

their lives in this country until this provision can be amended.

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

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

S. 520

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

**SECTION 1. PERMANENT RESIDENCE.**

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

**SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.**

Upon the granting of permanent residence to Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Mr. LEAHY (for himself, Mr. CAMPBELL, Mr. SCHUMER, Mr. FEINGOLD, and Mr. TORRICELLI):

S. 521. A bill to amend part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship; to the Committee on the Judiciary.

LEGISLATION TO IMPROVE THE BULLETPROOF VEST PARTNERSHIP GRANT ACT

Mr. LEAHY. Mr. President, I am introducing legislation to improve the Bulletproof Vest Partnership Grant Act and am especially pleased to be joined by Senators FEINGOLD, TORRICELLI and SCHUMER as original sponsors on this law enforcement effort. I am also pleased that the senior Senator from Colorado, Senator CAMPBELL, is joining us, again, in this effort. We worked together closely and successfully last year to pass the Bulletproof Vest Partnership Grant Act into law.

The Bulletproof Vest Partnership Grant Act, which President Clinton signed into law on June 16, 1998, authorizes the Department of Justice to award grants to pay for half of the cost of providing bulletproof vests for State and local law enforcement officers. Beginning this month, the Department of Justice plans to open the Bulletproof Vest Partnership Program so that State, county and local law enforcement agencies may receive grants to pay for half of the cost of providing body armor for their officers. The entire application and payment process for the program will occur electronically via the Internet at [\[vests.ojp.gov\]\(http://vests.ojp.gov\). I am confident that this innovative process will be a great success at harnessing the power of the information age to assist law enforcement do its job better, safer and more cost effectively. I want to commend the Attorney General and the Department for making this effort.](http://</a></p>
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To build on the success of the Bulletproof Vest Partnership Program, our bipartisan legislation would permit the Department of Justice to waive, in whole or in part, the matching requirement for law enforcement agencies applying for bulletproof vest grants in cases of fiscal hardship. Some police departments in smaller jurisdictions may be unable to contribute half of the cost of buying body armor for their officers. This waiver provision was included in the Campbell-Leahy version of the Act introduced last year, but was unfortunately eliminated by others during House-Senate consideration of the final legislation.

Our bipartisan bill is strongly supported by Federal Bureau of Investigation Director Louis Freeh and the International Association of Chiefs of Police.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives, and I believe this new law will put vests on our State and local law enforcement officers who put their lives on the line.

I look forward to working with all Senators to ensure that each and every law enforcement community in Vermont and across the nation can afford basic protection for their officers.

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

S. 521

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

**SECTION 1. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.**

Section 2501(f) of part Y of title of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611(f)) is amended—

(1) by striking "The portion" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), the portion"; and

(2) by adding at the end the following:

"(2) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director."

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. 522. A bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes; to the Committee on Environment and Public Works.

BEACHES ENVIRONMENTAL ASSESSMENT, CLOSURE, AND HEALTH ACT OF 1999

Mr. LAUTENBERG. Mr. President, today I am introducing the Beaches Environmental Assessment, Closure,

and Health (BEACH) Act of 1999, legislation which would amend the Clean Water Act to require states to adopt water quality standards for coastal recreation waters and to notify the public of unhealthy conditions. I am pleased to be joined by Senator TORRICELLI, Senator BOXER, and Senator LIEBERMAN in sponsoring this legislation.

Mr. President, coastal tourism generates billions of dollars every year for local communities and beaches are the top vacation destination in the nation. A recent survey found that tourists spend over \$100 billion in coastal portions of the twelve states that were studied. Travel and tourism to the beaches of the Jersey shore alone generates over \$7 billion annually to local economies.

Unfortunately, the increased use of the coastal waters at our public beaches and coastal parks for swimming, wading, and surfing can cause increased risk to public health if these recreational waters are not properly managed. Water pollution and waterborne bacteria and viruses from overflowing sewage systems can cause a wide range of diseases, including gastroenteritis, dysentery, hepatitis, ear, nose, and throat problems, E. coli bacterial infections, and respiratory illness. Upon contracting one of these water-borne diseases, the affected individual often remains contagious even when out of the water and may pass the illness to others. The consequences of these swimming-associated illnesses can be especially severe for children, elderly people, and the infirm. In Maryland, the outbreak of the toxic Pfiesteria organism in several Chesapeake Bay tributaries prompted the state to close several rivers for public health reasons. Fishermen and swimmers who were exposed to Pfiesteria complained of short-term memory loss, dizziness, muscular aches, peripheral tingling, vomiting, and abdominal pain.

In a 1998 report on beach water quality, entitled Testing the Waters, the Natural Resources Defense Council reported over 5,199 closings or advisories of varying durations at U.S. beaches due to detected or anticipated unhealthy water quality in 1997. Many beaches closures and health advisories were a result of sewage spills and overflows.

The number of beach closings and advisories, while large, may represent only a small portion of the actual problem. This is because of an inconsistent approach among the states toward monitoring the water quality of public beaches and notifying the public of unhealthy conditions. In fact, as of 1999, only nine states have comprehensive monitoring programs and adequate public notification. Thirteen states have regular monitoring and public notification programs for a portion of their recreational beaches. Among the remaining coastal and Great Lakes

states, some lack any regular monitoring of beach water quality, while others have monitoring programs, but no programs to close beaches or notify the public. As a result, a high bacteria level can cause a beach closure in one state while, in another state, people may be allowed to swim in the water, despite the health risks.

Due in part to my urging, in 1997, the Environmental Protection Agency (EPA) established its Beaches Environmental Assessment, Closure and Health (BEACH) program to recommend appropriate monitoring criteria and public notification of beach water quality. While this program is a good start, the reality is that the majority of states have not adopted EPA-recommended criteria to protect swimmer's health, and the agency does not possess the authority to require states to adopt their recommended criteria.

Mr. President, my legislation would provide EPA the authority to require states to develop beach water quality monitoring and public notification programs that adequately and uniformly protect public health. The BEACH Act would require EPA to conduct studies for use in developing a more complete list of potential health risks associated with unhealthy beach water quality, develop more effective testing methods for detecting the presence of pathogens in coastal recreation waters, and revise its water quality criteria for pathogens in such waters. The legislation would also direct EPA to establish regulations requiring monitoring of water quality at public beaches to determine compliance with water quality and public safety criteria. The bill would require states to notify local governments and the public of current beach water quality. Where a state wishes to delegate its testing, monitoring, and notification requirements to local governments, EPA must issue delegation guidance to a state and the state must make resources available to the local government. Lastly, the BEACH Act would authorize \$9 million dollars in grants to the States for the purposes of carrying out the requirements of this Act.

Mr. President, a day at the beach shouldn't be followed by a day at the doctor. I invite my colleagues to join me in supporting this legislation to ensure safe and healthy beaches for the citizens of New Jersey and the nation.

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

S. 522

*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 "Beaches Environmental Assessment, Closure, and Health Act of 1999".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the beaches and coastal recreation water of the United States are valuable public resources that are used for recreation by millions of people annually;

(2) the beaches of coastal States host many out-of-State and international visitors;

(3) tourism in coastal zones generates billions of dollars annually;

(4) increased population and urbanization of watershed areas have contributed to the decline in the environmental quality of coastal water;

(5) pollution in coastal water is not restricted by State or other political boundaries;

(6) coastal States have different methods of testing and parameters for evaluating the quality of coastal recreation water, resulting in the provision of varying degrees of protection to the public;

(7) the adoption of consistent criteria by coastal States would enhance public health and safety, including the adoption of consistent criteria for—

(A) testing and evaluating the quality of coastal recreation water; and

(B) the posting of signs at beaches notifying the public during periods when the water quality criteria for public safety are not met; and

(8) while the adoption of consistent criteria would enhance public health and safety, the failure to meet consistent criteria should be addressed as part of a watershed approach to effectively identify and eliminate sources of pollution.

(b) PURPOSES.—The purpose of this Act is to amend the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) to require uniform criteria and procedures for testing, monitoring, and notifying users of public coastal recreation water and beaches—

(1) to protect public safety; and

(2) to improve environmental quality.

#### SEC. 3. BEACH AND COASTAL RECREATION WATER QUALITY.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end:

##### "TITLE VII—BEACH AND COASTAL RECREATION WATER QUALITY

##### "SEC. 701. DEFINITIONS.

"In this title:

"(1) COASTAL RECREATION WATER.—The term "coastal recreation water" means water adjacent to public beaches of the Great Lakes and of marine coastal water (including bays, lagoon mouths, and coastal estuaries within the tidal zone) used by the public for—

"(A) swimming;

"(B) bathing;

"(C) surfing; or

"(D) other similar body contact purposes.

"(2) FLOATABLE MATERIALS.—The term "floatable materials" means any foreign matter that may float or remain suspended in water, including—

"(A) plastic;

"(B) aluminum cans;

"(C) wood;

"(D) bottles;

"(E) paper products; and

"(F) fishing gear.

##### "SEC. 702. ADOPTION OF COASTAL RECREATIONAL WATER QUALITY CRITERIA BY STATES.

"(a) IN GENERAL.—Not later than 3 years and 180 days after the date of enactment of this title, each State shall adopt water quality criteria for coastal recreation water that, at a minimum, are consistent with the criteria published by the Administrator under section 304(a)(1).

"(b) DEVELOPMENT OF CRITERIA.—Water quality criteria described in subsection (a) shall—

"(1) be developed and promulgated in accordance with section 303(c);

"(2) be incorporated into all appropriate programs into which a State would incorporate other water quality criteria adopted under section 303(c); and

"(3) not later than 3 years after the date of publication of revisions by the Administrator under section 703(b), be revised by the State.

"(c) FAILURE OF STATES TO ADOPT CRITERIA.—If, not later than 3 years and 180 days after the date of enactment of this title, a State has not complied with subsection (a), the water quality criteria issued by the Administrator under section 304(a)(1) shall—

"(1) become the effective water quality criteria for coastal recreational water for that State; and

"(2) be considered to have been promulgated by the Administrator under section 303(c)(4).

##### "SEC. 703. REVISIONS TO WATER QUALITY CRITERIA.

"(a) STUDIES.—Not later than 3 years after the date of enactment of this title, and after consultation with appropriate Federal, State, and local officials (including local health officials) and other interested persons, the Administrator shall conduct, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, studies to provide new information for use in developing—

"(1) a more complete list of potential human health risks from inhalation, ingestion, or body contact with coastal recreation water, including effects on the upper respiratory system;

"(2) appropriate and effective indicators for improving direct detection of the presence of pathogens found harmful to human health in coastal recreational water;

"(3) appropriate, accurate, and expeditious methods (including predictive models) for detecting the presence of pathogens in coastal recreation water that are harmful to human health; and

"(4) guidance for the State-to-State application of the criteria issued under subsection (b) to account for the diversity of geographic and aquatic conditions throughout the United States.

"(b) REVISED CRITERIA.—Not later than 5 years after the date of enactment of this title, based on the results of the studies conducted under subsection (a), the Administrator, after consultation with appropriate Federal, State, and local officials (including local health officials) and other interested parties, shall—

"(1) issue revised water quality criteria for pathogens in coastal recreation water that are harmful to human health, including a revised list of indicators and testing methods; and

"(2) not less than once every 5 years thereafter, review and revise the water quality criteria.

##### "SEC. 704. COASTAL BEACH WATER QUALITY MONITORING.

"(a) MONITORING.—

"(1) IN GENERAL.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall promulgate regulations requiring monitoring by the States of public coastal recreation water and beaches for—

"(A) compliance with applicable water quality criteria; and

"(B) maintenance of public safety.

"(2) CONTENTS OF REQUIREMENTS.—Monitoring requirements established under this section shall specify, at a minimum—

"(A) available monitoring methods to be used by States;

"(B) the frequency and location of monitoring based on—

"(i) the periods of recreational use of coastal recreation water and beaches;

"(ii) the extent and degree of recreational use during the periods described in clause (i);

“(iii) the proximity of coastal recreation water to known or identified point and nonpoint sources of pollution; and

“(iv) the relationship between the use of public recreation water and beaches to storm events;

“(C) methods for—

“(i) detecting levels of pathogens that are harmful to human health; and

“(ii) identifying short-term increases in pathogens that are harmful to human health in coastal recreation water, including the relationship of short-term increases in pathogens to storm events; and

“(D) conditions and procedures under which discrete areas of coastal recreation water may be exempted by the Administrator from the monitoring requirements under this subsection, if the Administrator determines that an exemption will not—

“(i) impair compliance with the applicable water quality criteria for that water; and

“(ii) compromise public safety.

“(b) NOTIFICATION REQUIREMENTS.—

“(1) IN GENERAL.—Regulations promulgated under subsection (a) shall require States to provide prompt notification of a failure or the likelihood of a failure to meet applicable water quality criteria for State coastal recreation water, to—

“(A) local governments;

“(B) the public; and

“(C) the Administrator.

“(2) INFORMATION INCLUDED IN NOTIFICATION.—Notification under this subsection shall require, at a minimum—

“(A) the prompt communication of the occurrence, nature, extent, and location of, and substances (including pathogens) involved in, a failure or immediate likelihood of a failure to meet water quality criteria, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation water for which the failure or imminent failure to meet water quality criteria is identified; and

“(B) the posting of signs, during the period in which water quality criteria are not met continues, that are sufficient to give notice to the public—

“(i) of a failure to meet applicable water quality criteria for the water; and

“(ii) the potential risks associated with water contact activities in the water.

“(c) REVIEW AND REVISION OF REGULATIONS.—Periodically, but not less than once every 5 years, the Administrator shall review and make any necessary revisions to regulations promulgated under this section.

“(d) STATE IMPLEMENTATION.—

“(1) IN GENERAL.—Not later than 3 years and 180 days after the date of enactment of this title, each State shall implement a monitoring and notification program that conforms to the regulations promulgated under subsections (a) and (b).

“(2) REVISION OF PROGRAM.—Not later than 2 years after the date of publication of any revisions by the Administrator under subsection (c), each State shall revise the program established under paragraph (1) to incorporate the revisions.

“(e) GUIDANCE; DELEGATION OF RESPONSIBILITY.—

“(1) IN GENERAL.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall issue guidance establishing—

“(A) core performance measures for testing, monitoring, and notification programs under this section; and

“(B) the delegation of testing, monitoring, and notification programs under this section to local government authorities.

“(2) DELEGATION OF RESPONSIBILITY TO LOCAL GOVERNMENTS.—If a responsibility described in paragraph (1)(B) is delegated by a State to a local government authority, or is

delegated to a local government authority before the date of enactment of this section, State resources, including grants made under section 706, shall be made available to the delegated authority for the purpose of implementing the delegated program in a manner that is consistent with the guidance issued by the Administrator.

“(f) FLOATABLE MATERIALS MONITORING; TECHNICAL ASSISTANCE.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall—

“(1) provide technical assistance for uniform assessment and monitoring procedures for floatable materials in coastal recreation water; and

“(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

“(g) OCCURRENCE DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means—

“(1) a national coastal recreation water pollution occurrence database using reliable information, including the information reported under subsection (b); and

“(2) a listing of communities conforming to the regulations promulgated under subsections (a) and (b).

#### “SEC. 705. REPORT TO CONGRESS.

“Not later than 4 years after the date of the enactment of this title and periodically thereafter, the Administrator shall submit to Congress a report that contains—

“(1) recommendations concerning the need for additional water quality criteria and other actions that are necessary to improve the quality of coastal recreation water; and

“(2) an evaluation of State efforts to implement this title.

#### “SEC. 706. GRANTS TO STATES.

“(a) GRANTS.—The Administrator may make grants to States for use in meeting the requirements of sections 702 and 704.

“(b) COST SHARING.—For each fiscal year, the total amount of funds provided through grants to a State under this section shall not exceed 50 percent of the cost to the State of implementing requirements described in subsection (a).

“(c) ELIGIBLE STATE.—Effective beginning 3 years and 180 days after the date of enactment of this title, the Administrator may make a grant to a State under this section only if the State demonstrates to the satisfaction of the Administrator the implementation of the State monitoring and notification program under section 704 of this title.

#### “SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated—

“(1) for use in making grants to States under section 706, \$9,000,000 for each of fiscal years 2000 through 2004; and

“(2) for carrying out the other provisions of this title, \$3,000,000 for each of fiscal years 2000 through 2004.”

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

S. 523. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

#### AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986

Mr. INOUE. Mr. President, six thousand miles from where I am standing today, The Queen's Health System of Hawaii is providing health care services that benefit the residents of all the

Hawaiian Islands. This year, approximately 18,000 inpatients and more than 200,000 outpatients will seek health care from The Queen's Health Systems. The organization maintains an open emergency room; admits Medicare and Medicaid patients; operates a 536-bed accredited teaching hospital; operates Molokai General Hospital; operates clinics on various islands; provides home health care; supports nursing programs at Hawaiian colleges and universities; and promotes good health practices in many other ways.

In 1885 Queen Emma Kaleleonalani, wife of King Kamehameha IV, bequeathed land which in large part composes the assets of The Queen Emma Foundation, a non-profit, tax-exempt, public charity. The Foundation's charitable purpose is to support and improve health care services in Hawaii by committing funds generated by Foundation-owned properties to The Queen's Medical Center, the Queen's Health Systems and other health care programs benefiting the community.

Much of the land bequeathed by Queen Emma to the Foundation is encumbered by long-term, fixed rent commercial and industrial ground leases. As these leases expire, the land and improvements revert back to the Foundation. The existing, aged improvements thereon will need to be upgraded in order to enhance and continue the revenue-generating potential of the properties. However, the Foundation's available cash and cash flow are insufficient to implement these improvements which would result in increased financial support to The Queen's Medical Center, The Queen's Health Systems and other health care programs benefiting the community. If the Foundation borrows the funds, any income generated from those improvements would be subject to the debt-financed property rules of the unrelated business income tax provisions of the Internal Revenue Code. Since the income would be taxed at the corporate rate, the amount ultimately available to The Queen's Health System would be greatly reduced.

Consequently, the generosity and intent of Queen Emma more than 100 years ago are being frustrated by federal tax provisions intended to prevent abuses. I am sure the Congress never intended the unfortunate consequences these provisions are having on what is virtually the sole source of private financial support for this sound and unique system of providing and delivering health care to the people of Hawaii.

Current law already allows an exception from the debt-financing rules for certain real estate investments of pension trusts as well as an exception for educational institutions and their supporting organizations. The legislation I am introducing today grants similar relief to institutions like The Queen Emma Foundation which provide and deliver health care to the people of our nation.