

recognized under the 1995 U.N. Agreement on Straddling Stocks and Highly Migratory Species.

I am sad to report that many ICCAT member nations have failed to comply with basic ICCAT quota and minimum size regulations for several important species. The magnitude of these violations is so great that it could render useless all of the conservation plans that ICCAT have put in place to date. I find this very troubling, particularly given the tremendous burdens placed on U.S. fishermen to improve conservation of these species. They rightly object to being disadvantaged in the marketplace by nations who can sell fish more cheaply because their costs of compliance with the law are essentially zero.

Furthermore, it is my understanding that some ICCAT member nations have undermined essential conservation plans from the outset for several ICCAT species, by simply setting a quota that is in flagrant disregard of the best advice of the scientific community. These species include bluefin tuna and swordfish. Both of these species are extremely important to fishermen along the East Coast.

As I stated earlier compliance to basic conservation measures is absolutely essential to rebuilding our highly valuable stocks of swordfish and tuna. American fishermen have made great sacrifices for the conservation of bluefin tuna and swordfish in order to rebuild these stocks to their maximum sustainable yield. Nothing infuriates law-abiding U.S. fishermen more than having their future conservation gains squandered by nations that openly flout ICCAT's scientifically-based conservation standards. This simply cannot continue.

I strongly urge the U.S. delegation to this year's ICCAT to demand full compliance with all conservation measures, including sound, scientifically based quotas for all managed species. We have learned the hard way that the alternative to pro-active conservation is overfished and depleted stocks. These impacts go beyond financial costs to the fishing industry, and can place severe strains on local communities, national economies, and critical food supply chains. I do not need to remind you, of the devastating impacts overfishing caused in New England. In the 1980s our fishermen, like those of many ICCAT nations do today, believed that our oceans contained unlimited amounts of cod, haddock and yellowtail flounder. But by the early 1990s our stocks crashed causing severe economic harm to fishermen and their coastal communities. U.S. fishermen know firsthand what a fishery crash will mean and they are more than willing to do their part to ensure the same fate does not befall our international fisheries. The truth of the matter is, without compliance by all of ICCAT

member nations, rebuilding these species is a Sisyphean feat, an endless uphill battle. The U.S. cannot lift this boulder alone, we are but a small component of the total fishery. Sound, proactive conservation works, one need only look at Georges Bank today and see how far we have come with cod, haddock and yellowtail flounder.

The truth, is that the fishermen of the United States cannot carry the conservation load by themselves for highly migratory species. But even here in the United States we have shown that it is possible to revive multi-jurisdictional species through coordinated but mandatory conservation measures, the Atlantic states worked together to bring striped bass back from the edge, and the resulting striped bass population has exceeded all expectations. We must ensure that this is a model we successfully export to other nations, and ICCAT is the place we need to do it. The U.S. must demand from our fellow ICCAT members what we already demand from ourselves: use the best science when setting quotas and comply with quotas once they have been set. It is a simple rule, and it works.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator KERRY, to submit a resolution expressing the sense of the Senate regarding the policy of the United States at the 17th Regular Meeting of the International Convention for the Conservation of Atlantic Tunas, ICCAT.

We are submitting this resolution today as our delegates prepare for the upcoming ICCAT meeting in Murcia, Spain which begins on November 12, 2001. At this meeting the ICCAT will set international quotas for highly migratory species and recommend conservation and sustainable management measures. The ICCAT is an international body and only has the authority to make recommendations to its member nations. As such, the effective management of highly migratory species, such as bluefin tuna, requires the cooperation of the member nations in this voluntary regime. The sustainable harvest and longterm viability of U.S. bluefin tuna fisheries depends on the compliance with management measures by all member nations. Unfortunately, several member nations routinely take actions that undermine the convention.

In some cases, the conservation efforts of other countries do not directly affect the United States and its fishing industry. That is not the case with highly migratory species, such as the ones managed through ICCAT. Recent scientific studies conducted cooperatively with U.S. fishermen have shown that bluefin tuna caught off the coast of the United States migrate to and from the Eastern Atlantic and the Mediterranean Sea. This means that the traditional notion of the Eastern

Atlantic stock being separate and independent from the Western Atlantic stock is not accurate and the data indicate it is one mixed stock of fish. Therefore, overharvesting of bluefin tuna in the Eastern Atlantic has a direct effect on United States fisheries.

This resolution expresses the Senate's belief that the United States needs to push for improved monitoring, reporting, and compliance with all ICCAT management plans. This will help all nations to identify those that have routinely acted counter to the recommendations of the ICCAT and aid enforcement efforts. It is important for the international community to understand which nations are undermining the recovery efforts of the ICCAT and take action to correct this problem. The United States should push for the necessary changes to create transparency in the conservation and management efforts of all members of the ICCAT. We need to know who is a dedicated partner in these efforts to conserve and sustainably manage highly migratory species.

As chair and ranking member of the Subcommittee on Oceans, Atmosphere, and Fisheries, Senator KERRY and I have been dedicated to improving fisheries management. This resolution is a critical step in ensuring that the international management plan approved by the ICCAT in 1998 meets the sustainable harvest goals that we all fought for. I urge my colleagues to join us and support this resolution.

**SENATE CONCURRENT RESOLUTION 82—AUTHORIZING THE 2002 WINTER OLYMPICS TORCH RELAY TO COME ONTO THE CAPITOL GROUNDS**

Mr. BENNETT (for himself, Mr. HATCH, Mr. DODD, Mr. MCCONNELL, and Mr. STEVENS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 82

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. AUTHORIZATION OF THE RUNNING OF 2002 WINTER OLYMPICS TORCH RELAY ONTO THE CAPITOL GROUNDS.**

On December 21, 2001, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2002 Winter Olympics Torch Relay (in this resolution referred to as the "event") may come onto the Capitol Grounds as part of the ceremony of the 2002 Winter Olympic Games to be held in Salt Lake City, Utah.

**SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.**

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

**SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.**

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

**SEC. 4. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

—————

**SENATE CONCURRENT RESOLUTION 83—PROVIDING FOR A NATIONAL DAY OF RECONCILIATION**

Mr. BROWBACK (for himself and Mrs. CLINTON) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 83

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. USE OF ROTUNDA OF THE CAPITOL.**

The rotunda of the Capitol is authorized to be used at any time on November 27, 2001, or December 4, 2001, for a National Day of Reconciliation where—

(1) the 2 Houses of Congress shall assemble in the rotunda with the Chaplain of the House of Representatives and the Chaplain of the Senate in attendance; and

(2) during this assembly, the Members of the 2 Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as—

- (A) the champion of hope;
- (B) the vindicator of the defenseless; and
- (C) the guardian of freedom.

**SEC. 2. PHYSICAL PREPARATIONS FOR THE ASSEMBLY.**

Physical preparations for the assembly shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

—————

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2117. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

SA 2118. Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2119. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2120. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2121. Mr. KERRY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1499, to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

SA 2117. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. \_\_\_\_ . REFUNDABLE CREDIT FOR OUTPATIENT PRESCRIPTION DRUGS FOR MEDICARE BENEFICIARIES.**

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

**“SEC. 35. OUTPATIENT PRESCRIPTION DRUGS FOR MEDICARE BENEFICIARIES.**

“(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the amount paid during the taxable year, not compensated for by insurance or otherwise, for qualified outpatient prescription drugs for such individual.

“(b) LIMITATION.—The amount allowed as a credit under subsection (a) to the taxpayer for the taxable year shall not exceed \$500 (\$1,000 in the case of a joint return by 2 eligible individuals).

“(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ‘eligible individual’ means, with respect to any taxable year, any individual entitled to any benefits under title XVIII of the Social Security Act during such taxable year.

“(d) QUALIFIED OUTPATIENT PRESCRIPTION DRUGS.—For purposes of this section, the term ‘qualified outpatient prescription drugs’ means, with respect to any taxable year, any prescription drug the cost of which is not covered under title XVIII of the Social Security Act during such taxable year.

“(e) SPECIAL RULES.—

“(1) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

“(2) APPLICATION OF SECTION.—This section shall not apply to any taxable year beginning after December 31, 2001.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period “, or from section 35 of such Code”.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

“Sec. 35. Outpatient prescription drugs for medicare beneficiaries.

“Sec. 36. Overpayments of tax.”.

(c) NOTIFICATION OF CREDIT.—The Secretary of Health and Human Services shall notify each individual who is or becomes entitled to benefits under title XVIII of the Social Security Act in 2001 of the individual’s eligibility for the refundable credit for outpatient prescription drugs under section 35 of the Internal Revenue Code of 1986 (as added by this section).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SA 2118. Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms.

SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in title IX insert the following:

**SEC. \_\_\_\_ . MEMBER OF UNIFORMED SERVICE AND FOREIGN SERVICE TREATED AS USING PRINCIPAL RESIDENCE WHILE AWAY FROM HOME ON QUALIFIED OFFICIAL EXTENDED DUTY IN DETERMINING EXCLUSION OF GAIN ON SALE OF SUCH RESIDENCE.**

(a) IN GENERAL.—Section 121(d) (relating to special rules) is amended by adding at the end the following:

“(9) DETERMINATION OF USE DURING PERIODS OF QUALIFIED OFFICIAL EXTENDED DUTY WITH UNIFORMED SERVICE OR FOREIGN SERVICE.—

“(A) IN GENERAL.—A taxpayer shall be treated as using property as a principal residence during any period—

“(i) the taxpayer owns such property, and

“(ii) the taxpayer (or the taxpayer’s spouse) is serving on qualified official extended duty as a member of a uniformed service or of the Foreign Service,

but only if the taxpayer owned and used the property as a principal residence for any period before the period of qualified official extended duty.

“(B) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified official extended duty’ means any period of extended duty during which the member of a uniformed service or the Foreign Service is under a call or order compelling such duty at a duty station which is a least 50 miles from the property described in subparagraph (A) or compelling residence in Government furnished quarters while on such duty.

“(ii) EXTENDED DUTY.—The term ‘extended duty’ means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

“(C) DEFINITIONS.—For purposes of this paragraph—

“(i) UNIFORMED SERVICE.—The term ‘uniformed service’ has the meaning given such term by section 101(a)(5) of title 10, United States Code.

“(ii) FOREIGN SERVICE OF THE UNITED STATES.—The term ‘member of the Foreign Service’ has the meaning given the term ‘member of the Service’ by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges on or after the date of the enactment of this Act.

SA 2119. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

Strike section 202 of the bill and insert the following:

**SEC. 202. SMALL BUSINESS ECONOMIC STIMULUS.**

(a) INCREASE AND EXPANSION OF SECTION 179 EXPENSING.—