

## THE GUAM WAR RESTITUTION ACT

obvious, Madam President. Without a place to dispose of the waste, cleanup is impossible. Without cleanup, further decommissioning cannot occur.

The goal of this bill is simple: To deliver on Congress' longstanding commitment and open the WIPP facility by 1998.

This bill amends the Waste Isolation Pilot Plant Withdrawal Act of 1992 in several very important and significant ways.

It deletes obsolete language of the 1992 act. Of particular importance is the reference and requirements for test-phase activities. Since the enactment of the 1992 act, the Department of Energy has abandoned the test phase that called for underground testing in favor of aboveground laboratory test programs. Thus, the test phase no longer exists, as defined in the 1992 law, and needs to be removed so it does not complicate the ongoing WIPP process.

Most important, this bill will streamline the process, remove duplicative regulations, save taxpayers dollars—repeat, save taxpayers dollars, hundreds of millions of dollars—and have the following effects:

The existing law contains a 180-day waiting period between the time the Secretary of Energy makes a decision to operate the WIPP and the actual commencement of disposal operations. My bill eliminates this waiting period. The 180 days constitutes an unnecessary delay. Eliminating 180 days saves \$140 million or more in operational expenses during the waiting period and will start the removal of this type of waste from the aboveground storage in Idaho and other affected States 6 months earlier than now scheduled.

The bill requires the Secretary of Energy to determine if engineered or natural barriers in the facility are necessary. This change is consistent with the concept of allowing actions at the WIPP to be based on the technical needs of the WIPP.

Section 7, "Compliance With Environmental Laws and Regulations," will streamline DOE's compliance with applicable environmental laws.

In other words, Madam President, we are not stepping aside from the current environmental commitment. We are assuring that all of it is met, but that it is met on time and under standard.

Section 8 repeals the retrievability requirement which was an outgrowth of below-ground testing. With the replacement of the test phase by laboratory testing, retrievability no longer is needed. All tests are now performed in the laboratory and no transuranic waste is used in testing at the WIPP.

The bill deletes the need for a decommissioning plan which is a duplicative and costly legislative mandate. This plan is covered by the disposal standards of the Land Withdrawal Act of 1992 and thus is not needed.

It deletes the requirement for a nonmitigation determination. In a letter to Senator KEMPTHORNE and me dated September 8, 1995, the Environmental

Protection Agency stated that a nonmitigation variance is duplicative because the WIPP is held by the other statutes to a higher standard. EPA states, "A demonstration of nonmitigation of hazardous constituents will not be necessary to adequately protect human health and the environment." Despite this view, EPA further states that unless the current law is amended, the WIPP will be forced to comply with the no-mitigation standards. This unnecessary duplication would be time consuming and costly.

It allows the Secretary of Energy to dispose of a small amount of non-defense transuranic waste in the WIPP. In my opinion, this is a cost effective and safe way to dispose of a relatively minor amount of waste.

But just as important, I would like to make clear what my bill does not do.

This bill does not remove EPA as the DOE regulator of the WIPP. DOE has stated numerous times that it does not want to self-regulate. The Department believes that having EPA as the regular will instill additional public confidence in the certification process and the facility itself, once it opens.

I am skeptical regarding EPA. EPA has a poor record of meeting deadlines. The WIPP, as a facility, is ready to operate now and is basically waiting on EPA's final approval. The schedule DOE has established to meet the opening dates is an aggressive but not entirely workable timetable. It is aggressive only if EPA can accomplish its tasks on time. Because of EPA's demonstrated inability to meet schedules and to avoid imposing unnecessary large financial burdens on the taxpayer, there is a strong sentiment in the Congress to remove EPA from the WIPP regulatory role. Based on assurances made to me by the EPA, my bill does not follow this course. However, if EPA again falters, I will have to reconsider this position in future legislation.

Idaho and the Nation need to have the WIPP opened sooner rather than later. Each day of delay is costly, and the potential dangers to the environment and human health resulting from the temporary storage of this waste continue.

It is time to act. We must, if we are to clean up sites such as Idaho's. We must act to dispose of this task permanently and safely for future generations. This bill clears the way for action.

I encourage my colleagues to become cosponsors of this legislation. We hope to move it expeditiously through the necessary committee and hearing process so that it can become law.

By Mr. INOUE:

S. 1403. 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.

● Mr. INOUE. Mr. President, on August 14, 1945, Japan signed a declaration of surrender, facilitating the end of World War II. This year we celebrated Victory Over Japan Day, to commemorate those who valiantly fought for humanity and those who were the victims of unspeakable acts of racism, hate, and violence during World War II. We must also remember those who were forced to endure Japanese occupation during World War II. For nearly 3 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 3 days of the infamous attack on Pearl Harbor. At that time, Guam was administered by the U.S. 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 U.S. 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.

The Guam War Restitution Act would establish a Guam Restitution Claims Fund, which would provide 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: First, \$20,000 for the category of death; second, \$7,000 for the category of personal injury; and third, \$5,000 for the categories of forced labor, forced march, or internment.

This act would also establish a Guam Restitution Trust Fund to provide restitution to the heirs of those individuals who sustained injuries during the war but died after the war. Eligible heirs would receive restitution in the form of postsecondary scholarships, first-time home ownership loans, and grants for other suitable purposes. In addition, the trust fund could provide research and public educational activities to honor and memorialize the war-time events of Guam.

The U.S. 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 1-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 below \$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 their "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 program was provided to Secretary Forrestal in a March 25, 1947 letter from the Hopkins Committee. The letter indicated that the Department's confusing policy de-

isions 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 U.S. Congress enacted the War Claims Act of 1948 (Public Law 80-896), which provided reparation relief to American prisoners of war, internees, religious organizations, and employees of defense contractors. The residents of Guam were deemed ineligible to receive reparations under this act because they were American nationals and not American citizens. In 1950, the U.S. Congress enacted the Guam Organic Act (81-630), granting Guamanians American citizenship and a measure of self-government.

The Congress, in 1962, amended the War Claims Act to provide for claimants who were nationals at the time of the war and who became citizens. Again, the residents of Guam were specifically excluded. The Congress believed that the residents of Guam were provided for under the Guam Meritorious Claims Act. At that time, there was no one to defend Guam, as they had no representation in Congress. The Congress also enacted the Micronesian Claims Act for the Trust Territory of the Pacific Islands, but again excluded Guam in the settlement.

In 1988, the Guam War Reparations Commission documented 3,365 unresolved claims. There are potentially 5,000 additional unresolved claims. In 1946, the United States provided over \$390 million in reparations to the Philippines, and over \$10 million to the Micronesian Islands in 1971 for atrocities inflicted by Japan. In addition, the United States provided over \$2 billion in postwar aid to Japan from 1946-51. Further, the United States Government liquidated over \$84 million in Japanese assets in the United States during the war for the express purpose of compensating claims of its citizens and nationals. The United States did not invoke its authority to seize more assets from Japan under article 14 of the Treaty of Peace, as other Allied Powers had done. The United States, however, did close the door on the claims of the people of Guam.

A companion measure to my bill, H.R. 2041, was introduced in the House of Representatives by Representative ROBERT UNDERWOOD. H.R. 2041, however, includes a provision assessing a 0.5 percent fee on the sale of United States military equipment to Japan. My bill does not include the fee provision because, in my view, it would cause U.S. manufacturers to be less competitive with other foreign manufacturers. Imposing such a fee could lead to the loss of American jobs, which is of concern in light of the decline in defense spending.

The issue of reparations for Guam is not a new one for the people of Guam and for the U.S. Congress. It has been consistently raised by the Guamanian Government through local enactments of legislative bills and resolutions, and

discussed with congressional leaders over the years.

The Guam War Restitution Act cannot fully compensate or erase the atrocities inflicted upon Guam and its people during the occupation by the Japanese military. However, passage of this act would recognize our Government's moral obligation to Guam, and bring justice to the people of Guam for the atrocities and suffering they endured during World War II. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

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

S. 1403

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Guam War Restitution Act".

**SEC. 2. AMENDMENT TO ORGANIC ACT OF GUAM TO PROVIDE RESTITUTION.**

The Organic Act of Guam (48 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

**"SEC. 36. RECOGNITION OF DEMONSTRATED LOYALTY OF GUAM TO UNITED STATES, AND SUFFERING AND DEPRIVATION ARISING THEREFROM, DURING WORLD WAR II.**

"(a) DEFINITIONS.—For purposes of this section:

"(1) AWARD.—The term 'award' means the amount of compensation payable under subsection (d)(2).

"(2) BENEFIT.—The term 'benefit' means the amount of compensation payable under subsection (d)(3).

"(3) COMMISSION.—The term 'Commission' means the Guam Trust Fund Commission established by subsection (f).

"(4) COMPENSABLE INJURY.—The term 'compensable injury' means one of the following three categories of injury incurred during and as a result of World War II:

"(A) Death.

"(B) Personal injury (as defined by the Commission).

"(C) Forced labor, forced march, or internment.

"(5) GUAMANIAN.—The term 'Guamanian' means any person who—

"(A) resided in the territory of Guam during any portion of the period beginning on December 8, 1941, and ending on August 10, 1944; and

"(B) was a United States citizen or national during such portion.

"(6) PROOF.—The term 'proof', relative to compensable injury, means any one of the following, if determined by the Commission to be valid:

"(A) An affidavit by a witness to such compensable injury.

"(B) A statement, attesting to compensable injury, which is—

"(i) offered as oral history collected for academic, historic preservation, or journalistic purposes;

"(ii) made before a committee of the Guam legislature;

"(iii) made in support of a claim filed with the Guam War Reparations Commission;

"(iv) filed with a private Guam war claims advocate; or

"(v) made in a claim pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582).

“(7) TRUST FUND.—The term ‘Trust Fund’ means the Guam Trust Fund established by subsection (e).

“(b) REQUIREMENTS FOR CLAIMS AND GENERAL DUTIES OF COMMISSION.—

“(1) REQUIRED INFORMATION FOR CLAIMS.—Each claim for an award or benefit under this section shall be made under oath and shall include—

- “(A) the name and age of the claimant;
- “(B) the village in which the individual who suffered the compensable injury which is the basis for the claim resided at the time the compensable injury occurred;
- “(C) the approximate date or dates on which the compensable injury occurred;
- “(D) a brief description of the compensable injury which is the basis for the claim;
- “(E) the circumstances leading up to the compensable injury; and
- “(F) in the case of a claim for a benefit, proof of the relationship of the claimant to the relevant decedent.

“(2) GENERAL DUTIES OF COMMISSION TO PROCESS CLAIMS.—With respect to each claim filed under this section, the Commission shall determine whether the claimant is eligible for an award or benefit under this section and, if so, shall certify the claim for payment in accordance with subsection (d).

“(3) TIME LIMITATION.—With respect to each claim submitted under this section, the Commission shall act expeditiously, but in no event later than 1 year after the receipt of the claim by the Commission, to fulfill the requirements of paragraph (2) regarding the claim.

“(4) DIRECT RECEIPT OF PROOF FROM PUBLIC CLAIMS FILES PERMITTED.—The Commission may receive proof of a compensable injury directly from the Governor of Guam, or the Federal custodian of an original claim filed with respect to the injury pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582), if such proof is contained in the respective public records of the Governor or the custodian.

“(c) ELIGIBILITY.—

“(1) ELIGIBILITY FOR AWARDS.—A claimant shall be eligible for an award under this section if the claimant meets each of the following criteria:

- “(A) The claimant is—
  - “(i) a living Guamanian who personally received the compensable injury that is the basis for the claim, or
  - “(ii) the heir or next of kin of a decedent Guamanian, in the case of a claim with respect to which the compensable injury is death.

“(B) The claimant meets the requirements of paragraph (3).

“(2) ELIGIBILITY FOR BENEFITS.—A claimant shall be eligible for a benefit under this section if the claimant meets each of the following criteria:

“(A) The claimant is the heir or next of kin of a decedent Guamanian who personally received the compensable injury that is the basis for the claim, and the claim is made with respect to a compensable injury other than death.

“(B) The claimant meets the requirements of paragraph (3).

“(3) GENERAL REQUIREMENTS FOR ELIGIBILITY.—A claimant meets the requirements of this paragraph if the claimant meets each of the following criteria:

“(A) The claimant files a claim with the Commission regarding a compensable injury and containing all of the information required by subsection (b)(1).

“(B) The claimant furnishes proof of the compensable injury.

“(C) By such procedures as the Commission may prescribe, the claimant files a claim under this section not later than 1 year after

the date of the appointment of the ninth member of the Commission.

“(4) LIMITATION ON ELIGIBILITY FOR AWARDS AND BENEFITS.—

“(A) AWARDS.—

“(i) No claimant may receive more than 1 award under this section and not more than 1 award may be paid under this section with respect to each decedent described in paragraph (1)(A)(ii).

“(ii) Each award shall consist of only 1 of the amounts referred to in subsection (d)(2).

“(B) BENEFITS.—

“(i) Not more than 1 benefit may be paid under this Act with respect to each decedent described in paragraph (2)(A).

“(ii) Each benefit shall consist of only 1 of the amounts referred to in subsection (d)(3).

“(d) PAYMENTS.—

“(1) CERTIFICATION.—The Commission shall certify for payment all awards and benefits that the Commission determines are payable under this section.

“(2) AWARDS.—The Commission shall pay from the Trust Fund 1 of the following amounts as an award for each claim with respect to which a claimant is determined to be eligible under subsection (c)(1):

“(A) \$20,000 if the claim is based on death.

“(B) \$7,000 if the claim is based on personal injury.

“(C) \$5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

“(3) BENEFITS.—The Commission shall pay from the Trust Fund 1 of the following amounts as a benefit with respect to each claim for which a claimant is determined eligible under subsection (c)(2):

“(A) \$7,000 if the claim is based on personal injury.

“(B) \$5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

“(4) REDUCTION OF AMOUNT TO COORDINATE WITH PREVIOUS CLAIMS.—The amount required to be paid under paragraph (2) or (3) for a claim with respect to any Guamanian shall be reduced by any amount paid under the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582) with respect to such Guamanian.

“(5) FORM OF PAYMENT.—

“(A) AWARDS.—In the case of a claim for an award, payment under this subsection shall be made in cash to the claimant, except as provided in paragraph (6).

“(B) BENEFITS.—In the case of a claim for a benefit—

“(i) IN GENERAL.—Payment under this subsection shall consist of—

- “(I) provision of a scholarship;
- “(II) payment of medical expenses; or
- “(III) a grant for first-time home ownership.

“(ii) METHOD OF PAYMENT.—Payment of cash under this subsection may not be made directly to a claimant, but may be made to a service provider, seller of goods or services, or other person in order to provide to a claimant (or other person, as provided in paragraph (6)) a benefit referred to in clause (i).

“(C) DEVELOPMENT OF PROCEDURES.—The Commission shall develop and implement procedures to carry out this paragraph.

“(6) PAYMENTS ON CLAIMS WITH RESPECT TO SAME DECEDENT.—

“(A) AWARDS.—In the case of a claim based on the compensable injury of death, payment of an award under this section shall be divided, as provided in the probate laws of Guam, among the heirs or next of kin of the decedent who file claims for such division by such procedures as the Commission may prescribe.

“(B) INDIVIDUALS PROVING CONSANGUINITY WITH CLAIMANTS FOR BENEFITS.—Each indi-

vidual who proves consanguinity with a claimant who has met each of the criteria specified in subsection (c)(2) shall be entitled to receive an equal share of the benefit accruing under this section with respect to the claim of such claimant if the individual files a claim with the Commission by such procedures as the Commission may prescribe.

“(7) ORDER OF PAYMENTS.—The Commission shall endeavor to make payments under this section with respect to awards before making such payments with respect to benefits and, when making payments with respect to awards or benefits, respectively, to make payments to eligible individuals in the order of date of birth (the oldest individual on the date of the enactment of this Act, or if applicable, the survivors of that individual, receiving payment first) until all eligible individuals have received payment in full.

“(8) REFUSAL TO ACCEPT PAYMENT.—If a claimant refuses to accept a payment made or offered under paragraph (2) or (3) with respect to a claim filed under this section—

“(A) the amount of the refused payment, if withdrawn from the Trust Fund for purposes of making the payment, shall be returned to the Trust Fund; and

“(B) no payment may be made under this section to such claimant at any future date with respect to the claim.

“(9) TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Awards and benefits paid to eligible claimants—

“(A) shall be treated for purposes of the internal revenue laws of the United States as damages received on account of personal injuries or sickness; and

“(B) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

“(e) GUAM TRUST FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Guam Trust Fund, which shall be administered by the Secretary of the Treasury.

“(2) INVESTMENTS.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code.

“(3) USES.—Amounts in the Trust Fund shall be available only for disbursement by the Commission in accordance with subsection (f).

“(4) DISPOSITION OF FUNDS UPON TERMINATION.—If all of the amounts in the Trust Fund have not been obligated or expended by the date of the termination of the Commission, investments of amounts in the Trust Fund shall be liquidated, the receipts of such liquidation shall be deposited in the Trust Fund, and any unobligated funds remaining in the Trust Fund shall be given to the University of Guam, with the conditions that—

“(A) the funds are invested as described in paragraph (2);

“(B) the funds are used for scholarships to be known as Guam World War II Loyalty Scholarships, for claimants described in paragraph (1) or (2) of subsection (c) or in subsection (d)(6), or for such scholarships for the descendants of such claimants; and

“(C) as the University determines appropriate, the University shall endeavor to award the scholarships referred to in subparagraph (B) in a manner that permits the award of the largest possible number of scholarships over the longest possible period of time.

“(f) GUAM TRUST FUND COMMISSION.—

“(1) ESTABLISHMENT.—There is established the Guam Trust Fund Commission, which shall be responsible for making disbursements from the Guam Trust Fund in the manner provided in this section.

“(2) USE OF TRUST FUND.—The Commission may make disbursements from the Trust Fund only for the following uses:

“(A) To make payments, under subsection (d), of awards and benefits.

“(B) To sponsor research and public educational activities so that the events surrounding the wartime experiences and losses of the Guamanian people will be remembered, and so that the causes and circumstances of this event and similar events may be illuminated and understood.

“(C) To pay reasonable administrative expenses of the Commission, including expenses incurred under paragraphs (3)(C), (4), and (5).

“(3) MEMBERSHIP.—

“(A) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members who are not officers or employees of the United States Government and who are appointed by the President from recommendations made by the Governor of Guam.

“(B) TERMS.—

“(i) Initial members of the Commission shall be appointed for initial terms of 3 years, and subsequent terms shall be of a length determined pursuant to subparagraph (F).

“(ii) Any member of the Commission who is appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

“(C) PROHIBITION OF COMPENSATION OTHER THAN EXPENSES.—Members of the Commission shall serve without pay, except that members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Commission in the same manner that persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

“(D) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

“(E) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission.

“(F) SUBSEQUENT APPOINTMENTS.—

“(i) Upon the expiration of the term of each member of the Commission, the President shall reappoint the member (or appoint another individual to replace the member) if the President determines, after consideration of the reports submitted to the President by the Commission under this section, that there are sufficient funds in the Trust Fund for the present and future administrative costs of the Commission and for the payment of further awards and benefits for which claims have been or may be filed under this title.

“(ii) Members appointed under clause (i) shall be appointed for a term of a length that the President determines to be appropriate, but the length of such term shall not exceed 3 years.

“(4) STAFF AND SERVICES.—

“(A) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

“(B) ADDITIONAL STAFF.—The Commission may appoint and fix the pay of such additional staff as it may require.

“(C) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The Director and the additional staff of the Commission may be appointed without regard to section 5311 of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and sub-

chapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the minimum rate of basic pay payable for GS-15 of the General Schedule under section 5332(a) of such title.

“(D) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

“(5) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of funds, services, or property for uses referred to in paragraph (2). The Commission may deposit such gifts or donations, or the proceeds from such gifts or donations, into the Trust Fund.

“(6) TERMINATION.—The Commission shall terminate on the earlier of—

“(A) the end of the 6-year period beginning on the date of the appointment of the first member of the Commission; or

“(B) the date on which the Commission submits to the Congress a certification that all claims certified for payment under this section are paid in full and no further claims are expected to be so certified.

“(g) NOTICE.—Not later than 90 days after the appointment of the ninth member of the Commission, the Commission shall give public notice in the territory of Guam and such other places as the Commission deems appropriate of the time limitation within which claims may be filed under this section. The Commission shall ensure that the provisions of this section are widely published in the territory of Guam and such other places as the Commission deems appropriate, and the Commission shall make every effort both to advise promptly all individuals who may be entitled to file claims under the provisions of this title and to assist such individuals in the preparation and filing of their claims.

“(h) REPORTS.—

“(1) COMPENSATION AND CLAIMS.—Not later than 12 months after the formation of the Commission, and each year thereafter for which the Commission is in existence, the Commission shall submit to the Congress, the President, and the Governor of Guam a report containing a determination of the specific amount of compensation necessary to fully carry out this section, the expected amount of receipts to the Trust Fund, and all payments made by the Commission under this section. The report shall also include, with respect to the year which the report concerns—

“(A) a list of all claims, categorized by compensable injury, which were determined to be eligible for an award or benefit under this section, and a list of all claims, categorized by compensable injury, which were certified for payment under this section; and

“(B) a list of all claims, categorized by compensable injury, which were determined not to be eligible for an award or benefit under this section, and a brief explanation of the reason therefor.

“(2) ANNUAL OPERATIONS AND STATUS OF TRUST FUND.—Beginning with the first full fiscal year ending after submission of the first report required by paragraph (1), and annually thereafter with respect to each fiscal year in which the Commission is in existence, the Commission shall submit a report to Congress, the President, and the Governor of Guam concerning the operations of the Commission under this section and the status of the Trust Fund. Each such report shall be submitted not later than January 15th of the first calendar year beginning after the end of the fiscal year which the report concerns.

“(3) FINAL AWARD REPORT.—After all awards have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

“(A) the total amount of compensation paid as awards under this section, broken down by category of compensable injury; and

“(B) the status of the Trust Fund and the amount of any existing balance thereof.

“(4) FINAL BENEFITS REPORT.—After all benefits have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

“(A) the total amount of compensation paid as benefits under this section, broken down by category of compensable injury; and

“(B) the final status of the Trust Fund and the amount of any existing balance thereof.

“(i) LIMITATION OF AGENT AND ATTORNEY FEES.—It shall be unlawful for an amount exceeding 5 percent of any payment required by this section with respect to an award or benefit to be paid to or received by any agent or attorney for any service rendered in connection with the payment. Any person who violates this section shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

“(j) DISCLAIMER.—No provision of this section shall constitute an obligation for the United States to pay any claim arising out of war. The compensation provided in this section is ex gratia in nature and intended solely as a means of recognizing the demonstrated loyalty of the people of Guam to the United States, and the suffering and deprivation arising therefrom, during World War II.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including the administrative responsibilities of the Commission for the 36-month period beginning on the date of the appointment of the ninth member of the Commission. Amounts appropriated pursuant to this section are authorized to remain available until expended.”•

By Mr. GRASSLEY (for himself and Mr. KYL):

S. 1404. A bill to enhance restitution to victims of crime, and for other purposes; to the Committee on the Judiciary.

THE VICTIM RESTITUTION ENHANCEMENT ACT OF 1995

• Mr. GRASSLEY. Mr. President, I introduce the Victim Restitution Enhancement Act of 1995, an important piece of legislation—called for in the Contract With America—which will help victims of crime. I have long thought that swift and decisive congressional action is needed in order to change some of the basic injustice associated with our criminal justice system. I believe that the way to do this is to change the focus of our energy and time to assisting and protecting victims of crime. And some of the bills that have been introduced by Senator NICKELS and Senator HATCH do an admirable job of changing the focus.

Mr. President, this morning the Judiciary Committee, under the able leadership of Senator HATCH, conducted a very thorough hearing on mandatory victim restitution. At that hearing, we heard testimony from a number of excellent witnesses, and one theme was particularly evident: We in Congress