

typically run for a period of 7 to 10 years. As a result, after-tax cost of reconfiguring, or building out, office, retail, or other commercial space to accommodate new tenants or modernizing workplace is artificially high. This hinders urban reinvestment and construction job opportunities as improvements are delayed or not undertaken at all.

Additionally, a widespread shift to more energy-efficient, environmentally sound building elements is discouraged by the current tax system because of their typically higher expense. If a greater conservation potential of energy-efficient lighting were to be realized, the demand for the equivalent of one hundred 1,000-megawatt powerplants could be eliminated, with corresponding reductions in air pollution and global warming.

Reform of the cost recovery rules for leasehold improvements has been long overdue. In the 106th Congress, this bill enjoyed widespread support with 144 Members co-sponsoring it. This legislation should be enacted this year. This would acknowledge the fact that improvements constructed for one tenant are rarely suitable for another, and that when a tenant leaves, the space is typically build-out over again for a new tenant. It is important to note that prior to 1981 our tax laws allowed these improvement costs to be deducted over the life of the lease. Subsequent legislation, however, abandoned this policy as part of a move to simplify and shorten building depreciation rules in general to 15 years. Given that buildings are now required to be depreciated over 39 years, it is time to face economic reality and reinstate a separate depreciation period for building improvements to tenant occupied space.

Mr. Speaker, I urge my fellow members to review and support this important job producing, urban revitalization legislation. I look forward to working with my colleagues on the Ways and Means Committee to enact this bill.

THE INTRODUCTION OF THE
“ANTI-SPAMMING ACT OF 2001”

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2001

Mr. GOODLATTE. Mr. Speaker, unsolicited commercial e-mail, such as advertisements, solicitations or chain letters, is the “junk mail” of the information age. When unwanted mail is hand delivered to your home or post office box, you can ask the postmaster not to deliver it. When telemarketers call you at home you may ask to be taken off their solicitation list. But currently, there is no mechanism to prevent unwanted e-mail.

Jupiter Communications reported that in 1999 the average consumer received 40 pieces of spam. By 2005, Jupiter estimates, the total is likely to soar to 1,600. These numbers are truly astounding. Unsolicited e-mail messages burden consumers by slowing down their e-mail connections, and cause big problems for the small business owner who is trying to compete with larger companies and larger servers.

Consumers are not the only ones victimized by spam. In recent instances, unsolicited e-mail transmissions have paralyzed small Internet Service Providers (ISPs) by flooding their

servers with unwanted e-mail. This has the potential to do great damages to small ISP companies and the communities they serve.

Currently, ISPs are developing programs that require the individual sending the unsolicited message to include a valid e-mail address, which can then be replied to in order to request that no further transmissions be sent. Under these programs, once the individual sending the original e-mail receives a request to remove an address from their distribution list, they are required to do so. However, offending spammers get around this requirement by using the e-mail address of an unsuspecting user to spam others.

To address this problem, I am introducing legislation to give law enforcement the tools they need to prosecute individuals who send unsolicited e-mail that clog up consumers’ inboxes: the Anti-Spamming Act of 2001.

The Anti-Spamming Act would amend 18 U.S.C. § 1030 (which addresses criminal fraud in connection with computers) in several respects to address fraudulent unsolicited electronic mail. It would add to the substantive conduct prohibited by 18 U.S.C. § 1030(a), both the intentional and unauthorized sending of unsolicited e-mail that is known by the sender to contain information that falsely identifies the source or routing information of the e-mail, and the intentional sale or distribution of any computer program designed to conceal the source or routing information of such e-mail.

This legislation would subject those who commit such prohibited conduct to a criminal fine equal to \$15,000 per violation or \$10 per message per violation, whichever is greater, plus the actual monetary loss suffered by victims of the conduct. In addition, prohibited conduct that results in damage to a “protected computer” (as defined in 18 U.S.C. § 1030(e)(2)) would be punishable by a fine under Title 18 or by imprisonment for up to one year.

I would also like to thank Representative HEATHER WILSON for her tireless efforts to address this issue. Representative WILSON should be commended for bringing the problem of spam to the forefront of public debate. I look forward to working with her to achieve our common goal of reducing the burden of unwanted e-mail on consumers and Internet Service Providers.

Legislation addressing the problem of unsolicited commercial e-mail is greatly needed to protect consumers and Internet Service Providers from victimization by spam. I urge my colleagues to support this much needed legislation.

TRIBUTE TO FRANK MARSH

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2001

Mr. BEREUTER. Mr. Speaker, this week Nebraskans said good-bye to Frank Marsh, our former lieutenant governor, secretary of state and state treasurer. Frank was a loyal Nebraskan, a dedicated public servant, and an enthusiastic Republican. He was elected secretary of state in 1953 and served in that position for 17 years. He was lieutenant governor from 1971 to 1975. He served twice as state

treasurer. He was State director of the Farmers Home Administration. In all, he devoted nearly 40 years of his life to public service.

Indeed, public service was a family affair for the Marshes. Frank’s father, Frank Marsh Sr., was secretary of state for 16 years. Frank’s wife Shirley was a state senator—my close friend and seatmate for the last two years of my service in the Nebraska Legislature.

Frank was a staunch Republican, but he worked amicably with partisans of all persuasion. Indeed, his stint as lieutenant governor was served under a Democratic governor. They got along well. After Frank left elective office, he continued his career in public service by serving the poor. He helped to begin a food distribution network that came to involve 300 volunteers working in 33 distribution sites in Lincoln, Nebraska, his hometown.

All of us who knew Frank Marsh and worked with him and all of those who were beneficiaries of his compassion and dedication will miss him. We send our condolences to his wife Shirley and their children and the many foreign guests—extended family in effect—who were hosted by the Marsh family in their home for varying lengths of time. Frank Marsh was a citizen ambassador for our country and a model for voluntarism for all Americans. His contributions to the public good will be missed throughout Nebraska and far beyond.

SPECIAL ORDER ON WOMEN’S
HEALTH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2001

Mrs. MALONEY of New York. Mr. Speaker, I would like to join my colleagues of the Women’s Caucus to discuss the importance of women’s health.

As a Caucus, we are working hard to improve health for all women. From protecting Social Security and strengthening Medicare to working for a Patient’s Bill of Rights.

And we are working to add a reliable, affordable prescription drug benefit.

We must ensure that the progress made to improve women’s health continues.

To this point, I urge my distinguished colleagues to join me in the following measures.

I am working to improve the health and well-being of women—young and old.

I will soon reintroduce the Osteoporosis Early Detection and Prevention Act and the Cancer Screening Coverage Act to give women a fighting chance against these diseases.

I am working with my distinguished colleague, CONNIE MORELLA, to make women’s health research a priority. We will introduce the Women’s Health Office Act to make the women’s health offices at the Department of Health and Human Services permanent.

And for our littlest people and their moms, I have introduced the Breastfeeding Promotion Act, which supports and protects mothers who choose to breastfeed. Everyday, new medical studies are released highlighting the positive health effects of breastfeeding for both mother and child.

We must continue to work hard to ensure that the priorities of our country include policies that promote healthy women and healthy

families. I urge my colleagues to join me on these measures.

A TRIBUTE TO DANIEL R. ENSLEY

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to one of North Carolina's leading citizens and to bring to the attention of my colleagues of the 107th Congress his many contributions.

Daniel R. Ensley, director of the mass communications program at Campbell University and a 1993–94 "Professor of the Year" at the institution, is retiring from Campbell due to health concerns. He will be greatly missed by fellow professors, by students in the mass communications school, and by the hundreds of alumni who remember the courses they took there.

Ensley, a native of Dover, Delaware, grew up in a military family and lived in New Jersey, Illinois, Florida, Georgia, and Oklahoma as a youngster. He is a 1979 magna cum laude graduate of Campbell. He worked for the college radio station throughout his college years and became station manager during his senior year. After graduation, he managed the station until 1984 and also taught courses at the University.

In 1984, Ensley entered graduate school at the University of South Carolina College of Journalism. He earned his Master of Arts degree from that institution in 1986 and was accepted for a Ph.D. program at the University of Wisconsin. Just before leaving for Madison, Wisconsin, Ensley was contacted by the administrators at Campbell and offered a position as an instructor in the Department of Communications. He accepted and joined the Campbell family.

Ensley was promoted to assistant professor in 1990 and twice—1989 and 1999—has won the Dean's Award for Teaching Excellence. The Student Government Association honored him with the first "Professor of the Year" award in 1993–94, and he was also honored as "Teacher of the Year" by the Omicron Delta Kappa society in June of 1994. That same year, the college yearbook was dedicated to him. In 1987, the college of Journalism at the University of South Carolina awarded him its Excellence in Research Award for his masters thesis.

Ensley's most dramatic contribution to the University came in 1991 when he created the Department of Mass Communications at the university. As director of the new department, he designed curriculum, taught courses, and established and monitored an internship program.

Hundreds of former students owe Ensley a debt of gratitude for the work he did with them while they were at Campbell. One former student, Dallas Woodhouse, a political reporter for NBC-17 in Raleigh, says he owes his career to the retiring educator.

"Ensley gave his life to his students," Woodhouse says. "Nights. Weekends. Overnights. He gave it all and never complained. I have never seen someone work so much and so hard. I have never seen someone like Dan Ensley. I only hope I can teach my children his work ethic and his selflessness."

IN RECOGNITION OF THE EIU PANTHERS

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2001

Mr. PHELPS. Mr. Speaker, today I rise to recognize and congratulate one of my district's college basketball teams. The Eastern Illinois University Panthers of Charleston, IL recently won the OVC tournament championship. The Panthers defeated Austin Peay 107–100 in the championship game at Eastern Illinois University's Lantz Gym. The Panthers finished the season with a 17–12 record.

Led by coaches Rick Samuels, Troy Collier, and Steve Weemer, members of the 2001 EIU Panthers include Rod Henry, Jan Thompson, Craig Lewis, Chris Herrera, Kyle Hill, Matt Britton, Eric Sandholm, Nate Schroeder, Merve Joseph, Andy Gobczynski, John Thorsen, Todd Bergmann, Henry Domercant, Ryan Kelly, and Jesse Mackinson.

The members of the EIU Panthers should be proud of their achievement. I congratulate them and wish them good luck in future basketball seasons.

RETIREMENT OF JAMES I. SMITH,

III

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2001

Mr. COYNE. Mr. Speaker, I rise today to mark the retirement of a man who has been a fixture in Allegheny County's public life for a number of decades.

On June 1, 2001, James I. Smith III will retire as the executive director of the Allegheny County Bar Association. Mr. Smith has served as the executive director of this organization for the last 38 years.

In the course of his tenure, Mr. Smith has made a number of innovative changes in the organization's operations. In addition to supervising the ACBA's many departments, Mr. Smith instituted the ACBA's first Bench-Bar Conference, developed a daily in-house legal newspaper, and developed the first video deposition service in the nation. He has carried out his duties with great dedication and professionalism.

I commend Mr. Smith for his many contributions to the community, and I wish him a long and happy retirement.

CONGRATULATIONS TO HCFA FOR SAVING MEDICARE MONEY; CONGRESS SHOULD GIVE HCFA MORE COMPETITIVE PURCHASING TOOLS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2001

Mr. STARK. Mr. Speaker, a lot of Members of Congress have been criticizing HCFA lately, largely because they are trying to carry out impossible complex laws passed by Members of Congress.

We also complain that HCFA isn't competitive enough. In the BBA of 1997, we gave authority to HCFA to carry out competitive bidding demonstrations on the purchase of durable medical equipment. Those demonstrations are indeed showing substantial savings. I would like to enter in the RECORD a press release of March 1st describing the progress of these demonstrations.

Mr. Speaker, Congress should immediately allow those demonstrations to become permanent and to be extended nationwide. Congress should stop calling HCFA inefficient when we aren't willing to give it the power to be efficient.

[From the HCFA Press Office, Mar. 1, 2001]

SECOND ROUND OF MEDICARE COMPETITIVE BIDDING PROJECT FOR MEDICAL SUPPLIES IN POLK COUNTY, FLA.

Medicare has launched the second round of its successful pilot project in Polk County, Fla., that uses competition to provide quality medical equipment and supplies to beneficiaries at better prices. The Balanced Budget Act of 1997 authorizes the Health Care Financing Administration (HCFA) to demonstrate how competitive bidding can help Medicare beneficiaries and the program pay more reasonable prices for quality medical equipment and supplies. Several studies by the U.S. General Accounting (GAO) and the HHS Inspector General have shown that the Medicare program and its beneficiaries often pay more for medical equipment and supplies than the prices paid by other insurers and individual patients. Requiring suppliers interested in serving Medicare beneficiaries to submit bids including quality and price information assures access to high-quality medical equipment at a fairer price. The changes also can reduce Medicare waste and abuse.

During the first round of the Polk County demonstration, HCFA, the agency that administers Medicare, invited companies to compete to sell medical equipment and supplies to 92,000 Medicare beneficiaries in Polk County. Bids were evaluated on the basis of quality and price. The new rates set by this competitive process are saving individual beneficiaries and Medicare an average of 17 percent on the cost of certain medical supplies, while protecting quality and access for Polk County beneficiaries. The competitive bidding process took place in the spring of 1999. The new rates took effect on Oct. 1, 1999, and will remain in effect until Sept. 30, 2001.

HCFA implemented a similar demonstration in three Texas counties in the San Antonio area—Bexar, Comal and Guadalupe counties. Suppliers who wished to sell products in five categories to Medicare beneficiaries in the region were required to compete on the basis of quality and price in the spring of 2000. As in the Polk County process, the new prices are saving individual beneficiaries and Medicare an average of 20 percent on the cost of certain medical supplies while protecting quality and access for San Antonio beneficiaries. The new rates took effect on Feb. 1, 2001, and will remain in effect until Dec. 31, 2002.

In the second round of the Polk County demonstration, suppliers will again compete this spring on the basis of quality and price for four of categories of medical equipment and supplies categories included in the first round of the pilot. The categories are: oxygen supplies; hospital beds; urological supplies and surgical dressings. The fifth product category, enteral nutrition, is not being included in the second round because the focus of the demonstration is on medical equipment and supplies delivered to the