

the world and the United States, and as President Bush declared, "The resolve of our great Nation is being tested . . . but make no mistake . . . we will show the world that we will pass this test."

Obviously, the President could not be more correct. Since then, the United States has decimated al Qaeda and bin Laden's network of terror; the Taliban no longer exist as a ruling form of government; and the war against terrorism is being waged against those who harbor terrorists.

While America is making significant progress on many fronts in eradicating terrorism, the war cannot be won without the key component of securing our borders from those who wish to do us harm. Those who violate our Nation's immigration laws do more harm than good in furthering our country's values, and it is those people we must ensure that do not enter our country.

Madam Speaker, a recent report by the United States Census Bureau reveals there are more than 8.7 million people now living in the United States illegally. About 40 to 50 percent of those violators are people who entered the United States legally but did not leave with the expiration of their visas. Out of the nearly 9 million illegal aliens now in the country, more than 90,000 are from Middle East Nations, including Iran, Afghanistan, and Pakistan. Many of those illegal aliens are from nations with close ties to terrorism and nations with al Qaeda presence.

According to the INS records, 13 of the 19 hijackers entered the U.S. with valid visas. Three of the 13 remained in the country after their visas had expired. Two were expected to have entered on foreign student visas, and the INS has no information on the six remaining hijackers. As such, we can keep enacting legislation and of course we could spend more money around here, but efforts to counter terrorism will be futile unless we establish effective controls to secure our borders at the points of entry.

Each year there are more than 300 million border crossings in the United States. These are just the legal crossings that are recorded. While there are 9,000 border control agents working to keep America secure on the U.S.-Mexican border, there are less than 500 agents tasked with securing our 4,000-mile border with Canada.

To make matters even worse, out of the 128 ports on the northern border, only four of them are open around the clock. The remaining are not even manned, thereby allowing anyone with good or evil intentions to enter the United States without even so much as an inspection, not to mention even a question or a written record of their entry.

□ 1300

As it now stands, our immigration system needs increased and tighter controls. Currently, our Nation has an unmonitored, nonimmigrant visa sys-

tem in which 7.1 million tourists, business visitors, foreign students, and temporary workers arrive. To date, the INS does not have a reliable tracking system to determine how many of these visitors left the country when their visas expired.

Furthermore, among the 7.1 million nonimmigrants, 500,000 foreign nationals enter the United States on foreign student visas. Hani Janjour, the person believed to have piloted American Airlines Flight 777 into the Pentagon, is believed to have entered the country with a foreign-student visa, but he never actually attended any classes.

Madam Speaker, our unsecured borders, along with inadequate record-keeping, have contributed to our inability to track terrorism in this country or to prevent them from entering in the first place. So as we start this second session of the 107th Congress, I call on my colleagues in both the House and the Senate to strengthen our border security, tighten our existing immigration laws, and to provide those fighting to end illegal immigration with the tools and resources necessary to defeat terrorism.

#### PENSION LAW CHANGES

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to the order of the House of January 23, 2002, the gentleman from California (Mr. GEORGE MILLER) is recognized during morning hour debates for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to announce that later today I will be introducing the Employee Pension Freedom Act, a measure that is urgently needed in light of the recent Enron scandal and other threats to pension security affecting millions of American families. I will be doing that with over 50 original cosponsors.

Over the past month, this Nation has been shocked at the revelations of how the Enron Corporation employees lost their entire savings through the actions of high-ranking company officials and how they lost their future retirement. As the value of the Enron stock plummeted last fall, Enron employees were prohibited from rescuing their own savings, estimated at over \$1 billion, by company-imposed lockdowns on the Enron shares and by the outright prohibition of selling company-contributed shares until the employee had reached age 55.

The spectacle of company executives hiding billions of dollars of debt from investors and from employees through the secret offshore partnerships of Enron while simultaneously cashing out company stock for themselves is an audacious assault on our pension security laws and offends the sense of fairness and justice in every American.

These executives ignored their responsibilities to investors and to their own employees by cooking the books, making misleading statements about the company's health, and locking

down the ability of employees to save themselves from the Enron collapse.

Employees at other corporations, like Kmart, face other penalties and restrictions on the sale of company stock in their 401(k) plans. For example, in some companies if you sell company stock in your 401(k) plan before a certain age, the company withholds an employer contribution to your plan for 6 months. The question is why should the employer be able to penalize you for exercising dominion over the assets that belong to you. It simply is not fair.

Now the questions of whether Congress will respond or will the employees get rhetoric and a few tweaks that leave the antiquated pension laws pretty much in place to the employees' disadvantage.

Clearly, there are two sets of rules when it comes to company stock. Ken Lay and other executives would get one set of rules, where they can get rid of their stock almost at any time, and the average employees get another more restrictive set of rules when it comes to the company stock and their 401(k)s. The executives are free to rescue their value and their family assets tied up in stock should they smell the company is in for a bad time in the stock market. The employees are artificially locked down. It is money that was given to them for compensation in working for the corporation, yet when they seek to rescue their family's retirement, when they seek to make a decision that maybe this stock should not be held any longer, that maybe they should buy something else or buy a mutual fund, they are prohibited from doing that.

What we really need is freedom for employees to be able to exercise complete and total control over the contributions, the assets, the money in their 401(k) plans so that they can do as we have told them to do, to diversify for the security of their retirement, to make retirement plans and investments based upon their age. The older one gets, the less risk they may want to take. The younger they are, the more risk they may want to take. That is the way it is supposed to be, but that is not the way it is. These companies have come along and placed restrictions and penalties on the ability of the employees to get rid of some of the assets within that plan.

The Employee Pension Freedom Act that I am introducing today with over 50 cosponsors makes several important changes to our pension laws. The most important change my bill makes is to provide employees 100 percent control over their investments and their 401(k) plans. Employees would have total control over the investment of the money they earned and contributed to the retirement plans and that their employer contributed to their plans as part of their compensation.

This change is critical to help avoid the problems we have just witnessed with Enron. It will help provide employees the ability to rescue their nest

eggs, to diversify and manage their investments consistent with the advice of financial professional people throughout the country and consistent with the aims of their families.

My bill ensures that employees are informed about the real health of their pensions, it gives them the decision-making power to guide their investment, and it guarantees their representation on boards that guide their future economic security. My bill guarantees the right of employees to make decisions about their pension contribution by repealing current rules that prohibit employees from deciding where to invest the money that belongs to them.

Pension money and assets, whether invested by the employee or contributed by the employer, represent compensation to the employee and the employee is not to be denied the control of that. It is not compensation to the pension plan or manager; it is compensation to the employee for services rendered to the corporation.

I urge my colleagues to join in the cosponsorship of this legislation that is designed to provide employees the pension freedom that they need to secure retirement for their families.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 7 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, as a Nation make us strong in virtue and in our desire to do what You require of us as Your people.

Increase our faith, that our defense may be secure and that we may be forthright in the face of enemies.

At the same time hold us in Your truth, that we may never be arrogant in the sight of others but one with them in facing the problems of our times and most caring to those who are suffering, in most need of Your mercy and our attention.

As justice guides our conscience, may compassion draw our hearts to Your charting the course of history.

Bless the Members of Congress today and every day of this session.

Be with all those whom they will welcome to this Chamber this evening.

Guide and protect the President of the United States as he speaks to this body and this Nation. May Your Spirit inspire him as he describes the state of our Union and does all in his power to strengthen the soul of this Nation.

Led by Divine Providence since the founding of this great Nation, we place our trust in You, O Lord, for our destiny and our lasting peace are in Your hands above all, now and forever. Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that the practice of reserving seats prior to the joint session by placard or otherwise will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 25, 2002.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 25, 2002 at 3:00 p.m. and said to contain a message from the President whereby he submits a waiver pursuant to sec. 902 of PL 101-246 concerning China.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,  
*Clerk of the House.*

#### WAIVER CONCERNING CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-177)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Pursuant to the authority vested in me by section 902 of the Foreign Rela-

tions Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) (the "Act"), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902 of the Act insofar as such suspensions pertain to the export of defense articles or defense services in support of efforts by the Government of Japan to destroy Japanese chemical weapons abandoned during World War II in the People's Republic of China. License requirements remain in place for these exports and require review and approval on a case-by-case basis by the United States Government.

GEORGE W. BUSH.  
THE WHITE HOUSE, January 25, 2002.

#### LAID-OFF ENRON EMPLOYEES NEED HELP

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today we will hear the State of the Union presented by the President of the United States. We all have collectively indicated our support for the effort to fight terrorism and secure our homeland.

But coming from Houston, Texas, I would like to raise another issue, to put a human face on the loss being experienced by the laid-off employees at Enron. And add my sympathy as well to the Baxter family. Some of these Enron employees will be with us today. I would hope that the Congress would act to help to give them relief, individuals who are innocent and have lost much of their livelihood, the ability to protect and provide for their family.

I believe that Congress can act, and Congress and the administration should respond to these individuals, hard-working taxpayers who now have found themselves without any opportunity for work primarily because much of what is owed to them is caught up in the judicial system. Our Congress and the administration can stand up and be counted with these families, and I hope we will do so.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.