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Senate

The Senate met at 1:01 p.m. and was called to order by the Honorable JON KYL, a Senator from the State of Arizona.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy Father, we join with Americans across this land in the celebration of National Police Week. We thank You for police officers who serve in sheriff and police forces in cities and counties across this land. They serve in harm's way, facing constant danger, so that we may live with security and safety. We gratefully remember the law enforcement officers, Jacob Chestnut and John Gibson, who lost their lives in the line of duty here in the Capitol 2 years ago. Thank You for their valor and heroism. Continue to bless their families as they endure the loss of these fine men. Today, our prayer is that our gratitude and affirmation for the Capitol Police officers will encourage them as they encourage us by their strong presence. May they know that we cheer them for being willing to stand in harm's way so we can keep Government moving in Your way.

Through our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL 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.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2000

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON KYL, a Senator from the State of Arizona, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. KYL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m. with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Hawaii, Mr. AKAKA, is recognized to speak for up to 30 minutes.

The Senator from Hawaii.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. AKAKA. Mr. President, I rise today with deep admiration and praise for an integral presence within America's diverse society—Asian Americans and Pacific Islanders. Every May, during Asian Pacific American Heritage Month, we commemorate the major contributions made by this small, but by no means insignificant part of the U.S. population.

Asian Americans and Pacific Islanders, both in the aggregate and in groups of distinct and unique ethnic origin, comprise a growing force in our citizenry. Whether their ancestry is

Chinese, Japanese, Filipino, Indian, Korean, Vietnamese, Thai, Laotian, Hmong, or other Asian American, or Native Hawaiian, Chamorro, Samoan, Micronesian, Tongan, Fijian, or other Pacific Islander American, they are a vibrant part of our society. If one could see numbers about each of the distinct peoples in the Asian American and Pacific Islander community, they would observe that we make up one of the fastest growing segments of the population. Our reach in communities across America is increasing. Asian Pacific Americans should not be thought of as located only in a few select states such as Hawaii or California. We have migrated over time from various points of origin in the U.S. to all parts of the country and have come to contribute to local business, education, and politics in every state.

Nearly 11 million Asian and Pacific Islanders lived in the U.S. in about 2.5 million families, according to last year's estimates. About four-fifths of these families were headed by married couples. Furthermore, the Census Bureau projects that the Asian and Pacific Islander population will more than triple to nearly 38 million by the middle of this new century, climbing from four to nine percent of the American population. This growth in the number of Asian Pacific Americans will be felt across the country, and more light will be shed on the multifaceted strengths and varied needs of Asian Americans and Pacific Islanders.

President Clinton recognized the importance of increasing awareness about Asian Americans and Pacific Islanders when he signed Executive Order 13125 in June, 1999. The Executive Order established the White House Initiative on Asian Americans and Pacific Islanders with the goal of improving the quality of life for this population by increasing their participation in Federal programs. Such programs include those related to health, human services, housing, education, labor, transportation,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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economic development, and community development programs—encompassing those which currently serve this population and those which may not have served this population in the past.

I am happy to say that the Initiative is marching onward through high-level, interagency meetings involving all major agencies in the Executive Branch, and the establishment of the President's Advisory Commission on Asian Americans and Pacific Islanders. The Commission will be sworn in later this week and includes 15 members representing various interests and diverse segments of the Asian American and Pacific Islander community. It will be chaired by an esteemed colleague, former Congressman Norman Mineta, and will include representatives such as Haunani Apoliona from my State of Hawaii. I hope that now and in the next Administration, the Initiative and the Commission will continue to work hand-in-hand toward: increased research and data collection; private sector, public sector and community involvement; and, development, monitoring, and coordination of Federal efforts toward improved quality of life for Asian Americans and Pacific Islanders.

There is clear evidence to show that this type of Federal attention is needed. As stated in the Presidential Proclamation for Asian Pacific American Heritage Month 2000, despite many successes, the needs in the community still continue to be great:

While many Asian Americans and Pacific Islanders today are thriving, others are still struggling to overcome obstacles. Because of oppression in their countries of origin, some new immigrants have arrived without having completed their education; once here, some have encountered language and cultural barriers and discrimination. Pacific Islanders, too, must overcome barriers to opportunity caused by their geographic isolation and the consequences of Western influences on their unique culture. For these and other reasons, too many Asian Americans and Pacific Islanders face low-paying jobs, inadequate health care, and lack of educational opportunity.

The Initiative, Advisory Commission, and the Asian American and Pacific Islander community have much work to do in these areas. I urge that the proper resources and attention continue to flow to support this combined effort.

Mr. President, within this Federal effort, I cannot underscore enough how much we need to focus on improving data collection for the Asian American and Pacific Islander community. The tremendous diversity in the community poses challenges that have produced data and statistics that are inadequate. Most data collection tends to lump the various Asian American and Pacific Islander ethnicities together in a single category, swallowing up numbers for each distinct group and failing to present an accurate picture of the services needed.

For example, the respected organization, the College Board, produced a re-

port regarding minority achievement in higher education. The report failed to include Asian Pacific Americans because we were considered to be over-represented in higher education. Unfortunately, in the making of the report, differences between individual groups within the community were ignored. For example, higher educational attainment is greater for groups like Japanese and Chinese Americans than it is for American Samoan and Southeast Asian Americans. Statistics such as these must be brought to light so that educational agencies and institutions know to which groups they should target their limited resources. Thankfully, Congressman ROBERT UNDERWOOD, the Chairman of the Congressional Asian Pacific Caucus, worked to counter this problem and, in the end, reached an agreement with The College Board to work together and analyze disaggregated data for the population.

As another example of data collection challenges, I have worked on Office of Management and Budget Statistical Policy Directive No. 15, which governs the racial and ethnic data collection by Federal agencies. In 1993, I began efforts to change the Directive so that Native Hawaiians would be disaggregated from the Asian Pacific Islander category. My main concern was that Native Hawaiians, as an indigenous people were being classified with populations that had immigrated to the U.S., thereby creating the misperception that Native Hawaiians were immigrants rather than the indigenous peoples of Hawaii.

I finally succeeded in 1997, when OMB Policy and Statistical Directive No. 15 was revised. Native Hawaiians were disaggregated from the Asian Pacific Islander category and a new category entitled, "Native Hawaiians and Other Pacific Islanders" was created. That was one step toward fixing inaccuracies in data collection. Agencies have until January 1, 2003 to make all existing recordkeeping or reporting requirements consistent with its standards. However, provisions of the revised directive took effect immediately for all new and revised recordkeeping or reporting requirements that include racial and/or ethnic information. It is my understanding that only the Department to Health and Human Services has established a policy with respect to the requirements of OMB Directive 15. I have encouraged all Federal agencies to actively work to implement this Directive, especially in collaborative efforts with the White House Initiative and President's Advisory Commission.

As a further example, on March 14, 2000, I hosted a forum to discuss Census 2000 and its impact on Native Hawaiians and Pacific Islanders in Honolulu. The forum included panel members from the Federal government, Congress, and Native Hawaiian, Samoan, and Chamorro community organizations. The issue which generated the most concern regarding Census 2000

was the application of multiracial reporting. This issue is one of particular sensitivity in Hawaii, where a large percentage of the population has multi-ethnic backgrounds.

In Hawaii, it is very common for individuals, when asked for their ethnicity, to list their entire ethnic background. Only when asked which ethnicity the individual most identifies with will the individual limit the answer to one ethnic background. Furthermore, it was revealed through forum discussion that there is no resolution as to how data will be reported for those who check off more than one race on the 2000 Census form. This raises the fear that the final counts of various Pacific Islander populations—such as the Native Hawaiian population—where multiple-race backgrounds are common, would be inaccurate. Statisticians verify that this has enormous effect on smaller populations.

I am continuing to work on this problem because of the tremendous impact that Federal data has in its use in deciding funding and participation in thousands of Federal, state and local programs. Inaccurate data means that many individuals will not be served, and we must do what we can to prevent this from happening. We must work on these and other issues facing the Asian American and Pacific Islander community, just as we do for issues facing our country's other populations, because it is part of our responsibility to keep each part of our diverse America as strong as it can be.

Mr. President, I recently introduced related legislation that would allow us to take a broader look at, and emphasize the heterogeneous nature of, America. S. 2478, or the Peopling of America Theme Study Act of 2000, takes pride in America's diversity by authorizing the Secretary of the Interior to identify regions, areas, districts, structures and cultures that illustrate and commemorate key events or decisions in the peopling of this country. I hope that this effort will provide a basis for the preservation and interpretation of the complex movement of people, ideas, and cultures to and across the American continent that resulted in the peopling of the nation, and the development of our unique, pluralist society—one that Asian Americans and Pacific Islanders are fully a part.

The bill encourages development of preservation and education strategies to capture elements of our national culture and history such as immigration, migration, ethnicity, family, gender, health, neighborhood, and community. The prehistory and the history of this nation are inextricably linked to the mosaic of migrations, immigrations and cultures that has resulted in the peopling of America. Americans are all travelers from other regions, continents and islands, and I feel we need a better understanding and appreciation of this coherent and unifying

theme in America. This is the source of our nation's greatness and strength. Our rich American heritage includes the traditions, cultures, and contributions of Asian Americans and Pacific Islanders, both as a group and as individuals.

Mr. President, I would like to conclude my statement with a note of praise and congratulations to some of the members of the Asian Pacific American community most deserving of recognition. President Clinton recently approved the Army nominations of 21 Asian Pacific American World War II veterans to receive the Congressional Medal of Honor. This concluded a review that I requested of service records of Asian American and Pacific Islanders who received the Distinguished Service Cross during World War II. The approval of the Medal of Honor for these 21 men who served with valor in World War II—19 from the 442nd Regimental Combat Team and 100th Infantry Battalion—is long overdue recognition of the heroic service and bravery displayed by these Asian American soldiers and their comrades in arms. As we honor these patriots, including my colleague Senator DANIEL INOUE, let us also remember the thousands of young men, living and deceased, whose courage, sacrifice and spirit proved that patriotism is a circumstance of the heart, not a consequence of the skin.

The 100th/442nd fought with incredible courage and bravery in Italy and France. Its members won 1 Medal of Honor, 53 DSCs, and more than 9,000 Purple Hearts. The unit itself won 8 Presidential Unit Citations. The fact that the 100th/442nd saw such fierce and heavy combat, yet received only one Medal of Honor award, and then only posthumously and due to congressional intervention, raised serious questions about the fairness of the award process at that time. Unfortunately, Asian Pacific Americans were not accorded full consideration for the Medal of Honor at the time of their service. A prevailing climate of racial prejudice against Asian Pacific Americans during World War II precluded this basic fairness, the most egregious example being the internment of 120,000 Japanese Americans. The bias, discrimination, and hysteria of that time unfortunately has an impact on the decision to award the military's highest honor to Asians and Pacific Islanders.

I commend Secretary Caldera and all the Army personnel who conducted the DSC review in a thorough and professional manner. They carried out the difficult task of identifying and reconstructing the records of more than one hundred veterans with diligence, sensitivity, and dispatch. The stories documented for each of the 104 DSC recipients will astonish and humble all who read them and underscore our faith in a nation that produces such heroes.

As the only Chinese American in this body and the sole Native Hawaiian in the Congress, I am proud of the legacy

that we as Americans are leaving for the world. I am proud of our great country, and I am proud of the citizens that make our country great—including our nation's Asian Americans and Pacific Islanders. We have much to celebrate during Asian Pacific Heritage Month 2000.

Mr. President, thank you again for this opportunity, and I yield the floor.

Mr. INOUE. Mr. President, I rise today in recognition of Asian Pacific American Heritage Month. In 1992, President Bush signed into law legislation designating May as Asian Pacific American Heritage Month to celebrate the contributions the Asian American and Pacific Islander communities have made to our country.

Asian Americans and Pacific Islanders have been instrumental in the development of the American landscape for more than a century. The diversity within the Asian American and Pacific Islander communities exemplifies the richness of our multicultural country, celebrated through Asian Pacific American Heritage Month.

Valuing family, cultural heritage, and commitment to society, Asian Americans and Pacific Islanders have built strong communities contributing to our dynamic society and adding strength to the foundation of our country. With strong values, Asian Americans and Pacific Islanders have succeeded in many facets of life including science where Dr. David Ho was celebrated as Time Magazine's 1996 Man of the Year; the arts, with fashion designer Vera Wang, writer Amy Tan, and actress Ming Na-Wen; sports with ice skaters such as Kristi Yamaguchi and Michelle Kwan and football legend Junior Seau; in the military where General Eric Shinseki is the Chief of Staff for the U.S. Army; and politics where there are two Pacific Islander Governors and where I am joined by six other Asian Americans and Pacific Islanders serving in Congress, and where a record number of Asian American and Pacific Islanders are serving as Administration appointees in some of the highest offices of government. This list is by no means exhaustive, it only scratches the surface of the contributions Asian American and Pacific Islanders have made to our country. Asian Pacific American Heritage Month allows us to pay tribute to the commitment and contributions these men and women have made to their communities and to our country.

The growth of the Asian American and Pacific Islander communities, along with the achievements we have gained, have brought Asian American and Pacific Islander issues to the forefront of American politics. Last June, President Clinton signed Executive Order 13125 establishing the White House Asian and Pacific Islander Initiative seeking to improve the quality of life for Asian Americans and Pacific Islanders through increased participation in federal government programs where they are most likely to be under-

served. I commend the President for this Initiative and optimistically look forward to the progress this commission will achieve, under the chairmanship of Mr. Norman Mineta, to highlight and challenge issues pertinent to Asian Americans and Pacific Islanders.

Asian Americans and Pacific Islanders have made considerable contributions to our nation. I am pleased that through Asian Pacific American Heritage Month the various histories, cultures, triumphs, and hardships of all Asian Americans and Pacific Islanders can be celebrated, honored, and remembered.

Mrs. BOXER. Mr. President, each May, hundreds of civic organizations, community groups, students, and public agencies around the nation organize events to celebrate Asian Pacific American Heritage Month. Throughout the month of May, we salute the profound contributions that Asian Pacific Americans have made in all areas of life in the United States. From the arts and sciences to politics and education, their accomplishments have helped shape our culture and build our nation.

In my home state of California, May brings major events celebrating Asian Pacific American culture in Sacramento, Oakland, San Francisco, San Jose, Los Angeles, and San Diego. For more about these events and other interesting information, I invite everyone to consult my special Asian Pacific American Heritage Month web page at <http://boxer.senate.gov/apa/index.html>.

Asian Pacific American Heritage Month originated in 1977, when Representatives Norman Mineta and Frank Horton introduced a resolution calling on the President to proclaim the first ten days of May as Pacific/Asian Heritage Week. Senators DANIEL INOUE and Spark Matsunaga introduced similar legislation in the Senate. The following year, President Jimmy Carter signed a Joint Resolution proclaiming Asian/Pacific Heritage Week. The celebration was significantly expanded in 1992, when May was officially designated Asian Pacific American Heritage Month by an Act of Congress.

The term "Asian Pacific American" denotes scores of Asian and Pacific Island ethnic groups with diverse languages, culture, and history. Asian Pacific American Heritage Month offers every American an opportunity to learn more about these peoples, who have woven so many beautiful threads into the tapestry of American life. During the month of May and throughout the year, I hope that every American will take a moment to learn and appreciate more about the rich traditions and major achievements of Asian Pacific Americans.

Mr. AKAKA. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

BANKRUPTCY REFORM

Mr. WELLSTONE. Mr. President, I have with me an investigative article from the May 15, 2000 issue of *Time* magazine, the title of which is "Soaked by Congress, Lavished with campaign cash, lawmakers are 'reforming' bankruptcy—punishing the downtrodden to catch a few cheats," by Donald L. Barlett and James B. Steele, who are well known for their investigative journalism—some of the best investigative journalism in the country.

Mr. President, I thank these two journalists for the work they have done over the years. I used to assign their books to classes, and I think it is very good investigative journalism.

Let me read from one part of this lengthy article. I sent a copy of this out to colleagues. I commend this piece to all of them.

Under the legislation before Congress, new means tests would force more borrowers into Chapter 13—leading to still more failures—and would eliminate bankruptcy as an option for others. For this second group, life will be especially bleak. Listen to their future as described by Brady Williamson, who teaches constitutional law at the University of Wisconsin in Madison and was chairman of the former National Bankruptcy Review Commission, appointed by Congress in 1995: "A family without access to the bankruptcy system is subject to garnishment proceedings, to multiple collection actions, to repossession of personal property and to mortgage foreclosure. There is virtually no way to save their home and, for a family that does not own a home, no way to ever qualify to buy one." The wage earner will be "faced with what is essentially a life term in debtor's prison."

Brady Williamson, who teaches constitutional law at the University of Wisconsin, is joined by law professors all across the country in their strong critique in, I would really say, condemnation of this bankruptcy bill. Again, he was the chairman of the former National Bankruptcy Review Commission, which was appointed in 1995.

The reason I mention this is that I want to take a few minutes to talk about this bill.

When there was an effort to separate this bankruptcy bill out from minimum wage legislation, I opposed it. I opposed the unanimous consent agreement. Senator FEINGOLD was out here on the floor with me. We did this because we believe this piece of legislation deserves more scrutiny, albeit it passed by a big margin in the Senate. But I am telling you that many colleagues, I think, had no idea of some of the provisions that were in this legislation—some really egregious provisions. We have learned something about what many of us call the pension raid, which basically for the first time would enable these creditors, as a condition for making the loan, to call upon borrowers to say, look, you can also put a

lien on my pension. That has never been done before.

But there are other egregious provisions as well. I again point out that last week *Time* magazine published this investigative article entitled "Soaked by Congress," written by Donald Barlett and James Steele.

I think this is a true picture of who files for bankruptcy in America. You will find a far different profile of who the people are than from the skewed version that was used to justify this "bankruptcy reform bill" passed by the House and the Senate.

I would like to give my colleagues an example of the kind of families we are talking about—working families, hard-pressed families, crushed by debt, people who need a fresh start.

Tomorrow, Senator KENNEDY will be coming with other Senators—I will join them—in speaking about this bill as well. Since I came to this floor and I objected to any unanimous consent agreement to separate this bankruptcy bill, passing it and moving it forward, and since I have done everything I know how as a Senator to stop this bill, I want to discuss why.

First, I will talk about this legislation from the perspective of ordinary people, people who don't have a lot of money—not the big banks and not the big credit card companies that have been running the show on this legislation.

I will read the beginning of this article by Bartlett and Steele:

Congress is about to make life a lot tougher—and more expensive—for people like the Trapp family of Plantation, Fla. As if their life isn't hard enough already. Eight-year-old Annelise, the oldest of the three Trapp children, is a bright, spunky, dark-haired wisp who suffers from a degenerative muscular condition. She lives in a wheelchair or bed, is tied to a respirator at least eight hours a day, eats mostly through a tube and requires round-the-clock nursing care. Doctors have implanted steel rods in her back to stem the curvature of her spine.

Her parents, Charles and Lisa, are staring at a medical bill for \$106,373 from Miami Children's Hospital, then there are the credit-card debts. The \$10,310 they owe Bank One. The \$5,537 they owe Chase Manhattan Bank. The \$8,222 they owe MBNA America. The \$4,925 they owe on their Citibank Preferred Visa card.

The \$6,838 they owe on their Discover card. The \$6,458 they owe on their MasterCard. "People don't understand, unless they have a medically needy child, these kinds of circumstances," says Charles Trapp, 42, a mail carrier.

Most of the people who file for bankruptcy under chapter 7 for a new start, about 40 percent-plus, are people who have been put under because of a medical bill. The studies don't talk about a lot of abuse. They mention 3, 4 or 5 percent of the people at most abusing this system. Most of the people in the country who do have to start over find themselves in these awful situations because there has been a divorce and now there is a single parent or because people have lost their jobs or because people face catastrophic medical bills. We are going to punish these families?

The figures on the amount of money pouring in, let me be clear, are not on one to one. I am not going to stand here and say every single Senator who disagrees with me on this disagrees with me because they received a lot of money from big credit card companies. Then someone can turn around, and I know the presiding Chair will agree, and say every position you take is based on money you have received. That is simply an analysis that should be unacceptable. I will not do that. It is not fair to people I serve with and I don't believe it.

However, from an institutional view of who has power and who doesn't have power in America, we see an industry that has a tremendous amount of clout, that certainly contributes a lot of money—Republicans and Democrats alike—that has the lobbyists, is certainly well connected and, of course, the people whom we are talking about, such as the Trapp family, don't have the same kind of connections.

We are, I think, about to do something very egregious to these families. Yesterday was Mother's Day—Sheila and I marched in the Million Mom March and were proud to do so—so I'd like to read from a letter signed by 70 scholars at our Nation's law schools who are opposed to this legislation about how this bill will affect mothers. They write directly to this issue of how low-income, women-headed households will be devastated by this bankruptcy bill.

As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the provisions that apply without regard to income, will fall hardest on them. A single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income still would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was impossible.

I don't think the choices in this debate could be stated any more starkly. The core question is, Are we on the side of these big credit companies and these banks or are we on the side of too many women in this country struggling to support their families?

I will mention a few other provisions in this legislation that are punitive. I already mentioned the pension grab. People didn't even seem to know about that provision. That is being reworked. Good. I want to see the bill improved, although a wise proverb comes to mind: Never put good stitching in a rock cloth.

I think this bill is fundamentally flawed—not the Senators who support