

1710(e)(1)(C) of title 38 authorizes the Secretary to provide health care services on a priority basis to veterans who served in the Southwest Asia Theater of operations during the Persian Gulf War. Section 1710(e)(3)(B) of title 38 specifies that this eligibility expires on December 31, 2001.

Senate Bill

The Senate Bill would amend section 1710 of title 38, United States Code, to extend health care eligibility for veterans who served in Southwest Asia during the Gulf War, to December 31, 2011.

House Bill

The House Bill contains no comparable provision.

Compromise Agreement

Section 211 follows the Senate bill but extends the health care eligibility to December 31, 2002.

STEELWORKERS' APPEAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2001

Mr. KUCINICH. Mr. Speaker, on December 12th, hundreds of Americans came to the Capitol to implore their elected representatives to help them. They are steelworkers, living in Ohio, Indiana, Illinois, Minnesota and Pennsylvania. They work for LTV Steel Company, which is in bankruptcy after enduring years of unfair competition from foreign imports.

The steelworkers testified before a hearing of the Congressional Steel Caucus. They spoke poignantly and eloquently. They expressed the key principles upon which our Republic was founded: liberty and justice for all. They have made the reasonable demand that we, their elected representatives, uphold those principles in a global economy.

I am entering into the RECORD the testimony from that hearing, so that all of my colleagues may hear their appeal.

STATEMENT OF TONY PANZA, LTV STEELWORKER, UNITED STEELWORKERS OF AMERICA, LOCAL 1157, CLEVELAND, OHIO

Hello. My name is Tony Panza. I'm 36 years old and have been employed by LTV Steel Company in Cleveland, Ohio since 1988. During my first ten years, I worked in the power house of the mill. I later joined the apprenticeship program and became a millwright in 1998. I had a good job and expected to work in this job until I retired some day. I am a third generation steelworker. I am married and my wife and I have two daughters, Isabel, age four, and Rosalie, age 10.

In late 2000 when LTV first declared bankruptcy after suffering from the surge of foreign dumped steel, I joined the SOS (Save Our Steel) Committee to try to get Congress to stop illegally-dumped foreign steel before it destroyed any more American steel companies. Unfortunately, we have been unsuccessful up to this point. Some 29 American steel companies, including LTV, have been forced into bankruptcy. Several of those companies have been forced to shut down completely. One of the reasons is the snail's pace of the process in getting a loan from the Emergency Steel Loan Guarantee Board. It is my understanding that this program was established for circumstances just like what we face at LTV. The system seems to be working against us. By the time we can get help, it may be too late.

I urge the Steel Caucus to do whatever you can in order to see that this program fulfills

its duties under the law. Also, I'd like to stress to everyone here the devastating effect a permanent shutdown of LTV Steel would have not only upon our steelworkers, but also all of our retirees. It seems the only growth industry in this country is health care. Prices for health care, including prescription drugs, far exceed any increase in wages or benefits. If LTV permanently shuts down, not only will our retirees get reduced pensions from the PBGC and become a burden on the government, they will also be forced to bear this great additional cost on their fixed incomes.

Growing up in this country, I was always taught to respect and care for my elders. It would seem that some in our government have forgotten this basic lesson. To allow those that invested so much of their blood, sweat, and tears in an industry and a company to make this country strong to be thrown to the wolves would make them victims to the policies of their own government. With the current economic situation in this country, the devastating effects a permanent shutdown of LTV would have would only make it harder on America to pull out of the current recession. It will only create a bigger burden on city, state, and Federal governments. Worse than that is the loss of self-respect of the people who helped to make this a great nation.

My brothers and sisters and I are not asking for riches. We are not sports stars or movie stars. We are only asking to have the right to earn decent wages and benefits through the sweat of our labor so that we can buy a house, educate our children, and some day retire in dignity. The people here in Congress and in this administration have the ability to make that happen.

Do not let the American dream die from neglect. I urge you in the strongest possible terms to get the Emergency Steel Loan Board to approve the \$250 million loan guarantee to LTV Steel.

Thank you.

STATEMENT OF BOB RANKIN, LTV STEELWORKER, UNITED STEELWORKERS OF AMERICA, LOCAL 188, CLEVELAND, OHIO

Thank you for the privilege of appearing today to speak about the future of LTV Steel and the future of steelworkers like myself and thousands of others.

My name is Bob Rankin. I worked as a production worker at LTV's mill in Cleveland, Ohio. I have worked for LTV since 1978. My job was to inspect steel products being manufactured on the line.

I have a 10-year old son born with a brain injury. When he was two years old, the doctors told us that he probably would not be able to speak or communicate with other people. We found a hospital in Philadelphia called the Institute for Child Development. He was put in 12 to 14 hours a day of therapy. Our insurance paid for 85 to 90 percent of the costs. The cost for one week of care is approximately \$18,000. Our son was in this program for three years and he has achieved remarkable success during that time. He is now walking and talking and going to a regular school. Without our insurance, this would never have happened.

He still receives physical therapy today which helps him to have a better quality of life. If it were not for my insurance, the cost of his care in a public hospital setting would have been enormously more expensive and probably would not have improved his medical condition.

My wife and I are not unique in wanting the best life possible and the best medical care for our child. There are many other workers at LTV who face similar challenges in providing health care for their loved ones, whether it is a spouse or children.

As I see it, the emergency steel loan guarantee is the next step in helping to save LTV Steel and our jobs and health care benefits. The Steelworkers union has actually already taken the first step in cooperation with the company's unsecured creditors by developing a plan which includes work rule concessions by the steelworkers.

Our members work hard every day. Many, like myself, have devoted years to making LTV Steel succeed. Unfortunately, over the past five years, we have witnessed a literal flood of foreign-made steel coming into the U.S. market. This has depressed steel prices here in the U.S. and is largely responsible for the circumstances which have forced LTV Steel and 29 other U.S. steel companies into bankruptcy.

Congress created the Emergency Steel Loan Guarantee Board for precisely this situation; to help a domestic American company that has been ravaged by cheap foreign steel to get back on its feet and survive. We have seen in the news where the IMF and the World Bank have allowed loans to foreign countries, including China, so that they can build up their own steel industries. Our own government has backed these loans. Yet when we are pleading for our survival, we are kept waiting and wondering whether we will have jobs.

I urge you not to wait any longer. Please contact the Emergency Loan Guarantee Board and ask them to approve the \$250 million loan guarantee for LTV Steel. We need this guarantee to save our jobs and to save our families.

Thank you.

STATEMENT OF RICHARD DOWDELL, LTV STEELWORKER, UNITED STEELWORKERS OF AMERICA, LOCAL 1011, INDIANA HARBOR, INDIANA

Thank you for the opportunity to appear before you today to speak about the crisis facing myself and over 8,000 other employees of LTV Steel.

My name is Richard Dowdell. I serve as a Unit Co-chairperson of the Chicago coke plant. I began working at LTV Steel in March, 1964 as a stove tender. I joined the mechanical apprenticeship program and became a millwright in 1966. I am married and have two children.

LTV has arbitrarily decided it is better for the employees working in its steel mills to no longer have a job. They actually told the bankruptcy court judge that it is better for us to have finality in this matter and to get on with our lives. But I have invested 37 years of my life working for LTV Steel and I am not willing to go without fighting to save my company and my job. The Steelworkers union and the unsecured creditors have put forward a modified labor agreement that can and should be accepted. The sacrifices being offered by our steelworkers will give us at least a fighting chance to save LTV Steel if they are approved by the bankruptcy court.

The termination of our contract would mean that thousands of steelworkers and retirees could lose their health insurance. My wife has an existing medical condition where she has a microvalve in her heart which requires expensive medication. If we were to lose our health insurance, I do not know how we would be able to afford her medication. There are some 69,000 LTV retirees, many of whom are in similar circumstances and are relying on the company providing their health insurance. If we were to lose our health insurance, there may not be anywhere for us to go, especially for those like my wife who have serious, pre-existing medical conditions that require expensive medication.

LTV's asset protection plan does not protect two of their most important assets: the

company's two coke plants, one in Chicago and the other in Warren, Ohio. These facilities may be worth \$300 million. Instead, the company has chosen to permanently shut down these facilities. These facilities, unlike the hot mills, are not subject to the court's recent December 5th order providing for hot idle shutdown. The coke facilities are subject to being permanently closed now unless the judge modifies his order.

The steelworkers and retirees of LTV Steel ask you to do all that you can to ensure that the Emergency Steel Loan Board moves quickly to approve the \$250 million loan to save LTV Steel. Please act now before it is too late.

Thank you.

STATEMENT OF COUNCILMAN ROOSEVELT
COATS, CITY OF CLEVELAND, OHIO

Thank you Mr. Chairman and members of the U.S. House of Representatives Steel Caucus for receiving my testimony today concerning the future of LTV Steel. My name is Roosevelt Coats and I am a member of the City Council from Ward 10 in the city of Cleveland, Ohio. I have served on the City Council since 1987. Prior to that time, I was a Union Representative for the United Steelworkers of America.

I share the concerns of Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs-Jones, the people of Cleveland, and many in this room about the future of LTV Steel Company.

The research done by the City of Cleveland about the possible loss of LTV Steel is devastating to our city and to the lives of tens of thousands of people who live in our city. The loss of LTV Steel would mean the loss of 3200 steelworkers' jobs in the City of Cleveland. It would also result in the loss of another 7500 steelworkers' jobs in the states of Ohio, Indiana, Illinois, Michigan, and Minnesota. 40,000 additional jobs would be affected nationally, and 69,000 families nationwide would have pensions and health care benefits either reduced and/or eliminated.

The prospect of losing your health insurance, especially if you are an older person who is retired, living on a fixed income, and facing mounting costs for health care and prescription drugs is nothing short of frightening. Where can an 80-year old retiree with preexisting medical conditions go to get health insurance if they lose their insurance? How can current workers afford health insurance for their children, their spouse, and themselves if they lose their insurance? These are the key questions which trouble thousands of my constituents today.

Needless to say, the loss of 3200 jobs would have a tremendous impact upon the City of Cleveland, mainly because of the city losing the tax revenue from these family-supportive jobs. LTV also pays millions of dollars a year in property taxes to the City of Cleveland. This is revenue to our city which is vital in paying for police, fire, education, public health, and other vital functions of our local government. Such a significant loss of local tax revenue would necessarily lead to either cutbacks in city services, layoffs of public personnel, or increases in taxes to maintain services, or perhaps a combination of all three options. It would also lead to an erosion of our city's infrastructure as we know it today. There is no doubt that the loss of LTV will lead to a diminished quality of life for people in Cleveland. We saw what happened twenty years ago when the steel industry was in crisis, how entire communities in Pennsylvania, Ohio, Indiana, Minnesota, and elsewhere were devastated when steel mills shut down and workers were suddenly displaced.

The cost of allowing LTV Steel to go under will ultimately fall upon every taxpayer in

Ohio and in America in the form of taxes to pay for unemployment insurance, food stamps, health care, job training and placement, and other services. These additional costs to our city and to state government will come at the very moment when we are in a recession and state and local tax revenues are plummeting.

The environmental cleanup which would be necessary if this plant closes down would also create a tremendous burden for the City of Cleveland. The vendors who serve LTV Steel and the company's customers would also be negatively impacted by the loss of jobs in a shutdown of LTV Steel.

LTV, like all other American steel manufacturers, has become a victim of unfair and unbalanced trade policies which have permitted a flood of foreign steel, much of it "dumped" illegally, into the U.S. market. This flood of foreign steel has depressed prices so severely that no one can make money in this industry in America. With 29 companies, including LTV Steel, in bankruptcy we know that time is running out. We do not want to see LTV join the ranks of those steelmakers who have shut down permanently.

On behalf of the workers and retirees of LTV Steel Company, I implore you in the Congress and the Administration to do all that you can to save LTV Steel.

Thank you.

PROPOSED RESOLUTION NO. 2002-24
PRESERVATION OF U.S. STEEL INDUSTRY

Whereas, the United States steel industry is in the midst of a serious crisis that impacts not only steel producing states, but the security and economic well-being of the entire nation; and

Whereas, since the United States is experiencing a recession and, as a result of the tragedy of September 11, 2001, is embroiled in international military action, the loss of the capability to produce steel domestically will pose a threat to national security and the nation's ability to retain a manufacturing base; and

Whereas, America's crumbling infrastructure needs to be rebuilt and domestically produced steel could be used to assist in the rebuilding of our cities and towns; and

Whereas, suppliers of raw materials from areas such as Minnesota, Michigan, West Virginia and Pennsylvania, and consumers such as automobile manufacturers in Michigan and aerospace manufacturers in Washington would be severely impacted if the domestic steel industry is permitted to erode; and

Whereas, by way of example, 3,200 steel industry-related jobs would be lost in Cleveland, 7,500 jobs would be eliminated in Ohio, Illinois and Indiana, 40,000 additional jobs would be affected nationally and 50,000 families nationwide would have pension and health benefits reduced; and

Whereas, foreign steel imports have spiked to 40 percent of the U.S. market, up from 20 percent just two years ago, by selling steel at prices that are significantly below the cost of production; and

Whereas, the U.S. Trade Commission has determined that illegal dumping of foreign-made steel has occurred and the administration is currently considering an appropriate remedy for this practice;

Now, therefore, be it resolved, That the National League of Cities urges the President to consider action under international trade law to determine whether there has been dumping of foreign-made steel in the U.S.

Be it further resolved, That the National League of Cities urges Congress and the Administration to consider federal programs to

assist U.S. steel makers in gaining resources that would be used for reinvestment, retooling and restructuring.

STATEMENT OF BRUCE SIMON, COUNSEL TO
UNITED STEELWORKERS OF AMERICA

Good afternoon.

My name is Bruce Simon. I am a partner in the firm of Cohen, Weiss and Simon, and we are Counsel to the United Steelworkers of America in the LTV Steel matter.

I'd like to start with a brief review of one of the key findings of the Emergency Steel Loan Guaranty Act of 1999; an overview of employment in the steel industry; an update on LTV itself, including the status of the bankruptcy proceeding, and then deal with the loan application now pending before the Emergency Steel Loan Guaranty Board. I will conclude with a suggestion about what the Steel Caucus, and the United States Congress can do about it.

First, a little congressional history:

1. [Sec. 101(b)(6)] of the Emergency Steel Loan Guaranty Act of 1999, provides: "Congress finds that (6) a strong steel industry is necessary to the adequate defense preparedness of the United States in order to have sufficient steel available to build the ships, tanks, planes and armaments necessary for the national defense". And that was before September 11, 2001.

2. Congress's findings in the 1999 law also recited the loss of 10,000 steelworkers jobs in 1998, and 3 medium-sized steel bankruptcies (ACME, LaClede, Geneva).

Since then, literally tens of thousands more steelworkers have lost their jobs. Just last Friday, the Bureau of Labor Statistics reported that in the last 12 months alone, 17,600 Steelworkers lost their jobs—not including the 6,000 so far at LTV.

And, of course, we now have 28 steel companies in bankruptcy, including two of the very largest, LTV and Bethlehem.

SNAPSHOT OF LTV

1. 6,800 employees, + 2000 at LTV Tubular
2. 70,000 Retirees, surviving spouses and dependents on Retiree Health
3. Legacy costs \$1.5B
4. Pension underfunding—\$1/2 B

LEGAL STATUS

Last week, on December 5, the Bankruptcy Court in Youngstown, Ohio issued an order which carried out an agreement made in Chambers—between the Company, its secured lenders, its noteholders, the Creditors Committee and the Steelworkers. I should note that Members Kucinich and Latourette were very effective witnesses on behalf of Steelworkers. The Court's Order, in effect, put LTV on a limited life support system, on a respirator, in the intensive care unit. The Order provides:

(a) the Company's integrated steel units are to be maintained in a form of hot idle until the President issues Section 201 remedies by March, 2002

(b) the coke plants in Warren, Ohio and Chicago are to be held alive for 3 weeks

(c) the Company is to support and cooperate in continuing efforts to secure the Byrd loan, and to report back to the Court on December 19—next Wednesday

Where do we stand with the Emergency Loan Board?

Let me start with a conclusion, and work backwards from there.

The power to save LTV, and the power to bury LTV rests in one place—the Emergency Steel Loan Guaranty Board.

Now, the question for the day is—what can the Steel Caucus do, what can the Congress of the United States do, to move the Loan Board to exercise its power to let LTV live—and not exercise its power to pull the plug?

There has been a considerable amount of finger-pointing and blame assessment over

the past few months—and there are many, many candidates for the role of accessory-before-the-fact. But with all due respect, the United Steelworkers of America believes this not the time to pin the tail on the donkey for the closing of LTV.

This is the time, perhaps the last time, that something can be done to avoid the catastrophic consequences of the closing of LTV that you have just heard about from the steelworker members of this panel.

I'm going to spend a few minutes to support my conclusion—that the focus now is on the Loan Board—and then propose a course of action—immediate action—for the Steel Caucus to take.

Here's where we are today.

There is pending on the desk of the Emergency Steel Loan Guaranty Board an application by the National City Bank, and Key Bank, on behalf of LTV, for a \$250 million loan guaranty.

The application is supported by an analysis by the big 5 Accounting Firm of Deloitte Touche, for the Official Creditors Committee of LTV, appointed by the Bankruptcy Court, which states that the second, historic, labor agreement negotiated between LTV's creditors and the Steelworkers provides the following—and I quote: (1) "the Company is able to fully repay the Byrd Loan by the end of 2005," (2) "the Company is projected to maintain positive liquidity over the five year period with a low point of \$35M in 2002".

Thus, the Loan Board has been told by one of the most highly respected Accounting firms, one of the "big 5", that its primary concerns have been met—that, if the \$250M loan is made, it will be paid back as the law requires; and the Company will have the liquidity, the cash on hand, to carry on its business.

Until now, there has been buck passing. From Management of LTV to its banks; from the Byrd Bill banks to the DIP lenders; then to the Union. And back and forth. Now, buck passing is over, and there is one—and only one, focus. The Loan Board has the power to keep LTV alive, so that efforts already under way to help the entire industry (by addressing the illegal dumping, by addressing legacy costs) have a chance to click in. If the Board fails to act, it will have pulled the plug before the doctor has had a chance to operate.

Finally, what must be done? The Steel Caucus, and the other members of Congress, must convey to the members of the Emergency Steel Loan Guaranty Board, that the will and intent of Congress in the Emergency Steel Loan Guaranty Act of 1999 was that instances like LTV are precisely the instances where guaranty should be issued. The Board must be told, forcefully, that the time to act is now, and that the Guaranty should be issued forthwith.

ELIGIBILITY OF CERTAIN PERSONS FOR BURIAL IN ARLINGTON NATIONAL CEMETERY

SPEECH OF

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mr. SIMPSON. Madam Speaker, I rise today in support of H.R. 3423, which extends burial eligibility at Arlington National Cemetery to those reservists who retire before age 60—the age at which they become eligible for retired pay.

H.R. 3423 also makes eligible for in-ground burial at Arlington a member of a reserve

component who dies in the line of duty while on active or inactive duty training. To me as a layperson, active duty for training and inactive duty training is a distinction without a difference.

Either way, a life was given to protect the freedoms of all the rest of us.

Earlier this year, a military plane crashed in Georgia. On board were Guardsmen returning home from active duty for training. All on board died. Yet none was eligible for burial at Arlington because they were on training status as opposed to mobilized status.

Their military classification at the time of death made no difference to the widows and children left without a husband and father. The fact of the matter is that these soldiers died in the line of duty.

Madam Speaker, this bill is yet another testament to Chairman SMITH's commitment to our servicemembers, veterans, and their survivors.

In the wake of the September 11 attacks on Americans, I thank Chairman SMITH for taking the initiative to introduce and bring this bill to the floor before we adjourn for the year.

I urge my colleagues to support H.R. 3423.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2001

Mr. GILLMOR. Mr. Speaker, as Chairman of the Environment and Hazardous Materials Subcommittee of the House Energy and Commerce Committee, which has jurisdiction over the Safe Drinking Water Act, I am taking this opportunity to elaborate on and clarify the provisions of the legislative text of Title IV of H.R. 3448, the Public Health Security and Bioterrorism Response Act of 2001. Because this legislation was considered under suspension of the Rules and without the filing of a report by the House Energy and Commerce Committee, I want to provide and more detailed explanation of Title IV for the RECORD.

SECTION 401: AMENDMENT TO SAFE DRINKING WATER ACT

Title IV of the Public Health Security and Bioterrorism Response Act of 2001 requires community water systems serving over 3,300 individuals to conduct vulnerability assessments and to prepare or revise emergency response plans which incorporate the results of the vulnerability assessment. The legislation, however, also recognizes that many community water systems have conducted or will be in the process of conducting vulnerability assessments at the time of enactment. Title IV is thus explicitly drafted not to create a regulatory program which could slow down ongoing efforts or to require systems that have completed vulnerability assessments to undertake another such assessment. The title only requires that systems certify that an assessment has been completed by a specific date, not that the assessment was initiated and/or completed before or after the date of enactment.

Title IV does not create a regulatory role for the Environmental Protection Agency (EPA) in defining what is or is not an "acceptable" vulnerability assessment. EPA is provided no regulatory authority in this re-

gard; instead, the Agency is only to provide information once to community water systems (by March 1, 2002) regarding what kinds of terrorist attacks are probable threats. EPA is to coordinate its efforts with other agencies and departments of government who have expertise in this area, to compile information readily available or already developed, and to promptly distribute this information. The statute does not provide a continuing duty for EPA in this area past the date specified in the legislation.

In this regard, vulnerability assessments are defined in statute only to the extent that they include a review of certain specified items. These items are those which make up the physical structure of a public water system (as defined in section 1401 of the Safe Drinking Water Act (SDWA)), electronic, computer or other automated systems, physical barriers, the use, storage, or handling of various chemicals and the operation and maintenance of a drinking water system. Title IV recognizes that there are many different types and sizes of community water systems (CWS) and gives CWS wide discretion to devise and conduct a vulnerability assessment. EPA is not given any rule-making or other authority to define further what is or is not a vulnerability assessment meeting the requirements of section 1433. Nor does Title IV require that a community water system utilize any particular vulnerability assessment tool, or conduct any specific type of analysis. Community water systems are not required to determine the consequences of intentional acts or terrorist acts, analyze their use of specific chemicals, including chlorine, as opposed to other chemicals, or to characterize the risk of any offsite impacts. Further, the term "physical barriers" does not necessarily include "buffer zones" or any other area around physical structures.

Title IV does not contain any requirement that the EPA or any other governmental body receive for review vulnerability assessments conducted by water systems. Nor does Title IV contain any requirement that community water systems provide such information to EPA or to any other person or governmental entity. It only requires that community water systems certify that they have completed an assessment. Community water systems are to coordinate with local emergency planning committees (LEPCs) in the preparation or revision of emergency response plans for the purpose of avoiding duplication of effort and taking advantage of previous information developed by the LEPCs for first responders and local government response. There is no requirement that community water systems disclose any of the information developed by the vulnerability assessments to the LEPCs.

Vulnerability assessments could contain very sensitive information about a drinking water system which would be of assistance to a terrorist or an individual contemplating an attack. Therefore, Title IV was explicitly and intentionally drafted to avoid triggering any requirement under the Freedom of Information Act (FOIA) (Section 552 of Title 5, United States Code) to disclose any information developed in connection with a vulnerability assessment. The President should carefully consider whether assessments and related materials should be exempted from the FOIA by executive order.

The legislation authorizes EPA to provide financial assistance to CWS for several specified purposes. EPA may provide assistance for vulnerability assessments, for developing or revising emergency response plans and for expenses and contracts designed to address basic security enhancements of critical importance and significant threats to public health. Title IV does not define either "basic