

early 1990s, it has adopted American and NATO military techniques. Croatia currently participates as full partner in the U.S. and NATO war on international terrorism.

The NFCA is a Washington, DC-based national umbrella organization that represents over 20 Croatian American groups and 130,000 members. We have promoted the early admittance of Croatia into NATO and, indeed, believe that Croatia should be invited to join NATO as soon as it meets the criteria for membership. Our organization believes the passage of this Concurrent Resolution by the U.S. House of Representatives will further underline the need to bring Croatia into NATO at the earliest opportunity. The NFCA fully supports the passage of H. Con. Res. 209.

Thank you once again for your leadership on this important Resolution.

Sincerely,

JOHN KRALJIC,  
*President.*

NATIONAL ALBANIAN  
AMERICAN COUNCIL,  
Washington, DC, June 23, 2003.

Hon. ELIOT ENGEL,

*Co-Chairman of the Albanian Issues Caucus,  
Rayburn House Office Building, House of  
Representatives, Washington, DC.*

DEAR CONGRESSMAN ENGEL: The National Albanian American Council wishes to express its grateful thanks to you for your initiative in introducing H. Con. Res. 209, which passed by the House International Relations Committee regarding the signing of the United States—Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia.

We believe that this is an important step in paving the way for Albania, Croatia, and Macedonia to become members of NATO in the future. It also reaffirms their determination to work individually and with each other to build a region of strong democracies powered by a free market economy.

We wish to thank you Congressman Engel for your outstanding work and your commitment to the development and democratization of the Balkans. The National Albania American Council wishes to recognize your outstanding contributions and your leadership in the Albania Issues Caucus on behalf of the Albania American Community.

Sincerely,

MARTIN VULAJ,  
*Executive Director.*

Mr. RADANOVICH. Mr. Speaker, I rise today in support of H. Con. Res. 209. I am proud to support a resolution which commends the signing of the United States-Adriatic Charter and urges NATO to invite Croatia to become a member.

I have long supported the Republic of Croatia's request for membership in the NATO, and I believe it is a natural and important extension of Croatia's integration into important western security and related alliances since the Republic's reestablishment as a viable nation-state over 10 years ago.

Croatia is one of the most stable and economically developed countries in the southeastern Europe. Its democratic structure has been strongly established as evidence by three national elections since 1990.

Croatia has a wide range of political parties and a critical and independent press. Economically, Croatia's Gross Domestic Product is greater than that of most of its neighbors, some of whom have already joined NATO.

In addition, Croatia currently participates as a full partner in the United States and NATO war on international terrorism. Finally, I believe the passage of this concurrent resolution will further underline the need to bring Croatia into NATO at the earliest opportunity.

Mr. GREEN of Wisconsin. Mr. Speaker, I have no further requests for time,

and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 209, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### FAMILY FARMER BANKRUPTCY RELIEF ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2465) to extend for six months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The Clerk read as follows:

H.R. 2465

*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 "Family Farmer Bankruptcy Relief Act of 2003".

#### SEC. 2. SIX-MONTH EXTENSION OF PERIOD FOR WHICH CHAPTER 12 OF TITLE 11, UNITED STATES CODE, IS REENACTED.

(a) AMENDMENTS.—Section 149 of title I of division C of Public Law 105-277 (11 U.S.C. 1201 note) is amended—

(1) by striking "July 1, 2003" each place it appears and inserting "January 1, 2004"; and

(2) in subsection (a)—

(A) by striking "December 31, 2002" and inserting "June 30, 2003"; and

(B) by striking "January 1, 2003" and inserting "July 1, 2003".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on July 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2465.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2465, the Family Farmers Bankruptcy Relief Act of 2003.

Earlier this year, the National Oceanic and Atmospheric Administration

reported that certain parts of our Nation, particularly the western and Great Plains States, were experiencing "one of the worst droughts in 108 years." Other parts of the country, like the Northeast, are currently enduring seemingly unending days of rainy weather.

While bad weather may be merely an inconvenience for some of us, uncontrollable weather conditions represent just one of the many difficult challenges that confront family farmers. Like many small businesses, family farmers must also endure and react to rising energy costs, volatile marketplace conditions, and increasing competition from larger businesses. Unfortunately, these economic forces can negatively affect the financial stability of the family farmer.

In response to the particularized needs of family farmers in financial distress, chapter 12 of the Bankruptcy Code was enacted in 1986 as a part of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act. Although originally enacted on a temporary basis to address the farming crisis of the 1980s, chapter 12 has been extended on nine occasions in recognition of the vital relief it offers to family farmers in financial distress. Unless further extended, chapter 12 will sunset at the end of this month.

It is crucial that this specialized form of bankruptcy relief for family farmers not be allowed to sunset for two fundamental reasons. First, family farmers, absent chapter 12, would be forced to file for bankruptcy relief under the Bankruptcy Code's other alternatives, none of which work as well for them as does chapter 12.

Chapter VII of the Bankruptcy Code, for instance, would require a farmer to liquidate; that is, sell the family farm to pay the claims of the farmer's creditors. Many farmers would be precluded from choosing bankruptcy relief under chapter 13 of the Bankruptcy Code because of its restrictive eligibility standards. Furthermore, Chapter XI, the Bankruptcy Code's business reorganization alternative, is not farmer-friendly in various respects, as it often entails an expensive and time-consuming process that does not readily accommodate the special needs of farmers.

Second, recent statistics demonstrate that there is not only a continuing need for chapter 12, but that this need is apparently increasing. According to the Administrative Office of the United States Courts, chapter 12 bankruptcy filings jumped by more than 62 percent over the past year. I introduced H.R. 2465 to extend chapter 12 for an additional 6 months through December 31, 2003, and thereby maintain the status quo while the Congress completes its consideration of comprehensive bankruptcy reform.

As my colleagues may recall, last March the House overwhelmingly

passed H.R. 975, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003, which is now awaiting consideration in the other body. H.R. 965 contains many farmer-friendly provisions that would make chapter 12 a permanent fixture of the Bankruptcy Code for family farmers and generally make it easier for farmers in financial distress to be eligible for this form of bankruptcy relief. In addition, H.R. 975 would raise the debt limit and lower the income threshold so that many more family farmers could avail themselves of chapter 12. Also, this bill, for the first time, would extend the benefits of this specialized form of bankruptcy relief to family fishermen.

It is my sincere hope that in the very near future, we will see comprehensive bankruptcy reform legislation finally enacted, together with the permanent extension of chapter 12. Thus, I urge my colleagues to vote for H.R. 2465.

Mr. Speaker, I reserve the balance of my time.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, chapter 12 bankruptcy protection expires in 7 days. Once again, we are forced to approve a temporary extension of this vital protection.

Since I was first elected to Congress just 4½ years ago, we have passed seven temporary extensions of this bill. It is high time that we make this very noncontroversial program permanent. That is the bill we should be debating and passing today.

Mr. Speaker, chapter 12 provides an important backstop for our Nation's struggling family farmers by allowing them to reorganize their debts and keep their farms. What we do here in Washington directly affects the lives of real people facing real financial challenges.

I want to try to put a human face on this issue. In Wisconsin recently, a Columbus, Wisconsin farmer filed for chapter 12 bankruptcy. He works night and day to make his farm a success. Unfortunately, like many farmers, the weather and the market conspired to disrupt his cash flow. Filing chapter 12 gave his family time to negotiate with his creditors, while he switched from corn and soybean production to vegetable production, with local market sales. He sells his produce at farmers' markets in the Cities of Madison and Princeton. He is paying his debts. Under chapter 12, it was not only the Columbus farmer that benefited. His creditors got their money, and the people in my district can purchase his bounty.

Chapter 12 does not just provide a direct benefit to those using its protections. Many farmers who face possible bankruptcy never get to a court filing. The very existence of the option of filing for chapter 12 bankruptcy promotes negotiations between farmers and their creditors.

There is a great consensus that chapter 12 bankruptcy protections work

well. It is for that reason that we have included a permanent authorization in the comprehensive bankruptcy reform bill for the past three sessions of Congress. In fact, it is considered so popular that it has been held hostage to the larger bill. Every time we come to the floor to extend chapter 12, we are told that permanent extension cannot be passed separately from the big bill because taking out a popular item might slow that bill's momentum. We were told we had to strip the permanent extension of chapter 12 from last year's farm bill because it would slow down the bankruptcy bill. Well, here we are again, passing yet another temporary extension, and still the permanent extension languishes with about as much momentum as the continental drift.

Mr. Speaker, the House should pass this bill today, and I urge my colleagues to do just that. But we should also be voting on making chapter 12 permanent. Let us end these uncertainties that the extension causes. Let us end this chapter 12 extension dance.

Since the current authorization will expire within a few days, farmers do need the immediate relief provided by this extension. With the current year's crops in the ground, farmers need to know that they can reorganize and keep their farming operations. This bill would provide the security that family farmers in financial crisis need to decide whether to stay in business for one more year.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I rise in support of H.R. 2465.

Mr. Speaker, this Member rises today to express his support for H.R. 2465, which extends Chapter 12 bankruptcy for family farms and ranches to January 1, 2004. Chapter 12 bankruptcy once again is set to expire on July 1, 2003. This legislation is very important to the nation's agriculture sector.

This Member would express his appreciation to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the House Judiciary Committee, for introducing H.R. 2465. In addition, this Member would like to express his appreciation to the distinguished gentleman from Michigan (Mr. SMITH) for his efforts in getting this measure to the House Floor for consideration.

This extension of Chapter 12 bankruptcy is supported by this Member as it allows family farmers to reorganize their debts as compared to liquidating their assets. The use of the Chapter 12 bankruptcy provision has been an important and necessary option for family farmers throughout the nation. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer.

If Chapter 12 bankruptcy provisions are not extended for family farmers, it will be another very painful blow to an agricultural sector already reeling from low commodity prices. Not only will many family farmers have no viable option other than to end their operations, but it will also cause land values to likely plunge. Such a decrease in value of farmland will negatively affect the ability of family farmers to earn a living. In addition, the resulting decrease in farmland value will impact the manner in which banks conduct their agricultural lending activities. Furthermore, this Member has received many contacts from his constituents supporting the extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—it is clear that the agricultural sector is hurting.

In closing, this Member urges his colleagues to support H.R. 2465.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, no one is as frustrated as I am at the lack of progress on the overall bankruptcy reform bill, which is comprehensive and which will make this economy work better and more efficiently, particularly for those people who pay their bills and obligations on time. Without the overall bankruptcy reform bill being enacted into law, there will be those that use bankruptcy reform as a financial planning tool. That is absolutely wrong. Bankruptcy should exist for people and organizations that are genuinely down and out and who need to go through bankruptcy in order to get a fresh start, and the bill that is in the other body which this House passed by an overwhelming margin does just that.

I can understand the desire of people who are opposed to an overall bankruptcy reform bill to try to cherry-pick the popular items out of it and pass them piecemeal so that their opposition will end up sinking the overall bankruptcy reform bill once and for all. I do not go along with that, and I do not think the majority of this House will either.

The reason we have a temporary extension of chapter 12 here is to make sure that these protections for family farmers are maintained. But if chapter 12 and other issues are cherry-picked out, then the \$44 billion a year of debt that is written off in bankruptcy will be passed on to those who pay their bills, including farmers who pay their bills in the form of higher goods and services.

That is why the overall bankruptcy reform bill ought to be enacted into law. And while the gentlewoman from Wisconsin might be prepared to give up on that issue, I am not, and that is why this bill is a temporary extension. We are going to do the job that needs to be done for the farmers today, and then, hopefully, later on this year, when the other body passes the overall bankruptcy reform bill, we will be able to do the job that needs to be done for people who pay their bills on time and, as agreed, to prevent this huge shift of costs from those who do not pay their bills to those who do.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2465.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

#### VETERANS ENTREPRENEURSHIP AND BENEFITS IMPROVEMENT ACT OF 2003

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1460) to amend title 38, United States Code, to permit the use of education benefits under such title for certain entrepreneurship courses, to permit veterans enrolled in a vocational rehabilitation program under chapter 31 of such title to have self-employment as a vocational goal, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1460

*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 "Veterans Entrepreneurship and Benefits Improvement Act of 2003".

#### SEC. 2. AUTHORIZATION FOR STATE APPROVING AGENCIES TO APPROVE CERTAIN ENTREPRENEURSHIP COURSES.

(a) APPROVAL OF ENTREPRENEURSHIP COURSES.—Section 3675 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) A State approving agency may approve the entrepreneurship courses offered by a qualified provider of entrepreneurship courses.

"(2) For purposes of this subsection, the term 'entrepreneurship course' means a non-degree, non-credit course of business education that enables or assists a person to start or enhance a small business enterprise.

"(3) Subsection (a) and paragraphs (1) and (2) of subsection (b) do not apply to—

"(A) an entrepreneurship course offered by a qualified provider of entrepreneurship courses; and

"(B) a qualified provider of entrepreneurship courses by reason of such provider offering one or more entrepreneurship courses."

(b) BUSINESS OWNERS NOT TREATED AS ALREADY QUALIFIED.—Section 3471 of such title is amended by inserting before the last sentence the following: "The Secretary shall not treat a person as already qualified for the objective of a program of education offered by a qualified provider of entrepreneurship courses solely because such person is the owner or operator of a business."

(c) INCLUSION OF ENTREPRENEURSHIP COURSES IN DEFINITION OF PROGRAM OF EDU-

CATION.—Subsection (b) of section 3452 of such title is amended by adding at the end the following: "Such term also includes any course, or combination of courses, offered by a qualified provider of entrepreneurship courses."

(d) INCLUSION OF QUALIFIED PROVIDER OF ENTREPRENEURSHIP COURSES IN DEFINITION OF EDUCATIONAL INSTITUTION.—Subsection (c) of section 3452 of such title is amended by adding at the end the following: "Such term also includes any qualified provider of entrepreneurship courses."

(e) DEFINITION OF QUALIFIED PROVIDER OF ENTREPRENEURSHIP COURSES.—Section 3452 of such title is further amended by adding at the end the following new subsection:

"(h) The term 'qualified provider of entrepreneurship courses' means—

"(1) a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), and

"(2) the National Veterans Business Development Corporation (established under section 33 of such Act (15 U.S.C. 657c)) insofar as the Corporation offers or sponsors an entrepreneurship course (as defined in section 3675(c)(2) of this title)."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to courses approved by State approving agencies after the date of the enactment of this Act.

#### SEC. 3. PROCUREMENT PROGRAM FOR CERTIFIED SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY QUALIFIED SERVICE-DISABLED VETERANS, ETC.

(a) ESTABLISHMENT OF PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 36 as section 38 and by inserting after section 35 the following new sections:

#### "SEC. 36. PROCUREMENT PROGRAM FOR CERTIFIED SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY QUALIFIED SERVICE-DISABLED VETERANS.

"(a) SOLE SOURCE CONTRACTS.—In accordance with this section, a contracting officer may award a sole source contract to any certified small business concern owned and controlled by qualified service-disabled veterans if—

"(1) such concern is determined to be a responsible contractor with respect to performance of such contract opportunity and the contracting officer does not have a reasonable expectation that 2 or more certified small business concerns owned and controlled by qualified service-disabled veterans will submit offers for the contracting opportunity;

"(2) the anticipated award price of the contract (including options) will not exceed—

"(A) \$5,000,000, in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; or

"(B) \$3,000,000, in the case of any other contract opportunity; and

"(3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.

"(b) RESTRICTED COMPETITION.—In accordance with this section, a contracting officer may award contracts on the basis of competition restricted to certified small business concerns owned and controlled by qualified service-disabled veterans if the contracting officer has a reasonable expectation that not less than 2 certified small business concerns owned and controlled by qualified service-disabled veterans will submit offers and that the award can be made at a fair market price.

"(c) ENFORCEMENT; PENALTIES.—Rules similar to the rules of section 31(c) shall apply for purposes of this section.

"(d) COLLECTION OF DATA REGARDING SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—

"(1) SURVEY.—Not later than 2 years after the date of the enactment of this section and each 3 years thereafter, the Administrator, in consultation with the Secretary of Veterans Affairs, shall complete a survey of service-disabled veterans receiving benefits under title 38, United States Code, to determine the number, identity, and primary industry classification of small business concerns owned and controlled by service-disabled veterans.

"(2) REPORT TO CONGRESS.—The Administrator, in consultation with the Secretary of Veterans Affairs, shall report to Congress on the results of each survey conducted under paragraph (1). Such report shall include the total number of small business concerns owned and controlled by service-disabled veterans.

"(e) CONTRACTING OFFICER.—For purposes of this section and section 37, the term 'contracting officer' has the meaning given such term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)).

#### "SEC. 37. PRIORITY OF SMALL BUSINESS PROCUREMENT PREFERENCES.

"(a) IN GENERAL.—A contracting officer may not make a procurement from a source on the basis of a preference provided under any provision of this Act referred to in subsection (b) unless the contracting officer has determined that such procurement cannot be made on the basis of a preference provided under another provision of this Act with a higher priority under such subsection.

"(b) ORDER OF PRIORITY.—For purposes of this section, the following provisions of this Act are listed in order of priority from highest to lowest:

"(1) Section 8(a).

"(2) Section 36(b).

"(3) Section 36(a).

"(4) Section 31(b)(2)(B).

"(5) Section 31(b)(2)(A).

"(6) Section 8(m).

"(c) PRIORITY OF CERTAIN OTHER PROCUREMENT PREFERENCES.—A procurement may not be made from a source on the basis of a preference provided under any provision of this Act referred to in subsection (b) if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.)."

(b) CERTIFIED SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—Subsection (q) of section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new paragraph:

"(5) CERTIFIED SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY QUALIFIED SERVICE-DISABLED VETERANS.—

"(A) QUALIFIED SERVICE-DISABLED VETERAN.—The term 'qualified service-disabled veteran' means any veteran who—

"(i) has one or more disabilities that are service-connected (as defined in section 101(16) of title 38, United States Code) and rated at 10 percent or more by the Secretary of Veterans Affairs; or

"(ii) is entitled to benefits under section 1151 of title 38, United States Code.

"(B) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY QUALIFIED SERVICE-DISABLED VETERANS.—The term 'small business concern owned and controlled by qualified service-disabled veterans' means a small business concern—

"(i) not less than 51 percent of which is owned by one or more qualified service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more qualified service-disabled veterans; and