

S. 2972. A bill to combat international money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 2973. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve fishery management and enforcement, and fisheries data collection, research, and assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 2974. A bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the medicare program to Medicare+Choice organizations; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2975. A bill to limit the administrative expenses and profits of managed care entities to not more than 15 percent of premium revenues; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. BYRD, and Mrs. BOXER):

S. 2976. A bill to amend title XXI of the Social Security Act to allow States to provide health benefits coverage for parents of children eligible for child health assistance under the State children's health insurance program; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2977. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CONRAD, Mr. BAUCUS, Mr. KERREY, Mr. KOHL, Mr. AKAKA, Mr. JOHNSON, Mr. REID, Mr. KENNEDY, and Mr. DODD):

S. 2978. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2979. A bill to amend the Internal Revenue Code of 1986 to clarify the status of professional employer organizations and to promote and protect the interests of professional employer organizations, their customers, and workers; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 2980. A bill to amend the Food Security Act of 1985 to permit the enrollment of certain wetland, buffers, and filterstrips in conservation reserve; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN:

S. 2981. A bill to amend titles XVIII and XIX of the Social Security Act to provide bad debt relief for facilities providing care to certain low-income medicare beneficiaries and to amend title XIX of such Act to increase efforts to provide medicare beneficiaries with medicare cost-sharing under the medicaid program; to the Committee on Finance.

By Mr. BROWNBAC (for himself, Mr. DASCHLE, Mr. DEWINE, Mr. KERREY, Mr. GRASSLEY, Mr. BYRD, and Mr. LUGAR):

S. 2982. A bill to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the building of greenhouse gases in the atmosphere, and to reward and encourage vol-

untary, pro-active environmental efforts on the issue of global climate change; to the Committee on Finance.

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

S. 2983. A bill to provide for the return of land to the Government of Guam, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD:

S. 2984. A bill to amend the Internal Revenue Code of 1986 and to provide a refundable caregivers tax credit; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 2985. A bill to amend the Agricultural Trade Act of 1978 to authorize the Commodity Credit Corporation to reallocate certain unobligated funds from the export enhancement program to other agricultural trade development and assistance programs; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. THOMPSON, Mr. WARNER, Mr. NICKLES, and Mr. KYL):

S. 2986. A bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROBERTS (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. THOMAS, and Mr. CONRAD):

S. 2987. A bill to amend title XVIII of the Social Security Act to promote access to health care services in rural areas, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. BREAUX, Mr. BOND, and Mr. HOLLINGS):

S. 2988. A bill to establish a National Commission on Space; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. KERREY):

S. 2989. A bill to provide for the technical integrity of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Mr. FEINGOLD):

S. 2990. A bill to amend chapter 42 of title 28, United States Code, to establish the Judicial Education Fund for the payment of reasonable expenses of judges participating in seminars, to prohibit the acceptance of seminar gifts, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM:

S. 2991. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2992. A bill to amend title XVIII of the Social Security Act to reimburse essential access home health providers for the reasonable costs of providing home health services in rural areas; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. KOHL):

S. 2993. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

By Mr. ROBB:

S. 2994. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Finance.

By Mr. L. CHAFEE (for himself, Mr. BENNETT, Mr. CLELAND, Mr. JEFFORDS, Mr. LEVIN, Mr. LIEBERMAN, Mr. LEAHY, and Mr. BAUCUS):

S. 2995. A bill to assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 2996. A bill to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. JEFFORDS, Mr. SARBANES, Mr. LEAHY, Mr. BRYAN, Mr. REED, Mr. L. CHAFEE, and Mr. WELLSTONE):

S. 2997. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. GRAMM, Mr. CLELAND, Mr. MILLER, Mr. LOTT, Mr. MACK, Mr. NICKLES, Mr. GORTON, Mr. SANTORUM, Mr. HATCH, Mr. HELMS, Mr. L. CHAFEE, Mr. CRAIG, Ms. SNOWE, Mr. SMITH of New Hampshire, Mr. REED, Mr. BROWNBAC, Ms. MIKULSKI, Mr. DODD, and Mr. BIDEN):

S. 2998. A bill to designate a fellowship program of the Peace Corps promoting the work of returning Peace Corps volunteers in underserved American communities as the "Paul D. Coverdell Fellows Program"; considered and passed.

By Mr. ABRAHAM (for himself, Mr. COCHRAN, and Mr. GRAMS):

S. 2999. A bill to amend title XVIII of the Social Security Act to reform the regulatory processes used by the Health Care Financing Administration to administer the medicare program, and for other purposes; to the Committee on Finance.

By Mr. ROBB:

S. 3000. A bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. WARNER, Mr. BINGAMAN, Mrs. BOXER, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. DASCHLE, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GORTON, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. REED, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SPECTER, Mr. TORRICELLI, and Mr. WELLSTONE):

S. Res. 345. A resolution designating October 17, 2000, as a "Day of National Concern About Young People and Gun Violence"; to the Committee on the Judiciary.

By Mrs. BOXER:

S. Res. 346. A resolution acknowledging that the undefeated and untied 1951 University of San Francisco football team suffered a grave injustice by not being invited to any post-season Bowl game due to racial prejudice that prevailed at the time and seeking

appropriate recognition for the surviving members of that championship team; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 132. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. JEFFORDS:

S. Con. Res. 133. A concurrent resolution to correct the enrollment of S. 1809; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAU:

S. 2944. A bill to clarify that certain penalties provided for in the Oil Pollution Act of 1990 are the exclusive criminal penalties for any action or activity that may arise or occur in connection with certain discharges of oil or a hazardous substance; to the Committee on Environment and Public Works.

##### STRICT CRIMINAL LIABILITY REFORM FOR OIL SPILL INCIDENTS

Mr. BREAU. Mr. President, I am pleased to introduce legislation to address a long-standing problem which adversely affects the safe and reliable maritime transport of oil products. The legislation I am introducing today will eliminate the application and use of strict criminal liability statutes, statutes that do not require a showing of criminal intent or even the slightest degree of negligence, for maritime transportation-related oil spill incidents.

Through comprehensive Congressional action that led to the enactment and implementation of the Oil Pollution Act of 1990, commonly referred to as "OPA90", the United States has successfully reduced the number of oil spills in the maritime environment and has established a cooperative public/private partnership to respond effectively in the diminishing number of situations when an oil spill occurs. Nonetheless, over the past decade, the use of the unrelated strict criminal liability statutes that I referred to above has undermined the spill prevention and response objectives of OPA90, the very objectives that were established by the Congress to preserve the environment, safeguard the public welfare, and promote the safe transportation of oil. The legislation I am introducing today will restore the delicate balance of interests reached in OPA90, and will reaffirm OPA90's preeminent role as the statute providing the exclusive criminal penalties for oil spill incidents.

As stated in the Coast Guard's own environmental enforcement directive, a company, its officers, employees, and mariners, in the event of an oil spill "could be convicted and sentenced to a criminal fine even where [they] took all reasonable precautions to avoid the discharge". Accordingly, responsible operators in my home state of Louisiana and elsewhere in the United States who transport oil are unavoid-

ably exposed to potentially immeasurable criminal fines and, in the worst case scenario, jail time. Not only is this situation unfairly targeting an industry that plays an extremely important role in our national economy, but it also works contrary to the public welfare.

Most liquid cargo transportation companies on the coastal and inland waterway system of the United States have embraced safe operation and risk management as two of their most important and fundamental values. For example, members of the American Waterways Operators (AWO) from Louisiana and other states have implemented stronger safety programs that have significantly reduced personal injuries to mariners. Tank barge fleets have been upgraded through construction of new state-of-the-art double hulled tank barges while obsolete single skin barges are being retired far in advance of the OPA90 timetable. Additionally, AWO members have dedicated significant time and financial resources to provide continuous and comprehensive education and training for vessel captains, crews and shoreside staff, not only in the operation of vessels but also in preparation for all contingencies that could occur in the transportation of oil products. This commitment to marine safety and environmental protection by responsible members of the oil transportation industry is real. The industry continues to work closely with the Coast Guard to upgrade regulatory standards in such key areas as towing vessel operator qualifications and navigation equipment on towing vessels.

Through the efforts of AWO and other organizations, the maritime transportation industry has achieved an outstanding compliance record with the numerous laws and regulations enforced by the Coast Guard. Let me be clear: responsible carriers, and frankly their customers, have a "zero tolerance" policy for oil spills. Additionally, the industry is taking spill response preparedness seriously. Industry representatives and operators routinely participate in Coast Guard oil spill crisis management courses, PREP Drills, and regional spill response drills. Yet despite all of the modernization, safety, and training efforts of the maritime transportation industry, their mariners and shoreside employees cannot escape the threat of criminal liability in the event of an oil spill, even where it is shown that they "took all reasonable precautions to avoid [a] discharge".

As you know, in response to the tragic *Exxon Valdez* spill, Congress enacted OPA90. OPA90 mandated new, comprehensive, and complex regulatory and enforcement requirements for the transportation of oil products and for oil spill response. Both the federal government and maritime industry have worked hard to accomplish the legislation's primary objective—to provide greater environmental safeguards in oil

transportation by creating a comprehensive prevention, response, liability, and compensation regime to deal with vessel and facility oil pollution. And OPA90 is working in a truly meaningful sense. To prevent oil spill incidents from occurring in the first place, OPA90 provides an enormously powerful deterrent, through both its criminal and civil liability provisions. Moreover, OPA90 mandates prompt reporting of spills, contingency planning, and both cooperation and coordination with federal, state, and local authorities in connection with managing the spill response. Failure to report and cooperate as required by OPA90 may impose automatic civil penalties, criminal liability and unlimited civil liability. As a result, the number of domestic oil spills has been dramatically reduced over the past decade since OPA90 was enacted. In those limited situations in which oil spills unfortunately occurred, intensive efforts commenced immediately with federal, state and local officials working in a joint, unified manner with the industry, as contemplated by OPA90, to clean up and report spills as quickly as possible and to mitigate to the greatest extent any impact on the environment. OPA90 has provided a comprehensive and cohesive "blueprint" for proper planning, training, and resource identification to respond to an oil spill incident, and to ensure that such a response is properly and cooperatively managed.

OPA90 also provides a complete statutory framework for proceeding against individuals for civil and/or criminal penalties arising out of oil spills in the marine environment. When Congress crafted this Act, it carefully balanced the imposition of stronger criminal and civil penalties with the need to promote enhanced cooperation among all of the parties involved in the spill prevention and response effort. In so doing, the Congress clearly enumerated the circumstances in which criminal penalties could be imposed for actions related to maritime oil spills, and added and/or substantially increased criminal penalties under the related laws which comprehensively govern the maritime transportation of oil and other petroleum products.

The legislation we are introducing today will not change in any way the tough criminal sanctions that were imposed in OPA90. However, responsible, law-abiding members of the maritime industry in Louisiana and elsewhere are concerned by the willingness of the Department of Justice and other federal agencies in the post-OPA90 environment to use strict criminal liability statutes in oil spill incidents. As you know, strict liability imposes criminal sanctions without requiring a showing of criminal knowledge, intent or even negligence. These federal actions imposing strict liability have created an atmosphere of extreme uncertainty for the maritime transportation industry about how to respond to and cooperate with the Coast Guard and other federal