

At the same time that you have an officer of the company taking \$25,000 and in 60 days turning it into \$4.5 million, at the same time that is happening, one of my constituents in North Dakota is writing a two-page letter to me. That letter, an anguished cry from this family, asks the following question:

What on Earth has happened? I worked for this company's subsidiary for many, many years and have put away \$300,000 into a retirement account. Do you know what my retirement account is worth today?—\$1,700; from \$300,000 to \$1,700.

He and his family have lost it all. But inside that corporation we had people making millions.

Was that a corporate culture of corruption? You bet your life it was. And the reason Mr. Lay has decided not to come to the Congress to testify was not because of anything anyone has said. It is because of what this Powers report has found that went on inside this company. I will give another example.

This company decided to create a little partnership called Braveheart to accommodate some business they were going to do with the Blockbuster Corporation. They were actually going to have Blockbuster be the repository of movies. They were going to stream these videos or movies to consumers around the country. It was going to be a big business. It was announced in March of 2000. By February of the next year it was gone. But in the meantime they created a little partnership called Braveheart to take care of all this.

Do you know what Braveheart did? Braveheart borrowed roughly \$112 million from a Canadian bank. Then it sold its assets to the Enron Corporation for slightly over \$100 million. The Enron Corporation booked it as a business profit, when in fact all it was a bank loan from a Canadian bank, run through a partnership that wasn't doing any business at all—just a few test markets with a few customers. You tell me whether that is honest business.

It is not. Can someone come to the Congress and defend that? They can't. That is why we have people who were at the head of this corporation who were unwilling to talk.

I just wanted to make the point that the assertions by attorneys on behalf of principals in this corporation are suggesting that they have been offended because they might find a prosecutorial approach at some of these hearings. No one suggested that a hearing before this Congress would ever be a walk in the park, especially when you have a record inside this corporation of financial manipulation, of dishonest accounting, and of personal enrichment of officers and directors.

I wanted to make that point about what we had to do this morning. We issued a subpoena for Mr. Lay. It was issued on a unanimous vote by the Senate Commerce Committee. That is nearly unprecedented. We don't issue subpoenas in the Commerce Com-

mittee. We have the power and authority to do so, but we don't do it very often. But we did it because we felt we had no choice.

Mr. President, I had asked permission to speak in morning business. I have just a couple of other things to mention very briefly, and I want to do that in a separate section of morning business. How much time is remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 1½ minutes remaining.

Mr. DORGAN. Let me ask if I can extend that by 2 minutes by consent.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I will not object to that at this point. I know Senator TORRICELLI has some brief remarks. I know they both are very interested in these issues and it is time we talk about them, but we have a stimulus package on the floor and we want to get to that as soon as possible.

Is 5 minutes all right for Senator TORRICELLI?

The PRESIDING OFFICER. The Senator from North Dakota has the floor. Is there objection to his request?

Mr. TORRICELLI. Reserving the right to object, Mr. President, I request at the conclusion of Senator DORGAN that I be recognized for 10 minutes.

Mr. SESSIONS. I have to object to 10 minutes.

Mr. TORRICELLI. The Senator has 5 minutes. Mr. President, I hate to get into a bidding process, but I would like to have a reasonable amount of time to be recognized after Senator DORGAN.

Mr. SESSIONS. We have business on the floor, and I know people would like to change the focus of our debate on the stimulus package, which is overdue in my view. I was willing to let the Senator have a few more minutes. I would not object to 5 minutes.

Mr. TORRICELLI. I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two and one-half minutes.

Mr. DORGAN. Mr. President, I asked for 2 minutes in addition to the minute and a half remaining at that point. I expect I will have 3 and a half minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STIMULUS PACKAGE

Mr. DORGAN. Mr. President, I'd like to talk a moment about several items I think ought to be included in the economic recovery package.

One, I have filed an amendment that would provide for a 5-year extension of the wind energy production tax credit. We really must get that done. Regrettably, this credit was allowed to expire at the end of last year. As a result, many lenders have stopped providing financing for new wind energy projects.

Wind development projects underway have come to a screeching halt.

Extending the wind energy production tax credit would provide an immediate boost to the economy. We have a lot of projects on the books that aren't moving because the credit expired. A long-term extension will jump-start development activity, create jobs and help this country meet its future energy needs. Each new wind turbine placed into service creates about \$1 million in economic activity.

I would like to make the wind energy production tax credit permanent. My proposal today would extend it for 5 years. Clearly, a shorter term extension will not provide developers the certainty and stability they need to plan and finance new wind energy projects. I think Congress must act quickly to ensure the availability of the wind energy tax credit over the long term. If we don't act now, many wind energy initiatives will be scrapped at a time when this country can least afford it.

Second, I intend to offer and have filed an amendment to permit companies that have recently suffered net operating losses to carry back those losses for 5 years for federal income tax purposes. I will not go into a lengthy description of why we ought to do that. But my amendment should provide some needed financial help for those companies that have been hurt most during the current economic downturn. It will increase cash flow for many of these firms and help them make payroll, avoid additional layoffs and, hopefully, encourage new hiring. It will also help them to make investments in equipment and machinery they need to rebuild, grow and prosper.

There is bipartisan support in both the Senate and the House of Representatives for net operating loss carry-back relief proposals. We ought to include in a 5-year net operating loss carry-back provision in the economic recovery package.

Finally, I've filed an amendment that would provide tax relief for many S-corporations that sell "built-in" gain assets and reinvest the proceeds from those sales back into their companies. Today, there are hundreds of thousands of firms that operate as S corporations that would have a huge tax impediment if they were to sell certain appreciated business assets. The taxes they would be required to pay on that gain, even if they reinvest it, would be prohibitive. As a result, many S-corporations are forced to keep these assets—even if they are no longer productive and could be converted into assets that generate new growth and jobs.

The amendment I filed today would allow those who are involved in these S-corporations to sell built-in gain assets without facing a massive federal tax bill, provided they reinvest the proceeds into the business within a two-year period. That, too, is stimulative.

Many of these companies are the job-producing companies in this country.

To allow them to sell less productive assets and reinvest into more productive assets will be very stimulative to this country's economy. It will produce jobs and economic growth and opportunity. But they are locked out of that at the present time by the Tax Code. My amendment proposes to change that result and I hope we will get an opportunity to consider it during the debate on the economic stimulus package.

One final point: The Kyl amendment, of which I am supportive, dealing with tourism is an amendment to which I want to offer a second-degree amendment dealing with loan guarantees. It would cost \$200 million or \$300 million over the 10-year period. It deals with a subject about which I have spoken with Senator KYL and Senator REID.

Many of the businesses connected to the airports and the airlines that were shut down post-September 11 are in desperate condition. A program of loan guarantees dealing with the most fragile of those businesses which were shut down through no fault of their own—through edict by the Federal Government—would be appropriate in those unusual circumstances and would be guaranteed by an amendment attached to the Kyl amendment.

I hope to be able to offer that as a second-degree amendment dealing with travel agents, car rentals, and others attached to airports which suffered just as much as the airlines did when the airlines were ordered to be shut down and there was no travel anywhere in the country for a specific period.

As I indicated, I noticed the previous amendments yesterday. I wanted to indicate that I would be prepared to offer a second-degree amendment to Senator KYL's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

VOICE OF INQUIRY

Mr. TORRICELLI. Mr. President, the President of the United States has challenged the Nation to commit an additional \$120 billion in resources for our Armed Forces. Indeed, when the Nation is attacked, that is as it should be. The President has asked us to commit \$40 billion to deal with internal security in our country. With the loss of life we have suffered and all of our apprehension about terrorism, that is as it should be. It is, however, an extraordinary request.

While our willingness to commit resources is endless to guarantee the security of our country, our national curiosity about these circumstances and how our country was so vulnerable seems to be very limited indeed.

It has been 5 months since the lives of our people were taken in the most devastating attack on America in history. There have been words of rage and revenge, vows to strengthen our security and to commit endless resources. There has been everything except a voice of inquiry.

On September 10, this Nation was not without resources, with a \$320 billion defense establishment larger than a dozen other industrial nations combined; a massive internal law enforcement apparatus; and, by press accounts, a \$30 billion intelligence establishment.

The terrorist attack on September 11 apparently was waged with the combined financial resources of \$250,000. It was implemented by 19 people. Why is it I believe that probably financial resources were not determinative in the success of this evil attack? Why is it that I suspect it was probably not the numbers of personnel available? The country was not without resources on September 10. But something went terribly wrong. The allocation of resources, quality of leadership, strategy—I don't know. The real point is neither does anybody else, including the President of the United States and Members of the Senate.

At some point, 260 million Americans, with all the rage they feel against our enemy, with all the anger they feel, and with all the sympathy they feel for the victims, are going to want to know what happened and why.

There is no limit to the resources that I will vote to make available to the Commander in Chief to defend this Nation. But there is no limit to the efforts I will make to get accountability in this Government for our people.

In my State, there are hundreds—indeed, there are several thousands—of widows and orphans. As much as any American, as much as history itself, these people are going to demand answers in the course of their lives.

The President has suggested his preference is that we hold private hearings in the intelligence community. That is not how we conduct this Government. There was not an attack on the intelligence committee, nor is it their responsibility alone. Our accountability is to the people of the country. Yet the administration claims that such hearings or inquiries would be a distraction from the war on terrorism. That is not our history or how we conduct our Government.

Ten days after Pearl Harbor, with half of the American fleet in ruins and with fears of an attack on California by the Imperial Japanese Navy, FDR ordered an inquiry into how indeed we were so undefended. The *Challenger* lay in ruins with all of our ambitions for a space program, and Ronald Reagan did the same for NASA. This instance deserves no less. Accountability is at the core of any representative government.

On behalf of the people of my State and the victims—their wives, husbands, parents, and children—I demand it now. This Nation needs a board of inquiry to determine the events of September 11—how it occurred and why; where we succeeded and why we failed—not for the sake of revenge, not to cast blame, but to ensure that it never happens again. Armed only with that knowledge—more than any fund-

ing or any new weapon—can we genuinely assure our people that those events will not be repeated.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, during the conferences we have had, it has been determined we could have a voice vote on the Bunning amendment. So I ask unanimous consent that after the Chair reports the bill, we move to the Bunning amendment, followed by the Reid for Baucus amendment. It is not a Reid amendment; I just offered it for Senator BAUCUS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HOPE FOR CHILDREN ACT— Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

A bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

Pending:

Daschle/Baucus amendment No. 2698, in the nature of a substitute.

Reid (for Baucus) amendment No. 2721 (to amendment No. 2698), to provide emergency agriculture assistance.

Bunning/Inhofe modified amendment No. 2699 (to the language proposed to be stricken by amendment No. 2698), to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies.

Hatch/Bennett amendment No. 2724 (to the language proposed to be stricken by amendment No. 2698), to amend the Internal Revenue Code of 1986 to allow the carryback of certain net operating losses for 7 years.

Domenici amendment No. 2723 (to the language proposed to be stricken by amendment No. 2698), to provide for a payroll tax holiday.

Allard/Hatch/Allen amendment No. 2722 (to the language proposed to be stricken by amendment No. 2698), to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

Smith of New Hampshire amendment No. 2732 (to the language proposed to be stricken by amendment No. 2698), to provide a waiver of the early withdrawal penalty for distributions from qualified retirement plans to individuals called to active duty during the national emergency declared by the President on September 14, 2001.

Smith of New Hampshire amendment No. 2733 (to the language proposed to be stricken by amendment No. 2698), to prohibit a State from imposing a discriminatory tax on income earned within such State by non-residents of such State.

Smith of New Hampshire amendment No. 2734 (to the language proposed to be stricken by amendment No. 2698), to provide that tips