

Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 906

At the request of Mr. ENZI, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Wyoming (Mr. THOMAS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 906, a bill to provide for protection of gun owner privacy and ownership rights, and for other purposes.

S. RES. 90

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 90, a resolution designating June 3, 2001, as "National Child's Day."

S. CON. RES. 34

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 34, a concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 945. A bill to amend the Internal Revenue Code of 1986 to repeal the recognition of capital gain rule for home offices; to the Committee on Finance.

Mr. BOND. Mr. President, in 1997 Congress made an important change in the tax code for small businesses by restoring the home-office deduction. That change opened the door for millions of Americans to operate successful small businesses from their homes. Now the home-based financial planner or landscape can use an extra bedroom or a basement to conduct her business without the cost of commercial office space. In many cases, these home offices also allow today's entrepreneurs to spend more time with their family by avoiding the added time and expense of day-care and commuting.

With the restoration of the home-office deduction, however, came a significant new complexity for home-based businesses, depreciation recapture. If a home-based medical transcriber elects to claim the home-office deduction, she will deduct the expenses relating to her home office, such as a portion of her home-owners insurance, utilities, repairs, and maintenance. She is also entitled to depreciate a portion of the cost of her house relating to the home office. But there is a big catch. When the home-based business owner sells her home, she must recapture all of the depreciation deductions and pay income taxes on them, even though her house qualifies for the exclusion from tax for the sale of a principal residence.

The specter of depreciation recapture has several significant ramifications.

First, it requires additional record-keeping for home-based business owners, on top of the enormous burdens that the tax code already imposes on a small business. Second, when the home-based business owner decides to sell his home, he must struggle with the complexities of calculating the depreciation recapture or, as is too often the case, he must hire a costly tax professional to undertake the calculations and prepare the required tax forms.

Additionally, the depreciation-recapture requirement creates a disincentive for home-based business owners to claim the home-office deduction in the first place. In fact, I have heard from accountants and tax advisors in my home State of Missouri that they frequently advise their clients to forego the home-office deduction simply to avoid the recordkeeping and complexities associated with recapturing the depreciation. That is clearly not what Congress intended when it restored the home-office deduction in 1997.

In light of this problem, I rise today to introduce the "Home-Office Deduction Simplification Act of 2001." This bill simply repeals the depreciation-recapture requirement and the disincentive for home-based businesses to utilize the home-office deduction. At a time when the Nation's small businesses are feeling real pain from the current economic slow down, this bill will provide real relief, not only when they sell their homes, but today by giving them the benefit of the home-office deduction that Congress intended.

It is my pleasure to be working with Congressman DONALD MANZULLO, Chairman of the House Committee on Small Business, to raise this issue in both Chambers. I urge my colleagues in the Senate to support this legislation and make the home-office deduction as simple and accessible as possible. Our home-based businesses across the nation deserve nothing less.

I ask unanimous consent that the text of the bill and a description of its provisions be printed in the RECORD.

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

S. 945

[Data not available at time of printing.]

#### HOME-OFFICE DEDUCTION SIMPLIFICATION ACT OF 2001—DESCRIPTION OF PROVISIONS

The bill repeals section 121(d)(6) of the Internal Revenue Code. Currently, this provision requires individuals who claim depreciation deductions with respect to a home-office to recapture such deductions upon the sale of their home. As a result, the amount of the recaptured depreciation deductions is subject to income taxation without the benefit of the income-tax exclusion for the sale of a principal residence or the capital-gains tax rates in cases where the exclusion does not apply.

By repealing the depreciation-recapture requirement, the bill eliminates the paperwork and compliance burdens that frequently prevent home-based

business owners from claiming the home-office deduction. The bill will be effective for sales or exchanges of homes occurring after December 31, 2000.

By Ms. SNOWE (for herself, Ms. MIKULSKI, and Mr. HARKIN):

S. 946. A bill to establish an Office on Women's Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Women's Health Office Act of 2001 and I am pleased to be joined on this legislation by my friends and colleagues Senators MIKULSKI and HARKIN. Companion legislation to this bill has been introduced in the House by Congresswomen CONNIE MORELLA and CAROLYN MALONEY.

The Women's Health Office Act of 2001 provides permanent authorization for Offices of Women's Health in five Federal agencies: the Department of Health and Human Services, HHS; the Centers for Disease Control and Prevention, CDC; the Agency for Health Care Research and Quality, AHRQ; the Health Resources and Services Administration, HRSA; and the Food and Drug Administration, FDA.

Currently, only two women's health offices in the Federal Government have statutory authorization: the Office of Research on Women's Health at the National Institutes of Health, NIH, and the Office for Women's Services within the Substance Abuse and Mental Health Services Administration, SAMHSA.

For too many years, women's health care needs were ignored or poorly understood, and women were systematically excluded from important health research. One famous medical study on breast cancer examined hundreds of men. Another federally funded study examined the ability of aspirin to prevent heart attacks in 20,000 medical doctors, all of whom were men, despite the fact that heart disease is a leading cause of death among women.

Today, Members of Congress and the American public understand the importance of ensuring that both genders benefit equally from medical research and health care services.

Throughout my tenure in the House and Senate, I have worked hard to expose and eliminate this health care gender gap and improve women's access to affordable, quality health services. As cochairs of the Congressional Caucus for Women's Issues, CCWI, Representative Pat Schroeder and I, along with Representative Henry Waxman, called for a GAO investigation, in the beginning of 1990, into the inclusion of women and minorities in medical research at the National Institutes of Health.

This study documented the widespread exclusion of women from medical research, and spurred the Caucus to introduce the first Women's Health

Equity Act, WHEA, in 1990. This comprehensive legislation provided Congress with its first broad, forward-looking health agenda designed to redress the historical inequities that face women in medical research, prevention and services.

Three years later, Congress enacted legislation mandating the inclusion of women and minorities in clinical trials at NIH through the National Institutes of Health Revitalization Act of 1993, P.L. 103-43. Also included in the NIH Revitalization Act was language establishing the NIH Office of Research on Women's Health, language based on my original Office of Women's Health bill that was introduced in the 101st Congress.

Yet, despite all the progress that we have made, there is still a long way to go on women's health care issues. Last May, the GAO released a report, a 10-year update, on the status of women's research at NIH, "NIH Has Increased Its Efforts to Include Women in Research". This report found that since the first GAO report and the 1993 legislation, NIH had made significant progress toward including women as subjects in both intramural and external clinical trials.

However, the report noted that the Institute had made less progress in implementing the requirement that certain clinical trials be designed and carried out to permit valid analysis by sex, which could reveal whether interventions affect women and men differently. The GAO found that NIH researchers would include women in their trials—but then they would either not do analysis on the basis of sex, or if no difference was found, they would not publish the sex-based results.

NIH has done a good job of improving participation of women in clinical trials and has implemented several changes to improve the accuracy and performance for tracking and analyzing data, but our commitment to women's health is not about quotas and numbers. It is about real scientific advances that will improve our knowledge about women's health. At a time when we are on track to double funding for NIH, it is troubling that the agency has still failed to fully implement both its own guidelines and the Congressional directive for sex-based analysis. And as a result, women continue to be shortchanged by Federal research efforts.

The crux of the matter is that NIH's problems exist despite that fact that it has an Office of Women's Health that is codified in law. If NIH is having problems, imagine the difficulties we will have in continuing the focus on women's health in offices that do not have this legislative mandate, and that may change focus with a new HHS Secretary or Agency Director.

Offices of Women's Health across the Public Health Service are charged with coordinating women's health activities and monitoring progress on women's health issues within their respective

agencies, and they have been successful in making Federal programs and policies more responsive to women's health issues. Unfortunately, all of the good work these offices are doing is not guaranteed in Public Health Service authorizing law. Providing statutory authorization for federal women's health offices is a critical step in ensuring that women's health research will continue to receive the attention it requires in future years.

Codifying these offices of women's health is important for several reasons. First, it re-emphasizes Congress's commitment to focusing on women's health. Second, it ensures that agencies will enact congressional intent with good faith. Finally, it ensures that appropriations will be available in future years to fulfill these commitments.

By statutorily creating Offices of Women's Health, the Deputy Assistant Secretary for Women's Health will be able to better monitor various Public Health Service agencies and advise them on scientific, legal, ethical and policy issues. Agencies would establish a Coordinating Committee on Women's Health to identify and prioritize which women's health projects should be conducted. This will also provide a mechanism for coordination within and across these agencies, and with the private sector. But most importantly, this bill will ensure the presence of offices dedicated to addressing the ongoing needs and gaps in research, policy, programs, education and training in women's health.

I urge my colleagues to join Senators MIKULSKI, HARKIN, and me in supporting this legislation to help ensure that women's health will never again be a missing page in America's medical textbook.

Ms. MIKULSKI. Mr. President, I rise to join Senator SNOWE and Senator HARKIN to introduce the Women's Health Office Act of 2001. I am pleased to introduce this bill with my colleagues because it establishes an important framework to address women's health within the Department of Health and Human Services, HHS.

Historically, women's health needs have been ignored or inadequately addressed by the medical establishment and the government. A 1990 General Accounting Office, GAO, report stated that: the National Institutes of Health, NIH, had made little progress in implementing its own inclusion policy on women's participation in clinical trials, NIH inconsistently applied this policy, and NIH had done little to implement analysis of research findings by gender. This was unacceptable. Women make up half or more of the population and must be adequately included in clinical research. That's why I fought to establish the Office of Research on Women's Health, ORWH, at the NIH 11 years ago. We needed to ensure that women were included in clinical research, so that we would know how treatments for a particular disease

or condition would affect women. Would men and women react the same way to a particular treatment for heart disease? We can't answer this question unless both men and women are being included in clinical trials.

While the ORWH began its work in 1990, I wanted to ensure that it stayed at NIH and had the necessary authority to carry out its mission, part of which is to ensure that women are included in clinical research. That's why I authored legislation in 1990 and 1991 to formally establish the ORWH in the Office of the Director of NIH. These provisions were later enacted into law in the NIH Revitalization Act of 1993.

In 1999, Senator HARKIN, Senator SNOWE, and I requested that GAO examine how well the NIH and the ORWH were carrying out the mandates under the NIH Revitalization Act of 1993. The results were mixed. While NIH had made substantial progress in ensuring the inclusion of women in clinical research, it had made less progress in encouraging the analysis of study findings by sex. This means that women are being included in clinical trials, but we are not able to fully reap the benefits of inclusion if the analysis of how interventions affect men and women is not being done or not being reported. While the NIH and others are taking steps to address this, we may be missing information from research done over the last few years about how the outcomes varied or not for men and women.

NIH is but one agency in HHS. Other agencies in HHS do not even have women's health offices. How are these other agencies addressing women's health? Only NIH and the Substance Abuse and Mental Health Services Administration, SAMHSA, have authorizations in law for offices dedicated to women's health. In 1993, I requested language that accompanied the Fiscal Year 1994 Senate Labor, Health and Human Services Appropriations bill and the Agriculture Appropriations bill to establish and provide funding for Offices of Women's Health in the Centers for the Disease Control and Prevention, CDC, the Food and Drug Administration, FDA, the Health Resources and Services Administration, HRSA, and the Agency for Health Care Policy and Research, AHCP, now the Agency for Healthcare Research and Quality, AHRQ. Today, there are offices of women's health in HHS, FDA, CDC, and HRSA. AHRQ has a women's health advisor. These offices and advisors are important advocates within the agency for women's health research, programs, and activities. A recent HHS report to Congress describes their roles, responsibilities, and future plans. The degree of support for these offices, in terms of staff and financial resources, varies widely across HHS. This can mean inadequate and inconsistent attention to women's health needs within an agency.

I believe we need a consistent and comprehensive approach to address the

needs of women's health in the HHS. This bill would do just that. The Women's Health Office Act of 2001 would authorize women's health offices in HHS, CDC, FDA, AHRQ, and HRSA.

This legislation establishes an important framework and builds on existing efforts. Under the bill, the HHS Office on Women's Health would take over all functions which previously belonged to the current Office of Women's Health of the Public Health Service. The HHS Office would be headed by a Deputy Assistant Secretary for Women's Health who would also chair an HHS Coordinating Committee on Women's Health. The responsibilities of the HHS Office would include establishing short and long-term goals, advising the Secretary of HHS on women's health issues, monitoring and facilitating coordination and stimulating HHS activities on women's health, establishing a National Women's Health Information Center to facilitate exchange of and access to women's health information, and coordinating private sector efforts to promote women's health.

Under this legislation, the Offices of Women's Health in CDC, FDA, HRSA, and AHRQ would be housed in the office of the head of each agency and be headed by a Director appointed by the head of the respective agency. Responsibilities of the offices include: an examination of current women's health activities, the establishment of short-term and long-term goals for women's health, the coordination of women's health activities, and the establishment of a coordinating committee on women's health within each agency to identify women's health needs and make recommendations to the head of the agency. The FDA office would also have specific duties regarding women and clinical trials. The director of each office would serve on HHS's Coordinating Committee on Women's Health. The bill authorizes appropriations for all the offices through 2006.

I believe that this bill will establish a valuable and consistent framework for addressing women's health in the Department of Health and Human Services. It will help to ensure that women's health research will continue to have the attention and resources it needs in the coming years. This bill is a priority of the Women's Health Research Coalition. The Coalition is comprised of academic medical, health and scientific institutions, as well as other organizations interested in and supportive of women's health research. The Women's Research and Education Institute recently released a list of 15 high-impact actions Congress could take to improve the health of midlife women, including the establishment of permanent offices of women's health at HHS and related federal agencies. This bill is supported by over 45 other organizations including the YWCA, the Society for Women's Health Research, the National Partnership for Women and Families, Hadassah, and the American Physical Therapy Association. I en-

courage my colleagues to cosponsor and support this important legislation, and I ask unanimous consent that a letter of support for this bill be printed in the RECORD.

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

WOMEN'S HEALTH RESEARCH COALITION,  
*Washington, DC, May 14, 2001.*

Hon. BARBARA MIKULSKI,  
*Hart Senate Office Building, U.S. Senate,  
Washington, DC.*

DEAR SENATOR MIKULSKI: As organizations representing millions of patients, health care professionals, advocates and consumers, we thank you for your leadership in introducing the "Women's Health Office Act of 2001." We enthusiastically support this legislation and look forward to its passage.

Historically, women's health has not been a focus of study nor has there been adequate recognition of the ways in which medical conditions solely or differently affect women and girls. In the decade since attention began to focus on disparities between the genders, scientific knowledge has accumulated alerting us to the importance of considering the biological and psychosocial effects of sex and gender on health and disease.

We support the work of the offices of women's health in ensuring that women and girls benefit equitably in the advances made in medical research and health care services. The legislation will provide for the continued existence, coordination and support of these offices so that they analyze new areas of research, education, prevention, treatment and service delivery.

We appreciate your firm commitment to improving the health of women throughout the nation.

Sincerely,

Women's Health Research Coalition; Society for Women's Health Research; American Association of University Women; American Medical Women's Association; American Osteopathic Association; American Physical Therapy Association; American Psychological Association; American Urological Association; Association for Women in Science; Association of Women Psychiatrists; Association of Women's Health, Obstetric and Neonatal Nurses; Center for Ethics in Action.

Center for Reproductive Law and Policy, Center for Women Policy Studies, Church Women United, Coalition of Labor Union Women, General Board of Church and Society, the United Methodist Church; Girls Incorporated; Hadassah; Jewish Women's Coalition, Inc.; McAuley Institute; National Abortion Federation; National Association of Commissions for Women; National Center on Women and Aging; National Coalition Against Domestic Violence; National Council of Jewish Women; National Organization for Women; National Partnership for Women and Families; National Women's Health Network; National Women's Health Resource Center; National Women's Law Center; NOW Legal Defense and Education Fund.

Organization of Chinese American Women; OWL; Religious Coalition for Reproductive Choice; Society for Gynecologic Investigation; Soroptimist International of the Americas; The General Federation of Women's Clubs, The Woman Activist Fund, Inc.; Voters for Choice Action Fund; Women Employed; Women Heart: The National Coalition for Women with Heart Disease; Women Work!; Women's Business Development Center; Women's Health Fund at University of Minnesota; Women's Institute for Freedom of the Press; Women's Research and Education Institute; YWCA of the U.S.A.

By Mrs. FEINSTEIN (for herself and Mr. INHOFE):

S. 947. A bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirements for reformulated gasoline and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I am pleased to be joined by Senator JAMES INHOFE of Oklahoma today in introducing a bill to allow the governor of a State to waive the oxygenate content requirement for reformulated or clean-burning gasoline. The bill retains all other provisions of the Clean Air Act to ensure that there is no backsliding on air quality.

We introduce this bill to address the widespread contamination of drinking water by MTBE in California and at least 41 other States.

On April 12, 1999, California Governor Gray Davis asked Carol Browner, who was the Administrator of the U.S. Environmental Protection Agency, for a waiver of the 2 percent oxygenate requirement. I have written and called former Administrator Browner and the current Administrator Christine Todd Whitman and both former President Clinton and President Bush, urging approval of the waiver. And we are still waiting. It has been two years.

Today, yet again I call on EPA and the Administration to act. In the meantime, I will push Congress to act.

MTBE, Methyl Tertiary Butyl Ether, has been the oxygenate of choice by many refiners in their effort to comply with the Clean Air Act's reformulated gasoline requirements. California Governor Davis has ordered a phase-out in our State, but the Federal law requiring two percent oxygenates remains, putting our State in an untenable position.

This is because the most likely substitute for MTBE to meet the two percent requirement is ethanol, but there is not a sufficient supply of ethanol to meet the demand in California and the rest of the country with the two percent law in place.

With inadequate supplies, we can expect disruptions and price spikes during the peak driving months of this summer, at a time when there are predictions that retail gasoline prices may climb to an unprecedented \$3.00 per gallon or more.

The California Energy Commission reports that without relief from the two percent oxygenate mandate, California consumers will pay 3 to 6 cents more per gallon than they need to. This adds up to \$450 million a year.

The Clean Air Act requires that cleaner-burning reformulated gasoline, RFG, be sold in so-called "non-attainment" areas with the worst violations of ozone standards: Los Angeles, San Diego, Hartford, New York Philadelphia, Chicago, Baltimore, Houston, Milwaukee, Sacramento. In addition, some States and areas have opted to use reformulated gasoline as way to achieve clean air.

Second, the Act prescribes a formula for reformulated gasoline, including

the requirement that reformulated gasoline contain 2.0 percent oxygen, by weight.

In response to this requirement, refiners have put the oxygenate MTBE in over 85 percent of reformulated gasoline now in use. But, there is a problem: increasingly, MTBE is being detected in drinking water. MTBE is a known animal carcinogen and a possible human carcinogen, according to U.S. EPA. It has a very unpleasant odor and taste, as well.

The Feinstein-Inhofe bill would allow governors, upon notification to U.S. EPA, to waive the 2.0 percent oxygenate requirement, as long as the gasoline meets the other requirements in the law for reformulated gasoline.

On July 27th, 1999, the non-partisan, broad-based U.S. EPA Blue Ribbon Panel on Oxygenates in Gasoline recommended that the two percent oxygenate requirement be "removed in order to provide flexibility to blend adequate fuel supplies in a cost-effective manner while quickly reducing usage of MTBE and maintaining air quality benefits."

In addition, the panel agreed that "the use of MTBE should be reduced substantially." Importantly, the panel recommended that "Congress act quickly to clarify federal and state authority to regulate and/or eliminate the use of gasoline additives that pose a threat to drinking water supplies."

The bill we are introducing today, while not totally repealing the two percent oxygenate requirement, moves us in that direction. It gives States that choose to meet Clean Air requirements without oxygenates the option to do so. It allows States that choose an oxygenate, such as ethanol, to do so. Areas required to use reformulated gasoline for cleaner air will still be required to use it. The gasoline will have a different but clean formulation. Areas will continue to have to meet clean air standards.

MTBE has contaminated groundwater at over 10,000 sites in California, according to the Lawrence Livermore Laboratory. Of 10,972 sites groundwater sites sampled, 39 percent had MTBE, according to the State Department of Health Services. Of 765 surface water sources sampled, 287, 38 percent, had MTBE.

Nationally, one EPA-funded study of 34 States found that MTBE was present more than 20 percent of the time in 27 of the States. A U.S. Geological Survey report had similar findings. An October 1999 Congressional Research Service analysis concluded that at least 41 states have had MTBE detections in water.

In California, Governor Davis concluded that MTBE "poses a significant risk to California's environment" and directed that MTBE be phased out in California by December 31, 2002. There is not a sufficient supply of ethanol or other oxygenates to fully replace MTBE in California, without huge gasoline supply disruptions and price spikes.

In addition, California can make clean-burning gas without oxygenates. Therefore, California is in the impossible position of having to meet a federal requirement that is 1. contaminating the water and 2. is not necessary to achieve clean air.

A major University of California study concluded that MTBE provides "no significant air quality benefit" but that its use poses "the potential for regional degradation of water resources, especially ground water. . . ." Oxygenates, say the experts, are not necessary for reformulated gasoline.

California has developed a gasoline formula that provides flexibility and provides clean air. Refiners use an approach called the "predictive model," which guarantees clean-burning RFG gas with oxygenates, with less than two percent oxygenates, and with no oxygenates. Several refiners, including Chevron and Tosco, are selling MTBE-free gas in California, for example.

Under this bill, clean air standards would still have to be met and gasoline would have to meet all other requirements of the federal reformulated gasoline program, including the limits on benzene, heavy metals, and the emission of nitrogen oxides.

This bill will give California and other States the relief they need from an unwarranted, unnecessary requirement. It will give state officials flexibility to determine whether to use oxygenates in their gasoline. The bill does not undo the Clean Air Act. The bill does not degrade air quality.

The two percent oxygenate requirement creates an unnecessary federal "recipe" for gasoline. It causes contamination of groundwater. It adds to the price of gasoline unnecessarily, and it will probably trigger disruptions in gasoline supplies this summer.

I call on this Congress to enact this legislation promptly. Californians do not need to have MTBE-laced drinking water to enjoy the benefits of cleaner air. It is that simple.

I ask unanimous consent that an editorial from the Sacramento Bee describing the MTBE problem in California be printed in the RECORD.

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

[From the Sacramento Bee, Apr. 23, 2001]  
REMEMBER MTBE?—POLITICAL INATTENTION  
MAY FUEL PRICE SPIKES

It was a poison brew that sent California into an electricity swoon: rising demand, stagnant supplies and missed political opportunities. Unfortunately, President Bush may be about to stir up virtually the same potion with another source of energy, gasoline. Like the electricity crunch, this gasoline problem can be averted with timely political action.

Under federal law, gasoline in dirty air basins must contain an additive known as an oxygenate. These additives produce cleaner-burning fuel. The primary additive in California is the infamous MTBE; a byproduct of the refinery process. It can cause drinking water to smell like turpentine at minute concentrations, so the state plans to phase out MTBE by the end of 2002.

Refiners say that can produce clean-burning gasoline without an oxygenate but farm

politics has kept the requirement in law. For now, the only alternative to MTBE is ethanol, which is made from corn and other grains.

That threatens California with the kind of imbalance between supply and demand that could push up gasoline prices.

Switching from MTBE to ethanol as the additive of choice in California would increase the nation's consumption of ethanol by perhaps 800 million gallons a year. This represents about a 50 percent jump in demand. California produces only 9 million gallons of ethanol a year. That means that the folks who produce ethanol, who are concentrated in Iowa, may be able to extort California with the same vigor as Texas-based electricity marketers.

The seeds of this crisis were planted in some revisions of the federal Clean Air Act, which combined the laudable goal of cleaning up the skies with some unwise restrictions on the legal recipes for fuel. Gov. Gray Davis has been asking for federal government to waive this mandated recipe for the fuel, letting the state meet its air-quality goals in a less expensive way.

Yet with its seven precious electoral votes at stake, Iowa made ethanol a litmus test for any and all presidential candidates, and candidates Bush, like most others, said he would stick to the recipe for gas that favors ethanol.

Is this now the policy of President Bush as well? Bush must say something, and soon.

Ideally, he should use his administrative powers to waive the oxygenate mandate and let various fuel recipes compete on their costs and air-quality benefits. But he must say something. His silence is preventing companies from building ethanol (which could be produced from corn kernels or rice straw) plants in California, if that is what must be done to replace MTBE.

California can't afford the uncertainty on gasoline any more than it can afford uncertainty about whether power plants can be built. For a president who preaches the gospel of sending clear signals to markets, Bush's silence on MTBE and ethanol is an expensive sin.

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

S. 948. A bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LOTT. Mr. President, the history of the geographic expansion of our great Nation is closely tied to the development of our network of railroad lines. Cities and towns sprang up and grew around the railroad tracks that provided transportation vital to their survival and economic future. While the development of modern automobiles, trucks and airplanes have provided alternate forms of transportation, railroads still fulfill important cargo and passenger transportation requirements across the Nation.

However, in many cities and towns across our country, the increased need for motor vehicle transportation, and the road infrastructure to facilitate it, have led to increasing conflicts between railroads, motor vehicles, and people for the use of limited, and increasingly congested, space in downtown areas. Highway-rail grade crossings, even properly marked and gated

ones, increase the risk of fatal accidents. Many rail lines cut downtown areas in half while serving few, if any, rail customers in the downtown area. Heavy rail traffic can cut off one side of a town to vital emergency services, including fire, police, ambulance, and hospital services. Downtown rail corridors can hamper economic development by restricting access to bisected areas.

This situation is not the fault of the railroads. They own and have invested heavily to maintain their existing rail lines. These conflicts are due to economic and technological changes that occur faster and more easily than railroads can economically adjust. In 1998, the Congress enacted a landmark surface transportation bill, called TEA-21. While TEA-21 provides some flexibility in the use of the Highway Trust Fund to enable States to address some of these concerns, it is primarily focused on solving transportation problems by building or modifying roads, including road overpasses and underpasses, as it should be. However, in many situations, this highway-rail conflict can not, or should not, be fixed by cutting off or modifying a roadway. The answer is often to relocate the rail line. I know of at least five such situations in my home State of Mississippi, so there must be many more in other States.

To address this need, I, along with Senator KERRY, today introduce the Community Rail Line Relocation Assistance Act of 2001. The bill would authorize the Secretary of Transportation to provide grants to States or communities to pay for the costs of relocating a rail line where this solution makes the most sense. In those cases where the best solution is to build a railroad tunnel, underpass, or overpass, or even reroute the rail line around the downtown area, this bill will enable these cities and towns to afford to undertake such a significant infrastructure project.

Our bill would authorize grants to fund rail line relocation projects that: (1) mitigate the adverse effects of rail traffic on safety, motor vehicle traffic flow, or economic development; (2) involve a lateral or vertical relocation of the rail line in lieu of the closing of a grade crossing or the relocation of a road; and (3) provide at least as much benefit over the economic life of the project as the cost of the project. The DOT would fund 90 percent of the cost of these rail line relocation projects out of the general fund of the Treasury. The State or local government would be required to pay the remaining 10 percent, but would be allowed to cover this cost through appropriate in-kind contributions or dedicated private contributions.

In awarding these grants, the Secretary of Transportation would have to consider: (1) the ability of the State or community to fund the project without Federal assistance; (2) the equitable treatment of various regions of the country; (3) that at least 50 percent of

the available funding be spent on projects costing less than \$50 million; and (4) that not more than 25 percent of the available funding may be spent on any single project. The bill would authorize \$250 million in grants during the first year, and \$500 million over each of the following five years.

I understand that some may ask "why don't the railroads pay for these relocation costs?" As I noted earlier, the railroad has the right of way and has no legal obligation to move. However, I know the railroads to be concerned about maintaining good relations with the communities they serve and pass through. They want to cooperate in solving this problem. That is why the Association of American Railroads and the Short Line and Regional Railroad Association support this bill. The bill is also supported by the Railway Progress Institute and the National Railroad Construction and Maintenance Association. This proposal has been enthusiastically received by several State and local government associations, and I hope to have their endorsements of the bill soon. I ask my Senate colleagues to review the needs of their own States and support this bill and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 948

[Data not available at time of printing.]

By Mrs. FEINSTEIN:

S. 949. A bill for the relief of Zhenfu Ge; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to offer today, legislation to provide lawful permanent residence status to Zhenfu Ge. Mrs. Ge is the grandmother of two U.S. citizen children who face the devastation of being separated from their grandmother after losing their mother just last month.

Mrs. Ge came to the United States in 1998 to help care for her two grandchildren while her U.S. citizen daughter Yanyu Wang and her son-in-law John Marks worked. Shortly afterwards, Mrs. Ge's daughter filed an immigration petition on her behalf. She was scheduled for an April 26 Immigration and Naturalization Service, INS, interview, which is the last step in the green card process. The family anticipated that the interview would result in Mrs. Ge's gaining a green card.

In a tragic turn of events, Mrs. Ge's daughter was diagnosed with a rare and deadly form of lymphoma and given only 7 months to live. As Mrs. Wang's health quickly declined, she asked her mother to care for her 3-year-old daughter and 12-year-old son after her death. Mrs. Ge promised her daughter she would care for her grandchildren and quickly became the most active maternal figure in their lives.

On April 15 of this year, 11 days before Mrs. Ge's scheduled INS interview,

her daughter died. Because current law does not allow Mrs. Ge to adjust her status without her daughter, Mrs. Ge now faces deportation.

This family has certainly felt the pain of a significant tragedy. With the death of Yanyu Wang, her family must begin to rebuild their lives and face a future without their loved one. Losing a grandmother to deportation will only further the grief and compromise the emotional health of her two young grandchildren, who are still mourning the loss of their mother. According to her son-in-law, John Mark, Mrs. Ge "represents continuity and a tie to their mother for our children, and her presence will allow me to continue to successfully support my family."

Mrs. Ge has done everything she could to become a permanent resident of this country. But for the tragedy of her daughter's untimely death, she likely would have attained that status.

I hope my colleagues will support this private legislation so that we can help Mrs. Ge, her grandchildren, and son-in-law begin to rebuild their lives in the wake of their family tragedy and allow Mrs. Ge to keep the promise she made to her daughter.

I ask for unanimous consent that the text of the bill be printed in the RECORD. I also ask unanimous consent that the letter from Mr. Marks be printed in the RECORD.

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

S. 949

[Data not available at time of printing.]

SAUSALITO, CA,

April 19, 2001.

Hon. DIANNE FEINSTEIN,  
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I write to appeal for your help in an exceptional immigration case regarding my mother-in-law, Zhenfu Ge (United States Immigration & Naturalization Service reference #A78192014.)

Mrs. Ge came to the United States from her native Shanghai, China in 1998 after our daughter was born. The purpose of her immigration was to care for our infant and for our nine-year-old son to enable my wife and me to work. I have lived in California most of my life and I work for Kaiser Permanente in San Rafael; my wife, Yanyu Wang, was a research scientist for Onyx Pharmaceuticals in Richmond, and a naturalized citizen of the United States.

We had applied for naturalization for Mrs. Ge to allow her to remain in the United States to care for her grandchildren indefinitely. We had every expectation that the INS hearing set for April 26 (see correspondence enclosed) would result in the successful completion of her application.

My wife had learned that she was suffering from lymphoma in 1999. Unfortunately, despite every possible medical intervention, she died on April 15, eleven days before her mother's hearing for naturalization. We are advised by our attorney that absent her daughter, Mrs. Ge's case will be dismissed out-of-hand, and she will be forced to return to China.

I hope you will agree that Mrs. Ge's presence in our family is even more important following the death of my wife. She is the

only maternal figure for our children, she represents continuity and a tie to their mother for our children, and her presence will allow me to continue to successfully support my family notwithstanding the reduction of our income to a single salary.

Before she died, my wife implored her mother to do everything possible to remain in the United States to ensure that our children would be raised with her care and love. I ask for your help in enabling this to happen.

Thank you for your consideration in this matter.

Sincerely yours,

JOHN MARK.

By Mr. SMITH of New Hampshire  
(for himself and Mr. REID):

S. 950. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Mr. President, by now everyone knows of the damage that the gasoline additive, MTBE, has done to our nation's drinking water supply, including in the state of New Hampshire. MTBE has been a component of our fuel supply for two decades. In 1990, the Clean Air Act was amended to include a clean gasoline program. That program mandated the use of an oxygenate in our fuel, MTBE was one of two options to be used. The problem with MTBE is its ability to migrate through the ground very quickly and into the water table. Several states have had gasoline leaks or spills lead to the closure of wells because of MTBE. MTBE is not a proven carcinogen, but its smell and taste does render water unusable. Many homes in New Hampshire and across the nation have lost use of their water supply because of MTBE contamination.

Today I am introducing a bill with my friend Senator REID, who is the Ranking Member on the committee that I chair, the Environment & Public Works Committee. This bill addresses the problems associated with MTBE, but will not reduce any environmental benefits of the Clean Air program. Briefly, this bill will: Authorize \$400 million out of the Leaking Underground Storage Tank Fund (LUST Fund) to help the states clean up MTBE contamination, address the integrity of Underground Storage Tanks and the program; Ban MTBE four years after enactment of this bill; Allow Governors to waive the gasoline oxygenate requirement of the Clean Air Act; Preserve environmental benefits on air toxics, and; Provide funds to help transition from MTBE to other clean, safe fuels.

The funding for cleanup and transition is provided out of a sense of fairness. Since a Federal mandate caused the pollution, it would be irresponsible for the Federal Government not to bear some of the financial burden associated with the clean up and the transition to a less destructive alternative fuel.

This is a very complex issue that the Environment and Public Works Committee has struggled with for months.

It has always been my intent to craft a solution that was direct and balanced. There are many competing interests and a number of solutions have been offered. Most of the competing interests are based on regional differences and preferences.

Some prefer a simple ban of MTBE, this approach would make gas dramatically more expensive and more dirty. Some would like a stand alone mandate of Ethanol, that too has many problems associated with it. Ethanol would bring with it both cost and smog concerns, particularly in states like New Hampshire. Simply eliminating the RFG mandate does not work either. Under this scenario, MTBE would continue to be used and wells would continue to be contaminated.

I am also very pleased that this bill is consistent with the President's National Energy Policy because it will reduce the intra-regional patchwork of what are known as "boutique" fuels. This bill will allow for the use of one fuel blend to meet RFG requirement in many regions that currently require multiple boutique fuels. This will ease the burden on refineries and fuel supply, which in turn will reduce the risk of increased gas prices for the consumer. The fuel suppliers recognize this benefit and I am very pleased that this bill has the support of the American Petroleum Institute. While they have raised some minor technical concerns that I am committed to addressing prior to passage, I am pleased to have their support.

I believe that this bill provides for a workable solution to both our MTBE problem as well as addressing the "boutique" fuels problems in this country. We will clean up our nation's drinking water and preserve the environmental benefits of RFG without undue added cost to the consumers. I am convinced this is the right approach.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 950

[Data not available at time of printing.]

Mr. REID. Mr. President, I am pleased to join with the Senator from New Hampshire, the Chairman of the Environment and Public Works Committee, in introducing legislation to address the water resource problems that have been caused in Lake Tahoe and around the country by MTBE contamination.

As my colleagues may know, the oxygenate requirement that Congress included in the 1990 Clean Air Act Amendments for certain nonattainment areas was met by most fuel providers and refiners with significantly increased production of MTBE. While this additive has proven beneficial in meeting air quality goals and reducing toxic air pollution, its enhanced production and usage has led to major

drinking and surface water contamination, largely because of leaking underground storage tanks, spills and watercraft releases.

Our bill seeks to deal with the MTBE problem and prevent such unintended consequences from occurring again, while still protecting air and water quality. This measure embodies several of the major recommendations of the EPA's Blue Ribbon Panel on Oxygenates in Gasoline.

We are proposing to significantly enhance state authority and resources to deal with remediation of MTBE releases from leaking underground storage tanks, and to improve compliance and prevent additional releases at these sources. Four years after enactment, MTBE would be banned from the fuel supply. The bill would amend the Clean Air Act to ensure that additives added to the fuel supply in the future undergo regular testing and review of public health and water quality impacts.

Our legislation allows Governors to waive out of the oxygenate requirement imposed by the Act's reformulated gasoline, RFG provisions and, for the RFG areas in those states, refiners and fuel providers would have to ensure that there would be continued over-compliance with toxics reductions performance standards based on regional averages. In recognition of the industry investments made to comply with the oxygenate requirement, the bill authorizes grants to American companies making MTBE for domestic consumption in RFG areas if they opt to convert to production of replacement additives that do not degrade water quality, as well as continuing to improve public health and air quality. Finally, the bill allows the EPA to improve on its mobile source toxics rule and afford better protection to more sensitive and exposed populations from these harmful substances.

This is a sensible bill that prevents backsliding on air quality and is designed to improve water resource protection. I am hopeful that the Committee and Congress will be able to act swiftly to resolve the MTBE problems facing so many communities across the nation and in Nevada.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. BREAUX, Mr. LOTT, Mr. MURKOWSKI, and Mr. DEWINE):

S. 951. A bill to authorize appropriations for the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 2001.

The Coast Guard provides many critical services for our nation. Dedicated Coast Guard personnel save an average of more than 5,000 lives, \$2.5 billion in property, and assist more than 100,000 mariners in distress. Through boater safety programs and maintenance of an

extensive network of aids to navigation, the Coast Guard protects thousands of other people engaged in coastwise trade, commercial fishing activities, and recreational boating.

The Coast Guard enforces Federal laws and treaties related to the high seas and U.S. waters. This includes marine resource protection and pollution control. As one of the five armed forces, the Coast Guard provides a critical component of the nation's defense strategy. The Coast Guard has joined with the Navy under the National Fleet Policy Statement to integrate their complementary offshore assets and enhance our national defense.

The Coast Guard Authorization Act of 1998 was enacted on November 13, 1992 and authorized the Coast Guard through Fiscal Year 1999. Last year, I spend a considerable amount of time trying to enact meaningful legislation to reauthorize the Coast Guard. To that end, the Commerce Committee and the Senate unanimously passed the Coast Guard Authorization Act of 2000 in July of 2000. Unfortunately, final enactment of the bill was derailed by one provision that had nothing to do with the Coast Guard itself and was outside the jurisdiction of the Subcommittee on Oceans and Fisheries. As a result, the dedicated and hard-working men and women in uniform were penalized.

The Coast Guard deserves more. By introducing the Coast Guard bill today, I intend to give them my full support, and I hope my colleagues will work with me to provide the Coast Guard with the support that they have so clearly earned.

For the second year in a row, the Coast Guard has announced that it will reduce routine non-emergency operations by at least 10 percent. The Administration's Budget request for fiscal year 2002 would leave the Coast Guard \$250 million short in critical operating funds. This shortfall will necessitate operations cutbacks to include decommissioning ships and aircraft. The budget authorized in this bill would restore those funding shortfalls and prevent the need for operational cutbacks.

The bill my colleagues and I introduce today authorizes funding and personnel levels for the Coast Guard in fiscal years 2000 through 2002. The bill authorizes funding for FY 2002 at \$5.2 billion. This represents a 9.3 percent increase over the levels contained in last year's Senate-passed bill authorization and a 14 percent increase over the funds appropriated for fiscal year 2001. The bill also contains several provisions to provide greater flexibility on personnel management matters and critical readiness concerns within the Coast Guard.

The Coast Guard bill contains a new initiative on fishing vessel safety training. Commercial fishing is one of the most dangerous professions in the United States. Over the last three years, over two hundred fishermen have died at sea and even more fishing vessels have been lost. Last year, the

Maine fleet tragically lost ten fishermen. This bill authorizes the Coast Guard to work with and support local organizations that promote or provide fishing vessel safety training. Under this proposal, active duty Coast Guard personnel, Coast Guard Reserve, and members of the Coast Guard Auxiliary could serve as instructors for training and safety courses; assist in the development of curricula; and participate in relevant advisory panels. This new initiative allows discretionary participation by the agency on a not-to-interfere basic with other Congressionally mandated missions.

A major part of the Coast Guard's law enforcement mission remains interdicting illegal narcotics at sea. In 2000, the Coast Guard seized 56 vessels and arrested 201 suspects transporting illegal narcotics headed for our shores. The U.S. Coast Guard set a cocaine seizure record for the second consecutive year by stopping 132,920 pounds of cocaine from reaching American streets, playgrounds, and schools. The Coast Guard also seized 50,463 pounds of marijuana products, including hashish and hashish oil. At \$4.4 billion, the street value of the drugs seized last year nearly matched the entire Coast Guard budget.

In 2000, the Coast Guard also introduced the highly successful Operation New Frontier force package, including specially armed helicopters, over-the-horizon pursuit boats, and the use of non-lethal tools to stop go-fast type smuggling boats. Operation New Frontier forces documented an unprecedented 100 percent success rate by seizing all six of the go-fast trafficking boats detected.

This bill provides funding to maintain many of the new drug interdiction initiatives of the past few years. The Coast Guard has proven time and again its ability to efficiently stem the tide of drugs entering our nation through water routes.

The Coast Guard is the lead Federal agency for preventing and responding to major pollution incidents in the coastal zone. It responds to more than 17,000 pollution incidents in the average year. The recent oil spill in the fragile Galapagos Islands is an example where our investment in the Coast Guard reaped international rewards. Within 24 hours of the spill, a team of Coast Guard oil spill professionals were on transport aircraft en route to the spill scene with cleanup equipment. Their presence limited the ecological damage of this potentially horrific environmental tragedy.

One provision that deserves particular mention relates to icebreaking services. The FY 2000 budget request included a proposal to decommission 11 WYTL-class harbor tugs. These tugs provide vital icebreaking services throughout the Great Lakes and northeastern states, including my home state of Maine. While I understand that the age of this vessel class may require some action by the agency, it would be

premature to decommission these vessels before the Coast Guard has identified a means to assure their domestic icebreaking mission requirements are fulfilled. The Coast Guard has identified seven waterways within Maine that would suffer a meaningful degradation of service if these tugs were decommissioned. These waterways provide transport routes for oil tankers, commercial fishing vessels, and cargo ships. The costs would be excessive to the local communities should that means of transport be cut off. As we have seen during recent winters, ready access to home heating fuel in Maine and elsewhere in the Northeast is a necessity. As such, the bill I am introducing today includes a measure that would prevent the Coast Guard from removing these tugs from service unless adequate replacement assets are in place.

Finally, we must recognize that the United States Coast Guard is a force conducting 21st century operations with 20th century technology. Of the 39 worldwide naval fleets, the United States Coast Guard has the 37th oldest fleet of ships and aircraft. This year the Coast Guard will embark on a major recapitalization for the ships and aircraft designed to operate more than 50 miles offshore. The Integrated Deepwater System acquisition program is critical to the future viability of the Coast Guard. I wholeheartedly support this initiative and the "system-of-systems" procurement strategy the Coast Guard has proposed. This bill authorized funding for the first year of this critical long-term recapitalization program.

This is a good bill that enjoys bipartisan support on the Commerce Committee. I am pleased that so many of my colleagues have joined me in sponsoring this bill. I know that my cosponsors, Senators KERRY, MCCAIN, HOLLINGS, BREAUX, LOTT, MURKOWSKI, and DEWINE, also look forward to moving the bill to the Senate floor at the earliest opportunity.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 951

*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 "Coast Guard Authorization Act of 2001".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

**TITLE I—AUTHORIZATION**

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. LORAN-C.
- Sec. 104. Patrol craft.
- Sec. 105. Caribbean support tender.

**TITLE II—PERSONNEL MANAGEMENT**

- Sec. 201. Coast Guard band director rank.

- Sec. 202. Coast Guard membership on the USO Board of Governors.
- Sec. 203. Compensatory absence for isolated duty.
- Sec. 204. Suspension of retired pay of Coast Guard members who are absent from the United States to avoid prosecution.
- Sec. 205. Extension of Coast Guard housing authorities.
- Sec. 206. Accelerated promotion of certain Coast Guard officers.
- Sec. 207. Regular lieutenant commanders and commanders; continuation on failure of selection for promotion.
- Sec. 208. Reserve officer promotion
- Sec. 209. Reserve Student Pre-Commissioning Assistance Program.

#### TITLE III—MARINE SAFETY

- Sec. 301. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.
- Sec. 302. Icebreaking services.
- Sec. 303. Modification of various reporting requirements.
- Sec. 304. Oil Spill Liability Trust Fund; emergency fund borrowing authority.
- Sec. 305. Merchant mariner documentation requirements.
- Sec. 306. Penalties for negligent operations and interfering with safe operation.
- Sec. 307. Fishing vessel safety training.
- Sec. 308. Extend time for recreational vessel and associated equipment recalls.

#### TITLE IV—RENEWAL OF ADVISORY GROUPS

- Sec. 401. Commercial Fishing Industry Vessel Advisory Committee.
- Sec. 402. Houston-Galveston Navigation Safety Advisory Committee.
- Sec. 403. Lower Mississippi River Waterway Advisory Committee.
- Sec. 404. Navigation Safety Advisory Council.
- Sec. 405. National Boating Safety Advisory Council.
- Sec. 406. Towing Safety Advisory Committee.

#### TITLE V—MISCELLANEOUS

- Sec. 501. Modernization of national distress and response system.
- Sec. 502. Conveyance of Coast Guard property in Portland, Maine.
- Sec. 503. Harbor safety committees.
- Sec. 504. Limitation of liability of pilots at Coast Guard Vessel Traffic Services.

#### TITLE VI—JONES ACT WAIVERS

- Sec. 601. Repeal of special authority to revoke endorsements.

#### TITLE I—AUTHORIZATION

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000 the following amounts:

(1) For the operation and maintenance of the Coast Guard, \$2,853,000,000, of which \$300,000,000 shall be available for defense-related activities and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$999,100,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$19,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$730,327,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$15,000,000, to remain available until expended.

(b) AUTHORIZATION FOR FISCAL YEAR 2001.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001 the following amounts:

(1) For the operation and maintenance of the Coast Guard, \$3,483,000,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$428,000,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$21,320,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$868,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$16,700,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$15,500,000, to remain available until expended.

(c) AUTHORIZATION FOR FISCAL YEAR 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002, as follows:

(1) For the operation and maintenance of the Coast Guard, \$3,633,000,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$660,000,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$22,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$876,350,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$15,500,000, to remain available until expended.

##### SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 40,000 as of September 30, 2000.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2000.—For fiscal year 2000, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(c) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2001.

(d) TRAINING STUDENT LOADS FOR FISCAL YEAR 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(e) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2002.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 as of September 30, 2002.

(f) TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.



(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,050 student years.

**SEC. 103. LORAN-C.**

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$25,000,000 for fiscal year 2001. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) FISCAL YEAR 2002.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$44,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

**SEC. 104. PATROL CRAFT.**

(a) TRANSFER OF CRAFT FROM DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC-170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to \$100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreline infrastructure requirements for, up to 7 patrol craft.

**SEC. 105. CARIBBEAN SUPPORT TENDER.**

The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

**TITLE II—PERSONNEL MANAGEMENT**

**SEC. 201. COAST GUARD BAND DIRECTOR RANK.**

Section 336(d) of title 14, United States Code, is amended by striking “commander” and inserting “captain”.

**SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.**

Section 220104(a)(2) of title 36, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

“(C) The Secretary of Transportation, or the Secretary’s designee, when the Coast Guard is not operating under the Department of the Navy; and”.

**SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.**

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

**“§511. Compensatory absence from duty for military personnel at isolated duty stations**

“The Secretary may grant compensatory absence from duty to military personnel of

the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

“511. Compensatory absence from duty for military personnel at isolated duty stations.”.

**SEC. 204. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.**

Section 633 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) is amended by redesignating subsections (b), (c), and (d) in order as subsections (c), (d), and (e), and by inserting after subsection (a) the following:

“(b) APPLICATION TO COAST GUARD.—Procedures promulgated by the Secretary of Defense under subsection (a) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under this section.”.

**SEC. 205. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.**

Section 689 of title 14, United States Code, is amended by striking “2001.” and inserting “2006.”.

**SEC. 206. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.**

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

“(c)(1) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

“(2) A selection board may not make any recommendation under this subsection before the date the Secretary publishes a finding that implementation of this subsection will improve Coast Guard officer retention and management.

“(3) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”;

(2) in section 260(a), by inserting “and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title” after “promotion”; and

(3) in section 271(a), by inserting at the end thereof the following: “The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.”.

**SEC. 207. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS; CONTINUATION ON FAILURE OF SELECTION FOR PROMOTION.**

Section 285 of title 14, United States Code, is amended—

(1) by striking “Each officer” and inserting “(a) Each officer”; and

(2) by adding at the end the following new subsections:

“(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified to advance the needs and efficiency of the Coast Guard. When the recommendations of the board are approved by the Secretary, the officers recommended for continuation shall be notified that they have been recommended for continuation and offered an additional term of service that fulfills the needs of the Coast Guard.

“(c)(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

“(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b), is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed.”.

**SEC. 208. RESERVE OFFICER PROMOTIONS.**

(a) Section 729(i) of Title 14, United States Code is amended by inserting “on the date a vacancy occurs, or as soon thereafter as practicable, in the grade to which the officer was selected for promotion, or if promotion was determined in accordance with a running mate system,” after “grade”.

(b) Section 731 of title 14, United States Coast Code, is amended by striking the period at the end of the sentence in section 731, and inserting “, or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

(1) 2 years in the grade of lieutenant (junior grade);

(2) 3 years in the grade of lieutenant;

(3) 4 years in the grade of lieutenant commander;

(4) 4 years in the grade of commander; and

(5) 3 years in the grade of captain.”.

(c) Section 736(a) of title 14, United States Code, is amended by inserting “the date of rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event” after “subchapter,” in the first sentence in Section 736(a).

**SEC. 209. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.**

(a) IN GENERAL.—Chapter 21 of title 14, United States Code, is amended by inserting after section 709 the following new section:

**“§ 709a. Reserve student pre-commissioning assistance program**

“(a) The Secretary may provide financial assistance to an eligible enlisted member of the Coast Guard Reserve, not on active duty, for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in not more than 5 academic years; or

“(2) a doctor of jurisprudence or bachelor of laws degree in not more than 3 academic years.

“(b)(1) To be eligible for financial assistance under this section, an enlisted member of the Coast Guard Reserve must—

“(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

“(B) enter into a written agreement with the Coast Guard described in paragraph (2).

“(2) A written agreement referred to in paragraph (1)(B) is an agreement between the member and the Secretary in which the member agrees—

“(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

“(B) to serve on active duty for up to five years; and

“(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Coast Guard Reserve until the eighth anniversary of the date of the appointment.

“(c) Expenses for which financial assistance may be provided under this section are—

“(1) tuition and fees charged by the institution of higher education involved;

“(2) the cost of books;

“(3) in the case of a program of education leading to a baccalaureate degree, laboratory expenses; and

“(4) such other expenses deemed appropriate by the Secretary.

“(d) The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed \$25,000 for any academic year.

“(e) Financial assistance may be provided to a member under this section for up to 5 consecutive academic years.

“(f) A member who receives financial assistance under this section may be ordered to active duty in the Coast Guard Reserve by the Secretary to serve in a designated enlisted grade for such period as the Secretary prescribes, but not more than 4 years, if the member”

“(1) completes the academic requirements of the program and refuses to accept an appointment as a commissioned officer in the Coast Guard Reserve when offered;

“(2) fails to complete the academic requirements of the institution of higher education involved; or

“(3) fails to maintain eligibility for an original appointment as a commissioned officer.

“(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required to be eligible for financial assistance under this section, the financial assistance shall be terminated. The member shall reimburse the United

States in an amount that bears the same ratio to the total cost of the education provided to such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty.

“(2) The Secretary may waive the service obligated under subsection (f) of a member who is not physically qualified for appointment and who is determined to be unqualified for service as an enlisted member of the Coast Guard Reserve due to a physical or medical condition that was not the result of the member's own misconduct or grossly negligent conduct.

“(h) As used in this section, the term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 21 of title 14, United States Code, is amended by adding the following new item after the item relating to section 709:

“709a. Reserve student pre-commissioning assistance program”.

**TITLE III—MARINE SAFETY****SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIO-TELEPHONE ACT.**

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking “United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.” and inserting “United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”

**SEC. 302. ICEBREAKING SERVICES.**

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that sufficient replacement assets have been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

**SEC. 303. MODIFICATION OF VARIOUS REPORTING REQUIREMENTS.**

(a) TERMINATION OF OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.—

(1) IN GENERAL.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101-892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note), shall no longer be submitted to the Congress.

(2) REPEAL.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(A) striking subsection (a); and

(B) striking “(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—”.

(b) PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) COAST GUARD OPERATIONS AND EXPENDITURES.—Section 651 of title 14, United States Code.

(2) SUMMARY OF MARINE CASUALTIES REPORTED DURING PRIOR FISCAL YEAR.—Section 6307(c) of title 46, United States Code.

(3) USER FEE ACTIVITIES AND AMOUNTS.—Section 664 of title 46, United States Code.

(4) CONDITIONS OF PUBLIC PORTS OF THE UNITED STATES.—Section 308(c) of title 49, United States Code.

(5) ACTIVITIES OF FEDERAL MARITIME COMMISSION.—Section 208 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118).

(6) ACTIVITIES OF INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.—Section 7001(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(e)).

**SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.**

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting “To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of \$100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.”.

**SEC. 305. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.**

(a) INTERIM MERCHANT MARINERS' DOCUMENTS.—Section 7302 of title 46, United States Code, is amended—

(1) by striking “A” in subsection (f) and inserting “Except as provided in subsection (g), a”;

(2) by adding at the end the following:

“(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

“(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

“(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

“(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.”.

(b) EXCEPTION.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking “and” after the semicolon in paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

“(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and”.

**SEC. 306. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.**

Section 2302(a) of title 46, United States Code, is amended by striking “\$1,000.” and inserting “\$5,000 in the case of a recreational vessel, or \$25,000 in the case of any other vessel.”.

**SEC. 307. FISHING VESSEL SAFETY TRAINING.**

(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

(1) assistance in developing training curricula;

(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;

(3) sharing of appropriate Coast Guard informational and safety publications; and

(4) participation on applicable fishing vessel safety training advisory panels.

(b) NO INTERFERENCE WITH OTHER FUNCTIONS.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.

**SEC. 308. EXTEND TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.**

Section 4310(c)(2) of title 46, United States Code, is amended in subparagraphs (A) and (B) by striking “5” wherever it appears and inserting “10” in its place.

**TITLE IV—RENEWAL OF ADVISORY GROUPS****SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.**

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting “Safety” in the heading after “Vessel”;

(2) by inserting “Safety” in subsection (a) after “Vessel”;

(3) by striking “(5 U.S.C App. 1 et seq.)” in subsection (e)(1)(I) and inserting “(5 U.S.C. App.)”; and

(4) by striking “of September 30, 2000” and inserting “on September 30, 2005”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

“4508. Commercial Fishing Industry Vessel Safety Advisory Committee.”

**SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.**

Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended by striking “September 30, 2000.” and inserting “September 30, 2005.”

**SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.**

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended by striking “September 30, 2000” in subsection (g) and inserting “September 30, 2005”.

**SEC. 404. NAVIGATION SAFETY ADVISORY COUNCIL.**

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking “September 30, 2000” in subsection (d) and inserting “September 30, 2005”.

**SEC. 405. NATIONAL BOATING SAFETY ADVISORY COUNCIL.**

Section 13110 of title 46, United States Code, is amended by striking “September 30, 2000” in subsection (e) and inserting “September 30, 2005”.

**SEC. 406. TOWING SAFETY ADVISORY COMMITTEE.**

The Act entitled “An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation” (33 U.S.C. 1231a) is amended by striking “September 30, 2000.” in subsection (e) and inserting “September 30, 2005.”

**TITLE V—MISCELLANEOUS****SEC. 501. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.**

(a) REPORT.—The Secretary of Transportation shall prepare a status report on the modernization of the National Distress and Response System and transmit the report, not later than 60 days after the date of enactment of this Act, and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) CONTENTS.—The report required by subsection (a) shall—

(1) set forth the scope of the modernization, the schedule for completion of the System, and provide information on progress in meeting the schedule and on any anticipated delays;

(2) specify the funding expended to-date on the System, the funding required to complete the system, and the purposes for which the funds were or will be expended;

(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking communications, and digital selective calling service;

(4) identify areas of high risk to boaters and Coast Guard personnel due to communications gaps;

(5) specify steps taken by the Secretary to fill existing gaps in coverage, including obtaining direction-finding equipment, digital recording systems, asset-tracking communications, use of commercial VHF services, and digital selective calling services that meet or exceed Global Maritime Distress and Safety System requirements adopted under the International Convention for the Safety of Life at Sea;

(6) identify the number of VHF-FM radios equipped with digital selective calling sold to United States boaters;

(7) list all reported marine accidents, casualties, and fatalities associated with existing communications gaps or failures, including incidents associated with gaps in VHF-FM coverage or digital selective calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels;

(8) identify existing systems available to close identified marine safety gaps before January 1, 2003, including expeditious receipt and response by appropriate Coast Guard operations centers to VHF-FM digital selective calling distress signal; and

(9) identify actions taken to-date to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01.

**SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land.

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Com-

mandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) CONDITION OF CONVEYANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) IDENTIFICATION OF LEASED PREMISES.—The Administrator, in consultation with the Commandant, may identify and describe the leased premises and rights of access, including the following, in order to allow the Coast Guard to operate and perform missions from and upon the leased premises:

(A) The right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to Coast Guard vessels and performance of Coast Guard missions and other mission-related activities.

(B) The right to berth Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States’ sole cost and expense.

(C) The right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes.

(D) The right to occupy up to 3,000 gross square feet at the Naval Reserve Pier property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation’s sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(E) The right to occupy up to 1,200 gross square feet of offsite storage in a location other than the Naval Reserve Pier property, which will be provided by the Corporation at the Corporation’s sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(F) The right for Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation’s parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than 30 vehicles shall be located on the Naval Reserve Pier property.

(3) RENEWAL.—The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) LIMITATION ON SUBLEASES.—The United States may not sublease the leased premises to a third party or use the leased premises for purposes other than fulfilling the missions of the Coast Guard and for other mission related activities.

(5) TERMINATION.—In the event that the Coast Guard ceases to use the leased premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) IN GENERAL.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) FURTHER IMPROVEMENTS.—In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the leased premises during the lease term, at the United States sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTENANCE OBLIGATIONS.—

(1) UTILITIES.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) MAINTENANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the leased premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any

agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this Act or any agreement of the parties.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term "aid to navigation" means equipment used for navigational purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) CORPORATION.—The term "Corporation" means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

**SEC. 503. HARBOR SAFETY COMMITTEES.**

(a) STUDY.—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) EFFECT ON EXISTING PROGRAMS AND STATE LAW.—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) NONAPPLICATION OF FACIA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term "harbor safety committee" means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

**SEC. 504. LIMITATION OF LIABILITY OF PILOTS AT COAST GUARD VESSEL TRAFFIC SERVICES.**

(a) IN GENERAL.—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:

**"§ 2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots**

"Any pilot, acting in the course and scope of his duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice or communication assistance shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct."

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

"2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots".

#### TITLE VI—JONES ACT WAIVERS

**SEC. 601. REPEAL OF SPECIAL AUTHORITY TO REVOKE ENDORSEMENTS.**

Section 503 of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 note) is repealed.

Mr. MCCAIN. Mr. President, I rise in support of the Coast Guard Authorization Act of 2001. Charged with maintaining our national defense and the safety of our citizens, the Coast Guard is a multi-mission agency. The Coast Guard is a branch of the U.S. Armed Forces, but it is also a unique instrument of national security, responsible for search and rescue services and maritime law enforcement. Daily operations include drug interdiction, environmental protection, marine inspection, licensing, port safety and security, aids to navigation, waterways management, and boating safety.

Recently the Coast Guard has been forced to reduce its services and cut its operations as a result of funding shortfalls. Earlier this year, for the second year in a row, the Coast Guard reduced its non-emergency operations by over 10 percent due to a shortfall in operating appropriations. Mr. President, the Coast Guard and the American people deserve better, and the bill I am proud to cosponsor today authorizes funding at levels which would restore the Coast Guard to the full operational level. Additionally, the bill provides necessary funding for cutter and aircraft maintenance including the elimination of the existing spare parts shortage.

This bill provides the funding necessary to maintain the level of service and the quality of performance that the United States has come to expect from the Coast Guard. I commend the men and women of the Coast Guard for their honorable and courageous service to this country. The bill authorizes \$4.63 billion in FY 2000, \$4.83 billion in 2001, and \$5.22 billion in FY 2002.

One critical goal of this bill is to provide parity with the Department of Defense on certain personnel matters. We

should ensure that the men and women serving in the Coast Guard are not adversely affected because the Coast Guard does not fall under the DOD umbrella. This bill provides parity with DOD for military pay and housing allowance increases, Coast Guard membership on the USO Board of Governors, and compensation for isolated duty.

In today's strong economy, the Armed Services are seeing an exodus of experienced officers and enlisted personnel. Additional funding in this bill provides for recruiting and retention initiatives, to ensure that the Coast Guard retains the most qualified young Americans. In addition, it addresses the current shortage of qualified pilots and authorizes the Coast Guard to send more students to flight school. New programs will offer financial assistance to bring college students into the Service and bring retired officers back on active duty to fill temporary experience gaps.

The Coast Guard is the lead federal agency in maritime drug interdiction. Therefore, they are often our nation's first line of defense in the war on drugs. This bill authorizes the Coast Guard to acquire and operate up to seven ex-Navy patrol boats, thereby expanding the Coast Guard's critical presence in the Caribbean, a major drug trafficking area. With the vast majority of the drugs smuggled into the United States on the water, the Coast Guard must remain well equipped to prevent drugs from reaching our schools and streets. I was gratified to learn that just a few weeks ago, the Coast Guard made the largest single maritime cocaine seizure in history; more than 13 tons of illegal drugs bound for U.S. streets are instead bound for an incinerator.

Environmental protection, including oil-spill cleanup, is an invaluable service provided by the Coast Guard. Under current law, the Coast Guard has access to a permanent annual appropriation of \$50 million, distributed by the Oil Spill Liability Trust Fund, to carry out emergency oil spill response needs. Over the past few years, the fund has spent an average of \$42 to \$50 million per year, without the occurrence of a major oil spill. Clearly these funds would not be adequate to respond to a large spill. For instance, a spill the size of the Exxon Valdez could easily deplete the annual appropriated funds in two to three weeks. This bill authorizes the Coast Guard to borrow up to an additional \$100 million, per incident, from the Oil Spill Liability Trust Fund, for emergency spill responses. In such cases, it also requires the Coast Guard to notify Congress of amounts borrowed within thirty days and repay such amounts once payment is collected from the responsible party.

The 1999 President's Interagency Task Force on U.S. Coast Guard Roles and Missions reported "The Coast Guard provides the United States a broad spectrum of vital services that

will be increasingly important in the decades ahead." It further found that "the nation must take action soon to modernize and recapitalize Coast Guard forces, if the Service is to remain *Semper Paratus—Always Ready*." Mr. President, that modernization is just beginning and I am proud to support the Administration's request for \$338 million in Fiscal Year 2002 to fund the Integrated Deepwater System project. The bill I am cosponsoring today authorizes full funding for the first year of this multi-year project to replace more than 115 old ships and 165 aircraft that will soon reach their service lives. I support the Coast Guard's groundbreaking procurement process that stresses life cycle cost efficiency and not just lowest procurement cost.

This bill represents a thorough set of improvements which will make the Coast Guard more effective, improve the quality of life of its personnel, and facilitate their daily operations. I would like to thank Senators SNOWE and KERRY for their bipartisan leadership on Coast Guard issues, as well as my fellow co-sponsors Senators HOLLINGS, BREAUX, LOTT, MURKOWSKI, and DEWINE for their longstanding support of the Coast Guard.

By Mr. GREGG (for himself, Mr. KENNEDY, Mr. DEWINE, and Mr. BAYH):

S. 952. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today, I am pleased to be joined by Senators KENNEDY, DEWINE, and BAYH in introducing the Public Safety Employer-Employee Cooperation Act of 2001. This legislation would extend to firefighters and police officers the right to discuss workplace issues with their employers.

With the enactment of the Congressional Accountability Act, State and local government employees remain the only sizable segment of workers left in America who do not have the basic right to enter into collective bargaining agreements with their employers. While most States do provide some collective bargaining rights for their public employees, others do not.

The lack of collective bargaining rights is especially troublesome in the public safety arena. Firefighters and police officers take seriously their oath to protect the public safety, and as a result, they do not engage in work stoppages or slowdowns. The absence of collective bargaining denies these workers any opportunity to influence the decisions that affect their lives or livelihoods.

Studies have shown that communities which promote such cooperation enjoy much more effective and efficient delivery of emergency services. Such cooperation, however, is not possible in the 18 States that do not provide public safety employees with the

fundamental right to bargain with their employers.

The legislation I am introducing today recognizes the unique situation and obligation of public safety officers. First, we create a special collective bargaining right outside the scope of other Federal labor law and specifically prohibit the use of strikes, work stoppages or other actions that could disrupt the delivery of services. Second, this legislation utilizes the procedures and expertise of the Federal Labor Relations Authority to help resolve disputes between public safety employers and employees. This bill simply requires that each State provide minimum collective bargaining rights to their public safety employees in whatever manner they choose. It outlines certain provisions that must be included in state laws, but leaves the major decisions to the state legislatures. States that already have the minimum collective bargaining protections as outlined in this legislation would be exempt from the Federal statute. And third, the bill specifically prohibits strikes, lockouts, sickouts, work slowdowns or any other job action which will disrupt the delivery of emergency services.

Labor-management partnerships, which are built upon bargaining relationships, result in improved public safety. Employer-employee cooperation contains the promise of saving the taxpayer money by enabling workers to give input as to the most efficient way to provide services. In fact, States that currently give firefighters the right to discuss workplace issues actually have lower fire department budgets than states without those laws.

The Public Safety Employer-Employee Cooperation act of 2001 will put firefighters and law enforcement officers on equal footing with other employees and provide them with the fundamental right to negotiate with employers over such basic issues as hours, wages, and workplace conditions.

I urge its adoption and ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 952

[Data not available at time of printing.]

Mr. KENNEDY. Mr. President, I am honored today to join my colleagues, Senators GREGG, DEWINE, and BAYH, to introduce the "Public Safety Employer-Employee Cooperation Act of 2001."

For more than 60 years, collective bargaining has enabled labor and management to work together to improve job conditions and increase productivity. Through collective bargaining, labor and management have led the way on many important improvements in today's workplace—especially with regard to health and pension benefits, paid holidays and sick leave, and workplace safety.

Collective bargaining in the public sector, once a controversial issue, is now widely accepted. It has been common since at least 1962, when President Kennedy signed an Executive Order granting these basic rights to federal employees. Congressional employees have had these rights since enactment of the Congressional Accountability Act almost a decade ago. It is long since time to give state and local government employees federal protection for the basic right to enter into collective bargaining agreements with their employers.

The act we are introducing today extends this protection to firefighters, police officers, paramedics and emergency medical technicians. The bill guarantees the fundamental rights necessary for collective bargaining—the right to form and join a union; the right to bargain over hours, wages and working conditions; the right to sign legally enforceable contracts; and the right to a resolution mechanism in the event of an impasse in negotiations. The bill also accomplishes its goals in a reasonable and moderate way.

The benefits of this bill are clear and compelling. It will lead to safer working conditions for public safety officers. These valued public employees serve in some of the country's most dangerous, strenuous and stressful jobs. Every year, more than 80,000 police officers and 75,000 firefighters are injured on the job. An average of 160 police officers and nearly 100 firefighters die in the line of duty each year. Because these men and women serve on the front lines in providing firefighting services, law enforcement services, and emergency medical services, they know what it takes to create safer working conditions. They deserve the benefit of collective bargaining to give them a voice in decisions that can literally make a life-and-death difference on the job.

Our bill will also save money for states and local communities. Experience has shown that when public safety officers can discuss workplace conditions with management, partnerships and cooperation develop and lead to improved labor-management relations and better, more cost-effective services. A study by the International Association of Fire Fighters shows that states and municipalities that give firefighters the right to discuss workplace issues have lower fire department budgets than states without such laws. When workers who actually do the job are able to provide advice on their work conditions, there are fewer injuries, better morale, better information on new technologies, and more efficient ways to provide the services.

It is a matter of basic fairness to give these courageous men and women the same rights that have long been enjoyed by other workers. They put their lives on the line to protect us every day. They deserve to have an effective voice on the job, and improvements in their work conditions will benefit their entire community.

I urge my colleagues to support this important measure.

By Mr. McCONNELL (for himself, Mr. SCHUMER, Mr. TORRICELLI, Mr. BROWNBACK, Mr. ALLARD, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Ms. CANTWELL, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mrs. CLINTON, Mr. CRAIG, Mr. CONRAD, Mr. CRAPO, Mr. CORZINE, Mr. DEWINE, Mr. DASCHLE, Mr. DOMENICI, Mr. DAYTON, Mr. ENSIGN, Mr. DURBIN, Mr. ENZI, Mr. EDWARDS, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. INOUE, Mr. GREGG, Mr. JOHNSON, Mr. HATCH, Mr. KENNEDY, Mr. HELMS, Mr. KERRY, Mrs. HUTCHISON, Mr. KOHL, Mr. JEFFORDS, Ms. LANDRIEU, Mr. LOTT, Mr. LEAHY, Mr. LUGAR, Ms. MIKULSKI, Mr. NELSON of Nebraska, Mr. MURKOWSKI, Mr. NELSON of Florida, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. WELLSTONE, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon,

S. 953. A bill to establish a Blue Ribbon Study Panel and an Election Administration Commission to study voting procedures and election administration, to provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

Mr. McCONNELL. Mr. President, when election reform emerged on the nation's agenda last winter, as chairman of the Senate Rules Committee, the committee of jurisdiction over election law, I resolved to keep the issue from getting bogged down in the partisan morass. The furor and fervor surround the last election has finally given way to a constructive bipartisan consensus. Today it is a distinct pleasure to join with Senators SCHUMER, TORRICELLI, and BROWNBACK in advancing bipartisan legislation to restore faith in American elections.

Even more remarkable is the support in the endeavor of two reform groups with whom I have been engaged over the years in something less than a mutual admiration society, to say the least: Common Cause and the League of Women Voters. Ours is perhaps the most curious alliance since Bob Dole teamed up with Britney Spears to push Pepsi. And only slightly less jarring.

Nearly as discombobulating was opening the New York Times editorial page and seeing my name in print in the lead editorial applauding the McConnell/Schumer/Torricelli/Brownback bill. My wife, the Secretary of Labor, subsequently performed the Heimlich maneuver, lest I choke on the New York Times' praise. No doubt the editorial writer experienced similar be-

wilderment, as Darth Vader suddenly became Luke Skywalker overnight.

As this alliance indicates, election reform must transcend partisanship and result in real and lasting achievement by ensuring what I call, the three A's of election reform: Accuracy, Access and Accountability. This is the essence of this bill.

Our bill will establish, for the first time in our Nation's history, a permanent Election Administration Commission. This new permanent commission will bring focused expertise to bear on the administration of elections, and, importantly, award matching grants to States and localities to improve the accuracy and integrity of our election system.

Accuracy. The last election produced outcries over inaccurate voter rolls where some cities actually had more registered voters than the voting age population. And, of course, we've all heard the stories of both pets and dead people being registered to vote, and, in some instances, actually voting.

This legislation will require accurate voter rolls to ensure that those who vote are legally entitled to do so, and do so only once.

Access. This legislation also seeks to ensure that never again will our men and women in uniform be denied the opportunity to vote. The bill will merge the Department of Defense's Office of Voting Assistance into the new permanent commission. Moreover, the bill will increase the ability of disabled voters to both register and vote.

Accountability. The new Election Administration Commission will dramatically increase accountability by awarding grants only to those states and localities who ensure accurate and accessible voting.

Again, I applaud Senators SCHUMER, TORRICELLI, AND BROWNBACK for their principled and diligent work on this effort over the past six months. I believe this bill is the first, best step toward meaningful election reform.

By Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. KERRY, Mr. WELLSTONE, Mr. DODD, Mr. INOUE, Mr. DURBIN, Mr. FEINGOLD, and Mr. AKAKA):

S. 955. A bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigration Responsibility Act of 1996; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, I am honored to join my colleagues, Senators GRAHAM, LEAHY, KERRY, WELLSTONE, DODD, INOUE, AKAKA, FEINGOLD, and DURBIN in introducing the Immigrant Fairness Restoration Act. This legislation will restore the balance to our immigration laws that was lost when Congress amended the immigration laws in 1996.

The changes made in 1996 went too far. They have had harsh consequences that punish families and violate individual liberty, fairness and due process.

Families are being torn apart. Persons who present no danger to their communities have been left to languish in INS detention. Individuals are being summarily deported from the United States, to countries they no longer remember, separated from all that they know and love.

The bill we are introducing will undo many of these harsh consequences. It will eliminate the retroactive application of the 1996 changes. Permanent residents who committed offenses long before the enactment of the 1996 laws should be able to apply for the relief from removal under the law as it existed when the offense was committed.

Current immigration laws too often punish permanent residents out of all proportion to their crimes. Relatively minor offenses are turned into aggravated felonies. Permanent residents who did not have criminal convictions or serve prison sentences are blocked from all relief from deportation.

Our proposal restores the discretion that immigration judges previously had and responsibly exercised to evaluate cases on an individual basis and grant relief from deportation to deserving persons. Currently, immigration judges are precluded from granting such relief to many permanent residents, regardless of the circumstances or equities in the cases. As a result of the 1996 laws, the judges' hands are tied, even in the most compelling cases. This legislation will allow immigration judges to return to their proper role.

Our bill will also end mandatory detention. The Attorney General will have the authority to release from detention persons who do not pose a danger to the community and are not a flight risk. Detention is an extraordinary power that should only be used in extraordinary circumstances. A judge should have the discretion to release from detention persons who are not a danger to the community and who do not pose a flight risk.

Clearly, dangerous criminals should be detained and deported. But indefinite detention must end. No public purpose is served by wasting valuable resources detaining non-dangerous individuals, many of whom have lived in this country with their families for many years, established strong ties to their communities, paid taxes, and contributed in other ways to the fabric of our Nation.

The 1996 laws also stripped the Federal courts of any authority to review the decisions of the INS and the immigration courts. Under present law, harsh determinations are often made at the unreviewable discretion of INS officers. Fundamental decisions are made on the basis of a brief review of a few pages in a file, or a perfunctory administrative hearing, without judicial review. Our proposal will restore such review. Immigrants deserve their day in court.

Americans are proud of our heritage and history as a nation of immigrants.

It is long past time for Congress to correct the laws enacted in 1996.

Many heart-wrenching stories could be cited about the "nightmares" created by the 1996 laws and the people caught by its provisions.

Consider the case of Carlos Garcia, who fled from his native land of El Salvador in 1978 during the civil war. Upon arriving in the United States, he became fluent in English and attended a local community college, and in 1982, he became a permanent resident. All of his family live in this country, including his U.S. citizen parents.

In 1993, he pleaded guilty to taking \$200 from a department store where he worked. He was sentenced to two years of probation, with a suspended jail sentence, and he completed his probation early. Apart from this single offense, he has no criminal history. For years, he has worked as a caterer, holding a security clearance, since his employer handled functions in Congress, the State Department and White House. He regularly attends church and participates in a bone marrow transplant program to help children.

In 1998, the INS placed Carlos in removal proceedings after he returned from a four-day vacation cruise. Because the 1996 laws made his crime an aggravated felony, the immigration judge no longer had discretion to consider evidence of his positive contributions to his community, his family ties, or the potential hardship that severing those ties may cause.

Or consider the case of Claudette Etienne, who fled from Haiti at the age of 23, and was a legal resident of the United States for 20 years. She had two young U.S. citizen children and lived with her husband in Miami. One day, during an argument, Claudette threatened her husband with a broken bottle, and was sentenced to a year of probation. In June 1999, she was found guilty of selling a small amount of cocaine and was sentenced to another year of probation. When she was summoned to see her probation officer in February 2000, INS officers arrested her and placed her in deportation proceedings under the 1996 immigration laws. She was imprisoned in an INS detention center for the next seven months, and in September was taken by U.S. Marshals and put on a flight to Haiti.

Upon arriving in Haiti, the police immediately jailed her in a cell that was pitch black. The air was thick with the stench of human sweat and waste, and the temperature reached 105 degrees. Claudette had to rely on the compassion of prisoners and guards for food, since the jail provided none. During her imprisonment in Haiti, she became sick with fever, stomach pains, diarrhea, and constant vomiting from drinking tap water. She died in the jail a few days later.

Surely, Congress cannot ignore such abuses. Even many proponents of the 1996 laws now admit that these changes went too far and need to be corrected as soon as possible. The Immigrant

Fairness Restoration Act will help to protect families, assure fairness and due process, and restore the integrity of our immigration laws, and I urge all my colleagues to support it.

Mr. GRAHAM. Mr. President, I am pleased to join my colleagues, Senators KENNEDY, DODD, DURBIN, INOUE, KERRY, LEAHY, AKAKA, and WELLSTONE to introduce the Immigrant Fairness Restoration Act of 2001. This legislation brings balance back to the legal system. It rights some of the wrongs of the 1996 immigration law. It restores fairness and justice to everyone in our country.

As it stands today, the immigration laws violate those core American principles.

The original aim of the 1996 immigration bill was to control illegal immigration. In practice, the law hurts legal permanent residents and others who entered, or wanted to enter, the United States legally.

The 1996 laws, Illegal Immigration Reform and Immigrant Responsibility Act, IIRAIRA, and Antiterrorism and Effective Death Penalty Act, AEDPA, mandated deportation of legal aliens for relatively insignificant crimes. For the most part, these are crimes for which they have already served their punishment. They have restricted access to legal counsel and virtually no recourse in the courts.

This violates the tradition of our country. It also violates the essence of our legal system. Our constitution demands that no person shall be deprived of life, liberty or property without due process of law. This fundamental right applies to all persons, regardless of their paperwork or where they were born.

Our legal system should be about granting people their day at court, to provide a second chance, to keep the rules of the game fair.

When we think about fairness, or lack of fairness, we should think about personal stories. John Gaul, formerly from Tampa, FL, has been punished twice for his mistakes. John was adopted from Thailand by his U.S. citizen parents when he was 4 years old. As a teenager, he was convicted of car theft and credit card fraud, two nonviolent offenses for which he served 20 months in jail. John does not remember Thailand. He does not speak Thai, nor does he know of relatives there. None of that mattered. John was deported to Thailand and may never be allowed to return to his parents in the United States.

Was it fair to threaten Carolina Murry of Neptune Beach with deportation for voting, even though she never knew she was not a U.S. citizen? Carolina's father told her that she had become a U.S. citizen shortly after she moved with him from the Dominican Republic at the age of 3. Only in 1998, when she applied for a passport, did she learn that in fact she was not. In the process of becoming a citizen, INS officials asked her if she ever voted in a

U.S. election. She replied she had, because she takes her civic duties seriously. As a consequence, INS not only denied her application but also told her that she faced criminal prosecution and deportation for voting illegally. Only after the case caught media attention and raised a lot of public protest did the charges get dropped.

Would it be fair to separate Aarti Shahani, a U.S. citizen, from her father, a legal permanent resident in the United States since 1984? Her father, a small businessman, is facing deportation to India. As early as next week he will be transferred to INS detention following a State sentence relating to his failure to report taxable business earnings. Aarti has taken a leave from the University of Chicago to help support her family. She and her two U.S. citizen siblings continue to fight for their father's right to stay in the United States. They are fighting to keep the family together.

Earlier this month, President Bush urged Congress to establish immigration laws that recognize the importance of families and that help to strengthen them. The Immigrant Fairness Restoration Act does exactly that. Right now, our immigration laws tear families apart. The laws are harsh and offer no chance for review or appeal.

I strongly believe that criminals should be punished. They should repay their debt to society by incarceration, monetary restitution or other sanctions. But I also believe that everyone deserves a chance at a fresh start after the debts are paid. No one should be punished twice.

The 1996 law went too far. It is time to eliminate retroactivity. It is time to restore a system that punishes legal residents in proportion to their crimes. It is time to restore discretion so immigration judges can evaluate cases individually and grant relief to those deserving. It is time to ensure legal residents are not needlessly jailed or imprisoned.

We need legislation that lives up to our nation's legacy as a country of immigrants. I urge my colleagues to support the Immigrant Fairness Restoration Act to grant everyone equal protection under the law.

By Mr. CORZINE:

S. 956. A bill to amend title 23, United States Code, to promote the use of safety belts and child restraint systems by children, and for other purposes; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to introduce the Child Passenger Safety Act, a bill to ensure that our children are adequately restrained and protected in cars. I am pleased to join my colleague Congressman FRANK PALLONE of New Jersey, who has introduced this legislation in the House and who has a longstanding interest in child safety. I also want to recognize Senator PETER FITZGERALD's commitment to child safety. His recent hear-

ing on the subject of child passenger safety laws shed important light on the need to encourage States to strengthen their laws, and I look forward to working with him to address this issue.

No child should be placed at risk by a simple trip to the local grocer. No child should be in danger on a family trip to the beach. No child should be placed in jeopardy in the daily ride to school. Yet unfortunately, every year almost 1,800 children aged 14 and under die in motor vehicle crashes, and more than 274,000 kids are injured. In fact, traveling in a car without a seatbelt is the leading killer of children in America.

Despite this compelling statistic, the lack of reasonable safety measures for kids in this country is staggering. We know that children who are not restrained are far more likely to suffer severe injuries or even death in motor vehicle crashes, yet approximately 30 percent of children ages four and under ride unrestrained, and of those who do buckle up, four out of five children are improperly secured. Only five percent of four- to eight-year-olds ride in booster seats.

Unfortunately, States have done too little to protect child passengers, a conclusion documented in a recent study of child car safety laws by the non-profit National Safe Kids Campaign. This report rated the effectiveness of each State's laws in protecting children from injury in traffic accidents, and twenty-four of the fifty States received a failing grade, while only two States, Florida and California, received grades higher than a C. My own State of New Jersey's laws were ranked dead last in the survey, because the State does not require any protection for children aged five or older riding in the back seat.

Among the study's alarming findings: no State fully protects all child passengers ages 15 and under, no States require children aged 6-8 to ride in booster seats, 34 States allow child passengers to ride unrestrained due to exemptions, and in many States, children are legally allowed to ride completely unrestrained in the back seat of a vehicle.

Statistics like these make it clear that we need new Federal legislation. States are simply not doing enough to protect children in car accidents, especially older children. That is why today I am introducing a bill that would help ensure that all children are safely secured in cars, no matter where they live. The Child Passenger Safety Act would encourage States to enact laws requiring that children up to age eight are properly secured in a child car safety seat or booster seat appropriate to the child's age or size. The legislation also would encourage States to ensure that children up to the age 16 are restrained in a seatbelt, regardless of where they are sitting in the vehicle.

States that do not meet these critical goals would be subject to the loss of Federal transportation funds, the

same approach used to encourage States to establish strong drunk driving standards.

We cannot sit idly by while so many of our children are exposed to unnecessary danger on our nation's roads. I ask my colleagues to join me in support of the Child Passenger Safety Act.

By Mr. WELLSTONE (for himself, Mr. DAYTON, Mr. BYRD, and Ms. STABENOW)

S. 957. A bill to provide certain safeguards with respect to the domestic steel industry; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, today I am pleased to introduce, on behalf of myself and Senators DAYTON, BYRD, and STABENOW, the Steel Revitalization Act of 2001. This is the companion measure to H.R. 808, which, as of this moment, has 189 cosponsors in the House. The measure represents a comprehensive approach to the serious crisis facing our domestic iron ore and steel industry.

I want to note that several of the provisions contained in the Act are ones that my colleagues in the bipartisan Steel Caucus here in the Senate and our counterparts in the House have been working on for some time. I want to publicly acknowledge and thank, in particular, Senators ROCKEFELLER and SPECTER for their work in co-chairing the Caucus, and Senator BYRD for his unflinching support of the entire steel industry and his creative efforts on behalf of the industry's working families.

The Steel Revitalization Act includes the following four components: 1. A five-year period of quantitative restrictions on the import of iron ore, semi-finished steel, and finished steel products. Import levels would be set for each product line at the average level of penetration that occurred during the three years prior to the onset of the steel import crisis in late 1997. 2. Creation of a Steelworker Retiree Health Care Fund to be administered by a Steelworker Retiree Health Care Board at the Department of Labor which would be accessible by all steel companies that provide health insurance to retirees at the time of enactment. The Fund would be underwritten through a 1.5 percent surcharge on the sale of all steel products in the United States, both imported and domestic. 3. Enhancement of the current Steel Loan Guarantee program to provide steel companies greater access to funds needed to invest in capital improvements and take advantage of the latest technological advancements. Among other things, the Act would (a) increase the current Steel Loan Guarantee authorization from \$1 billion to \$10 billion, (b) increase the loan coverage from 85 percent to 95 percent, and (c) extend the duration of financing from 5 to 15 years. 4. Creation of a \$500 million grant program at the Department of Commerce to help defray the cost of environmental mitigation and restructuring as a result of consolidation. Companies which have merged



will be eligible to apply for such funds if their grant application outlines a merger that will retain 80 percent of the domestic blue-collar workforce and production capacity for 10 years after the merger.

The recent economic conditions facing the U.S. iron ore and steel industry are of particular concern to those in my home state of Minnesota. We are extremely proud of our state's history as the nation's largest producer of iron ore. The iron ore and taconite mines, located on the Iron Range in Minnesota and in our sister state of Michigan, have provided key raw materials to the nation's steel producers for over a century.

You will not find a harder working, more committed group of workers anywhere in this country than you find in the iron ore and taconite industry. This is a group of people who work under the toughest of conditions, are absolutely committed to their families, and who now face dire circumstances, through no fault of their own, because of the effects of unfairly traded iron ore, semi-finished steel, and finished steel products.

Earlier this year, for example, citing poor economic conditions, LTV Steel Mining Company halted production at the Hoyt Lakes, Minnesota mine, leaving 1,400 workers out of good-paying jobs and affecting nearly 5,000 additional workers as well. These are people who believe in the importance of a strong domestic steel industry to the economic and national security of our country.

The Steel Revitalization Act is a comprehensive measure designed to address the multiplicity of needs facing the iron ore and steel industry today. It provides import relief, industry-wide sharing of the huge retiree health care cost burdens resulting from massive layoffs during the 1970's and 1980's, improved access to capital, and assistance for industry consolidation that protects American jobs.

It is imperative that we act and that we act soon. Failing economic conditions, huge health care legacy cost burdens, and staggering levels of iron ore, semi-finished steel, and finished steel imports pose immense threats to this essential industry. I urge my colleagues in the Senate to join in helping to pass this critical legislation at the earliest possible date. Relief for this essential industry is long overdue. We cannot afford to delay.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

#### SUMMARY—STEEL REVITALIZATION ACT

In mid-January, the United States Steelworkers of America presented a proposal for a comprehensive steel revitalization package. The results is H.R. 808, the Steel Revitalization Act, outlined below. This was introduced on March 1, 2001 by Congressional Steel Caucus Vice Chairman Peter Vis-

losky, with 84 other original cosponsors, including Congressional Steel Caucus Chairman Jack Quinn and Congressional Steel Caucus Executive Committee Chairman Phil English and Vice Chairman Dennis Kucinich. The measure currently has 172 cosponsors.

#### TITLE I—Import Relief

This title will mirror H.R. 975, the Steel Import Quota Bill, which was approved by the House in the 106th Congress, but failed to achieve cloture in the Senate.

##### PROVISIONS OF TITLE I

Provides import relief by imposing 5-year quotas on the importation of steel and iron ore products into the U.S.

The quotas will limit import penetration to the average pre-crisis (1994 to 1997) levels (i.e., the import levels allowed in will be linked to the percentage of domestic consumption of foreign steel in the years preceding the import crisis).

##### CHANGES FROM H.R. 975

H.R. 975 based quotas on tonnage, not percentage of penetration. Because the market is weakening, we expect tonnage imported to decrease anyway. Therefore, we will link quota numbers to penetration to account for expected decreases in imported tonnage. However, due to differences in statistical methodology, iron ore, semifinished steel and coke product quotas will be determined by tonnage.

H.R. 975 did not include stainless and specialty steel products. This provision will include those products.

This measure will include a short supply clause to ensure that sufficient supplies of steel products are available and to prevent overpricing in some product areas.

#### TITLE II—Legacy Cost Sharing

This title will address the overwhelming cost many steel companies face in retiree health care due to massive downsizing and restructuring in the 1980s.

##### PROVISIONS OF TITLE II

Imposes a 1.5 percent surcharge on the sale of steel and iron ore in the U.S. The average cost of a ton of steel is about \$500, translating to a \$7.50 per ton payment. With an average of 130 million tons of steel sold in the U.S. per year, the fund should generate approximately \$880 million per year.

Revenues will be placed in a Steelworker Retiree Health Care Trust Fund, to be administered by the Department of Labor through a newly established Steel Retiree Health Care Board.

The Board will accept applications from steel and iron ore companies for access to the Fund to defray the cost of retiree health care benefits.

Eligible retirees will have retired prior to enactment of the bill.

The fund will be available to defray up to 75 percent of the cost of health care per individual, based on benefits available at the time of enactment adjusted for inflation in the health care market. New benefits negotiated by the union or offered by the company will not be eligible for increased funding.

If there are insufficient funds to cover all eligible health care rebates, the funds will be divided equally on a per-beneficiary basis. The funds will not be divided based on benefit costs.

After the first year the level of the tax will be adjusted annually based on the size of the fund and projected outlays, until the tax sunsets automatically. The tax will never exceed 1.5 percent.

#### TITLE III—Steel Loan Guarantee Adjustments

This title will address problems with the Steel Loan Guarantee program, which has proven ineffective in finalizing loans. Cur-

rently, 7 loans have been approved, but only one has actually resulted in financing for a steel company (Geneva Steel). Steel companies are finding it almost impossible to raise capital through other sources, especially due to plummeting stock prices and decreasing demand. This portion of the bill was hammered out with the help of Senator Byrd's office.

##### PROVISIONS OF TITLE III

The authorization of the program will be increased from \$1 billion to \$10 billion.

The guarantee will cover 95 percent of the loan, up from 85% under the current program.

The duration of the loan guarantee will be extended from 5 to 15 years.

The period between application to the Board and determination of a guarantee will be set at 45 days.

The Board will be composed of the Secretaries of Treasury, Commerce, and Labor, or their designees, with the Chairmanship held by the Commerce Secretary. Currently the Board includes the Fed and SEC Chairmen, who have limited experience with the steel industry.

The funds made available from loans will be limited to capital expenditures, and will not be used to service existing debt.

#### TITLE IV—Incentives for Consolidation

This title will encourage the responsible consolidation of the steel industry, which is currently deeply fragmented.

##### PROVISIONS OF TITLE IV

A \$500 million grant program at the Department of Commerce will be created.

Any time up to 1 year after a merger is completed, an eligible company, as defined as a producer of products protected under the Quota portion of the bill, will be able to apply for up to \$100 million in grants to defray costs associated with the merger.

The Department of Commerce will review the merger proposal to determine if the merger will promote the retention of jobs and production capacity.

If the merger meets certain thresholds in employment and production capacity retention (retention of 80 percent of the workforce and at least 50 percent of the workforce of the acquired company and 80 percent of production capacity, not utilization), the company applying will be awarded up to \$100 million in funds to defray the costs of environmental mitigation. There is clear language stating that the intent of the measure is to promote the MAXIMUM retention of workers, regardless of the 80 percent cutoff.

The applicant will also be given access to the Steelworker Retiree Health Care Trust Fund for new retirees created by the merger, if the merger occurs prior to 2010.

Requirements for employment must be met for ten years to avoid penalties. Penalties for violation of the grant agreements will be weighted more heavily in the first five years, then will gradually phase out during the following five years.

Mr. DAYTON. Mr. President, I join with the senior Senator from Minnesota and all my colleagues from steel states, in making every effort to revitalize this important and basic American industry.

There are thirty-four Senators representing twenty-four States in the Steel Caucus, and we all agree that without immediate relief from the flood of foreign steel, the future of the United States steel industry is in jeopardy. The provisions of the Steel Revitalization Act will give our domestic steel industry the time it needs to recover from the import surges of the past three years.

This bill also acknowledges the highly integrated process of making steel. It provides import relief for steel products that include iron ore and semi-finished steel. Minnesota and Michigan are the two leading states in the production of taconite. Taconite is essentially pelletized iron ore that is melted in blast furnaces and then blown with oxygen to make steel. Every ton of imported, semi-finished steel displaces 1.3 tons of iron ore in basic, domestic steel production. This means reduced production, cutbacks, and plant closings, causing devastating economic uncertainty in critical regions of these states.

This bill will provide much needed help to the hardworking people and their families who live in the Iron Range regions of Northeastern Minnesota and Northern Michigan. The bill also helps the steelworkers and the steel-making communities of West Virginia, Pennsylvania, Indiana, Ohio, to name only a few. In this crisis, we are all one family. We are people who believe that America's steel industry is a basic industry, essential to the economic and national security of our country.

Yesterday, the Department of Labor informed 1,400 workers from the LTV Steel Mining Company in Hoyt Lakes, Minnesota that they are eligible for trade adjustment assistance because of the increase in imported steel products. Last December, LTV declared bankruptcy, making these workers permanently unemployed. Trade adjustment assistance will help with extended unemployment benefits, training and relocation. I know that these workers are grateful for this assistance, but it is help that comes after LTV has closed its doors forever.

The bill we introduce today will give the industry time to restructure and provide needed capital to companies through the Steel Loan Guarantee program, a program established through the efforts of the distinguished Senator, ROBERT BYRD. The Steel Revitalization Act will help retired steelworkers with a health care fund; and help companies with necessary consolidation while at the same time requiring them to retain the majority of their workforce.

The United Steelworkers state: "On a level playing field, there would be no steel crisis, but there is no level playing field." The Steel Revitalization Act will help strengthen the steel industry and make American steel competitive once again.

I promise the Minnesota taconite workers, their families, and the communities of the Iron Range, to work hard to pass this bill.

By Mr. REID (for himself and Mr. ENSIGN):

S. 958. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-

K, and for other purposes; to the Committee on Indian Affairs.

Mr. REID. Mr. President, I rise today for myself and for Senator ENSIGN, to introduce the Western Shoshone Claims Distribution Act. I am re-introducing this much needed bill for the Western Shoshone Tribe from the second session of the 106th Congress. It had been referred to the Indian Affairs Committee, but there was not enough time at the end of the Congress to act on it.

In 1946, the Indian Claims Commission was established to compensate Indians for lands and resources taken from them by the United States. The Commission determined in 1962 that Western Shoshone homeland had been taken through "gradual encroachment." In 1977, the Commission awarded the Tribe in over \$26 million dollars. However, it was not until 1979, that the United States appropriated the funds to reimburse the descendants of these Tribes for their loss. Plans for claims distribution were further delayed by litigation; and the Western Shoshone concern that accepting the claims would impact their right to get back some of their traditional homelands.

The Western Shoshone are an impoverished people. There is relatively little economic activity on some of their scattered reservations. Those who are employed, work for the tribal government, work in livestock and agriculture, or work in small businesses, such as day-cares and souvenir shops. They live from pay check to pay check, with little or no money for heating their homes, much less for their children's education. Many of the Western Shoshone continue to be disproportionately affected by poverty and low educational achievement. Many individuals of the Western Shoshone are willing to accept the distribution of the claim settlement funds to relieve these difficult economic conditions. About \$128.8 million (in principal and interest) would be distributed to over 6,000 eligible members of the Western Shoshone; \$1.27 million (in principal and interest) would be placed in an educational trust fund for the benefit of and distribution to future generations of the Tribe.

The Western Shoshone have waited long enough for the distribution of these much needed funds. The final distribution of this fund has lingered for more than twenty years, and the best interests of the Tribe will not be served by a further delay in enacting this legislation. My bill will provide payments to eligible Western Shoshone tribal members, and ensure that future generations will be able to enjoy the financial benefits of this settlement by establishing a grant program for education and other individual needs. The Western Shoshone Steering Committee, a coalition of Western Shoshone individual tribal members, has officially requested that Congress enact legislation to affect this distribution.

This Act also provides that acceptance of these funds is not a waiver of any existing treaty rights pursuant to the Ruby Valley Treaty. Nor will acceptance of these funds prevent any Western Shoshone Tribe or Band or individual Western Shoshone Indian from pursuing other rights guaranteed by law.

Twenty-three years has been more than long enough.

Finally, I would like to highlight the fact that Senator ENSIGN of Nevada joins me today to introduce this important bill. I know that Senator ENSIGN is concerned, as I, about the delay of the distribution of the claims to the Western Shoshone, and his support for this bill will help ensure that the Tribe will receive their long-awaited compensation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 958

[Data not available at time of printing.]

By Mr. BAUCUS:

S. 959. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to consider the impact of severe weather conditions on Montana's aviation public and establish regulatory distinctions consistent with those applied to the State of Alaska; to the Committee on Commerce, Science, and Transportation.

Mr. BAUCUS. Mr. President, today I rise to introduce the Montana Rural Aviation Improvement Act.

As many in this body know, flying in Montana can be an adventure. There's an old saying in Montana that "if you want the weather to change, wait five minutes".

Simply put, this act would provide the aviation public with an accurate report of Montana's weather conditions at airports across the state.

This year the Federal Aviation Administration eliminated the use of on-site certified weather observers at Service Level D Airports in Montana. These Level D Airports are an important part of Montana's transportation infrastructure and economy. Without accurate information, both commercial and private planes may not be able to land at these airports because of inaccurate readings from the Automated Surface Observing System, ASOS.

In August 2000 I directed a member of my staff to spend a day at the Miles City weather observation station, where the Automated Surface Observing Systems system was being tested.

I am now even more convinced that the commission of the Automated Surface Observing Systems as a stand-alone weather observation service is a grave mistake.

Many of the following conditions are characteristic of Montana's complicated weather patterns and can't be

accurately read by the Automated Surface Observing System.

The Automated Surface Observing System User's Guide, dated March 1998, states that the following weather elements cannot be sensed or reported by Automated Surface Observing System; hail; ice crystals (snow grains, ice pellets, snow pellets); drizzle, freezing drizzle; volcanic ash; blowing obstruction sand, dust, spray; smoke; snow fall and snow depth; hourly snow increase; liquid equivalent of frozen precipitation; water equivalent of snow on the ground; clouds above 12,000 feet; operationally significant clouds above 12,000 feet in mountainous areas; virga; distant precipitation in mountainous areas and distant clouds obscuring mountains; and operationally significant local variations in visibility.

Five of the seven airports affected provide commercial airline service through the Essential Air Service, EAS, program—a program that is indispensable to the transportation and economy of Eastern Montana. With Automated Surface Observing System on stand-alone, Montana's EAS commercial carrier has expressed real reservations to landing at airports where data may or may not be current or correct, and especially in circumstances where Automated Surface Observing System does not yet read inclement or severe weather conditions common to Montana. As you know, airline service is dependent on one thing—passengers. If they cannot land, who would pay to fly?

This past summer I hosted the Montana Economic Summit, a statewide conference that brought together a strong public-private partnership to examine the evidence, chart a course and focus on those elements we can execute to help move this state forward. Transportation is a strong component of this state's economy. If commercial air service is impacted, it will have a dire and immediate impact on my state's economy, currently ranked at 49th in per capita income and struggling to climb out of the basement.

I would like to add an accountability log compiled by the Miles City weather observers that identifies errors Automated Surface Observing System in data collected and reported by the Automated Surface Observing System at the Miles City Airport from April-July 2000. My staff observed the hourly accounting throughout the day, particularly noting the frustration by weather observers to input, correct and transmit data via the keyboard and terminal. It is extremely important to note that Montana's weather observers see the Automated Surface Observing System as a compatible tool to complement their professional training and provide the safest environment for Montana aviation.

Maintenance and operational backup are of additional concern in Montana's rural landscape. It goes without saying that in instances of severe weather, when the Automated Surface Observing

System should go down without backup, it effectively closes the airport to any traffic, commercial or private, that cannot or will not land without the technological benefit of reliable weather data. This process could clearly impact the safety of Montana's flying public.

It cannot be overemphasized that in many smaller airports, specifically Service Level C&D sites, these observers are critical to the overall operation and safety of community airspace. I know you would have felt the same pride and support for the human weather observer positions that I do. We are one team, working for the same goal.

The best available tools should be used to provide the most accurate data in situations involving public safety. The human weather observers assure me that Automated Surface Observing System as a tool, combined with their individual ability to override, correct or supplement weather data gathered by the sensors, will provide the American public with the highest quality safety and weather reporting capability in the world.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 959

[Data not available at time of printing.]

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. COCHRAN, Ms. COLLINS, Mr. DASCHLE, Mr. DORGAN, Mr. ENSIGN, Mrs. MURRAY, Ms. STABENOW, and Mr. WARNER):

S. 960. A bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the Medicare program for beneficiaries with cardiovascular diseases; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation with my good friend and colleague from Idaho, Senator CRAIG and a bipartisan group of additional Senators. This legislation, entitled the "Medicare Medical Nutrition Therapy Amendment Act of 2001," provides for the coverage of nutrition therapy for cardiovascular disease under Part B of the Medicare program by a registered dietitian.

This bill builds on provisions in the "Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act," otherwise known as BIPA, which included coverage of Medicare nutrition therapy for diabetes and renal disease taken from my legislation last year, S. 660, the "Medicare Medical Nutrition Therapy Act of 1999."

This bipartisan legislation is necessary because there is currently no consistent Medicare Part B coverage policy for medical nutrition therapy, despite the fact that poor nutrition is a

major problem in older Americans. Nutrition therapy in the ambulatory or outpatient settings has been considered by Medicare to be a preventive service, and therefore, not explicitly covered.

While it was significant that nutrition therapy coverage was added to Part B of the Medicare program for diabetes and renal disease, it is critical that the Congress also takes action to cover cardiovascular disease through passage of this legislation, as recommended by the Institute of Medicine in its report, *The Role of Nutrition in Maintaining Health in the Nation's Elderly: Evaluating Coverage of Nutrition Services for the Medicare Population*.

The report, which had been requested by Congress in the Balanced Budget Act of 1997, found that nutrition therapy has been shown to be effective in the management and treatment of many chronic conditions which affect Medicare beneficiaries, including diabetes and chronic renal insufficiency, but also cardiovascular disease. As the IOM notes, "Cardiovascular diseases are the leading cause of death and major contributors to medical utilization and disability . . . Furthermore, there is a striking age-related rise in mortality from heart disease such that the vast majority of deaths due to heart disease occur in persons age 65 and older."

In addition, the costs associated with cardiovascular disease are substantial with regard to the Medicare program. According to the IOM, ". . . in 1995, Medicare spent \$24.6 billion for hospital expenses related to [cardiovascular diseases], an amount that corresponds to 33 percent of its hospitalization expenditures."

Providing nutrition therapy to Medicare beneficiaries could positively impact the Medicare Part A Trust Fund if hospitalization could be reduced or avoided. The IOM found this would likely occur. As the report notes, "Such programs can prevent readmissions for heart failure, reduce subsequent length of stay, and improve functional status and quality-of-life . . . In view of the high costs of managing heart failure, particular admissions for heart failure exacerbations, and the rapid response to therapies, there is a real potential for cost savings from multidisciplinary heart failure programs that include nutrition therapy."

It is exactly the type of cost effective care that we should encourage in the Medicare program. As the American Heart Association adds in their letter of support for this legislation, Dr. Robert Eckel points out that, in one study, "for every dollar spent on [Medicare nutrition therapy] there is a three to ten dollar cost savings realized by reducing the need for drug therapy." With drug costs increasing dramatically, this could potentially result in significant cost savings to Medicare beneficiaries.

Therefore, both the Medicare program and beneficiaries would benefit

from this expanded benefit. As the IOM concludes, "Expanded coverage for nutrition therapy is likely to generate economically significant benefits to beneficiaries, and in the short term to the Medicare program itself, through reduced healthcare expenditures. . . ."

Most importantly, it would also improve the quality of care of Medicare beneficiaries. As the IOM report adds, "Whether or not expanded coverage reduces overall Medicare expenditures, it is recommended that these services be reimbursed given the reasonable evidence of improved patient outcomes associated with such care."

For these reasons, I am pleased to be introducing the "Medicare Medical Nutrition Therapy Amendment Act of 2001" today with Senator CRAIG.

However, as this legislation is introduced, I do want to note that the IOM also recommended nutrition therapy be covered based on physician referral rather than a specific medical condition. The original legislation introduced in the last Congress by Senator CRAIG and myself did just that but was made disease-specific in conference last year. While I am pleased to introduce this legislation to include cardiovascular disease, I do believe that we need to move toward eliminating this disease-specific approach in the near future. For example, I believe that Medicare should also provide Medicare nutrition therapy for HIV/AIDS, cancer, and osteoporosis, among other things.

In the meantime, I urge the Congress to expand Medicare nutrition therapy benefits to cover cardiovascular diseases as soon as possible.

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

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

S. 960

[Data not available at time of printing.]

By Mr. HUTCHINSON:

S. 962. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Governmental Affairs.

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

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

S. 962

[Data not available at time of printing.]

#### STATEMENTS ON SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 94—EXPRESSING THE SENSE OF THE SENATE TO DESIGNATE MAY 28, 2001, AS A SPECIAL DAY FOR RECOGNIZING THE MEMBERS OF THE ARMED FORCES WHO HAVE BEEN KILLED IN HOSTILE ACTION SINCE THE END OF THE VIETNAM WAR

Mr. CLELAND (for himself, Mr. MCCAIN, Mr. LEVIN, Mrs. HUTCHISON, Mr. BIDEN, Mr. JEFFORDS, Ms. LANDRIEU, Mr. BENNETT, Mr. MILLER, Mrs. MURRAY, Mr. JOHNSON, Mrs. CARNAHAN, Mr. DAYTON, Mr. CONRAD, Mr. KENNEDY, Mr. DURBIN, Mr. HATCH, Mrs. CLINTON, Mr. SESSIONS, Mr. ALLEN, and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agree to:

S. RES. 94

[Data not available at time of printing.]

#### SENATE CONCURRENT RESOLUTION 43—EXPRESSING THE SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S ONGOING PRACTICE OF LIMITING UNITED STATES MOTOR VEHICLES ACCESS TO ITS DOMESTIC MARKET

Mr. LEVIN (for himself and Mr. VOINOVICH) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 43

[Data not available at time of printing.]

Mr. LEVIN. Mr. President, today, as co-chairman of the Senate Auto Caucus, I am submitting with my colleague and Auto Caucus co-chairman, Senator VOINOVICH, a Concurrent Resolution urging Korea to remove its automotive trade barriers to U.S. automotive exports.

Our resolutions urges the Republic of Korea to immediately end practices that have restricted market access for U.S. made automobiles and auto parts and meet the letter and spirit of the commitments it made in the 1998 Memorandum of Understanding in Automotive Trade. An identical Resolution is being submitted in the House by the co-chairmen of the House Auto Caucus. I call on both chambers to act swiftly to pass this important measure and send a strong signal to the Government of Korea that it's time to remove these trade barriers.

The Senate and House Auto Caucuses have worked hard to bring attention to the rapidly increasing automotive trade deficit between the United States and South Korea. We have urged our Government to make it a priority to remove barriers to competitive U.S. automotive exports to Korea. It is a matter of simple fairness and American jobs.

When it comes to automotive trade between the United States and Korea, the numbers speak for themselves.

Korea has the most closed market for imported motor vehicles in the developed world with foreign vehicles making up less than one half of one percent of its total vehicle market. At the same time, Korea is dependent on open markets to absorb its automotive exports and has become one of the world's major auto exporting countries. The relationship is so blatantly unfair that Korea cannot deny their market is closed. Last year, Korea imported only 1,000 vehicles from the United States and exported nearly 500,000 to the United States.

This grossly unfair automotive trade relationship is due to the continuation in Korea of discriminatory practices such as labeling foreign vehicles as "luxury goods"; ignoring harassment by the media and others of foreign vehicles owners; and an automotive tax system which discriminates against imported vehicles, making them prohibitively expensive.

It's not fair and our message to Korea is that we don't accept it.

That is why we submit this Concurrent Resolution on the even of the next round of trade negotiations between the United States and Korea which start in mid-June. The message we wish to send is clear and simple: we expect to see some significant market opening concessions by the Government of Korea in this round of negotiations and we expect to see the result in the form of actual and significantly increased sales of U.S. vehicles and parts in Korea.

After five years of bilateral negotiations and two major trade agreements, imported automobiles are still locked out of Korea. This situation is unacceptable to the United States Congress and to the American people and it has to change. We expect and hope that the Korean Government will quadruple the effort that is required of them in order to ensure an open Korean market to U.S. automotive products. The nearly 2.5 million men and women working in the largest manufacturing and highest exporting industry in our country deserve nothing less.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 790. Mr. THOMAS (for Mr. SPECTER (for himself, Mr. ROCKEFELLER, and Mr. DAYTON) proposed an amendment to the bill H.R. 801, an act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes.

#### TEXT OF AMENDMENTS

SA 790. Mr. THOMAS (for Mr. SPECTER (for himself, Mr. ROCKEFELLER, and Mr. DAYTON) proposed an amendment to the bill H.R. 801, an act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide