

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