

our bipartisan bill in the next Congress.

In the meantime, I look forward to the President signing into law this legislation to extend basic bankruptcy protection for our family farmers through the first six months of next year.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed and the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 5472) was read the third time and passed.

#### DESIGNATING RECEIPTS COLLECTED FROM MINERAL LEASING

Mr. REID. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H.R. 2187 and the Senate now proceed to the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2187) to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves.

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

Mr. REID. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 2187) was read the third time and passed.

#### CONSENTING TO CERTAIN AMENDMENTS TO THE NEW HAMPSHIRE-VERMONT INTERSTATE SCHOOL COMPACT

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 760, H.R. 3180.

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

The legislative clerk read as follows:

A bill (H.R. 3180) to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 3180) was read the third time and passed.

Mr. LEAHY. Mr. President, I am very pleased that H.R. 3180, legislation to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact, has been adopted by the Senate. This legislation was passed out of the Senate Judiciary Committee last week and I am pleased my colleagues have joined me in supporting its passage today.

There are a handful of Vermont communities that share a school district with their neighbors across the border in New Hampshire. Congress first approved of the New Hampshire-Vermont Interstate School Compact in 1969 to allow these interstate districts to be put in place. H.R. 3180 amends the original Compact by providing these interstate districts with local flexibility regarding how to conduct bond votes for their school construction projects.

Last year, residents of the Dresden School District, one of two interstate school districts formed under this Compact, voted to change the way bond votes are conducted in their communities. The Vermont and New Hampshire Legislatures approved these changes, as did the U.S. House of Representatives when it passed H.R. 3180, sponsored by Representative CHARLIE BASS of New Hampshire and my colleague from Vermont, Representative BERNIE SANDERS, after a 425 to 0 vote to suspend the rules.

This bill will allow local schools to make local choices about the best way to spend their dollars. While I regret that this simple piece of legislation was not agreed to sooner, I applaud its passage today.

#### INDIAN PROGRAMS REAUTHORIZATION AND TECHNICAL AMENDMENT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 556, S. 2711.

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

The legislative clerk read as follows: A bill (S. 2711) to reauthorize and improve programs relating to Native Americans.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause.

Mr. REID. Mr. President, I ask unanimous consent the committee substitute amendment be withdrawn and a substitute amendment by Senator INOUE at the desk be considered, the Inouye amendment to the Inouye substitute amendment be considered and agreed to, the Inouye substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, all with no intervening action or debate, and any statements be printed.

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

The committee amendment in the nature of a substitute was withdrawn.

The Senate proceeded to consider amendment No. 4980, in the nature of a substitute.

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

The amendment (No. 4981) to amendment No. 4980 was agreed to.

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

The amendment (No. 4980), in the nature of a substitute as amended, was agreed to.

The bill (S. 2711), as amended, was read the third time and passed, as follows:

[The bill will be printed in a future edition of the RECORD].

#### FISHERIES CONSERVATION ACT OF 2002

Mr. REID. I ask unanimous consent the Senate proceed to Calendar No. 753, H.R. 1989.

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

The legislative clerk read as follows:

A bill (H.R. 1989) to reauthorize various fishing conservation management programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 1989

*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 "Fisheries Conservation Act of 2001".

#### [TITLE I—INTERJURISDICTIONAL FISHERIES ACT OF 1986

#### [SEC. 101. REAUTHORIZATION OF INTERJURISDICTIONAL FISHERIES ACT OF 1986.

[Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

[(1) by amending subsection (a) to read as follows:

["(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this title—

["(1) \$4,900,000 for fiscal year 2002;

["(2) \$5,400,000 for each of fiscal years 2003 and 2004; and

["(3) \$5,900,000 for each of fiscal years 2005 and 2006."]; and

[(2) in subsection (c) by striking "\$700,000 for fiscal year 1997, and \$750,000 for each of the fiscal years 1998, 1999, and 2000" and inserting "\$800,000 for fiscal year 2002, \$850,000 for each of fiscal years 2003 and 2004, and \$900,000 for each of fiscal years 2005 and 2006".

#### [SEC. 102. PURPOSES OF THE INTERJURISDICTIONAL FISHERIES ACT OF 1986.

[Section 302 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4101) is amended by striking "and" after the semicolon at the end of paragraph (1), striking

the period at the end of paragraph (2) and inserting “; and”, and adding at the end the following:

“(3) to promote and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of interjurisdictional fishery resources throughout their range.”.

#### **[TITLE II—ANADROMOUS FISH CONSERVATION ACT**

##### **[SEC. 201. REAUTHORIZATION OF ANADROMOUS FISH CONSERVATION ACT.**

[Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

###### **[“AUTHORIZATION OF APPROPRIATIONS**

“SEC. 4. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act not to exceed the following sums:

“(A) \$4,500,000 for fiscal year 2002;  
“(B) \$4,750,000 for each of fiscal years 2003 and 2004; and  
“(C) \$5,000,000 for each of fiscal years 2005 and 2006.

“(2) Sums appropriated under this subsection are authorized to remain available until expended.

“(b) Not more than \$625,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State.”.

##### **[SEC. 202. RESEARCH ON AND USE OF ECOSYSTEMS AND INTERSPECIES APPROACHES TO THE CONSERVATION AND MANAGEMENT.**

[The first section of the Anadromous Fish Conservation Act (16 U.S.C. 757a) is amended in subsection (b) by inserting “(1)” after “(b)”, and by adding at the end the following:

“(2) In carrying out responsibilities under this section, the Secretary shall conduct, promote, and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of anadromous and Great Lakes fishery resources.”.

#### **[TITLE III—ATLANTIC COASTAL FISHERIES**

##### **[SEC. 301. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.**

[Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking “and 2003” and inserting “2003, 2004, 2005, and 2006”.

##### **[SEC. 302. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.**

[Section 811(a) of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended by striking “2005” and inserting “2006”.

##### **[SEC. 303. AMENDMENTS TO ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.**

“(a) FINDINGS.—Section 802(a) of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101(a)) is amended by adding at the end the following:

“(7) The understanding of the interactions of species in the maritime environment and the development of ecosystems-based approaches to fishery conservation and management lead to better stewardship and sustainability of coastal fishery resources.

“(8) Federal and State scientists should gather information on the interaction of species in the marine environment and provide this scientific information to Federal and State managers.”.

“(b) PURPOSE.—Section 802(b) of such Act (16 U.S.C. 5101(b)) is amended to read as follows:

“(b) PURPOSE.—The purpose of this title is to support and encourage the development,

implementation, and enforcement of effective interstate conservation and management of Atlantic coastal fishery resources through the use of sound science and multispecies, adaptive, and ecosystem-based management measures.”.

“(c) STATE-FEDERAL COOPERATION IN MULTISPECIES AND ECOSYSTEMS INTERACTION RESEARCH.—Section 804(a) of such Act (16 U.S.C. 5103(a)) is amended by inserting “multispecies and ecosystems interaction research;” after “biological and socioeconomic research;”.

“(d) ASSISTANCE FOR RESEARCH REGARDING INTERRELATIONSHIPS AMONG ATLANTIC COASTAL FISHERY RESOURCES AND THEIR ECOSYSTEMS.—Section 808 of such Act (16 U.S.C. 5107) is amended by striking “and” after the semicolon at the end of paragraph (1), redesignating paragraph (2) as paragraph (3), and inserting after paragraph (1) the following:

“(2) research to understand the interrelationships among Atlantic coastal fishery resources and their ecosystems; and”.

#### **[TITLE IV—ATLANTIC TUNAS CONVENTION ACT OF 1975**

##### **[SEC. 401. REAUTHORIZATION OF THE ATLANTIC TUNAS CONVENTION ACT OF 1975.**

[Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

###### **[“AUTHORIZATION OF APPROPRIATIONS**

“SEC. 10. (a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention, the following sums:

“(1) For each of fiscal years 2002, 2003, and 2004, \$5,480,000.

“(2) For each of fiscal years 2005 and 2006, \$5,495,000.

“(b) ALLOCATION.—Of amounts available under this section for each fiscal year—

“(1) \$150,000 are authorized for the advisory committee established under section 4 and the species working groups established under section 4A; and

“(2) \$4,240,000 are authorized for research activities under this Act and the Act of September 4, 1980 (16 U.S.C. 971i).”.

#### **[TITLE V—NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995**

##### **[SEC. 501. REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.**

[Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking “2001” and inserting “2006”.

#### **[TITLE VI—EXTENSION OF DEADLINE FOR SUBMISSION OF OCEAN POLICY REPORT**

##### **[SEC. 601. EXTENSION OF DEADLINE.**

“(a) EXTENSION OF DEADLINE.—The Oceans Act of 2000 (Public Law 106-256) is amended—

“(1) in section 3(f)(1) (114 Stat. 647) by striking “18 months” and inserting “27 months”;

“(2) in section 3(i) (114 Stat. 648) by striking “30 days” and inserting “90 days”; and

“(3) in section 4(a) (114 Stat. 648; 33 U.S.C. 857-19 note) by striking “120 days” and inserting “90 days”.

“(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3(j) of such Act (114 Stat. 648) is amended by striking “\$6,000,000” and inserting “\$8,500,000”.

“(c) TECHNICAL CORRECTIONS.—Section 3(e) of such Act (114 Stat. 646) is amended—

“(1) in paragraph (1) by striking the colon in the third sentence and inserting a period;

“(2) by inserting immediately after such period the following:

“(2) NOTICE; MINUTES; PUBLIC AVAILABILITY OF DOCUMENTS.—”; and

“(3) by redesignating the subsequent paragraphs in order as paragraphs (3) and (4), respectively.”

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Fisheries Conservation Act of 2002”.

#### **TITLE I—INTERJURISDICTIONAL FISHERIES ACT OF 1986**

##### **SEC. 101. REAUTHORIZATION OF INTERJURISDICTIONAL FISHERIES ACT OF 1986.**

Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) by amending subsection (a) to read as follows:

“(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this title—

“(1) \$4,900,000 for fiscal year 2002;

“(2) \$5,400,000 for each of fiscal years 2003 and 2004; and

“(3) \$5,900,000 for each of fiscal years 2005 and 2006.”; and

(2) in subsection (c) by striking “\$700,000 for fiscal year 1997, and \$750,000 for each of the fiscal years 1998, 1999, and 2000” and inserting “\$800,000 for fiscal year 2002, \$850,000 for each of fiscal years 2003 and 2004, and \$900,000 for each of fiscal years 2005 and 2006”.

##### **SEC. 102. PURPOSES OF THE INTERJURISDICTIONAL FISHERIES ACT OF 1986.**

Section 302 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4101) is amended—

(1) by striking “and” after the semicolon at the end of paragraph (1);

(2) by striking “range.” in paragraph (2) and inserting “range; and”; and

(3) adding at the end the following:

“(3) to promote and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of interjurisdictional fishery resources throughout their range.”.

#### **TITLE II—ANADROMOUS FISH CONSERVATION ACT**

##### **SEC. 201. REAUTHORIZATION OF ANADROMOUS FISH CONSERVATION ACT.**

Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

###### **[“AUTHORIZATION OF APPROPRIATIONS**

“SEC. 4. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act not to exceed the following sums:

“(A) \$4,500,000 for fiscal year 2002;

“(B) \$4,750,000 for each of fiscal years 2003 and 2004; and

“(C) \$5,000,000 for each of fiscal years 2005 and 2006.

“(2) Sums appropriated under this subsection are authorized to remain available until expended.

“(b) Not more than \$625,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State.”.

##### **SEC. 202. RESEARCH ON AND USE OF ECOSYSTEMS AND INTERSPECIES APPROACHES TO THE CONSERVATION AND MANAGEMENT.**

The first section of the Anadromous Fish Conservation Act (16 U.S.C. 757a) is amended in subsection (b) by inserting “(1)” after “(b)”, and by adding at the end the following:

“(2) In carrying out responsibilities under this section, the Secretary shall conduct, promote, and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of anadromous and Great Lakes fishery resources.”.

#### **TITLE III—ATLANTIC TUNAS CONVENTION ACT OF 1975**

##### **SEC. 301. REAUTHORIZATION OF THE ATLANTIC TUNAS CONVENTION ACT OF 1975.**

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

###### **[“AUTHORIZATION OF APPROPRIATIONS**

“SEC. 10. (a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, including use for payment of the United States

share of the joint expenses of the Commission as provided in Article X of the Convention, the following sums:

“(1) For each of fiscal years 2002, 2003, and 2004, \$5,480,000.

“(2) For each of fiscal years 2005 and 2006, \$5,495,000.

“(b) ALLOCATION.—Of amounts available under this section for each fiscal year—

“(1) \$150,000 are authorized for the advisory committee established under section 4 and the species working groups established under section 4A; and

“(2) \$4,240,000 are authorized for research activities under this Act and the Act of September 4, 1980 (16 U.S.C. 971i).”

#### TITLE IV—NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995

##### SEC. 401. REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking “2001” and inserting “2006”.

#### TITLE V—EXTENSION OF DEADLINE FOR SUBMISSION OF OCEAN POLICY REPORT

##### SEC. 501. EXTENSION OF DEADLINE.

(a) EXTENSION OF DEADLINE.—The Oceans Act of 2000 (Public Law 106-256) is amended—

(1) in section 3(i) (114 Stat. 648) by striking “30 days” and inserting “90 days”; and

(2) in section 4(a) (114 Stat. 648; 33 U.S.C. 857-19 note) by striking “120 days” and inserting “90 days”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3(j) of such Act (114 Stat. 648) is amended by striking “\$6,000,000” and inserting “\$8,500,000”.

(c) TECHNICAL CORRECTIONS.—Section 3(e) of such Act (114 Stat. 646) is amended—

(1) by striking “it:” in paragraph (1) and inserting “it.”;

(2) by inserting immediately after such period the following:

“(2) NOTICE; MINUTES; PUBLIC AVAILABILITY OF DOCUMENTS.—”; and

(3) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively.

Ms. SNOWE. Mr. President, I am pleased that today the Senate is considering passage of H.R. 1989 and urge my colleagues to join me in supporting this bill.

The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., the “Act”, and the National Standards Guidelines developed and implemented by the Secretary of Commerce set forth specific standards for establishing, amending, and re-setting fishery rebuilding plans and timelines developed under that Act’s rebuilding provisions, codified in, among other provisions, 16 U.S.C. 1854(e). New information and scientific analyses become available through time, and there can be a need to amend and adjust rebuilding plans and timelines based on such new information and analyses. In certain instances, such information and analyses indicating that biomass rebuilding targets can and should be substantially increased. These increases in biomass targets, especially in the midst of an on-going rebuilding plan, may, in appropriate circumstances, require flexibility to ensure that the rebuilding program accomplishes the full range of the Act’s goals and national standards. The Secretary of Commerce, who is

charged with implementing the Act, has the discretion to provide flexibility in a rebuilding plan or timeline when the biomass target for a fish species or stock is substantially increased. The flexibility confirmed in Section 604 of H.R. 1989 clarifies the Secretary’s discretion contained in the Act and does not limit or otherwise constrain additional areas for flexibility in rebuilding contained within the Act.

This section clarifies the flexibility that Congress provided the Secretary in the Sustainable Fisheries Act of 1996. This flexibility is necessary due to the unanticipated event of biomass targets being substantially increased during a rebuilding period. Schedules for ending overfishing and rebuilding overfished fisheries are required by the Sustainable Fisheries Act and must be specified. The Sustainable Fisheries Act does, however, provide the Councils and the Secretary with a significant degree of flexibility in determining time frames for ending overfishing and rebuilding depleted fisheries.

For instance, the requirement that schedules for ending overfishing and rebuilding fisheries be “as short as possible” and the conditional 10-year rebuilding period deadline provide valuable standards to help guide the councils in the development of plans to end overfishing and rebuild fisheries. In drafting this provision, however, Congress clearly understood that fisheries are not managed in a vacuum and that rebuilding schedules should be based not only on the biological and ecological conditions of the fishery, but also on the needs of fishing communities as well as any international management measures that may apply. The relative weight of a particular factor would depend on the circumstances facing a fishery and would be determined by the councils, but the biology and life history characteristics of a species will always be very important in determining the ultimate rebuilding schedule.

Properly construed, the Sustainable Fisheries Act rebuilding provisions permit the councils to set a longer rebuilding schedule in cases where the stock or stocks at issue grow relatively slowly, and/or the size of the stock is sufficiently small that even under conditions of moderate or no fishing mortality, rebuilding will necessarily take a significantly longer period of time.

In the case of a slower-growing species, the Sustainable Fisheries Act provisions allow a council to establish a rebuilding schedule longer than 10 years to accommodate the life history characteristics, including growth rates, of the species. The term “biology of the stock of fish” was included in section 304(e)(4)(A)(ii) so that councils would have the ability to devise individual rebuilding schedules in harmony with the biological parameters of a fish population’s growth capacity.

Section 304(e)(4)(A)(ii) also enables the Councils to establish rebuilding schedules longer than 10 years if the

stock or stocks in question are managed under an international agreement to which the U.S. is a party, and any management measures or recommendations approved pursuant to such an agreement contain a rebuilding schedule longer than 10 years. In such circumstances, the rebuilding schedule developed under Section 304(e)(4), as well as other management provisions under the Magnuson-Stevens Act, must be consistent with the rebuilding schedule and associated management measures and recommendations under the international agreement.

In drafting section 304(e)(4)(A), Congress wanted to ensure that U.S. harvesters of species managed under an international regime were not saddled with a disproportionate conservation burden and not placed at a competitive disadvantage compared to their counterparts from other countries that are parties to the regime.

Mr. REID. Mr. President, it is my understanding Senators KERRY and HOLLINGS have two amendments at the desk. I ask it be in order to consider the amendments en bloc; the amendments be agreed to en bloc; the motions to reconsider be laid on the table en bloc; the committee-reported substitute amendment, as amended, be agreed to; the motion to reconsider be laid on the table; the bill as amended, be read three times, passed, the motion to reconsider be laid on the table; and consideration of these amendments appear separately in the RECORD and any statements be printed in the RECORD, with no intervening action or debate.

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

The amendment (No. 4982) was agreed to, as follows:

#### AMENDMENT NO. 4982

(Purpose: To provide authority for the acceptance of voluntary services)

At the appropriate place, add the following:

#### SEC. . . AUTHORITY TO ACCEPT VOLUNTEER SERVICES.

Section 303 (33 U.S.C. 892a), is amended by adding at the end the following:

“(d) AUTHORITY TO ACCEPT VOLUNTEER SERVICES.—To help fulfill the duties of the Administrator, including authorities under the Act of 1947 (33 U.S.C. 883a et seq.), this Act, or in response to a maritime emergency, the Administrator may—

“(1) establish a volunteer program;

“(2) enter into special agreements with qualified organizations to assist in the implementation of a volunteer program; and

“(3) provide funding under the special agreement to the qualified organization for the purposes of assisting in the administration of the volunteer programs and for procuring and maintaining insurance or other coverage for the organization and its members when conducting volunteer activities.

“(e) LEGAL STATUS OF VOLUNTEERS.—Paragraphs (1) through (5) of section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)) shall apply to volunteers providing services to the Administrator under subsection (c) of this section, except that any reference in that section to the Secretary of the Interior or the Secretary of Commerce shall be deemed to refer to the Administrator.

“(f) QUALIFIED ORGANIZATION.—In this section, the term ‘qualified organization’ means

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.