

granted civilian government and U.S. citizenship to the people of Guam. We are the westernmost territory of the United States on the opposite side of the International Date Line and have the distinction of being the place "where America's day begins." The passage of this legislation today will not only give acknowledgment to the unique circumstances and histories of these U.S. jurisdictions, it also pays tribute to Americans living in these places who take great pride and provide service to the nation but often feel marginalized or left behind because they are unable to take part in programs which most other Americans enjoy.

As an original co-sponsor of this legislation and of its predecessor, H.R. 5010, I urge my colleagues to unanimously support this very important legislation and urge its expeditious passage and enactment.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 4005, a bill to provide for a circulating quarter dollar coin program to commemorate American Samoa, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and the Northern Mariana Islands.

In general, this legislation would amend the popular 50 States Commemorative Coin Program Act to include 6 new designs emblematic of the District of Columbia, American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Northern Mariana Islands. Designs on the reverse side of each quarter dollar issued during 2009 will be selected by the Secretary of Treasury in consultation with the chief executive officers of these areas.

It should come as no surprise that I am a strong supporter of this bill. My colleagues and I have worked for some time to move this legislation forward. All five delegates are and were original co-sponsors of this bi-partisan measure. This measure was first introduced in the 106th Congress and passed overwhelmingly in the House by a vote of 377-6. Unfortunately, the 106th Congress ended before the Senate was able to consider our bill.

I am now pleased that H.R. 4005 has once again made it to the House floor for consideration. I want to thank Congresswoman ELEANOR HOLMES NORTON for her leadership and I also want to thank the order Delegates who have also worked tirelessly to ensure that this legislation is considered.

Speaking on behalf of American Samoa, I believe it is only fitting for Congress to acknowledge our relationship with the United States with the issuance of a commemorative coin. American Samoa has a long and proud history of supporting the United States. The traditional leaders of the island of Tutuila ceded our islands to the United States in 1900.

Tutuila's harbor is the deepest in the South Pacific and the port village of Pago Pago was used as a coaling station for U.S. naval ships in the early part of the century and as a support base for U.S. soldiers during WWII. To this day, American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

American Samoa also has a per capita enlistment rate in the U.S. military which is as high as any State or U.S. Territory. Our sons and daughters have served in record numbers in every U.S. military engagement from WWII to present operations in our war against terrorists. We have stood by the United States in good times and bad and I believe this relation-

ship should be acknowledged with the issuance of a commemorative coin.

H.R. 4005 afford us an opportunity to recognize the special contributions that the District of Columbia, American Samoa, Guam, Puerto Rico, and the Northern Marianas have made to the history of our Nation. I urge my colleagues to vote in favor of this legislation.

Mr. CASTLE. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 4005.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALLOWING CERTAIN CATCH-UP CONTRIBUTIONS TO THRIFT SAVINGS PLAN

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3340) to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over, as amended.

The Clerk read as follows:

H.R. 3340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THRIFT SAVINGS PLAN CATCH-UP CONTRIBUTIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Paragraph (2) of section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

“(C) Notwithstanding any limitation under this paragraph, an eligible participant (as defined by section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and regulations of the Executive Director consistent therewith.”.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) PROVISION APPLICABLE TO EMPLOYEES GENERALLY.—Subsection (a) of section 8432 of title 5, United States Code, is amended by adding at the end the following:

“(3) Notwithstanding any limitation under this subsection, an eligible participant (as defined by section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and regulations of the Executive Director consistent therewith.”.

(2) PROVISION APPLICABLE TO CERTAIN OTHER INDIVIDUALS.—Section 8440f of title 5, United States Code, is amended—

(A) by striking “The maximum” and inserting “(a) The maximum”; and

(B) by adding at the end the following:

“(b) Notwithstanding any limitation under this section, an eligible participant (as defined by section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and regulations of the Executive Director consistent therewith.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the earliest practicable date, as determined by the Executive Director (appointed under section 8474(a) of title 5, United States Code) in regulations.

SEC. 2. REAUTHORIZATION OF MERIT SYSTEM PROTECTION BOARD AND OFFICE OF SPECIAL COUNSEL.

(a) MERIT SYSTEMS PROTECTION BOARD.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking “1998, 1999, 2000, 2001 and 2002” and inserting “2003, 2004, 2005, 2006, and 2007”.

(b) OFFICE OF SPECIAL COUNSEL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking “1993, 1994, 1995, 1996, and 1997,” and inserting “2003, 2004, 2005, 2006, and 2007”.

(c) EFFECTIVE DATE.—This section shall be effective as of October 1, 2002.

SEC. 3. DISCLOSURE OF VIOLATIONS OF LAW; RETURN OF DOCUMENTS.

Section 1213(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking the last sentence; and

(2) by striking paragraph (3) and inserting the following:

“(3) If the Special Counsel does not transmit the information to the head of the agency under paragraph (2), the Special Counsel shall inform the individual of—

“(A) the reasons why the disclosure may not be further acted on under this chapter; and

“(B) other offices available for receiving disclosures, should the individual wish to pursue the matter further.”.

SEC. 4. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Overseas Private Investment Corporation before the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—

(1) IN GENERAL.—Any individual who, as of the enrollment eligibility date, is covered by a health benefits plan administered by the Overseas Private Investment Corporation may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after such date.

(2) INDIVIDUALS CURRENTLY UNDER CONTINUED COVERAGE.—An individual who, as of the enrollment eligibility date, is entitled to continued coverage under a health benefits plan administered by the Overseas Private Investment Corporation—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Overseas Private Investment Corporation; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after such date.

(3) UNMARRIED DEPENDENT CHILDREN.—An individual who, as of the enrollment eligibility date, is covered as an unmarried dependent child under a health benefits plan

administered by the Overseas Private Investment Corporation and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a or 8903a of such title as though the individual had ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title as of such date; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after such date.

(C) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—

(1) IN GENERAL.—The Overseas Private Investment Corporation shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Overseas Private Investment Corporation, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section.

(2) AVAILABILITY OF FUNDS.—The amounts transferred under paragraph (1) shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of title 5, United States Code.

(D) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

(E) ENROLLMENT ELIGIBILITY DATE.—For purposes of this section, the term “enrollment eligibility date” means the last day on which coverage under a health benefits plan administered by the Overseas Private Investment Corporation is available. Such date shall be determined by the Office of Personnel Management in consultation with the Overseas Private Investment Corporation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3340.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

I rise today to urge support for H.R. 3340. This is legislation that will help ensure the retirement security and independence of many Federal employees. Under the Economic Growth and Tax Relief Reconciliation Act of 2001, employer-sponsored thrift plans, such as private sector 401(k) plans and the TSP, may allow employees age 50 and older to contribute additional money toward their retirement.

Due to the new law, an individual age 50 or older could put an additional \$1,000 next year into a pension plan in addition to regular contributions allowed by law. The following year the extra contribution would be \$2,000. It would increase each year until the extra contribution level was \$5,000. Each year thereafter the investor could put in an additional \$5,000 on top of the regular contribution in a pension plan.

However, employees are not automatically entitled to make catch-up contributions. Private employers must amend their plan documents to permit catch-up contributions. And, likewise, Congress must amend title 5 of the U.S. Code before Federal employees can make catch-up contributions. H.R. 3340 makes the necessary changes to title 5 to permit Federal employees to take advantage of this important opportunity to improve their retirement security. The catch-up provision is particularly justifiable for the Federal plan since the TSP was not created by law until 1986. The catch-up contributions will allow workers to make up for years when they were not employed, did not contribute to their plan, or otherwise were unable to save. It is also particularly beneficial for women who have returned to the workforce after taking time away to raise families.

It is essential that we in Congress do as much as we can to foster improved savings by enhancing private and public sector pension plans. America has one of the lowest national savings rates among industrialized countries. It has fallen steadily over the last 25 years, seriously jeopardizing Americans' security during what is supposed to be their golden years. And even though Americans realize that they should be saving more, half of all family heads in their late 50s possess less than \$10,000 in net financial assets. With the retirement of America's baby boomers approaching, Congress must help to encourage Americans to save more.

So, Mr. Speaker, H.R. 3340 furthers our goal of helping Americans increase their savings so they can provide a better retirement for themselves and their families. In addition, H.R. 3340, as amended, reauthorizes the U.S. Merit Systems Protection Board and the Office of Special Counsel; and it would allow employees, retirees, and near retirees of the Overseas Private Investment Corporation to enroll in the Federal Employees Health Benefit Plan.

The Merit Systems Protection Board is an independent quasi-judicial agency in the executive branch that adjudicates Federal employees' appeals from certain serious disciplinary actions, including firing, and Office of Personnel Management retirement decisions. The Board also adjudicates cases brought by the Office of Special Counsel to enforce the Hatch Act and laws against prohibited personnel practices, including whistleblower cases. The amendment authorizes the Merit Systems Protection Board through 2007.

The amendment also reauthorizes the Office of Special Counsel through 2007. The OSC is an independent Federal investigator and prosecutorial agency. The OSC enforces the Hatch Act, and it litigates cases involving prohibited personnel practices, including reprisal for whistleblowing, before the Merit Systems Protection Board.

And, finally, Mr. Speaker, the amendment contains language that would allow certain retirees and near retirees who are currently covered by a health plan administered by OPIC to participate fully in the FEHBP. That is the Federal Employee Health Benefit Plan. OPIC established a separate health insurance plan outside the FEHBP in 1982. However, since 1995 OPIC discontinued offering its separate plan due to a number of problems in maintaining a separate health care plan. This language resolves technical problems involving eligibility of retirees and near retirees for coverage under FEHBP, and the administration supports this legislation. I urge my colleagues to do the same. It may sound complicated and not so exciting, but it is very critical for those employees who would be involved in it and would be administered under it.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 3340, as amended, will enhance the retirement and health benefits of Federal employees and ensure the continued operation of two agencies that serve as guardians of the Federal merit systems.

The Economic Growth and Tax Relief Act, which became law last year, made it possible for enrollees 50 years of age or older to contribute an additional \$1,000 a year to their private sector 401(k) plans. After 5 years with annual increases of \$1,000, private sector employees will be able to contribute an additional \$5,000 a year to their 401(k) plans. These changes did not apply to the Federal Government's equivalent plan, the Thrift Savings Plan, or the TSP. This simply is not fair.

H.R. 3340 would amend the Federal Employees Retirement System Act to allow Federal employees, like their private sector counterparts, to make additional contributions to their TSP. Federal employees who were previously unable to contribute to their TSP would be able to catch up by making additional contributions to their plan.

Another provision of the bill addresses the Overseas Private Investment Corporation, OPIC. In the 1980's a number of Federal banking agencies, including OPIC, established separate health insurance plans outside of the Federal Employees Health Benefits Program. As health care costs have increased, it has become too costly for OPIC to maintain a separate health insurance plan. Under H.R. 3340, as

amended, the approximately 70 employees enrolled in OPIC's health insurance plan would be allowed to transfer to the FEHBP. OPIC will bear the costs associated with transfer.

Finally, this legislation would reauthorize the Merit Systems Protection Board, MSPB, and the Office of Special Counsel, OSC. Established in 1978 by the Civil Service Reform Act, MSPB's mission is to ensure that Federal employees are protected against abuses by Federal agency management, that executive branch agencies make employment decisions in accordance with merit systems principles, and that Federal merit systems are kept free of prohibited personnel practices such as discrimination and coercion.

OSC is an independent Federal investigative prosecutorial agency. It safeguards the merit system by protecting Federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. OSC also serves as a safe and secure channel for Federal workers who wish to disclose violations of laws, gross mismanagement or waste of funds, and abuse of authority. This legislation will provide a variety of benefits for Federal employees, and I urge its adoption.

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

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

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

At the time that we began work on this bill, the markets had not imploded. This bill has assumed far greater importance since, and I just want to spell out something of what it means. We are now living in a country where people over 50 years of age have lost their shirts. The catastrophic effects of the market on baby boomers and older people is pouring out now in stories, in the newspapers about people going back to work, about people selling their homes, and the rest of it. Do not think that this does not apply as well to Federal employees.

Allowing us, those of us who work in the Federal Government, to catch up, as it were, with what is already the case in the private sector could not come at a more opportune time. In the first place, one does not have to put their money into the traditional stock market. The TSP is very conservative. They could put all of their money into bonds. They could in fact decide that this might be an important way to make up for some of the losses almost all of us have incurred in the market over the past year, 18 months.

And what this means is very important. In the first year, in addition to what someone already contributes, they can put in an additional \$1,000. The next year they can put in an additional \$2,000, until of course they reach

\$5,000 and then they will be able to contribute, as private employees do, an additional \$5,000 a year to the TSP.

The reason that this is important, it seems to me, for everybody but especially for the employees to whom this is directed, employees 50 or older, is that there is almost no way to even begin to make up for the kinds of losses people have had, and people have got to begin thinking through how do we do that. We do not want to say to what has become an investment public, stop investing in anything, they could have happen to them what has now happened to people in all ages and backgrounds. They could lose it all. There are safe investments. We are very fortunate that the TSP allows us to spread our investments, encourages us to do so, and I believe that for those who are very numerous, and I am sure are included among them are many government employees who want to begin to reinvest, this opportunity to reinvest in more conservative investments will be a very welcome opportunity. At the very least, it would be unconscionable to leave those in the public sector, the Federal sector behind what we ourselves have already granted to those in the private sector.

So I appreciate that the gentlewoman has brought this bill forward, a bill we worked very hard on and, fortunately, a bill which I think will be appreciated more than when the bill was originally in committee.

□ 1530

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

Mr. Speaker, as I said earlier, H.R. 3340 with the amendment accomplishes many goals, including catch-up contributions for the Thrift Savings Plan contributors, reauthorization of the OSC and the Marriage System Protections Board.

Finally, H.R. 3340 would allow employees, retirees and near-retirees of the Overseas Private Investment Corporation to enroll in the Federal Employees Health Benefit Plan.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I also want to say that I introduced the bill because it was very important. It took a lot of time, and we had the approval of the chairman of the committee, the gentleman from Indiana (Mr. BURTON); the ranking member, the gentleman from California (Mr. WAXMAN); the chairman of the subcommittee, the gentleman from Florida (Mr. WELDON); the ranking member of the Subcommittee on Civil Service, the gentleman from Illinois (Mr. DAVIS); some great sponsors and some great staff that helped to move this bill forward.

Mr. Speaker, I urge an affirmative vote.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate the gentlewoman from Maryland for the introduction and processing and passage of this legislation.

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

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3340, 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.

Mrs. MORELLA. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 33 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1603

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 4 o'clock and 3 minutes p.m.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2002

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5385) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, as amended.

The Clerk read as follows:]

H.R. 5385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. Bitolyene diisocyanate (TODI).