

CHILD ABUSE PREVENTION AND
TREATMENT ACT, AMENDMENTS
OF 1996

SPEECH OF

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. RIGGS. Mr. Speaker, I rise today in support of this House substitute to S. 919, a bill that makes amendments to the Child Abuse Prevention and Treatment Act, known as CAPTA. This legislation, which has been crafted in a bicameral and bipartisan fashion, authorizes and makes critical amendments to the current CAPTA Act.

As a former law enforcement officer I urge support for this legislation so that we can protect the most vulnerable segment of this Nation's population—abused and neglected children. As you know crime against children is on the rise and we must act now. It is because of the children we need to pass this today.

One important component of this bill is that it provides expanded adoption opportunities for babies who have been abandoned. The parents of these children have indicated by their actions that they do not want these children, then lets make it easier for these children to go to homes that will love, care, provide nourishment for them. In addition this act will take a closer look at the effects of the placement of children in kinship care arrangements, pre-adoptive, or adoptive homes. This legislation adds a requirement for states to explore contracting with public or private non-profit agencies, or sectarian institutions for the recruitment of potential foster and adoptive families. This legislation increases the authorization for the Adoptive Opportunities Act to \$20 million and continues authorization through 2001.

It is time that we all join together and protect our children. I urge my colleagues to vote favorably on this legislation.

TRIBUTE TO DEAN SCHOFIELD

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I would like to take this opportunity to recognize the long and distinguished career of Dean Schofield, deputy secretary of the Department of Transportation of the State of South Dakota. Dean consistently demonstrated utmost dedication and professionalism in his 35 years and 8 months of service to South Dakota.

Throughout his years with the South Dakota Department of Transportation, Dean served as a mentor and model for all employees through his quiet, thoughtful style, strong work ethic and leadership. His commitment to family, profession, church and community was something that many within the department strived to emulate and his ability to balance all of his responsibilities was remarked on by many. My office always enjoyed working with Dean and my staff came to rely heavily on Dean's extensive knowledge and ability to always provide

much needed information, even on short notice.

Dean Schofield's hard work and extensive knowledge about South Dakota's transportation systems contributed to the passage of several pieces of major Federal legislation, including the Intermodal Surface Transportation and Efficiency Act and the National Highway System legislation, which are extremely beneficial to the State of South Dakota. Additionally, Dean was instrumental in developing the Department's Computerized Needs Data Book, the 5-Year Construction Program with its project prioritization system based on needs, the annual strategic Plan and the legislative program, and he served on numerous department, statewide, and special Governor's task forces.

Through his knowledge, judgment, openness, thoroughness, and integrity over the last 35 years, Dean has earned the respect of everyone he has dealt with, both within and outside the South Dakota Department of Transportation. In recognition of his outstanding service, Dean was voted the Department's most considerate and genuinely caring employee and is a unique individual who will be sorely missed by the Department and by my office. South Dakota will truly benefit from the fruits of Dean's labor for many years to come. I am honored to have the opportunity to recognize him today.

CONSUMER BANKRUPTCY
CONCERNS

HON. SONNY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. BONO. Mr. Speaker, along with many other Members I share a deep concern that the United States is about to set an economic record which is nothing to be proud of. I speak of the fact that by the end of 1996 total U.S. bankruptcy filings are expected to exceed 1 million for the first time in the Nation's history. It is particularly worrisome that this level of bankruptcies is occurring in a time of relatively good economic news, as it raises significant concerns about what bankruptcy levels will be whenever the next cyclical economic downturn arrives. As a member of the Banking Committee I am of course worried about the potential impact of losses stemming from bankruptcy on the health of our financial institutions, and on the price and availability of credit. And, as a member of the Judiciary Committee, aware that bankruptcy filings constitute more than three-quarters of all cases in the Federal courts, I worry about this increasing burden upon the judicial system.

About 9 out of 10 of all bankruptcy filings are consumer bankruptcies. About two-thirds of those are in chapter 7, where creditors are paid some percentage of what they are owed from the liquidation proceeds of the debtor's nonexempt assets, if there are any. Chapter 7 is a historical anachronism, a holdover from a time when credit was hard to come by and based upon what you owed. Today, of course, consumer credit is plentiful and is extended on the basis of the applicant's anticipated future income.

The remainder of consumer bankruptcies are in chapter 13, where employed debtors

with a regular income commit to a multi-year repayment plan covering some portion of what they owe.

The majority of debtors filing for bankruptcy are in serious financial straits due to loss of employment, divorce, or medical emergency, and we must keep the system open and available to assist them in getting back on an even financial keel.

But there appears to be a significant percentage of individuals abusing the bankruptcy system through multiple filings to forestall legal actions, hiding of assets, making false and incomplete financial statements, and similar actions. Some individuals enter into chapter 13 repayment plans which are unrealistic and which inevitably fail, while other individuals with steady incomes and the ability to make significant repayment of their freely acquired debts choose to abandon them in chapter 7. The system is out of kilter, and its overburdened overseers are ill-equipped to catch those who abuse it.

It is my belief that individuals with financial problems should consider filing for bankruptcy to be their last resort, not their first. All of the individuals involved in the system—judges, trustees, administrators, and attorneys—have an obligation to ensure that consumer debtors are fully aware of their nonbankruptcy alternatives for accomplishing financial restructuring. Consumer credit counseling services are widely available throughout the nation and can help individuals and families avoid bankruptcy through various financial management techniques. Creditors are extremely supportive of these efforts.

Attorneys and other bankruptcy petition preparers have an obligation to fully disclose the very serious nature and consequences of filing for bankruptcy to individuals considering this step. Debtors need to be aware that this is a step with serious, negative long term consequences for their ability to obtain credit and other services, and that there are alternative means for redressing their problems which should be explored first.

Unfortunately, some attorneys and other bankruptcy preparers advertise their services as "debt reduction", "federal repayment", or similarly vague and misleading terms to disguise the true nature of their business and to downplay the consequences of entering into personal bankruptcy. As a result, many thousands of individuals each year are placed into bankruptcy without fully informed knowledge and consent. Attorneys and other petition preparers have a constitutional right to advertise, but this type of deceptive and misleading practice needs to be curbed.

In 1994 Congress passed bankruptcy reform legislation which established a National Bankruptcy Review Commission to review and further evaluate the bankruptcy system and make recommendations for fundamental reform to Congress. It is my understanding that the commission, which has a 2 year mandate expiring in the fall of 1997, has so far made very little progress in grappling with the fundamental problems rampant in the consumer bankruptcy system. It has instead permitted its staff to engage in a series of pointless academic debates and to advance proposals which have little support, much less consensus, in the broad bankruptcy community. While the other working groups established within the Commission have already issued numerous policy proposal in such areas as

corporate restructuring, small business bankruptcy, and system administration, the consumer working group has yet to make even a single, tentative recommendation for reform of the current system. With consumer bankruptcy filings constituting about 90 percent of all filings, this wheel-spinning cannot be allowed to continue. Therefore, I was pleased to learn that the Commission is finally going to begin to grapple with this area in a comprehensive way with a series of hearings beginning in November. Congress needs this Commission to deliver a series of pragmatic proposals to get the system back under control and to provide debtors with the relief they require, creditors with the repayment they deserve, and society at large with the right balance between forgiveness and obligation.

One area which I hope the Commission devotes serious attention to is recommending ways in which individuals can be informed of alternatives to bankruptcy at the earliest possible time, perhaps even before their initial contact with the bankruptcy system. Consumer financial education must obviously play a large role in addressing current problems.

I also believe that both the Federal Trade Commission and state bar associations should do a much better job of monitoring bankruptcy-related advertising, and should crack down on deceptive ads which fail to clearly and conspicuously disclose that the services being offered involve a declaration of bankruptcy along with all of its grave and lingering consequences. Disciplinary or enforcement action should certainly be utilized where appropriate.

Finally, the Office of U.S. Trustee, which administers the bankruptcy system, should undertake efforts to ensure that the standing trustees in chapters 7 and 13 are making inquiries to determine that debtors are aware of alternatives to bankruptcy and are fully aware of the long-term effects of filing for bankruptcy.

It is my intention to continue to monitor bankruptcy developments and the ongoing work of the Bankruptcy Commission. This subject involves matters of economics, judicial fairness, and personal values. There may be many ways to address the ongoing bankruptcy crisis—but they all require an initial recognition that this is indeed a crisis, most particularly for the millions of debtors and their families caught up in it. Bankruptcy must remain available as a last resort for those who truly require legal forgiveness of their contractual obligations. But it cannot grow into a first resort for those with the ability but not the desire to make good on their financial obligations.

INTRODUCTION OF A RESOLUTION EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES CONCERNING VIOLENCE ON TELEVISION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. CASTLE. Mr. Speaker, a recent review of 34 new pilot television shows in U.S. News and Worked Report found that many of them contain extensive and graphic violence—some

as early as 8 p.m. In one show, a criminal drives a nail into the palm of a corrupt mayor. In another, a man is buried alive with his mouth and eyes sewn shut. And in yet another offering, as the top of a corpse's head is sawed off an alien creature pops out.

Children are particularly sensitive to the world around them, as they notice and absorb everything they see and experience. Psychologist Stephen Garber of the Behavior Institute of Atlanta has seen an increasing number of children in his practice who, despite having no actual contact with violence and living in safe neighborhoods, are developing not just fears but full-blown phobias about being kidnapped, getting shot, and other real-world calamities. He attributes this in part to what children see on television. The American Psychological Association estimates that a typical child will watch 8,000 murders and 100,000 acts of violence before finishing elementary school.

This matters because studies are pretty clear with respect to the impact that viewing violence has on children. In 1956, one of the first studies of television violence reported that 4 year olds who watched "Woody Woodpecker" cartoons were more likely to display aggressive behavior than children who watched the "Little Red Hen." Study after study in decade after decade confirmed similar findings. However, the harm caused by viewing violence is broader than the encouraging of violent behavior. Studies have found that viewing violence increases mistrust of others and fear of being a victim of violence, and desensitizes viewers to violence resulting in calloused attitudes and apathetic behavior toward violence.

Over the years, Congress and broadcasters have sporadically tackled this issue. For example, in 1990, Congress passed the Children's Television Act to increase the amount of quality educational programming for children. The recent rewrite of the Telecommunications bill included a requirement that television sets be manufactured with a computer chip that would allow parents to screen out programs, rated by the broadcast industry, that are inappropriate for their children. And more recently, the broadcasters have agreed to air 3 hours of educational television programming per week. I support these efforts.

But quite frankly, I don't think they are enough. I agree with the philosophy that if a river is polluted, you don't just put up a warning sign—you try to clean it up. That is why I am introducing a resolution, with Congressman WOLF and 10 other Members of Congress, expressing the sense of the House that broadcasters should not air violent programming between the hours of 6 a.m. and 10 p.m.

Cleaning up television will not resolve all of the Nation's ills. But as former Education Secretary William J. Bennett points out, in recent years we have seen an explosion in moral pathologies: abused and abandoned children, out-of-wedlock births, drug use, violent crime and just plain trashy behavior, as well as the vanishing of the unwritten rules of decency and civility, social strictures and basic good manners. He attributes this to the fact that "the good" requires constant reinforcement, and "the bad" needs only permission.

Turning the tide, reinforcing "the good" will ultimately take a massive collective effort, one that engages our families, our civic leaders,

our religious leaders, our teachers, our community leaders, all levels of government, neighbors—everyone in society. But the media, too, with its enormous role in the socialization process, must join us in this effort.

SALUTE TO DON AND JACKIE PRUNER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. GALLEGLY. Mr. Speaker, I rise today to salute two people who have probably had a more direct effect on the health and welfare of Ventura County residents than anyone else—Don and Jackie Pruner.

In August of 1963, Don and Jackie scraped together nearly all the money they could find and bought an ambulance company that consisted of one 1958 Pontiac ambulance. Times were tight, so Don did the driving while Jackie handled business operations and dispatched about 15 calls a month (to a service population of about 9,000 people in the Thousand Oaks area) out of the couple's home.

Back then, the business was called Conejo Ambulance. Over the course of three decades, Pruner Health Services grew to provide 24-hour emergency service to a population of more than 345,000 people in an area of approximately 650 square miles.

Obviously, Don and Jackie have come a long way from that 1958 Pontiac. Like all business success stories, theirs is one of hard work, determination and day-to-day achievements that together form an extraordinary record of service.

As we celebrate their retirement, it is entirely appropriate that we celebrate all that Don and Jackie have given to all of us—those who know them personally as friends, and those who have known them only through the essential service they provide.

Anyone who has ever picked up a phone to summon an ambulance in the middle of an emergency knows that those calls are often made in frantic desperation. For more than three decades, the people of Ventura County and Malibu have found Don and Jackie Pruner on the other end of that phone—willing to do anything they could to preserve life.

Through it all, Don and Jackie have also found the time to raise three children, Michelle, Mike and Scott, and to welcome five grandchildren into the world.

Mr. Speaker, I would like to today salute my friends Don and Jackie Pruner, and to thank them for everything they have done for our community. It is rare to come across someone who has truly dedicated their lives to helping preserve the health and welfare of others. Don and Jackie Pruner are two such individuals. It is my hope that, in retirement, these two good friends can focus on their love of traveling, fishing and frequent excursions to Catalina. I think everyone who knows Don and Jackie personally would agree, after all the years of hard work, they deserve it.

Mr. Speaker, I commend Don and Jackie Pruner to this distinguished body and wish them all the best in the future.