

“(A) held in the Federal judicial district or in the territory in which the principal office of the licensee is located, unless the party afforded the hearing consents to another place; and

“(B) conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

“(2) ISSUANCE OF ORDERS.—After a hearing provided for in this section, and not later than 90 days after the Administrator has notified the parties that the case has been submitted for final decision, the Administrator shall render a decision in the matter (which shall include findings of fact upon which its decision is predicated), and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section.

“(3) AUTHORITY TO MODIFY ORDERS.—The Administrator may modify, terminate, or set aside any order issued under this section—

“(A) at any time, upon such notice, and in such manner as the Administrator deems proper, unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4)(B), and thereafter until the record in the proceeding has been filed in accordance with paragraph (4)(C); and

“(B) upon such filing of the record, with permission of the court.

“(4) JUDICIAL REVIEW.—

“(A) IN GENERAL.—Judicial review of an order issued under this section shall be exclusively as provided in this subsection.

“(B) PETITION FOR REVIEW.—Any party to a hearing provided for in this section may obtain a review of any order issued pursuant to paragraph (2) (other than an order issued with the consent of the management official concerned, or an order issued under subsection (d)), by filing in the court of appeals of the United States for the circuit in which the principal office of the licensee is located, or in the United States Court of Appeals for the District of Columbia Circuit, not later than 30 days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside.

“(C) NOTIFICATION TO ADMINISTRATION.—A copy of a petition filed under subparagraph (B) shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

“(D) COURT JURISDICTION.—Upon the filing of a petition under subparagraph (A)—

“(i) the court shall have jurisdiction, which, upon the filing of the record under subparagraph (C), shall be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator, except as provided in the last sentence of paragraph (3)(B);

“(ii) review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code; and

“(iii) the judgment and decree of the court shall be final, except that the judgment and decree shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, United States Code.

“(E) JUDICIAL REVIEW NOT A STAY.—The commencement of proceedings for judicial review under this paragraph shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator under this section.”.

PATENT, COPYRIGHT AND TRADE-MARK LAW TECHNICAL CORRECTIONS

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany S. 320.

The PRESIDING OFFICER laid before the Senate the following message:

Resolved, That the bill from the Senate (S. 320) entitled “An Act to make technical corrections in patent, copyright, and trademark laws”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Intellectual Property and High Technology Technical Amendments Act of 2001”.

SEC. 2. OFFICERS AND EMPLOYEES.

(a) RENAMING OF OFFICERS.—(1)(A) Except as provided in subparagraph (B), title 35, United States Code, other than section 210(d), is amended—

(i) by striking “Director” each place it appears and inserting “Commissioner”; and

(ii) by striking “Director’s” each place it appears and inserting “Commissioner’s”.

(B) Section 3(b)(5) of title 35, United States Code, is amended by striking “Director” the first place it appears and inserting “Commissioner”.

Mr. REID. Mr. President, I ask unanimous consent the Senate concur with the House amendment with a further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2162) is agreed to.

(The amendment is printed in today’s RECORD under “Amendments Submitted.”)

MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH AND EDUCATION AMENDMENTS OF 2001

Mr. REID. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 208, H.R. 717.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 717) to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies.

There being no objection, the Senate proceeded to consider the bill (H.R. 717) which had been reported from the Committee on Health, Education, Labor, and Pensions with an amendment, as follows:

On page 16, after line 21, insert the following:

SEC. 7. STUDY ON THE USE OF CENTERS OF EXCELLENCE AT THE NATIONAL INSTITUTES OF HEALTH.

(a) REVIEW.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a

contract with the Institute of Medicine for the purpose of conducting a study and making recommendations on the impact of, need for, and other issues associated with Centers of Excellence at the National Institutes of Health.

(b) AREAS OF REVIEW.—In conducting the study under subsection (a), the Institute of Medicine shall at a minimum consider the following:

(1) The current areas of research incorporating Centers of Excellence (which shall include a description of such areas) and the relationship of this form of funding mechanism to other forms of funding for research grants, including investigator initiated research, contracts and other types of research support awards.

(2) The distinctive aspects of Centers of Excellence, including the additional knowledge that may be expected to be gained through Centers of Excellence as compared to other forms of grant or contract mechanisms.

(3) The costs associated with establishing and maintaining Centers of Excellence, and the record of scholarship and training resulting from such Centers. The research and training contributions of Centers should be assessed on their own merits and in comparison with other forms of research support.

(4) Specific areas of research in which Centers of Excellence may be useful, needed, or underused, as well as areas of research in which Centers of Excellence may not be helpful.

(5) Criteria that may be applied in determining when Centers of Excellence are an appropriate and cost-effective research investment and conditions that should be present in order to consider the establishment of Centers of Excellence.

(6) Alternative research models that may accomplish results similar to or greater than Centers of Excellence.

(c) REPORT.—Not later than 1 year after the date on which the contract is entered into under subsection (a), the Institute of Medicine shall complete the study under such subsection and submit a report to the Secretary of Health and Human Services and the appropriate committees of Congress that contains the results of such study.

Mr. REID. I ask unanimous consent the committee amendment be agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (H.R. 717), as amended, was read the third time and passed.

PROVIDING AUTHORITY TO THE FEDERAL POWER MARKETING ADMINISTRATIONS TO REDUCE VANDALISM AND DESTRUCTION OF PROPERTY

Mr. REID. Mr. President, finally, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2924 that was recently received from the House and which is now at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2924) to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2924) was read the third time and passed.

ECONOMIC STIMULUS

Mr. KENNEDY. Mr. President, on Tuesday, we began debate about the economic stimulus package. We know the economy is in trouble, and we know we have to act. Clearly, by any standard, we face an economic emergency that demands responsible action by Congress.

The American people want action by Congress too. They strongly support our Democratic proposals to provide unemployment insurance and health insurance to laid-off workers, and Federal assistance to States. They know it's an emergency in the economy and they know it is an emergency for the hundreds of thousands of men and women without unemployment insurance or health insurance.

Yet, some of our colleagues in Congress oppose this action. Instead, they support a bill that would retroactively repeal the corporate minimum tax and give the largest corporations \$25 billion in direct payments from the U.S. Treasury. They don't think laid-off workers who can't afford, or don't have, health insurance are an emergency. Instead, they support spending \$120 billion to accelerate the reduction of upper income tax rates, 80 percent of which won't go into the economy until after next year.

Our economy is in trouble. There is no denying it. Just ask the men and women who have lost their jobs and have to tell their families every week that they cannot find new employment. They will tell you how hard it is to put food on their families' tables each week. They will tell you how hard it is to watch their bills piling up with no end in sight.

If that's not enough, look at the numbers.

Only 38 percent of unemployed workers receive unemployment insurance. This figure is down from 75 percent in 1975. And, the figure is much worse for low-wage workers. According to a new study by the National Campaign for Jobs and Income Support, only 20 percent of unemployed low-wage workers will qualify for benefits during a recession.

These workers are least likely to qualify for unemployment benefits, and they are most likely to be laid off. They are struggling to keep a roof over their families' heads and to afford food for their children. We know that the number of hungry children has grown in recent years. Unless we do more to help, the number will continue to grow.

Yesterday, America's Second Harvest released the largest, most comprehensive report on the plight of hungry Americans. Last year, 23 million Americans, including 9 million children, sought emergency food relief through America's Second Harvest. The current downturn in the economy means that even more families are facing the difficult choice between feeding their children and paying the rent, a choice no person should have to make.

These findings demonstrate the dramatic rise in hunger and related health problems among children. They demonstrate that current unemployment benefits are not adequate to help working families during the current economic downturn. We need to do more to see that families can afford to put food on their tables. Our Democratic plan provides unemployment benefits to 600,000 more low-wage and part-time workers and increase these benefits by at least \$25 a week.

The economy needs stimulus now. Workers need assistance now.

The best way to accomplish both of these goals is to get relief to the families who need it the most. Economists across the country agree that providing relief to low- and moderate-income families is one of the most effective ways to stimulate the economy.

The Democratic plan would stimulate the economy right away, by putting money in the hands of the people most likely to spend it—dislocated workers and their families. We do that by strengthening the unemployment insurance system, improving workers' ability to afford health care, and providing a tax rebate for those who did not receive a full rebate earlier this year.

Unemployment insurance is the Nation's first line of defense in an economic recession. By putting UI trust fund dollars into the declining economy, we automatically boost consumer spending in communities affected by rising unemployment, while meeting essential needs of households hurt by layoffs.

A recent study by the Department of Labor shows that every \$1 invested in unemployment insurance generates \$2.15 for the Nation's economy. That same study estimated that unemployment insurance "mitigated the real loss in GDP by 15 percent" in the last five recessions.

According to Joseph Stiglitz, "we should extend the duration and magnitude of the benefits we provide to our unemployed. This is not only the fair-

est proposal, but also the most effective. People who become unemployed cut back on their expenditures. Giving them more money will directly increase expenditures."

The Congressional Research Service agrees: "Extending unemployment compensation is, in fact, likely to be a more successful policy for stimulating aggregate demand than many other . . . changes."

The Republican plan will put very little money into the hands of unemployed workers. It offers no guarantees of extended benefits in most states. In fact, the States with the highest unemployment rates are the least likely to receive help under that plan. Even for those few workers who will be helped, the plan won't provide any benefits until next spring. America's working families must not be left behind when Congress acts on an economic recovery package.

We must also help families afford health insurance. It is also the right thing to do for them, and it is the right thing to do for economy. Providing health insurance for laid-off workers improves the health of our economy. When a parent is forced to choose between health insurance and food on their table, it is unfair for their family, and it undermines the economy.

On average, health insurance premiums for these families cost nearly two-thirds of their unemployment insurance. That is why only 18 percent of workers eligible for COBRA use this coverage. And millions of workers are not eligible for COBRA at all.

This is no time to accept an increase in the uninsured. It is wrong for families and wrong for hospitals, nursing homes, health care workers and many others in the health care sector, which makes up one-seventh of our economy.

The Democratic economic recovery plan provides temporary health insurance for workers who have been laid off in the slowing economy. Currently, workers must pay 65 percent of their unemployment check to purchase COBRA health insurance coverage. Our plan to subsidize COBRA coverage would make health care affordable for all displaced workers. States also could receive Federal Medicaid matching payments to cover other laid-off workers who do not qualify for COBRA.

By protecting both workers eligible for COBRA coverage and increasing the Medicaid matching payments, the Senate Democratic plan provides meaningful health coverage for unemployed Americans while the Republican plan will leave families behind. For unemployed workers who are eligible for COBRA, the Senate Democratic plan provides health coverage for 12 months during the economic downturn. The Senate Republican plan provides enough for only 2 weeks of coverage. For unemployed Americans who are not eligible for COBRA, the Democratic plan again provides coverage for