

the continuation of agricultural programs through fiscal year 2011.

S. 1680

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 1680, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide that duty of the National Guard mobilized by a State in support of Operation Enduring Freedom or otherwise at the request of the President shall qualify as military service under that Act.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Georgia (Mr. CLELAND), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1715

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 1715, a bill to improve the ability of the United States to prepare for and respond to a biological threat or attack.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BOND, and Mr. FRIST):

S. 1717. A bill to provide for a payroll tax holiday; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I send to the desk to be appropriately referred a bill that is cosponsored by Senator BOND and Senator FRIST. This is going to be called the payroll tax holiday bill.

Mr. President, we have been talking a lot about a war, and we are beginning to read stories about the great valor and the fantastic American military machine, of which the American people ought to be very proud. Clearly, we have, in months and years past, supplied a very large amount of the American tax dollars to provide for adequate defense. This war we have waged for a few weeks against hatred and terrorism—while that war changed us forever, it also showed the world what a tremendous military force America is and what a great idea we have with democracy and capitalism matched up, with growth and prosperity—what a tremendous idea it is.

The idea and ideal was received on the streets of cities in Afghanistan with cheering for the few Americans who were part of it. This morning, we hear a communique from one of our military talking about how they are being received.

At the same time that we are paying for this and asking for our wonderful

volunteer men and women of the military, there is another war, and it is a tough one. It has to do with an economy that for 11 years was at the very peak of performance—almost without comparability in any period of economics that we note here in America. Now that economy, as one might have predicted, is going into one of the normal and natural downturns—except each one of these recessions are different. The qualities are different. What happened to get us there is different. There are also a lot of similarities. If we don't engage in the war that is also on our plate, called recession, in as unified a manner as we attacked the war on terrorism, with a proposal to help the economy, thus help our people—that is, Democrat and Republican—and gather together and say we each, Democrat, Republican, and the White House, have a plan—a lot of Senators have plans. We only had one vote, and it is pretty obvious that the Democrat plan can't muster the 60 votes that is going to be required to get a tax package through the Senate.

We all know the vote. The distinguished Senator from Montana, the chairman of the Finance Committee, has done a yeoman's job in trying to put together a partisan package. I have been there when you had to do that, and then I have had to defend it and try to get it through, with the entire party on the other side being opposed. I have listened and watched and seen this distinguished Senator do his very best. If the Republican plan—which may be the President's plan—is called up, I regret to say that I think it is going to get the same kind of treatment from the other side of the aisle. I can't say why each side has decided that they have a better plan, but that is what has happened. Let's hope that it is nothing more than that and that both sides still wish to get something done, to get an economic stimulus package; that is, a package that will cause America's economy to grow, jump-start, give it a little boost.

I am not going to talk about the things that have already been done, other than to say that once the recession started—that is a long time ago; for those who think this just came upon us, if you trace the economy—and I am sure the occupant of the chair, who, for many years of his life, day by day, had to rely upon his ability to analyze the economy and/or that of those who worked for him, and decisions had to be made on the best assumptions you could put together. But it is clear if you look at what happened, this recession started downward about 16 months ago, before the swearing in of the new President. It started down and it has been coming down a little bit at a time for all these months.

During that period, the Federal Reserve Board has, for the 12th time, I believe, reduced interest rates. I know if my friend from New Jersey were standing here and we were discussing this

issue, we would both be saying that is a very good thing, reducing the interest rates. No question, America relies upon capital for growth, for investment, for everything we put people to work with; you have to have money to buy a house, to buy a car.

Incidentally, if anybody wants to know how important interest rates are, look at the anomaly in America today. One of the biggest anomalies is that we are selling more cars than ever. So we are breaking the bank on selling cars in America in the middle of a recession. Well, I guess one could say the people finally woke up and wanted new cars, but I don't think so. I think they have wanted them all along. But guess what. The automobile companies decided it was better to sell cars and finance at zero interest rate and keep people working than it was to go ahead and cut back on production, charge interest rates so the finance companies would be turning a profit, but their factories would be laying off people. What an experiment because their people kept working and producing automobiles, and the rate of finance is zero. They must have analyzed what that does or does not do for their economic picture. But in the end, cars are selling because the cost of buying them is cheap.

Now, the economy is still not recovering properly, although somehow—at least this Senator believes that while I understood what was happening and clearly was out front saying we were moving toward a recession probably 12 months before we started saying it here, I believe there is a real chance if we do something right quick that this economy will start back up.

There are some good signs out there, but there are some not so good signs that could indicate it is going to be a long recession. But I am putting before the Senate today a proposal. There are many Senators I have talked to about it. I won't mention their names. But a few of them I thank profusely because they have publicly commented to papers such as the Wall Street Journal, and others; some Democrat Senators who have analyzed it with me have said it is a very good approach.

The reason that it is not moving with large numbers of Senators at this point is because everybody has some entanglements—and I use that word not pejorative—in terms of putting the packages together where they have committed here and there and, of course, they can't just jump off those ships, they have to let normal events occur.

But this morning, Senator BOND, Senator FRIST, and I put this before the Senate and the American people because we truly believe it is something that ought to be looked at. We are not here saying it is absolutely a cinch that it will work. But we are saying—three of us—with gaining strength today—the Wall Street Journal quotes Dr. Lindsey from the White House. His analysis would indicate that this is a good economic stimulus package. Let

me suggest that it is quick, doesn't have any administrative costs associated with it. It helps city, county, States, and private sector, and, indeed, every working man and woman in America who pays payroll tax for Social Security.

The 6.2 percent that comes out of their paycheck will stay in their paycheck for whatever month we choose. The legislation is drawn for the month of December, for one month. Likewise, the employer does not remit to the Federal Government; they keep the money.

In one month, if the month of December is chosen, I say to my friend from the beautiful State of Montana, \$38 billion will go into the American economy via the wage earners and businesses, large and small, in one month. They will have that money close to the Christmas season one way or the other.

If we do January, everybody will know it is there. If we do December, it will be in their paychecks. The reason I keep using one or the other month is because we have not moved with dispatch as everybody had hoped. As a consequence, I do not know if we can get it done in time for Christmas relief.

It is a very simple bill. It is quick. The economic activities of it are immediate. It eliminates 12.4 percent payroll tax from the OASDI for the month of December; \$38 million in immediate relief to be spent for whatever the recipient wants to do with it.

Self-employed workers will see their taxes reduced by 12.4 percent in that month. It will be split evenly between the employer and employee at 6.2 percent on each side. Then, obviously, there is language putting the Social Security fund back in its original posture by transferring from the general fund. That accounts for the removal and use in the economy and the replenishment that one would expect. It is very simple.

The three of us do this not as a total stimulus package, but for the tax portion that has been discussed by each side as being important.

By a strange coincidence, the two provisions that were in the Republican package, the rebate and the 2 percent, the 2-percent marginal rate change, turned out to be \$38 billion. This package is \$38 billion. It is just a coincidence, but if we are looking for a substitute, we could substitute that money.

Whatever the Senate wants to do about workers compensation, hospital and health protection—those are not part of the stimulus package in any event. They are part of us wanting to be helpful because people are hurting. Those can be worked out. Whether we fight over those or not, clearly, eventually, they will be worked out in both bodies.

There are a lot of economists who have been analyzing this. We do not have a lot of them here today to talk about, but there are a lot. Perhaps when we return, I will print in the

RECORD an article entitled "A Stimulus Package May Not Work" by Joanne Morrison. It cites three or four economists who analyze where we are.

I say to my colleagues, there are two arguments against what we are doing. One, it is taking too long, and, two, it will take too long after we pass it. It may be a long-term event rather than a short-term stimulus. Second, without any question, there is serious doubt as to whether the other packages are very stimulative. In both instances, that is corrected here.

Is it fair? It seems pretty fair. I am not saying we can solve each and every problem, but it is pretty fair. I have sent the tax bill to the desk.

I thank my two cosponsors and the Senator from Montana for letting me present my thoughts on this. There are a lot of people beginning to ask about it and starting to support it. We will put the names of those institutions that support this in the RECORD as soon as we can. The Governors are coming on board. We have asked no one. They are reading about it now, and we probably will ask a number of other groups in the country to give us their views.

I thank the Senate for giving me time. It is nice that debate can occur, but we are not there yet. Maybe a new idea can find its place here. I hope it is new enough to receive the consideration it deserves.

Mr. President, we must move forward. Right now, we have a Republican stimulus bill that passed the House. We have the President's plan and the Senate Republicans' plan. We have the Senate Democrats' plan.

But we don't yet have a stimulus plan that will pass the Senate and be signed by the President.

I believe this bill can be the key to bringing both sides together quickly once we return from the upcoming Thanksgiving week recess.

Let me be clear. I support the President. I think this administration is right on track when it comes to an economic stimulus package. However, any existing plan has to be modified to garner enough Senate support to pass.

We can't wait till later to get this job done. The administration and Congress have promised to enact a stimulus package. The American people expect a stimulus package. The markets expect a stimulus package. It would be a huge mistake to wait.

The retail sales reported yesterday showed sales up 7.1 percent in October. However, this was almost all due to aggressive and unsustainable incentives in the auto sector. In effect, these incentives are shifting auto sales that would have been made next year into this year. The economy is going to be in trouble once these incentives stop.

In order to break the impasse and move the process forward, let me describe the bill we have introduced today.

We propose a one-month payroll tax holiday, which would replace the current proposals for a supplemental re-

bate and the speed-up of the marginal rate reductions.

I'll tell you why.

IRS Commissioner Rossotti has raised administrative issues related to the supplemental rebates. Because of where we are in the calendar, such rebates would have to be folded into the taxpayers' 2001 tax returns and refunds next spring.

A payroll tax holiday will be more effective at increasing spending than the rebate checks sent out earlier this year or a new round of rebate checks. It will put the tax cut in paychecks automatically, without the need for special mailings.

Psychologically, workers are used to adjusting their spending habits based on the size of their paychecks. At present, workers spend about 95 cents for every dollar of after-tax earnings. Increasing their after-tax earnings will therefore lead to more spending—if they perceive the tax cut to be part of their regular earnings.

That's why separate rebate checks don't work as well. When a worker gets a separate rebate check they are more likely to treat it as a special windfall gain and save the money or pay down debt. According to the University of Michigan, as of October, in the midst of a recession, only 30 percent of people receiving rebate checks were saying they would spend the money.

The speed-up of the marginal rate reductions up has been criticized as a permanent change in tax law that benefits upper income folks most.

The bottom line: A payroll tax holiday is truly a stimulative, temporary tax cut that is very likely to be spent.

All wage earners earning below \$80,400, even those that don't earn enough to pay income taxes, would benefit.

Both the employee and employer share (6.2 percent each) of the social security (OASDI) payroll tax would be suspended. Self-employed social security payroll taxes would also be suspended. The Social Security trust fund would be made whole via a transfer from the general fund.

Employees would have more take home pay and employers would have increased cash flow.

A school teacher making \$40,000 would see an increase in their take-home pay of \$207 in December. A self-employed contractor earning \$40,000 per year (who pays both the employer and employee share of 12.4 percent) would see an increase in pay of \$413.

It is most desirable to make the one-month period December 1, 2001 through December 31, 2001. A payroll tax holiday in December would be perfectly timed for the holiday shopping season. The whole tax cut would go out in only one month. We wouldn't have to wait for a new round of rebate checks to go out—a process that could take months and interfere with the speed of tax refunds.

In addition, in 2001 the payroll tax is applied to income up to \$80,400. By December, approximately 6 percent of

wage earners have already reached the limit and would not receive the benefit of the payroll tax holiday.

The cost of a December holiday is about \$38 billion in fiscal 2002. If the holiday were in January, the cost would be about \$43 billion, because all wage earners would receive the benefit.

Mr. President, we are at an impasse here in the Senate. Let's all admit that neither the Democratic plan nor the President's plan has the requisite 60 votes to pass this Chamber.

I believe this proposal could provide us with the key component to reaching a bipartisan way to enact a stimulus bill quickly.

Mr. BOND. Mr. President, Senator DOMENICI has a proposal he has crafted to provide immediate economic stimulus and assistance to low- and middle-income workers who have been suffering, as we all have, from the economic downturn.

I have signed on with him in support of his measure because his idea, which is a payroll tax holiday for December, would be the easiest, simplest, fairest, and most effective way to get a stimulus of between \$38 and \$41 billion directly into the pockets of middle and lower income workers in the United States.

This is not a tax cut for the rich because anybody who is making over \$80,000 a year has already finished making their Social Security or payroll tax, FICA tax, contributions. This would provide, if we can put this in the stimulus package and pass it quickly this month, that you would not send in your FICA tax withholdings or contributions for December. It is simple. Nothing goes in the mail. You don't have to worry about mail deliveries or all the problems we have had. Obviously, most people know we haven't had mail for almost a month in Congress. There are other places where security precautions have delayed the mail.

You don't have to go through a complicated system of developing regulations and rules or even cutting checks for a rebate. When the President proposed a rebate many weeks ago, there was time to get the rebate check prepared and get it out in December so we would have a productive, economically thriving holiday season. Unfortunately, because of the lateness of the hour, it is likely that a rebate check or other assistance that has to be paid out by check from the Federal Government will be 6 to 8 weeks away and will not hit in the pockets where the working men and women can spend it until sometime in January or February.

This obviously is one part of a stimulus package. I happen to believe that in addition to more generous unemployment benefits and providing assistance through grants to the States for health care, we also need to have assistance for small businesses, many of which have been absolutely savaged by the economic downturn as well as the crash at the World Trade Center.

Those parts are important, too. I have some small business provisions I hope will be included in the stimulus package.

The great thing about the Domenici proposal for the FICA December tax holiday, not paying the Social Security withholding amounts in December, is that it can happen immediately. It will put the money in the pockets of those who can best spend it. It helps the single mom who is just struggling to get by. It helps the individual worker who makes about \$40,000. They would have \$210 more in their pockets. For a self-employed person who has to pay both the employee and employer side of the FICA tax, 12.4 percent, that would be about \$420 they would not have to send to the Federal Government in December. Of course, there would be a transfer from the general revenue to Social Security so we would not impact Social Security.

I urge all my colleagues to pay attention to the thoughtful and effective proposal Senator DOMENICI has outlined for us. This should be the centerpiece. Democrats and Republicans can come together behind this proposal, move it quickly; let's get moving. We are in an economic downturn. It has been going on for 15 months. It got a whole lot worse after September 11. This economy needs a boost. Leaving the FICA tax in the pockets of the people who are working, the medium- and low-income workers, and the people who employ them is the best way to get this economy moving again.

By Mr. BURNS:

S. 1718. A bill to amend the Internal Revenue Code of 1986 to extend section 29 to other facilities; to the Committee on Finance.

Mr. BURNS. Mr. President, today I rise to introduce the Clean Alternative Fuels Incentives Act of 2001. This bill extends and limits the credit of producing fuel from non-conventional sources to facilities that produce qualified fuels using technologies that provide certain environmental benefits, but only if such facilities produce enhanced value synthetic fuels from coal.

It is important to outline the goals of this legislation at the outset. The four primary goals of this bill are all very important to the future of this Nation. First, the use of alternative fuels reduces our Nation's trade imbalance and reliance on foreign energy sources. Second, the cleaner, alternative fuels emit cleaner byproduct into the environment. Third, these technologies produce jobs in the United States. Fourth, they encourage the development of technologies that will be economically viable after the short period during which the incentive is provided.

Starting with the energy crisis in the 1970s, Congress acted on numerous occasions to provide tax credits intended to develop alternative fuels. Prior sessions of Congress took these steps in recognition of the need to encourage the development and use of alternative

fuels, which they hoped would help lead our Nation towards energy independence.

Today our Nation not only needs to continue its efforts to develop alternative fuel resources, but given our constantly growing energy needs we must consider the environmental impact that conventional and non-conventional fuels have on our environment, particularly in light of the Clean Air Act.

In order to maximize the most efficient use of our Nation's reserves, this Congress needs to commit to the development of clean alternative fuels. My home State of Montana has vast coal reserves. In fact, many times our State has been referred to as the "Saudi Arabia of coal." Not only do we have vast reserves, but also with clean coal technologies we can use these resources and do little harm to the environment.

Those who say that coal is not one of the answers to energy independence because of its environmental impact are dead wrong. Coal-fired plants generate over 50 percent of our Nation's electricity. Interestingly, the Energy Information Administration, EIA, reported that Montana's emissions of nitrogen oxide, NOx, sulfur dioxide, SO2, and carbon dioxide, CO2, all decreased from 1986-1996 while producing the same amount of electricity. This proves to me that our coal technologies are improving. Folks, I believe the environmental emissions will continue to improve and if you provide incentives to help clean alternative fuels reach the marketplace, some day we will reach energy independence in this Nation.

One question that some of you may have is, "Are these proven technologies?" These are proven technologies, but to make the continued development of these technologies a reality, the Congress needs to provide meaningful incentives. The bill that I offer today accomplishes exactly that, it provides clean alternative sources of energy a real opportunity to bring energy independence to this Nation.

This bill would extend the non-conventional fuels credit for facilities that produce synthetic fuel from coal using a technology that results in: (1) Measurable reductions of certain emissions when producing the fuel or when the fuel is burned as a fuel, not including any reductions caused by dilution and (2) measurable increases in the value of coal, not including any increases caused by additives. These two factors will lead to accomplishment of the four goals I stated previously. First, the use of alternative fuels reduces our Nation's trade imbalance and reliance on foreign energy sources. Second, the technologies provide cleaner emissions into the environment. Third, these technologies produce jobs in the United States. Fourth, they encourage the development of technologies that will be economically viable after the short period during which the incentive is provided.

I hope that Members of this body will support this important piece of legislation, which helps our Nation at a time of dire need.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. MILLER, and Mr. BENNETT):

S. 1722. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows; to the Committee on Finance.

Mr. BAUCUS. Mr. President, along with my colleagues, Senators HATCH, MILLER, and GRASSLEY, I am pleased to introduce the Arrow Excise Tax Simplification Act of 2001. This bill will protect funding for the Wildlife Restoration Program, the Pittman-Robertson fund, by simplifying administration and compliance with the excise tax and closing an unintended loophole that allows arrows assembled outside the United States to avoid the excise tax imposed on domestic manufacturers.

The creation of the Wildlife Restoration Program is one of the great success stories of cooperation among America's sportsmen and women, State fish and wildlife agencies, and the sporting goods industry. Working together with Congress, Americans who enjoy the outdoors volunteered to pay an excise tax on sporting arms and ammunition to be used for hunter education programs, wildlife restoration, and habitat conservation.

Originally the archery industry did not participate in this program. However, the growth of bow hunting in the '60s and '70s led the archery industry to decide they would support the excise tax that funds State game agencies. As a result, the tax was extended to archery equipment in 1975. The tax on archery equipment was meant to parallel the tax that hunters were paying on firearms and ammunition. The archery industry and bow hunters are pleased to contribute to the success of the Wildlife Restoration Program.

Because current law taxes components and not arrows, foreign manufacturers are selling arrows in the United States without paying the excise tax that is imposed on arrows made in the United States. Not only are these untaxed imports unfair to American workers, they threaten the integrity of the Wildlife Restoration Fund.

This issue is important to companies in Montana. Mike Ellig, a manufacturer of archery products in Bozeman, MT, pays this tax. He supports the tax, but asks that it be fair. Mike's company, Montana Black Gold, and the archery industry want to support the Wildlife Restoration Program. But the way the tax works today, American manufacturers are at a competitive disadvantage.

This legislation will close the loophole that allows imported arrows to avoid the excise tax paid by domestic manufacturers. While keeping the current 12.4 percent tax on arrow compo-

nents, the proposal will impose a tax of 12 percent on the first sale of an arrow assembled from untaxed components. U.S. manufacturers and foreign manufacturers will be treated equally.

Since this loophole was inadvertently created in 1997, archery imports, mostly finished arrows, increased from \$113,000 in 1997 to \$2,600,000 in 2001 to date. If Congress does not act quickly to close this loophole, domestic manufacturers will be forced to relocate outside of the United States. They simply cannot afford to lose market share for a fifth year to competitors who do not pay the same tax they pay. If a few more move overseas, the rest will follow. The result will be a catastrophic loss of revenue for the Federal Wildlife Restoration Fund.

Current law also taxes non-hunters, contrary to congressional intent. To relieve non-hunters from the requirement to pay for wildlife management, the legislation would eliminate the current-law tax on bows with draw weights of less than 30 pounds. Those bows are not suitable or, in many States, legal for hunting. To preserve the revenue for the Wildlife Restoration Fund, the bill would retain the current tax on bows that are suitable for hunting.

The proposal would also clarify that broadheads are an accessory taxed at 11 percent rather than as an arrow component taxed at 12.4 percent. This will correct the ambiguity in the 1997 act that led to the misclassification of broadheads.

In summary, the Arrow Excise Tax Simplification Act of 2001 would accomplish worthy objectives. It would close the loophole that allows foreign imported arrows to escape the tax and remove the tax on youth and recreational archery equipment that were never meant to be taxed. We will accomplish these goals while protecting the Wildlife Restoration Program by ensuring that there is no significant diminution of revenues collected by the archery excise tax. The Joint Committee on Taxation estimates the proposal will decrease revenues by \$5 million over ten years resulting in small changes in outlays from the Federal Aid in Wildlife Fund. Failure to close the import loophole will eviscerate the archery tax base resulting in devastating losses to the fund.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 1723. A bill to amend the Fair Credit Reporting Act with respect to the statute of limitations on actions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEAHY. Mr. President, this week the U.S. Supreme Court issued a ruling interpreting a provision in the Fair Credit Reporting Act that will make it harder for Americans to protect their private financial data from identity theft. I rise today with the senior senator from Iowa to introduce the "Protect Victims of Identity Theft Act" to

provide consumers in Vermont and across America with the protections that they need and deserve. I thank Senator GRASSLEY for his leadership and look forward to working with him on this legislation.

Unfortunately, identity theft victimizes thousands of Americans every year. Once a skilled scam artist gets his hands on a consumer's Social Security or bank account number, he can wreak unimaginable havoc on a family's finances.

With society conducting more and more of its business electronically, the incidence of identity theft in America is on the rise. As of June of this year, the Federal Trade Commission reported that its identity theft hotline was answering over 1,800 calls per week, up from the 445 calls per week the hotline received in November 1999. These calls are mostly from people who have been hurt by identity theft, but thousands of others come from consumers worried about becoming an identity thief's next victim.

When Congress passed the Fair Credit Reporting Act, FCRA, more than thirty years ago, it gave consumers important tools to ensure the accuracy and privacy of their credit information. The FCRA imposed affirmative obligations on the consumer reporting agencies that maintain these reports in order to protect consumers' private information from unauthorized disclosures. The FCRA says that consumer reporting agencies must maintain "reasonable procedures" to avoid improper use of a consumer's private information.

These safeguards are essential to protect each American's confidential financial information. The FCRA demands that consumer reporting agencies require that prospective users of credit information identify themselves, certify the purposes for which they are seeking the information, and verify that they will not use the information for any other purpose, to name just a few examples. Consumer reporting agencies that fail to live up to these obligations or that are careless with consumers' private information can be held liable to consumers harmed by their security lapses.

Current law provides consumers 2 years from the "date on which the liability arises" to bring suit against a non-compliant consumer reporting agency. This week, the United States Supreme Court concluded that the term "the date on which liability arises," means the day that a consumer reporting agency fails to comply with FCRA's requirements. TRW Inc. v. Andrews, 2001 WL 1401902 (Nov. 13, 2001). As a result, the statute of limitations clock starts ticking whether or not a consumer is aware that information about his finances has been illegally handled or disclosed. That means that the 2-year limitations period can expire before a consumer ever even suspects that her credit information has fallen into the wrong hands.

The 750,000 Americans who annually have their identity stolen and their credit put at risk deserve better. It is unfair for the law to only protect consumers if they discover the identity theft within 2 years of the crime, even if the consumer had no reason to know about it. That stands the normal rule of discovery for fraud on its head.

Our bipartisan legislation would clarify that the statute of limitations for identity theft does not start until the consumer discovers the problem or should have discovered the problem through the exercise of reasonable diligence. The exercise of reasonable diligence is the traditional common law duty under fraud discovery rules and does not impose any new mandate or requirement on a consumer under the FCRA. This change in the law ensures that consumers have a fair opportunity to vindicate their rights.

This bipartisan legislative fix is needed to put a stop to identity theft. It will encourage consumer reporting agencies to establish proper security measures needed to deny identity thieves access to Americans' most personal financial information. It ensures that the Fair Credit Reporting Act has real teeth to fulfill its mission of protecting the accuracy and privacy of consumer credit information. And it will give consumers in Vermont and across America a fair shot at vindicating their right to keep private information away from unscrupulous con artists.

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

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

S. 1723

*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 "Protect Victims of Identity Theft Act of 2001".

**SEC. 2. AMENDMENT TO THE FAIR CREDIT REPORTING ACT.**

Section 618 of the Fair Credit Reporting Act (15 U.S.C. 1681p) is amended to read as follows:

**"SEC. 618. JURISDICTION OF COURTS; LIMITATIONS OF ACTIONS.**

"(a) IN GENERAL.—An action to enforce any liability created under this title may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than 2 years after the date on which the violation is discovered or should have been discovered by the exercise of reasonable diligence.

"(b) WILLFUL MISREPRESENTATION.—The limitations period prescribed in subsection (a) shall be tolled during any period during which a defendant has materially and willfully misrepresented any information required under this title to be disclosed to an individual, and the information so misrepresented is material to the establishment of the liability of the defendant to that individual under this title."

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Vermont in introducing a bill to protect victims of identity theft.

This legislative remedy is prompted by the sweeping impact of the Supreme Court's decision this past week on the rights of more than 750,000 Americans who annually have their identity stolen and their credit put at risk. Under current law, consumers have a two-year statute of limitations to sue credit reporting companies that fail to protect private financial information from improper disclosures and security lapses. The problem with the Supreme Court's decision is that a victim of identity theft often has no idea that information about his finances has been negligently handled or disclosed by a credit reporting company until it's too late to take any legal action. Under current law, the two year statute of limitations begins when the consumer's credit reporting company fails to comply with the law—not when the consumer discovers or should have discovered the problem.

Our bill, the Protect the Victims of Identity Theft Act of 2001, changes that rule. As stated, it simply clarifies that the statute of limitations for identity theft does not start until the consumer discovers the problem or should have discovered the problem. This change in the law ensures that consumers have a fair chance to vindicate their rights should credit reporting companies fail to take reasonable steps to protect private financial and personal information from theft and misuse.

I urge my Senate colleagues to join us in co-sponsoring this legislation to protect the American consumer.

By Ms. SNOWE:

S. 1725. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, in the last two months we have experienced a steep learning curve as a country and as a Congress in our efforts to improve homeland security.

As we saw with the drafting of the airline security bill, the United States has not cornered the market on security innovations and measures; there is much we can learn from other countries that have faced or addressed the same challenges. For this reason, I am introducing legislation that would require the General Accounting Office to initiate a study examining the security measures that have worked for other regions and countries such as the European Union and Japan.

For example, the \$15 billion channel tunnel or Chunnel linking England to the European continent has been open to train service, for passengers and freight, since 1994 without a major security incident. In 2000 alone, 2.8 million cars, 7.1 million passengers, and 2.9 million tons of freight made the 31 mile journey under the English Channel safely.

Security has always been a major concern for the Chunnel and that Britain, France, and Eurotunnel, the company operating the tunnel, have made security a top priority without degrading passenger service. In fact, in addition to its private security staff provided by Eurotunnel, the Chunnel is policed by a bi-national force of police, immigration, and customs officers with armed patrols in the British and French terminals. And both the company and the respective government agencies also conduct routine intelligence-led security checks on both passenger and freight vehicles.

So I suspect that our friends in Europe, and in Asia, and other regions, may be able to provide valuable insight on how we can improve our rail transportation security. It is my intent with this bill to direct the General Accounting Office to complete, no later than January 2002, a study of rail transport security measures in other countries in an effort to seek innovative screening procedures and processes and other security measures that may be a benefit to the United States. Subsequently, an assessment of these measures would be provided to Congress.

In the hours and days after September 11, Americans discovered we are not alone in this struggle and I urge my colleagues to support this bill that encourages the United States to reach out and learn from others.

By Ms. SNOWE:

S. 1728. A bill to provide for greater security at seaports; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Maritime Security Advancement Act which is designed to mitigate the threat of maritime- and seaport-related terrorism.

In the aftermath of the despicable terrorist attacks of September 11, I believe it is critical that we pass the strongest possible security enhancements to our transportation system and do so as soon as possible. To this end, we have been working to enhance aviation security, and for obvious reasons, this has been one of our first and highest priorities in the wake of the recent attacks. At the same time, we must also address concerns about highway safety, rail safety, pipeline safety, and maritime and seaport security. I support efforts to close the security gaps in each and every mode in the vast national and international transportation network that is so critical to our economy, our freedom, and our way of life.

We are going to need the resources of the United States coupled with the cooperation of our global neighbors in order to wage the war against terrorism. For it is a fight we must win, and will win. The purpose of the legislation I am introducing today is to employ more tools in the fight against terrorism. Specifically, the Maritime

Security Advancement Act would direct the Secretary of Transportation, in awarding loan guarantees, grants, and other forms of financial support for research and development under the discretionary authority of the U.S. Department of Transportation, to give preference to projects with the potential to reduce the threat of maritime- and seaport-related terrorism.

For example, the legislation would promote the development of projects designed to increase the feasibility of securing cargo, sealing containers, and making cargo containers more tamper resistant; improve cargo container content labeling technologies; and provide for innovations in the physical handling of cargo in ways that could reduce the threat of terrorism aimed at our maritime transportation system.

The bill would also direct the Secretary to identify the technologies with the potential to provide the greatest security with respect to handling, labeling, sealing, and transportation of cargo and report to Congress on its findings. And the bill authorizes the Secretary to issue new rules requiring deployment of such technologies and practices in an effort to enhance security and reduce the threat of terrorism.

We must leave no stone unturned in the effort to preserve the security of this nation's transportation infrastructure, so that we might both carry on the business of the Nation and ensure our continued economic viability, and also ensure that we are in good position of strength to be able to wage the kind of war necessary to eradicate terrorism. And we cannot remain strong if we cannot remain mobile. Accordingly, I urge my colleagues to join me in supporting this legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 182—EX-PRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD ALLOCATE SIGNIFICANTLY MORE RESOURCES TO COMBAT GLOBAL POVERTY

Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 182

Whereas the World Bank estimates that 1,200,000,000 people in the world live on less than \$1 a day, and of these, more than 550,000,000 are in South Asia, which is 40 percent of the South Asian population, and more than 290,000,000 are in sub-Saharan Africa, which is approximately 50 percent of the sub-Saharan population;

Whereas 3,000,000,000 people, about half the world's population, live on approximately \$2 a day;

Whereas 1,200,000,000 people lack access to safe drinking water;

Whereas 2,900,000,000 people have inadequate access to sanitation;

Whereas at least 1,000,000,000 people in developing nations are unemployed or underemployed;

Whereas according to a Congressional Budget Office report entitled "The Role of

Foreign Aid in Development", United States spending on foreign assistance has fluctuated from year-to-year but has been on a downward path since the 1960's;

Whereas in 1962, more than 3 percent of the Federal budget was spent on foreign assistance;

Whereas in 2001, foreign assistance amounts to 0.79 percent of the Federal budget, less than half of what it was 15 years ago, and less than a third of what it was 40 years ago;

Whereas United States foreign economic and development assistance represents less than 0.60 percent of the Federal budget;

Whereas United States foreign assistance amounts to only slightly more than 0.10 percent of Gross Domestic Product, or approximately \$30 per American citizen per year;

Whereas according to the Organization for Economic Cooperation and Development, the United States in recent years has ranked next to last among 21 industrialized donor countries in per capita foreign assistance spending; and

Whereas reducing poverty, promoting equitable economic growth, and developing democratic institutions advances United States national security interests, and the failure to address these issues, and the resulting social, economic, and political instability and violence, places United States national security interests and the welfare and safety of United States citizens at risk: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) widespread poverty in developing nations contributes to social, economic, and political instability and violence which can lead to failed states and the conditions in which terrorist recruitment and terrorist organizations flourish;

(2) United States bilateral assistance programs and contributions to multilateral assistance programs must be robust enough to effectively address development needs;

(3) the United States, the world's wealthiest, most powerful Nation, in order to promote its humanitarian, economic, and security interests around the world, should increase foreign assistance spending by at least 25 percent per year for the next 5 years, and with the goal of reaching an amount equal to or exceeding 3 percent of the Federal budget by 2010; and

(4) the Administrator of the United States Agency for International Development should—

(A) conduct a top-to-bottom evaluation of current foreign assistance efforts to evaluate effectiveness;

(B) work with private voluntary organizations, foundations, and corporations to identify areas where increased, targeted foreign assistance could help reduce poverty, and promote equitable economic growth and the development of democratic institutions; and

(C) not later than 6 months after the date of adoption of this resolution, submit a report to the appropriate committees in Congress describing the Administrator's findings and recommendations for foreign assistance funding and policies to reduce poverty, and promote equitable economic growth and the development of democratic institutions.

#### SENATE RESOLUTION 183—EX-PRESSING THE SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL WORDS CAN HEAL DAY

Mr. REID (for himself, Mr. BROWNBACK, Mr. SCHUMER, Mr. DASCHLE, Mr. LIEBERMAN, Mrs. BOXER, Mr. MCCAIN, Mr. CLELAND, Mr. DORGAN, Mr. JOHNSON, Mr. LEVIN, and Ms. MI-

KULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas the Jerusalem Fund has launched a Words Can Heal Campaign on September 4, 2001, to reduce verbal violence and gossip and to promote the value and practice of ethical speech in order to improve our democracy, build mutual respect, honor, and dignity in our country;

Whereas words used unfairly, whether expressed through excessive anger, unfair criticism, public and private humiliation, bigoted comments, cruel jokes, or rumors and malicious gossip, can traumatize and damage many lives;

Whereas an unwillingness or inability of many parents to control what they say when angry causes the infliction of potentially damaging verbal abuse on children;

Whereas bigoted words are often used to dehumanize entire religious, racial, and ethnic groups, and can inflame hostility;

Whereas the spreading of negative often unfair, untrue, or exaggerated, comments or rumors about others often inflicts irrevocable damage on the victim of such rumors:

Whereas the Words Can Heal Campaign will raise awareness regarding the damage that can be caused by destructive language; and

Whereas, the Senate supports the goals of the Words Can Heal Campaign: Now, therefore, be it

*Resolved*, That it is the sense of the Senate—

(1) the Senate supports the goals of the Words Can Heal Campaign; and

(2) the President should issue a proclamation calling on the people of the United States to support the goals of such campaign with appropriate programs and activities.

#### SENATE CONCURRENT RESOLUTION 85—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. DASCHLE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 85

*Resolved by the Senate (the House of Representatives concurring)*, That when the House adjourns on the legislative day of Friday, November 16, 2001, Saturday, November 17, 2001, Monday, November 19, 2001, or Tuesday, November 20, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, November 27, 2001, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, November 16, 2001, or Saturday, November 17, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 27, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader