''(iii) the proximity of coastal recreation water to known or identified point and nonpoint sources of pollution; and

''(iv) the relationship between the use of public recreation water and beaches to storm events;

''(C) methods for—

''(i) detecting levels of pathogens that are harmful to human health; and

''(ii) identifying short-term increases in pathogens that are harmful to human health in coastal recreation water, including the relationship of short-term increases in pathogens to storm events; and

''(D) conditions and procedures under which discrete areas of coastal recreation water may be exempted by the Administrator from the monitoring requirements under this subsection, if the Administrator determines that an exemption will not—

''(i) impair compliance with the applicable water quality criteria for that water; and

''(ii) compromise public safety.

''(b) NOTIFICATION REQUIREMENTS.—

''(1) IN GENERAL.—Regulations promulgated under subsection (a) shall require States to provide prompt notification of a failure or the likelihood of a failure to meet applicable water quality criteria for State coastal recreation water, to—

''(A) local governments;

''(B) the public; and

''(C) the Administrator.

''(2) INFORMATION INCLUDED IN NOTIFICATION.—Notification under this subsection shall require, at a minimum—

''(A) the prompt communication of the occurrence, nature, extent, and location of, and substances (including pathogens) involved in, a failure or immediate likelihood of a failure to meet water quality criteria, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation water for which the failure or imminent failure to meet water quality criteria is identified; and

''(B) the posting of signs, during the period in which water quality criteria are not met continues, that are sufficient to give notice to the public—

''(i) of a failure to meet applicable water quality criteria for the water; and

''(ii) the potential risks associated with water contact activities in the water.

''(c) REVIEW AND REVISION OF REGULATIONS.—Periodically, but not less than once every 5 years, the Administrator shall review and make any necessary revisions to regulations promulgated under this section.

''(d) STATE IMPLEMENTATION.—

''(1) IN GENERAL.—Not later than 3 years and 180 days after the date of enactment of this title, each State shall implement a monitoring and notification program that conforms to the regulations promulgated under subsections (a) and (b).

''(2) REVISION OF PROGRAM.—Not later than 2 years after the date of publication of any revisions by the Administrator under subsection (c), each State shall revise the program established under paragraph (1) to incorporate the revisions.

''(e) GUIDANCE; DELEGATION OF RESPONSIBILITY.—

''(1) IN GENERAL.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall issue guidance establishing—

''(A) core performance measures for testing, monitoring, and notification programs under this section; and

''(B) the delegation of testing, monitoring, and notification programs under this section to local government authorities.

''(2) DELEGATION OF RESPONSIBILITY TO LOCAL GOVERNMENTS.—If a responsibility described in paragraph (1)(B) is delegated by a State to a local government authority, or is delegated to a local government authority before the date of enactment of this section, State resources, including grants made under section 706, shall be made available to the delegated authority for the purpose of implementing the delegated program in a manner that is consistent with the guidance issued by the Administrator.

''(f) FLOATABLE MATERIALS MONITORING; TECHNICAL ASSISTANCE.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall—

''(1) provide technical assistance for uniform assessment and monitoring procedures for floatable materials in coastal recreation water; and

''(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

''(g) OCCURRENCE DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means—

''(1) a national coastal recreation water pollution occurrence database using reliable information, including the information reported under subsection (b); and

''(2) a listing of communities conforming to the regulations promulgated under subsections (a) and (b).

''SEC. 705. REPORT TO CONGRESS.

''Not later than 4 years after the date of the enactment of this title and periodically thereafter, the Administrator shall submit to Congress a report that contains—

''(1) recommendations concerning the need for additional water quality criteria and other actions that are necessary to improve the quality of coastal recreation water; and

''(2) an evaluation of State efforts to implement this title.

''SEC. 706. GRANTS TO STATES.

''(a) GRANTS.—The Administrator may make grants to States for use in meeting the requirements of sections 702 and 704.

''(b) COST SHARING.—For each fiscal year, the total amount of funds provided through grants to a State under this section shall not exceed 50 percent of the cost to the State of implementing requirements described in subsection (a).

''(c) ELIGIBLE STATE.—Effective beginning 3 years and 180 days after the date of enactment of this title, the Administrator may make a grant to a State under this section only if the State demonstrates to the satisfaction of the Administrator the implementation of the State monitoring and notification program under section 704 of this title.

''SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated—

''(1) for use in making grants to States under section 706, $9,000,000 for each of fiscal years 2000 through 2004; and

''(2) for carrying out the other provisions of this title, $3,000,000 for each of fiscal years 2000 through 2004.''.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 523. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986

Mr. INOUYE. Mr. President, six thousand miles from where I am standing today, The Queen's Health System of Hawaii is providing health care services that benefit the residents of all the Hawaiian Islands. This year, approximately 18,000 inpatients and more than 200,000 outpatients will seek health care from The Queen's Health Systems. The organization maintains an open emergency room; admits Medicare and Medicaid patients; operates a 536-bed accredited teaching hospital; operates Molokai General Hospital; operates clinics on various islands; provides home health care; supports nursing programs at Hawaiian colleges and universities; and promotes good health practices in many other ways.

In 1885 Queen Emma Kaleleonalani, wife of King Kamehameha IV, bequeathed land which in large part composes the assets of The Queen Emma Foundation, a non-profit, tax-exempt, public charity. The Foundation s charitable purpose is to support and improve health care services in Hawaii by committing funds generated by Foundation-owned properties to The Queen's Medical Center, the Queen's Health Systems and other health care programs benefiting the community.

Much of the land bequeathed by Queen Emma to the Foundation is encumbered by long-term, fixed rent commercial and industrial ground leases. As these leases expire, the land and improvements revert back to the Foundation. The existing, aged improvements thereon will need to be upgraded in order to enhance and continue the revenue-generating potential of the properties. However, the Foundation's available cash and cash flow are insufficient to implement these improvements which would result in increased financial support to The Queen's Medical Center, The Queen's Health Systems and other health care programs benefiting the community. If the Foundation borrows the funds, any income generated from those improvements would be subject to the debt-financed property rules of the unrelated business income tax provisions of the Internal Revenue Code. Since the income would be taxed at the corporate rate, the amount ultimately available to The Queen's Health System would be greatly reduced.

Consequently, the generosity and intent of Queen Emma more than 100 years ago are being frustrated by federal tax provisions intended to prevent abuses. I am sure the Congress never intended the unfortunate consequences these provisions are having on what is virtually the sole source of private financial support for this sound and unique system of providing and delivering health care to the people of Hawaii.

Current law already allows an exception from the debt-financing rules for certain real estate investments of pension trusts as well as an exception for educational institutions and their supporting organizations. The legislation I am introducing today grants similar relief to institutions like The Queen Emma Foundation which provide and deliver health care to the people of our nation.

I request unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 523

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

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''; or'', and by adding at the end the following new clause:

''(iv) a qualified hospital support organization (as defined in subparagraph (I)).''

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any indebtedness, a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 170(b)(1)(A)(iii) and with respect to which—

''(i) more than half of its assets (by value) at any time since its organization—

''(I) were acquired, directly or indirectly, by gift or devise, and

''(II) consisted of real property,

''(ii) the fair market value of the organization's unimproved real estate acquired, directly or indirectly, by gift or devise, exceeded 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the indebtedness was incurred, and

''(iii) no member of the organization's governing body was a disqualified person (as defined in section 4946 but not including any foundation manager) at any time during the taxable year in which the indebtedness was incurred.

In the case of any refinancing not in excess of the indebtedness being refinanced, the determinations under clauses (ii) and (iii) shall be made by reference to the earliest date indebtedness meeting the requirements of this subparagraph (and involved in the chain of indebtedness being refinanced) was incurred.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred on or after the date of the enactment of this Act.

By Mr. INOUYE:

S. 524. A bill 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; to the Committee on the Judiciary.

THE GUAM WAR RESTITUTION ACT

Mr. INOUYE. Mr. President, for nearly three years, the people of Guam endured war time atrocities and suffering. As part of Japan's assault against the Pacific, Guam was bombed and invaded by Japanese forces within three days of the infamous attack on Pearl Harbor. At that time, Guam was administered by the United States Navy under the authority of a Presidential Executive Order. It was also populated by then-American nationals. For the first time since the War of 1812, a foreign power invaded United States soil.

In 1952, when the United States signed a peace treaty with Japan, formally ending World War II, it waived the rights of American nationals, including those of Guamanians, to present claims against Japan. As a result of this action, American nationals were forced to seek relief from the Congress of the United States.

Today, I rise to introduce the Guam War Restitution Act, which would amend the Organic Act of Guam and provide restitution to those who suffered atrocities during the occupation of Guam in World War II. There are several key components to this measure.

The Restitution Act would establish specific damage awards to those who are survivors of the war, and to the heirs of those who died during the war. The specific damage awards would be as follows: (1) $20,000 for death; (2) $7,000 for personal injury; and (3) $5,000 for forced labor, forced march, or internment.

The Restitution Act would also establish specific damage benefits to the heirs of those who survived the war and who made previous claims but have since died. The specific damage benefits would be as follows: (1) $7,000 for personal injury; and (2) $5,000 for forced labor, forced march, or internment. Payments for benefits may either be in the form of a scholarship, payment of medical expenses, or a grant for first-time home ownership.

This Act would also establish a Guam Trust Fund from which disbursements will be made. Any amount left in the fund would be used to establish the Guam World War II Loyalty Scholarships at the University of Guam.

A nine member Guam Trust Fund Commission would be established to adjudicate and award all claims from the Trust Fund.

The United States Congress previously recognized its moral obligation to the people of Guam and provided reparations relief by enacting the Guam Meritorious Claims Act on November 15, 1945 (Public Law 79–224). Unfortunately, the Claims Act was seriously flawed and did not adequately compensate Guam after World War II.

The Claims Act primarily covered compensation for property damage and limited compensation for death or personal injury. Claims for forced labor, forced march, and internment were never compensated because the Claims Act excluded these from awardable injuries. The enactment of the Claims Act was intended ''to make Guam whole.'' The Claims Act, however, failed to specify postwar values as a basis for computing awards, and settled on prewar values, which did not reflect the true postwar replacement costs. Also, all property damage claims in excess of $5,000, as well as all death and injury claims, required Congressional review and approval. This action caused many eligible claimants to settle for less in order to receive timely compensation. The Claims Act also imposed a one-year time limit to file claims, which was insufficient as massive disruptions still existed following Guam's liberation. In addition, English was then a second language to a great many Guamanians. While a large number spoke English, few could read it. This is particularly important since the Land and War Claims Commission required written statements and often communicated with claimants in writing.

The reparations program was also inadequate because it became secondary to overall reconstruction and the building of permanent military bases. In this regard, the Congress enacted the Guam Land Transfer Act and the Guam Rehabilitation Act (Public Laws 79–225 and 79–583) as a means of rehabilitating Guam. The Guam Land Transfer Act provided the means of exchanging excess federal land for resettlement purposes, and the Guam Rehabilitation Act appropriated $6 million to construct permanent facilities for the civic populace of the island for their economic rehabilitation.

Approximately $8.1 million was paid to 4,356 recipients under the Guam Meritorious Claims Act. Of this amount, $4.3 million was paid to 1,243 individuals for death, injury, and property damage in excess of $5,000, and $3.8 million to 3,113 recipients for property damage of less than $5,000.

On June 3, 1947, former Secretary of the Interior Harold Ickes testified before the House Committee on Public Lands relative to the Organic Act, and strongly criticized the Department of the Navy for its ''inefficient and even brutal handling of the rehabilitation and compensation and war damage tasks.'' Secretary Ickes termed the procedures as ''shameful results.''

In addition, a committee known as the Hopkins Committee was established by former Secretary of the Navy James Forrestal in 1947 to assess the Navy's administration of Guam and American Samoa. An analysis of the Navy's administration of the reparation and rehabilitation programs was provided to Secretary Forrestal in a March 25, 1947 letter from the Hopkins Committee. The letter indicated that the Department's confusing policy decisions greatly contributed to the programs' deficiencies and called upon the Congress to pass legislation to correct its mistakes and provide reparations to the people of Guam.

In 1948, the United States Congress enacted the War Claims Act of 1948 (Public Law 80–896), which provided reparation relief to American prisoners