a sub-committee to work under the direction of the housing committee which is composed of the following members:

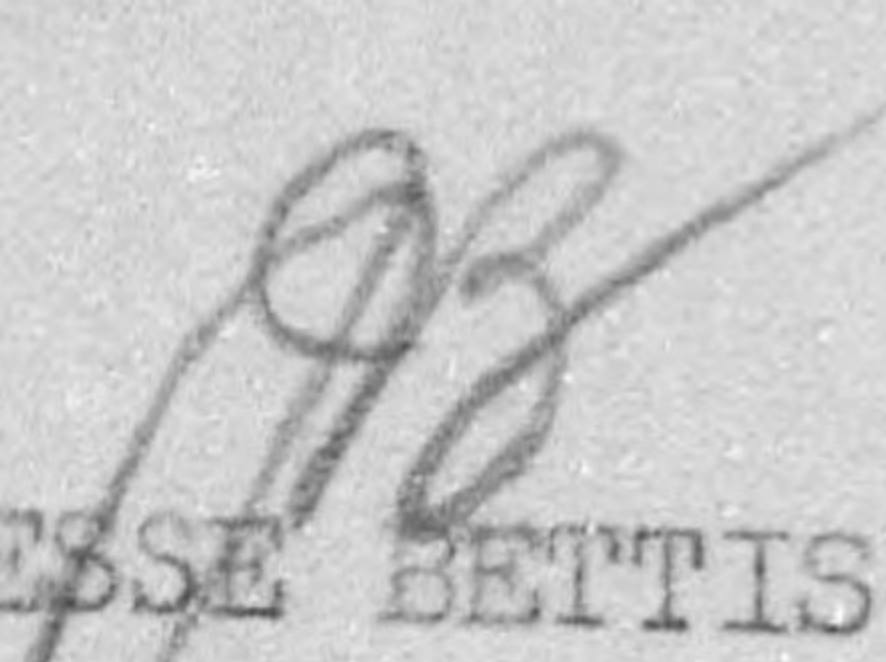
Mr. Iwakura, Chief of the General Affairs Section, Cabinet
Secretariat,
Mr. Ohira, Chief of the Public Works Section, Economic
Stabilization Board,
Mr. Kobayashi, Chief of the Construction Section,
Economic Stabilization Board,
Mr. Yamashita, Chief of the General Affairs Section, Budget
Bureau, Ministry of Finance,

MEMO FOR RECORD

- 2 -

16 November 1948

Mr. Keitoku, Chief of the Fourth Section, Allowance Bureau,
Ministry of Finance,
Mr. Imaizumi, Chief of the General Affairs Section, National
Property Bureau, Ministry of Finance,
Mr. Kanatsu, Chief of the Miscellaneous Affairs Section,
Temporary National Personnel Commission.


JESSE BETTIS
Compensation Specialist.

JB:mvb

CIVIL SERVICE DIVISION
Government Section

October 19, 1948

MEMORANDUM FOR: The Record

SUBJECT : Housing for Government Officials and Employees

1. A conference was held on 4 October, 1948 at 1000 hours with Mr. Arita of the Cabinet Secretariat, Mr. Yamada of the Central Liaison Office, Mr. Robert Mosler of Finance Division, ESS, and Mr. MacDonald Salter and Mr. J. B. Bettis of this Division in attendance.

2. Conference was called at the request of this office as a result of changes in proposed draft relating to housing policy, which had been agreed upon between this office and the Allowance Bureau, Ministry of Finance.

3. Cabinet Secretariat had made changes in draft of housing policy prior to submission to the Cabinet for adoption. Changes made defeated the purpose of the policy and were considered to be for the benefit of a few rather than in the interest of the government and public in general.

4. Mr. Arita was informed as to the intent of the policy and was directed to make the necessary reconsiderations and to submit a corrected draft not later than 1000 hours, 6 October, 1948.

5. Corrected draft, in accordance with original agreement, was passed by Vice-Ministers' conference on 6 October and was adopted as a policy of the government by Cabinet decision on 12 October, 1948. A copy is attached hereto.

6. Findings and decisions were concurred in by Mr. Mosler of the Finance Division, ESS.

JESSE B. BETTIS
Compensation Specialist

JBB:vr
Att: 1

Mr. W. Salter
26-8928
Policy Concerning Govern-
ment Housing for National Public Servants

Govt Sec

ESS, Finance Division
Public Finance Branch

11 Oct 48

1

For your information attached is a policy statement concerning the use of government owned housing by National Government Personnel which was approved by the Vice-Ministers Conference 6 October 1948.

Incl. as indicated.

-----C.W.-----

CSD files

Ministry of Finance

24 September, 1948

Policy statement to provide housing for national public servants

1. Definition of Government Housing

"Government Housing" as used herein is such housing as is directly provided by the National Government for its employees and which is essential for carrying out the work of the National Government.

2. Coverage of employees to be provided with government housing

Government housing shall be occupied only by employees of the National Government and their legal dependents exclusively during the course of the incumbency.

3. Kind of housing

Government housing shall be of three kinds, namely, official residences, rent free dwellings and rented dwellings.

4. Official residences:

- a. The officials enumerated below shall be entitled to official residences with no rental charges.

Speaker of the House of Representatives

Speaker of the House of Councillors

Chief of the Supreme Court

Prime Minister

Ministers of the State

President of the Board of Audit

Chairman of the Temporary National Personnel Authority

Chief of the Imperial Household

Grand Chamberlain

Procurotor General

Chairman of the National Public Safety Commission

Chief of Cabinet Secretariat

- b. The official residences may be furnished with desks, chairs and such other equipment as is deemed necessary.

The costs of repair of the official residences and such charges for dwelling as electric, water and gas supplies and other which are necessary to maintain such residences shall be met by the National Government with its Treasury.

5. Rent free dwellings

The employees described in the following shall be assigned to rent free dwellings.

- (1) a. Employees who are required to be available outside of regular working hours in connection with their regular duties for emergency service in view of preventing the loss of life or property, emergency service in connection with transportation and communications systems and services of a similar nature.

Except when specifically approved by designated authority, this clause will not be interpreted to be applical be to administrative or supervisory positions.

- b. Employees who are working in the agencies situated in remote areas or in isolated agencies.

- (2) The regular duties of the position held by each of such employees shall be considered as including the special services to be rendered outside of regular working hours, and the value of quarters furnished such employees will be determined and included as a part of the total rate of compensation fixed for each of such positions.

6. Rented dwellings:

- a. Other government employees may on the basis of necessity due to housing ~~shortage~~^{scarcity} in the localities where their offices are situated be provided with available government housing and such other government housing as may in the public interest be constructed in the future, such employees to be charged the reasonable value of such quarters.
- b. Rented dwellings shall on the basis of equity be provided in accordance with priorities to be established under administrative program.

7. Housing Investigation Committee.

- a. A committee with representation from the Temporary National Personnel Authority, Economic Stabilization Board and the Ministry of Finance shall temporarily be established in Cabinet to implement the above policy to the full.
- b. The Housing Investigation Committee shall recommend laws, regulations and programs to effect the policy or report to the Cabinet it after its investigation and deliberation on the matters specified as follows and other matters regarding the government housing as the Cabinet may request.
 - i. Investigations on available government housing and studies as to the needs for additional housing in the future.
 - ii. the classes of employees to be covered by the category "Rent free dwellings."
 - iii. basis for rental charges for "Rented dwellings."

(Remarks: Such recommendations are made in consideration of an equitable charge for the dwellings during the period when occupied, and in the particular locality where situated, the costs of construction expenses, legal rental rates, the general level of compensation for government employees, and meeting the costs of

repair and repair and maintenance which are deemed to be a proper government expenditure.

- iv. plan for the immediate steps to be taken to bring the occupancy of present government housing into line with three kinds of housing defined above.
- v. policy regarding the management, maintenance and control of each of the three categories of government housing.
- vi. legislation to be presented to the Diet to give the present policy the effect of law, with an abolition of all existing regulations concerning government housing. (The committee is directed to prepare the legislation for the presentation to the Diet in near future.)

(Remarks: The committee will be in a position to report to the Cabinet frequently on its progress and will present for consideration separately as completed its studies and recommendations on the various matters enumerated above.)

Files 1-10-50
Compensation
Housing.

3 November 1947

Memo to Mr. Hare on arrival:

In the course of study of compensation I suggest that you pay attention to a Japanese practice, fairly wide-spread, of providing "official residence" rent free.

AM