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.

As you know, for many of the supporters of the Trade Act, the health assistance was the single most important factor in overcoming concerns about the effects of enhanced trade negotiating authority on American jobs. These provisions were designed to assure American workers that the potential loss of work does not equal the loss of health coverage. Protecting health coverage is especially important now. We recently learned that an additional 1.4 million Americans became uninsured in 2001. Successful implementation of this new law can make a difference in preventing additional workers and their families from losing health coverage.

As you implement this law, there are three issues that I particularly want to emphasize. First, members of the Conference Committee explicitly agreed to include individual health insurance as qualified health insurance, but only for those qualifying individuals who had such coverage for one month prior to separation from employment (see section (35)(e)(1)(J)). We did not intend to allow states to enter into arrangements with individual insurers through the state-based coverage options, and I believe that this objective is clear in the conference report. Any other interpretation of the law would be a violation of the intent of its authors.

Second, for those without access to employer-based coverage, we included strong consumer protections. To prevent discriminatory premiums and substandard benefits, we linked the premiums and benefits offered to qualifying individuals to those of ''similarly situated individuals'' (see sections (35)(e)(2)(A)(iii and iv)). In plain English, this means that individuals eligible for this tax credit should neither be charged premiums or offered benefits that apply only to this group nor pay higher premiums based on their own health status or history.

In addition, the law provides guaranteed issue to qualifying individuals (see section (35)(e)(2)(A)(i)). ''Guaranteed issue'' has the same meaning in this law that it has in state regulation of insurance. Specifically, to be qualified health insurance, each plan must ensure access to each qualified individual who meets the other criteria for this coverage. It does not mean that an issuer of health insurance can accept some but not all qualifying individuals so long as there is an alternative that accepts the denied individuals (e.g., a high-risk pool).

Third, since the goal of this provision is preventing loss of health coverage, the Conference Committee agreed that eligible individuals must also have been previously insured for three months (see section (35)(e)(3)(B)). The law does not specify when this aggregate of three months of creditable coverage had to occur. To clarify, we intended that this coverage should occur for three months prior to employment separation necessary to attain eligibility for assistance under this law (e.g., termination due to trade in the case of displaced workers eligible for trade adjustment assistance and retirement in the case of Pension Benefit Guaranty Corporation (PBGC) eligible individuals). The three-month coverage requirement should not disqualify those who had or have lapses of coverage between the loss of job-based or retiree coverage and application or eligibility determination for assistance to this program. Indeed, these individuals have a special need for access to affordable health insurance and should not be penalized due to delays in passing, implementing, and operating this law.

I make these clarifications to underscore their importance in successfully implementing the health provisions of the Trade Act. I know that the President shares our mutual commitment to make this an effective program that preserves health insurance for this set of American workers and retirees. I look forward toward a continued collaboration in implementing, monitoring, and, if successful, expanding these important health policies.

Sincerely,

MAX BAUCUS.

OCTOBER 17, 2002.

ELAINE L. CHAO,
Secretary, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC.

DEAR SECRETARY CHAO: 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.

As you know, for many of the supporters of the Trade Act, the health assistance was the single most important factor in overcoming concerns about the effects of enhanced trade negotiating authority on American jobs. These provisions were designed to assure American workers that the potential loss of work does not equal the loss of health coverage. Protecting health coverage is especially important now. We recently learned that an additional 1.4 million Americans became uninsured in 2001. Successful implementation of this new law can make a difference in preventing additional workers and their families from losing health coverage.

As you implement this law, there are three issues that I particularly want to emphasize. First, members of the Conference Committee explicitly agreed to include individual health insurance as qualified health insurance, but only for those qualifying individuals who had such coverage for one month prior to separation from employment (see section (35)(e)(1)(J)). We did not intend to allow states to enter into arrangements with individual insurers through the state-based coverage options, and I believe that this objective is clear in the conference report. Any other interpretation of the law would be a violation of the intent of its authors.

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Sincerely,

MAX BAUCUS.

OCTOBER 17, 2002.

TOMMY G. THOMPSON,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY THOMPSON: 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.

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Sincerely,

MAX BAUCUS.

COMPLIANCE OF IMMIGRATION LAWS PROVISION OF THE CYBER SECURITY RESEARCH AND DEVELOPMENT ACT

Mr. HOLLINGS. Madam President, I would like to engage in a brief colloquy with the ranking member of the Judiciary Committee, Senator ORRIN HATCH, regarding H.R. 3394, the Cyber Security Research and Development Act, which was passed by the Senate in October and is set for consideration by the House of Representatives today. Section 16 of the bill is intended to ensure that Federal grants and fellowships for cyber security research and development are not awarded to individuals violating the terms of his or her immigration status, individuals from States sponsoring terrorism, or institutions that are not in compliance with appropriate record keeping requirements for immigrant students.

Mr. HATCH. Section 16 of H.R. 3394 would ensure that the authorized funding in the bill for research purposes does not support individuals in violation of U.S. immigration laws. The intent of this section is to prevent any funding, directly or indirectly, of any individual who may pose a threat to our national security, or of any higher education institution, nonprofit institution, or consortia thereof that is not in compliance with the immigration laws. This section does not provide any new or additional authority to the Immigration and Naturalization Service or any other federal agency.

Mr. HOLLINGS. The ranking member is correct. Our intent with this provision is not to create new immigration laws or grant new authority. Rather, this provision merely makes compliance with existing immigration laws a requirement for grant eligibility. We also recognize that this section cannot take effect until regulations are issued under 8 USC 1372(c)(1).

Mr. HATCH. I agree with the chairman of the Commerce Committee. I also want to him, Senator ALLEN and Senator WYDEN for working with me to include these provisions in the act.

Mr. HOLLINGS. I thank Senator HATCH. Section 16 will ensure that our national security is protected while increasing critical research and development cyber-security programs.

ADDITIONAL STATEMENTS

IN HONOR OF SAFE KIDS

• Mr. HOLLINGS. Madam President, I want to commend the Children's Hospital, of the Greenville, SC, Hospital System, for being honored by the National SAFE KIDS campaign as the best of the best in the Nation.

Today, the No. 1 killer of children ages 14 and under is unintentional injury. Whether it is caused by children not wearing a helmet when riding a bike, or accidentally swallowing poison, or not buckling seat belts, or playing with matches—the National SAFE KIDS movement is taking every measure possible to educate American families to prevent such injuries.

There are some 370 local SAFE KIDS coalitions in America and abroad working on this issue, and for Greenville to be named the 2002 SAFE KIDS Coalition of the Year is quite an honor. Greenville also was recognized for having the best national SAFE KIDS week in the Nation. Each year, Greenville hosts the event at a local mall, bringing together 800 volunteers to reach 5,000 children.

I thank Greenville's Linda Brees, Musette Stern, Kathy Harper, and their network of community volunteers for making the safety of children a No. 1 priority in my home state.•

IN MEMORY OF RUSS PETERSON

• Mr. LUGAR. Madam President, I have recently received news that Mr. Russ Peterson, a fellow Hoosier and an outstanding American, has passed away. I rise today to offer my condolences to the Peterson family and share with my colleagues a few words regarding his lifetime of service and achievement.

Mr. Peterson embodied all of the characteristics of an outstanding leader. He served as President of Porter Advertising, a firm based in Richmond, Indiana. Mr. Peterson was a remarkable community business leader whose vision and determination created jobs and generated economic growth across Indiana. He also served, nationally, in leadership positions for the Outdoor Advertising Association of America.

While his entrepreneurial achievements are impressive, I admire his countless contributions to the community of Richmond, Indiana. He was a music afficionado and enthusiast, who used his talents and leadership positions to encourage and support local performance arts and music. In addition, he was a performer and sang in the Central United Methodist Church choir, a local symphony chorus, various operas, and even a barbershop quartet many years ago.

Mr. President, I am pleased to have this opportunity to pay tribute to the life of Russ Peterson. I express my most solemn condolences to his wife of nearly 50 years, Joan Porter Peterson, and his entire family.•

IN MEMORY OF FRANCES HUMPHREY HOWARD

• Mr. HOLLINGS. Madam President, last month our extended Senate family suffered a great loss with the passing of Frances Humphrey Howard. I know her brother, our former colleague from Minnesota, Hubert Humphrey, would appreciate this body recognizing the important role she played.

Frances Howard was always a trend setter. When few women went to college, she graduated with a master's degree. She worked for Eleanor Roosevelt. She was a foreign service officer for the State Department at a time when mostly men were in the foreign service. She worked for the National Institutes of Health as a liaison officer, developing programs for medical libraries. She sat on the board of several companies involved with the arts and social activism. And when her colleagues retired at 65, Frances worked until she was 85.

Senator Humphrey adored his younger sister, and for good reason. He would not have been the warrior he was without his chief supporter, chief confidant, and chief campaigner. All of the important bills Senator Humphrey sponsored on civil rights, on Medicare, on the Peace Corps, and on the Food Stamp program were influenced by her concern for minorities, the elderly, the sick, and the hungry. She was a great advocate for laws that make a real difference in the lives of the neediest in this country.

Frances' role was behind the scenes, but today, instead of always quitting her good job to help Senator Humphrey in his campaigns, she'd have run herself—and won. If Hubert were here we