

a non-governmental, not-for-profit organization, determined by the Administrator to have demonstrated expertise in boating safety and a commitment to improving the quality of hydrographic services and related oceanographic and meteorological information that is made available to mariners.”.

Mr. KERRY. Mr. President, I rise this evening as Chairman of the Oceans, Atmosphere and Fisheries Subcommittee to offer a few remarks concerning H.R. 1989, to which I am offering a Senate amendment, along with the ranking member of the Subcommittee Ms. SNOWE.

The Senate amendment includes a number of provisions that will help fishermen around this country. Our amendment contains two important provisions that will help identify and address overcapacity in our fisheries. The first is a report from the Secretary of Commerce identifying the top 20 fisheries in the United States with excess capacity. In order to restore and maintain sustainable fisheries, we need to ensure we understand and develop a plan to address overcapacity that may be undermining our efforts to rebuild our stocks. By ranking the fisheries with the most serious capacity problems, we can target resources at reducing capacity in these fisheries and allow some fishermen to retire with dignity.

This amendment also includes a provision that would require the Secretary of Commerce in coordination with the New England Fisheries Management Council to provide technical assistance and use all tools at his disposal—including the Coastal Zone Management Act planning procedures—to help industry develop a capacity reduction program for New England groundfish. Funding has already been provided for such an industry-funded buyout, but now our industry must consider what kind of plan makes sense for our fishing communities. We simply have too many fishermen chasing too few fish in New England. I know the entire New England delegation has enormous sympathy for our hard-working fishermen, and we want to help these families as they struggle against a tide of regulations. The first step to assisting these families is to evaluate and plan for the opportunities that will be available once our fisheries are rebuilt. Then people can make some informed decisions about retiring from the fishery. It is my hope that the Secretary in coordination with New England Fishery Management Council can develop such a plan.

This amendment also contains a provision that clarifies the flexibility that Congress provided the Secretary of Commerce in the 1996 reauthorization of the Magnuson-Stevens Act. Current law requires stocks identified as overfished to be rebuilt within 10 years, except that additional time is provided where the biology of the stocks, other environmental conditions, or international management measures dictate otherwise. Ms. SNOWE and I have included a provision clarifying that

under existing law the Secretary of Commerce may extend rebuilding beyond 10 years if the rebuilding target we are working towards increases by 100 percent or more over the original target set by the Secretary at the start of the rebuilding plan. The extension should only be granted as long as the fishery meets or exceeds the original target and if the Secretary certifies that the overfishing requirements of the Act are met and that rebuilding will continue to occur.

We are not endorsing any backsliding on conservation, nor encouraging overfishing, but trying to deal with primarily a logistical problem: a mid-course increase in the targets based on new scientific information. Recently the National Marine Fisheries Service re-analysis of biological reference points resulted in more than doubling our rebuilding targets on several species in the Northeast multispecies fishery during year 3 of a 10-year rebuilding plan. This development generated confusion in the region, but we believe there is a simple response. Under the law, we believe the Secretary of Commerce has the authority to provide a biologically-based and reasonable time extension for these stocks, provided it is as short as possible, rebuilding continues, overfishing does not occur, and the original targets are met. This is only a commonsense response to this situation—a transition rule, if you will. A substantial change in biomass targets in the middle of a rebuilding plan was never envisioned when NMFS wrote the implementing regulations, but such a response would be consistent with the Act.

This amendment also contains a provision that would aid in implementing the industry-funded buyout in the West Coast groundfish fishery which Congress authorized last year. I know that my colleagues from Oregon, Washington and California care very much about this provision. I am happy that we could accommodate them with this legislation and help the fishing communities on the West Coast that are reeling from severe overfishing on stocks that are long lived, slow growing and slow to reproduce.

Finally, this amendment includes important provisions authorizing national approaches to cooperative research, independent peer review of data collection and assessment methods, fisheries training and outreach, and cooperative enforcement. All of these proposals are based on programs that have worked in practice or from recommendations made to Congress by the National Research Council. These provisions will improve the management of our fisheries by improving the science that underlies fishery management decisions or by enhancing local law enforcement efforts. These provisions will also ensure that the fishing industry has a seat at the table in discussions about fishery science and management. We have long supported the need to bridge the science gap so

that scientists and fishermen can engage in productive dialogue on fishery management. This is essential to developing cooperative plans to achieving a common goal: sustainable fisheries for our communities.

The amendment (No. 4983) was agreed to.

(The text of the amendment is printed in today's RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 1989), as amended, was read the third time and passed.

Mr. REID. Mr. President, I yield to my friend, the junior Senator from Illinois, Mr. FITZGERALD.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I ask unanimous consent to make a statement on the passage of the Holocaust Restitution and Tax Fairness Act of 2002.

Mr. REID. How long is that statement going to take?

Mr. FITZGERALD. I think it is just a page and a half.

Mr. REID. I think you can have that.

Mr. FITZGERALD. I appreciate the accommodation of my great friend from the State of Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator will proceed.

#### HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

Mr. FITZGERALD. Mr. President, this year we mark the 57th anniversary of the end of the Holocaust. There are as many as 10,000 survivors of the Holocaust in my home State of Illinois, and over 100,000 in the entire United States, with an average age of over 80.

Last year, Congress passed legislation I introduced exempting restitution paid to Holocaust victims and their families from Federal income tax. Unfortunately, this had to be done as an amendment to the 2001 tax relief bill, all of the provisions of which expire at the end of the year 2010. In other words, under current law, the tax exemption afforded to Holocaust restitution payments by last year's legislation will expire on December 21, 2010.

According to current estimates, there will be over 90,000 Holocaust survivors in the year 2010, and over 35,000 in 2020. Without the assurance of permanence in Federal tax policy towards Holocaust restitution payments, victims of the Holocaust and their families will suffer significant risk and uncertainty in tax planning and other important personal decisions.

The Federal Government should not make one dime on Holocaust restitution, ever. The legislation we pass today—the Holocaust Restitution Tax Fairness Act of 2002—addresses this problem by ensuring that Holocaust restitution and compensation payments will never be taxed by the federal government.

I want to thank the sixteen Senators who cosponsored this bill, as well as Representative CLAY SHAW, who spearheaded House passage of the House version of this bill earlier this year. I also want to thank the Anti-Defamation League, B'nai B'rith International, the Conference on Jewish Material Claims, the International Commission on Holocaust Era Insurance Claims, the American Jewish Committee, the Union of Orthodox Jewish Congregations of America, the Jewish Council for Public Affairs, and the American Gathering of Jewish Holocaust Survivors—the largest organization of Holocaust survivors in America. The support of these groups was critical in shepherding this legislation through the Senate.

After more than 50 years of injustice, Holocaust survivors and their families are reclaiming what is rightfully theirs. In passing this legislation today, Congress has done its part to protect the proceeds—and make that protection permanent.

#### REPEALING THE SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 2577 and that the Senate proceed to the immediate consideration of S. 2577 and H.R. 4823 en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the bills by title en bloc.

The legislative clerk read as follows:

A bill (S. 2577) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime;

A bill (H.R. 4823) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

There being no objection, the Senate proceeded to consider the bills.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motion to reconsider be laid upon the table en bloc, with no intervening action or debate, that any statements related to the bill be printed in the RECORD, and that the consideration of these items appear separately in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2577) was read the third time and passed, as follows:

S. 2577

*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 "Holocaust Restitution Tax Fairness Act of 2002".

#### SEC. 2. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXCLUSION FROM FEDERAL INCOME TAX FOR RESTITUTION RECEIVED BY VICTIMS OF NAZI REGIME.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to section 803 (relating to no federal income tax on restitution received by victims of the Nazi regime or their heirs or estates)."

The bill (H.R. 4823) was read the third time and passed.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I congratulate my friend on the passage of this legislation. I appreciate the Senator's persistence. It is very important legislation. There are a lot of happy old people today who have been waiting for a continuation of these benefits for a long time. So I thank the Senator very much for his work.

#### PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the staff of Senator THURMOND be granted floor privileges for the next half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HYDROGRAPHIC SERVICES IMPROVEMENT ACT AMENDMENTS OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4883, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4883) to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise today to comment on H.R. 4883, a bill to reauthorize the Hydrographic Services Improvement Act of 1998. This legislation authorizes programs supporting NOAA's strategic missions to promote safe navigation and sustain healthy coasts. I am especially supportive of this bill because it improves the hydrographic services around our Nation and authorizes the activities of the Commissioned Corps of the National Oceanic and Atmospheric Administration, NOAA Corps.

Last week Congress approved the conference report on the Maritime Transportation Security Act, which will enhance security in our Nation's ports. H.R. 4883 authorizes some key provisions to support that effort by authorizing and increasing the number of officers in our NOAA Corps and supporting establishment of real time hydrographic monitoring systems to enhance navigation and safety. NOAA's hydrographic programs share data and

work closely with the U.S. Coast Guard and U.S. Navy, and such collaborations have increased since September 11, 2001. Accurate navigation information supports safe and efficient military deployment and seaport evacuation. About 90 percent of all military equipment and supplies for overseas operations are shipped out of U.S. ports.

Seaports have always been an integral part of our Nation's commerce. Today, more than 95 percent of foreign trade by weight moves by sea, and trade is projected to double by 2020. Vessels are twice as large as they were 50 years ago, testing the capabilities of many ports. Increased ferry, cruise line, and recreational boating activities contribute a rise in seaport congestion. Each year there are about 3,500 commercial and 7,000 recreational boating accidents.

The safe and efficient movement of products depends upon the marine transportation system. Advanced, highly accurate hydrographic, oceanographic and related data improve mariners' situational, three-dimensional awareness, which increases efficiency, reduces risk, and safeguards the marine environment. Such advanced data and services are an integral part of implementing an internationally compliant electronic chart display and information system.

I am especially supportive and pleased that this bill includes language to reauthorize the NOAA Corps. The NOAA Corps, the smallest of the seven uniformed services of the United States, plays a very important role at NOAA and for the Nation. The service, consisting of approximately 265 commissioned officers, provides NOAA with professionals trained in engineering, earth sciences, oceanography, meteorology, fisheries, science, and other related disciplines. The officers serve in assignments within the five major line offices of NOAA: National Ocean Service, NOS; National Weather Service, NWS; National Marine Fisheries Service, NMFS; Oceanic and Atmospheric Research OAR; and National Environmental Satellite, Data, and Information Service, NESDIS. Officers operate ships, fly aircraft into hurricanes, lead mobile field parties, manage research projects, conduct diving operations, and serve in staff positions throughout NOAA. In addition they conduct hydrographic surveys along our Nation's coast in order to make our waters safe for marine commerce.

The NOAA Corps is essential to NOAA's coverage of our seas and our skies; in hours of crisis, NOAA employees have been found issuing the tornado warnings that saved hundreds of lives from a deadly storm, flying into the eyes of hurricanes to gather information about possible landfall, fighting to free three gray whales trapped in the ice, fielding a massive scientific operation to guide the recovery from an oil spill, and monitoring via satellites the movement of hurricanes and other severe storms, volcanic ash and wildfires that threaten communities.