

of courage and steadfast character remain timeless and valuable commodities for an age in which our Nation faces considerable new threats.

Today, not unlike 227 years ago, the importance of our Marine Corps is immutable. The razor-sharp readiness of the U.S. Marine Corps reassures our friends and warns our enemies, promising swift action, decisive victories and a firm adherence to tradition.

As our U.S. Marine Corps celebrates another anniversary of its proud birth on November 10th, 1775 in Philadelphia's Tun Tavern, I stand with my colleagues in the Senate in saluting all who have worn the eagle, globe and anchor, and to their families who also serve by supporting them.

#### RECOGNIZING OUR NATION'S VETERANS

Mr. ROCKEFELLER. Madam President, we convene again today after a national holiday set aside to honor one of America's greatest treasures, its veterans.

This important holiday, originally called Armistice Day, began as a commemoration of the historic ending of World War I at the eleventh hour of the eleventh day of the eleventh month of 1918. Armistice Day became primarily a day of remembrance for those who served during World War I; indeed, Americans hoped World War I would be "the war to end all wars."

Then, during World War II, 16 million Americans again answered the call to service on behalf of our Nation. After the war ended, Americans saw the need to honor all those who served in the United States Armed Forces, during times of war and peace, and through all periods of our history. On June 1, 1954, Armistice Day became Veterans Day.

I know that many of my colleagues joined me yesterday in taking the Veterans Day holiday to celebrate the soldiers, sailors, marines and airmen who wore this Nation's uniform and served honorably. That is a start, but we must do more.

As the crisis with Iraq heightens, it is especially appropriate to make certain that we keep the promise of care and support made to young men and women who made great sacrifices on behalf of this Nation. We must remember the pledge of Abraham Lincoln, "to care for him who shall have borne the battle, and for his widow and his orphan." As Chairman of the Committee on Veterans' Affairs, I have fought hard for improvements in benefits and services for our Nation's veterans. We have made progress in fulfilling Abraham Lincoln's pledge this year, but we must never waiver in our commitment to provide our veterans with benefits and services that reflect their changing needs.

For example, our Nation's rapidly aging veterans have a critical need for long-term care. There can be no doubt that such care requires great resources, but it is our responsibility to answer

the call to provide a continuum of quality health care for veterans, as they once answered the call to preserve our freedoms.

I am honored to represent the State of West Virginia, which has one of the highest veteran populations per capita of any State. The service of the over 202,000 living West Virginia veterans inspires me each day in my role as Chairman of the Committee on Veterans' Affairs, where I have the privilege to serve not only the veterans of West Virginia, but those living throughout this Nation.

America's 25 million living veterans deserve to be honored and respected every day, and not merely on the national holiday set aside for the commemoration of their service. It would be shameful if veterans were made to feel forgotten every day except for this one day each year. There should be no ambivalence toward those who have served our Nation in the armed forces.

I urge my colleagues to join me, not only to remember the sacrifices of our veterans, but to renew our commitment to them and to keep the promises that we made to them in the spirit of Abraham Lincoln. The men and women who served this Nation deserve no less.

Mrs. HUTCHISON. Madam President, I rise today to pay tribute to our Nation's devoted Veterans. It is these men and women, past and present, who embody the ideals of freedom, liberty and justice, which are the foundation of our great Nation.

Veterans Day is a time to recognize those Americans who gave what President Abraham Lincoln once called "the last full measure of devotion." While we reflect on the deeds of these heroes and stand grateful for their service and sacrifice, we must also ponder the ongoing actions of our soldiers, sailors, airmen, and marines.

Ours is a great Nation of free people who call our finest men and women to stand guard and protect the liberty that all Americans enjoy. To this end, all of those who have donned the uniform of our Armed Forces have consciously given a piece of themselves. Whether during peacetime or a time of conflict; at home or abroad; in the active component, the reserves or the national guard; their service has been characterized by selflessness and a sense of a greater purpose.

Throughout our history, they have answered the call. Whether that call to service sent them to a distant land full of turmoil, or to the flight line at a base in the Midwest, they have served with dignity and honor.

I am proud that my home State of Texas has a rich tradition of military leadership. Our young men and women have signed up to serve their Nation and are stationed throughout the United States and in all corners of the globe. More Marines join the Corps from Texas per capita than any other State. And we are home to more Army and Air Force bases than any State.

As these men and women have sacrificed, so too has a far less recognized

segment of our Veteran population—their spouses. For each displaced serviceman, there is often a husband or wife left behind. These silent patriots have kissed their loved ones goodbye and sent them off to serve this country. They diligently run their households while their mate provides security at an airport in another part of the country or serves on a foreign base halfway around the globe. They have often put their career on hold and patiently moved the family to the next in a long series of new bases and new communities. Whatever accolades we bestow upon our Veterans, we must also remember the parallel sacrifice of their heroic spouses.

Today our troops are answering the call to duty in locations around the world. The war on terrorism is being waged by America's finest, from Afghanistan to the Philippines. Soldiers in South Korea continue to keep watch on the communist regime to their North. Air Force pilots continue to patrol the skies over Iraq as the world contemplates the future of the region. Reservists and National Guardsmen continue to serve, at the expense of their civilian vocations, on extended active duty for a year or more. Some of our military patriots continue to serve well beyond the date they were to leave active service because the Nation continues to need their expertise.

On this Veterans Day, we express our heartfelt gratitude to our Nation's veterans and to their spouses. We have incurred a debt to them that can never be fully repaid. Today we remember those who have gone before and honor tomorrow's veterans who serve our country today.

#### SUPPORTING LEGISLATION TO PROVIDE MORE BANKRUPTCY JUDGES FOR MARYLAND

Mr. SARBANES. Madam President, I rise today in strong support of legislation to provide more bankruptcy judges for several States, including three additional bankruptcy judgeships for my own State of Maryland. This legislation was introduced by Senator BIDEN and is being cosponsored by Senators CARPER, EDWARDS, FEINSTEIN, and SCHUMER.

This bill represents a significant step forward in our efforts to strengthen Maryland's Federal bankruptcy court. I have long been involved in this effort, and I commend Senator BIDEN for his efforts in this area. We have been working for several years to get these additional judgeships approved, yet no legislation has been passed that would authorize them. With such inaction, the problem facing Maryland's sitting bankruptcy judges has grown, and Maryland has remained without the additional judgeships it so desperately needs to make our bankruptcy system work.

Maryland's four sitting bankruptcy judges continue to show remarkable

dedication given the extraordinary burdens placed upon them. However, additional judgeships remain essential to the fair and timely administration of the bankruptcy code for all of the businesses and individuals that come before the Maryland District.

Since 1992, we have been requesting additional judgeships for the District of Maryland; thus far none has been approved. In 1992, there were approximately 15,000 bankruptcy filings in the District of Maryland. From 1998 to 2001, there were over 30,000 bankruptcy filings per year in Maryland. The caseload has doubled for the sitting bankruptcy judges in the past 10 years, and they still do their work with only 4 sitting bankruptcy judges. This dire need for additional judgeships in Maryland has yet to be remedied by the Congress.

This legislation provides three additional judgeships for Maryland. These three additional judgeships would help reduce the overwhelming workload of the four sitting bankruptcy judges. However, a September 2002 recommendation from the U.S. Judicial Conference calls for the creation of four additional judgeships in our State. And while the District of Maryland will be pleased to get three additional judges, the recommendation of the Judicial Conference for four additional bankruptcy judgeships demonstrates just how critical the situation is. As of June 30, 2002, the national weighted filing average for bankruptcy judges was 1,641. The weighted filing per judge for Maryland's 4 bankruptcy judges was 3,030 almost twice the national average.

Mr. President, I urge my colleagues to support S. 3074, which would provide much needed help on the bankruptcy courts in Maryland and across the Nation.

#### INTENT OF TAA HEALTH INSURANCE TAX CREDIT PROVISIONS

Mr. BAUCUS. Madam President, as I have said on numerous occasions, I am extremely pleased with the health care provisions in the Trade Act of 2002. The advanceable, refundable 65 percent tax credit toward the purchase of health insurance premiums for TAA workers and PBGC retirees represents a monumental precedent. It is an important precedent for Democrats because, for the first time, the federal government will extend assistance for health coverage to laid-off workers. And the provisions are also important for Republicans and others who believe that the best way to help the uninsured is through tax credits for the purchase of health insurance. This program is an important test case, if you will, to determine whether this approach is viable and workable.

It is the viability and workability of the tax credit that I wish to address today.

Our negotiations on the Trade Act health credits were really a continuation of discussions that started

around this time last year—during the debate over economic stimulus. Democrats had proposed including a 75 percent subsidy for COBRA premiums coupled with Medicaid expansions as part of our economic stimulus package. Republicans initially proposed a limited block grant for health care assistance and later altered their package to include individual tax credits for health insurance.

It goes without saying that Republicans preferred a tax credit approach rather than a subsidy approach, and the Democrats expressed a strong preference for group-based insurance over individual insurance.

The resulting compromise that was reached as part of the trade deal truly was a delicately-crafted bipartisan effort. Democrats moved from a premium subsidy to a tax credit, dropped the Medicaid expansion, and yielded on the issue of requiring those eligible for COBRA to purchase only COBRA coverage. Republicans got their tax credit, but it does not allow new individual market policies to be purchased with the tax credit except for those who had such coverage while they were working.

The health insurance options available to TAA workers and PBGC retirees include COBRA and state-based COBRA, as well as:

- state high risk pools;
- state employee benefit plans—or comparable programs established by a state;
- direct purchasing arrangements between states and insurers;
- a state-operated health plan;
- coverage purchased through a private purchasing pool; and
- coverage under a spouse's employer group plan.

In other words, eligible workers and retirees will be given a wide range of health insurance choices—depending on which options their state has adopted. Having a number of choices is important to Republicans and will be appreciated by TAA workers and PBGC retirees as well.

I understand that some might try to read the legislative language regarding these options in a way that would allow broader access to insurance purchased in the individual market. That was not our intention. As I mentioned above, the Senate bill and conference report explicitly agreed to include individual health insurance as qualified health insurance, but only for individuals who had such coverage for one month prior to separation from employment. We did not intend to allow states to enter into arrangements with individual insurers through the state-based coverage options.

The second point I would like to make addresses the insurance protection provisions—guaranteed issue, a bar against pre-existing condition limitations, and premium and benefit protections. This language was part of the Senate bill, only we applied the protections to all of the state pooling options.

The conference report required workers to have had three months of previous health care coverage in order for these important protections to apply. The language is vague, however, and does not specify when the three months of aggregate coverage had to occur. I'd like to clarify here that this coverage should occur for three months prior to employment separation necessary to attain eligibility for assistance under this law.

A more narrow reading of the three-month coverage requirement would disqualify those who have had lapses of coverage between the loss of job-based or retiree coverage and application or eligibility determination for assistance under this program. After all, the goal of the health provisions was to ensure access to coverage and to prevent the loss of health coverage.

On that same point, the language on premium protections could be read to allow insurers to charge different rates to individuals participating in the TAA program. That was not our intention. The Senate language was intended to mean that TAA workers, as a group, should be charged the same premiums when states choose to enroll these individuals in existing insurance arrangements—for example in state employee health plans. Individual workers should not be charged higher premiums based on their health status in these plans.

And, if a State elects to create a new insurance pooling arrangement—in which case it is not possible to compare premiums for TAA workers to anyone else—we had intended that States would not allow premium rating on an individual basis but rather as a group.

To make my views known to the agencies that will administer the new tax credit, last week I sent letters to the Treasury Department, the Department of Labor, and the Department of Health and Human services regarding congressional intent in the TAA health insurance tax credit.

It is my sincere hope that we can bring the same willingness to work together and compromise to other important health care issues.

I ask unanimous consent that letters I previously referred to be printed in the RECORD.

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

*October 17, 2002.*

PAUL H. O'NEILL,  
Secretary, U.S. Department of Treasury, 1500  
Pennsylvania Avenue, NW, Washington,  
DC.

DEAR SECRETARY O'NEILL: In a few short weeks, the health insurance assistance provisions of the Trade Act of 2002 will take effect. The passage and enactment of the historical Act was the result of a delicately-crafted bipartisan effort. I was proud to play a role in this significant achievement, and I will continue to work with you to ensure its successful implementation and operation. To that end, I am writing to ensure that the Act's critically-important health insurance protections are implemented consistent with the intent and the letter of the law.