

relative to the supply function at Kirtland Air Force Base (AFB), New Mexico; to the Committee on Armed Services.

REPORT OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of May 13, 1996, the following report was submitted on May 13, 1996, during the adjournment of the Senate:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Con. Res. 57: An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002 (Rept. No. 104-271).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environmental and Public Works:

*Hubert T. Bell, Jr. of Alabama, to be Inspector General, Nuclear Regulatory Agency.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officer for reappointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Lt. Gen. Daniel W. Christman, 000-00-0000, U.S. Army.

The following-named officers for promotion in the Navy of the United States to the grade indicated under title 10, United States Code, section 624:

UNRESTRICTED LINE

To be rear admiral

Rear Adm. (1h) James F. Amerault, 000-00-0000, U.S. Navy.

Rear Adm. (1h) Lyle G. Bien, 000-00-0000, U.S. Navy.

Rear Adm. (1h) Richard A. Buchanan, 000-00-0000, U.S. Navy.

Rear Adm. (1h) William V. Cross II, 000-00-0000, U.S. Navy.

Rear Adm. (1h) Walter F. Doran, 000-00-0000, U.S. Navy.

Rear Adm. (1h) James O. Ellis, Jr., 000-00-0000, U.S. Navy.

Rear Adm. (1h) William J. Fallon, 000-00-0000, U.S. Navy.

Rear Adm. (1h) Thomas B. Fargo, 000-00-0000, U.S. Navy.

Rear Adm. (1h) Dennis V. McGinn, 000-00-0000, U.S. Navy.

Rear Adm. (1h) Joseph S. Mobley, 000-00-0000, U.S. Navy.

Rear Adm. (1h) Edward Moore, Jr., 000-00-0000, U.S. Navy.

Rear Adm. (1h) Daniel J. Murphy, 000-00-0000, U.S. Navy.

Rear Adm. (1h) Rodney P. Rempt, 000-00-0000, U.S. Navy.

Rear Adm. (1h) Norbert R. Ryan, Jr., 000-00-0000, U.S. Navy.

Rear Adm. (1h) Raymond C. Smith, Jr., 000-00-0000.

RESTRICTED LINE

To be rear admiral

Rear Adm. (1h) George P. Nanos, Jr., 000-00-0000, U.S. Navy.

Rear Adm. (1h) Craig E. Steidle, 000-00-0000, U.S. Navy.

Rear Adm. (1h) James L. Taylor, 000-00-0000, U.S. Navy.

Rear Adm. (1h) Patricia A. Tracey, 000-00-0000, U.S. Navy.

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, from the Committee on Armed Services, I report favorably 3 nomination lists in the Air Force and Marine Corps which were printed in full in the CONGRESSIONAL RECORDS of April 19 and May 9, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of April 19 and May 9, 1996, at the end of the Senate proceedings.)

In the Air Force there are 6 appointments to the grade of second lieutenant (list begins with Ryan C. Berry). (Reference No. 1036.)

In the Marine Corps there are 163 appointments to the grade of second lieutenant (list begins with Craig R. Abele). (Reference No. 1083.)

In the Marine Corps there are 255 appointments to the grade of second lieutenant (list begins with Carlton W. Adams). (Reference No. 1084.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1754. A bill to designate the United States Courthouse at 235 North Washington Avenue in Scranton, Pennsylvania, as the "William J. Nealon United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1755. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to provide that assistance shall be available under the noninsured crop assistance program for native pasture for livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MOSELEY-BRAUN (for herself, Ms. SNOWE, Mrs. MURRAY, and Mr. KERRY):

S. 1756. A bill to provide additional pension security for spouses and former spouses, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. HARKIN):

S. 1757. A bill to amend the Developmental Disabilities Assistance and Bill of Rights act to extend the Act, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolution was read on May 13, 1996:

By Mr. DOMENICI:

S. Con. Res. 57. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated on May 14, 1996:

By Mr. GRAMS:

S. Res. 254. A resolution to express the sense of the Senate regarding the reopening of Pennsylvania Avenue; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1754. A bill to designate the United States Courthouse at 235 North Washington Avenue in Scranton, PA, as the "William J. Nealon United States Courthouse"; to the Committee on Environment and Public Works.

THE WILLIAM J. NEALON U.S. COURTHOUSE DESIGNATION ACT OF 1996

Mr. SPECTER. Mr. President, I am introducing legislation today to name the new U.S. courthouse being constructed in Scranton, PA, for one of Pennsylvania's most distinguished Federal judges, Judge William Nealon.

Judge Nealon was born and raised in Scranton and attended its public schools. After service in the Marine Corps during the Second War, Judge Nealon graduated from Villanova University and then received a law degree from Catholic University here in Washington. Returning to Scranton to practice law, he became a widely respected trial lawyer. When a vacancy opened up on the Lackawanna County Court of Common Pleas, Judge Nealon was appointed by President Kennedy to serve as U.S. district judge for the Middle District of Pennsylvania. At the time of his appointment, Judge Nealon was the youngest Federal judge in the Nation.

Judge Nealon has served the people of the middle district of Pennsylvania for almost 34 years since then, including over 12 years chief judge of the court. He has been widely respected among the bar of the middle district for his intelligence, dedication, and judicial demeanor. Throughout his long career, he has been considered by many to be the model of a trial judge.

Judge Nealon has been active in many efforts to improve the administration of justice across the Nation. He served as the representative of the third circuit to the Committee on the Administration of the Criminal Law of the United States for 6 years. For 4 years he served as a member of the Third Circuit Judicial Council, and for 3 years, from 1987 to 1990, he was elected by the other district judges in the third circuit to serve as a member of the Judicial Conference of the United States, the policymaking body that oversees the Federal courts.

To this record of distinction in his professional career, Judge Nealon can add a record a community involvement matched by few others. It can truly be said that Scranton is a better place because of Judge Nealon. He is a former chairman of the board of Mercy Hospital in Scranton, of the Scranton Catholic Youth Center, and of the University of Scranton. He has also served as a member of the board of Lackawanna Junior College, St. Michael's School for Boys, the Everhart Museum, and the Scranton-Lackawanna Health and Welfare Authority. He has received the Distinguished Service Award from the Boy Scouts of America and was the 1995 recipient of the Champion of Youth Award of the Boys & Girls Clubs of Scranton, in addition to numerous awards from legal and academic institutions.

One would think that this lengthy record of accomplishment would be enough for any one person, but Judge Nealon has also raised an outstanding family. He and his wife Jean have 10 children and 26 grandchildren.

Earlier this year, I sponsored Senate passage of a bill introduced in the House by Representative KANJORSKI to name the U.S. Courthouse in Wilkes-Barre after Judge Max Rosenn of the third circuit, Wilkes-Barre's leading jurist. I can think of no one more deserving than Judge Nealon of the honor of having the new U.S. Courthouse in Scranton named after him.

I am pleased to introduce this legislation. I hope my colleagues will support it and that the Senate will adopt it this year.

I ask unanimous consent that a copy of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1754

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

SECTION 1. DESIGNATION.

The United States Courthouse at 235 North Washington Avenue in Scranton, Pennsylvania, shall be known and designated as the "William J. Nealon United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "William J. Nealon United States Courthouse".

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1755. A bill to amend the Federal Agriculture Improvement and Reform Act providing that insurance shall be available under the Noninsured Crop Assistance Program for native pasture for livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996 AMENDMENT ACT OF 1996

Mr. DOMENICI. Mr. President, fellow Senators, we are having a drought in

the State of New Mexico that is about as serious a situation as we have had. We have read about the forest fires. Obviously, the forest is dry, but, also, the grazing land is dry. The ranchers are unable to graze cattle. That is a very important part of our life in New Mexico.

Today, I am introducing a bill. Yesterday, I introduced one with Senator BINGAMAN. He was the prime sponsor. Today he joins me in this one, which would take some of the assistance that is given for other crops in the event of a disaster and make that apply to the forage that goes for cattle. We think maybe it was intended, but it is not clear.

So this would provide emergency relief to some of the cattle people in our State and in the arid parts of America where we are having a disaster with drought. It makes some of this available to them. Because of the forage they use for the cattle, it would make that subject to the same kind of emergency assistance as other crops when those crops are in a drought situation.

Mr. President, yesterday, Senator BINGAMAN and I introduced a bill that would provide short-term assistance for our cattle producers in New Mexico and across the United States.

Cattle producers are suffering economically due to historically low cattle prices, and high feed costs.

In New Mexico, these conditions are made even worse by extensive drought conditions, which have had an impact on some areas of the State for 3 years.

The Bingaman-Domenici bill would provide \$18 million in feed assistance, by extending the authority of the for the Emergency Livestock Feed Program through the end of this calendar year.

This assistance is extremely urgent for livestock producers in drought-affected areas.

In some parts of States like New Mexico, producers typically harvest and store feed reserves for the coming winter during the summer months, while their livestock graze on high country summer pastures.

Many of these summer ranges are located on Federal land, and in order to prevent overuse during the drought, many of these areas will not be available for grazing this year.

In order to maintain enough livestock to remain in business, many producers will be forced to graze areas that would normally be set aside for hay and winter feed production, leaving them little or no forage to get them through the coming winter.

The temporary extension of this program through December will allow the Secretary to provide these individuals with assistance in obtaining these needed feed resources.

Mr. President, today, I am introducing a bill that will provide a more permanent solution.

This bill would clarify in law, as is currently the case in USDA regulations, that native pasture for grazing

livestock would qualify under the Noninsured Crop Assistance Program [NAP].

Specifically, the bill would amend the law to read:

The term "eligible crop" shall include floricultural, ornamental nursery and Christmas tree crops, turfgrass sod, seed crops, aquaculture (including ornamental fish), native pasture for livestock, and industrial crops.

NAP was created under the Federal Crop Insurance Act of 1994 and amended in the Federal Agricultural Improvement and Reform Act of 1966 [FAIR].

The NAP is a disaster program for noninsured crops. Following a major crop loss, it provides benefits similar to those for insurable crops, but only at the catastrophic level.

This is by no means a windfall for livestock producers; on the contrary, catastrophic coverage provides a minimal benefit in a disaster, or emergency cases of the most dire need.

This bill has not been scored by the Congressional Budget Office [CBO], however, if CBO scores a cost with the bill I will provide an offset to ensure that it remains budget neutral.

I understand that the current regulations provide NAP catastrophic coverage for improved and native pasture.

I am concerned, however, that without the clarification provided by this legislation, the inclusion of native pasture may be at risk as the administration promulgates its new regulations under the FAIR Act.

Mr. President, I believe that failing to provide assistance to our ranchers today will cost us tomorrow. Many communities in New Mexico depend on the cattle industry.

In fact, livestock products accounted for \$1.1 billion of cash receipts for all agricultural commodities in New Mexico in 1994.

The support we give our livestock industry during this period of drought, low prices, and high feed costs will save numerous small, family-owned businesses in these devastated areas.

Mr. President, I urge my colleagues to support this clarification to existing law.

By Ms. MOSELEY-BRAUN (for herself, Ms. SNOWE, Mrs. MURRAY, Mr. KERRY, Ms. MIKULSKI, Mr. WELLSTONE, and Mr. DASCHLE):

S. 1756. A bill to provide additional pension security for spouses and former spouses, and for other purposes; to the Committee on Finance.

THE WOMEN'S PENSION EQUITY ACT OF 1996

Ms. MOSELEY-BRAUN. Mr. President, pension policy decisions will determine, in no small part, the kind of life Americans will live in their older years. The amount invested in retirement savings has an important impact on our national savings rate, our economy generally, and the kind of life every American lives today. Now, more than ever, therefore, all Americans

need to consider the role that pensions play in determining the quality of life for retirees, and the implications of pension policy decisions for our society as a whole.

Pension issues are convoluted yet critically important. I am reminded of a poem written by the late Karl Llewellyn, a professor at my alma mater, the University of Chicago, in connection with an introduction to the study of the law.

Entitled "The Bramble Bush," the poem said: "I jumped into the bramble bush and scratched my eyes out; I jumped out of the bramble bush and scratched my eyes in again." As a student, I had no idea what he was talking about. Later in life, I understood that he meant the bramble bush as an analogy to the law. One had to master the complexities and details of it—by jumping in—in order to reach understanding of the whole—upon jumping out.

And so it is, I think, with pension reform. The subject has been called esoteric, abstruse, mysterious, even eye glazing, but in the final analysis it is really about whether our society will arrange a system of security for people who have gone past their earning and working years, or whether our society will make retirement a determinant of a widening income gap between the rich and the poor. It is about fairness and gender equity and economic power. It goes to the heart of our challenge to treat the end of life as the golden years rather than the disposable years. It is about the permanence of the American dream.

The importance of retirement savings and investment to our Nation's economy, as well as to individuals, cannot be overstated. We should encourage private saving, and our pension laws should reflect that policy goal. It is equally important that these laws be reality based, and that reform should address the elimination of historical and institutional inequities and unfairness. Fairness is fundamental. Women, however, have traditionally been the overlooked and silent unintended beneficiaries of policy decisions which reinforce institutional sexism.

Our pension system was not designed for working women, either those in the work force or in the home. Countless statistics show that women are far more likely to spend the final years of their lives in poverty. Women make up 60 percent of seniors over 65 years old, but 75 percent of the elderly poor. An elderly woman is twice as likely as a man to live below the poverty line. These women are more likely than not to live alone. The demographics of mortality differences between men and women were never adequately addressed in the development of policy for retirement security. That a woman is more likely to be widowed, or divorced in retirement was similarly not taken into account. Pension policy making has traditionally been predicated on a fictionalized model of women's role in the society and the economy.

Over a lifetime, women earn about two-thirds of a man's income. Since pensions are based on a formula which combine the number of years of work and salary earned, women suffer a gender gap that carries over into retirement. As a result, women are far more likely to receive inadequate pension support. Moreover, because women are more often called upon to interrupt jobs in order to raise children or care for sick relatives, pension security is a more illusive objective for us.

A 25-year-old man—on average—will spend 70 percent of his adult life in the work force, while a woman will spend less than 45 percent of her adult life in the work force. What this can mean is that a woman with a 40-year career who takes 7 years out of the work force may get half of the pension benefits she might have enjoyed with continuous employment. Our real support for the care-giving role of women in our society is more accurately reflected in this fact than in all of the platitudes given "family values."

For women who never enter the work force, the jeopardy of divorce or widowhood can mean the difference between security and penury. It is estimated that nearly 80 percent of women who are poor as widows were not poor before their husbands died.

These are costs not just borne by the individual affected directly, but by our society as a whole, as the widening income gap occasioned and influenced by pension inequities shows up as increased demand for transfer payments and public support.

Retirement security has been likened to a three-legged stool. Social Security, private pensions, and personal savings constitute the basis of an income stream for the later years of life.

Social Security, contrary to popular opinion, is not now nor has it ever been adequate to support a comfortable retirement. The average Social Security benefit earned by a woman who worked outside the home today provides about \$538 a month, less than the minimum wage. Social Security provides about 40 percent of a workers' income while working. Our system assumes the other legs of the stool will help make up the difference.

However, only one third of private sector retirees receive a private pension. Of those, there are essentially two variants: the defined benefit plan and the defined contribution plan. The former is structured around the guaranteed payout or benefit upon retirement. The latter is structured around the treatment of payments into the plan during the working years. It is probably a commentary on the change in the climate of policy making that the traditional benefit plan is being overtaken as the approach of choice by the newer products associated with contribution plans.

As to personal savings, we have in this country the lowest private savings rate in the industrialized world, a source of great hand wringing among economists and policy makers. Given that the baby boom is about to become

the elder explosion—with a baby boomer turning 50 every 7 seconds this year—efforts to promote personal frugality are among the policy challenges of the pension debate.

And yet, pensions represent a major part of the wealth of our Nation. There are 700,000 private pension plans in this country worth \$3.4 trillion dollars (one trillion equals \$1 per second for 32,000 years). The Federal Government provides about \$75 billion annually in tax incentives to encourage pension savings, a tax expenditure which has never really been coordinated with the direct investment in Social Security. Pension contributions now total roughly \$42 billion annually, making them the single largest source of private investment capital.

A playing field this vast has got to be fair to the whole community, and so the need for equity for women has never been greater.

The Congress has taken steps to correct the inequities facing women. In particular, the Retirement Equity Act of 1984 made several important changes, requiring that workers receive the consent of their spouses with regard to retirement benefits after death. It also required that private pension plans honor State court orders to divide pension benefits in divorce proceedings. This legislation made pensions accessible to millions of workers, widows, and divorced homemakers, but only if they understand the law or the legal forms. These, and other reforms, have made a difference. However, the issues continue to confound us, and further change is essential.

Pension maintenance, particularly in the context of divorce and widowhood, remains a challenge. In 10 years the IRS has not come up with clear guidance for the circumstances under which one can sign away pension rights. It is time to provide for informed decisionmaking, and for the equitable division of such rights in case of divorce. Similarly, the rules pertaining to pension distribution among Government employees—both military and civil service—should not penalize the divorced or widowed spouse.

I am here today to introduce legislation which will begin to address the problems women face as they try to hold on to their pension for their retirement. The Women's Pension Equity Act of 1996:

It creates a simple model of the form that a woman must sign in order to waive her benefits if she survives her husband.

And by the way, I point out that the language of the bill is gender neutral, so in that regard it would refer to men as well.

It creates a model of the form that couples must use if they wish to divide a pension upon divorce that includes contingencies for pre- and post-retirement survivors benefits.

It allows a widow or divorced widow to collect their husband's civil service pension if he dies after leaving his civil service job and before collecting his pension benefits.

It allows a court that awards a woman part of her husband's civil service pension upon divorce, to extend that award to any lump sum payment made if the husband dies before collecting benefits.

It extends the military pension benefits awarded to a spouse upon divorce in cases where the husband rolled that pension over into a civil service pension.

It allows a spouse to continue receiving Tier II railroad retirement benefits awarded upon divorce, upon the death of her husband.

I should like to take a moment to further describe what these provisions do and give some examples of the problems this legislation solves.

Sometimes a woman buries her husband only to discover that she has nothing. Her husband did not understand—and neither did she—that if they signed the survivor benefits waiver, she would get nothing if he died.

As one woman wrote:

My husband . . . died 12/11/91. [He] and I were together for 40 years . . . At . . . retirement he opt[ed] to get the maximum. I know that he didn't realize what he had done because he kept telling everyone that his wife would be independent if he predeceased me. . . .

Till the day before he passed he must have known something was happening to him. He told me "you have nothing to worry about." I was shocked when his job told, "I would get nothing".

That was an actual quote, and you can see that the Syntax and the grammar were a little fractionated in the letter.

This woman is not educated. She and her husband counted on his pension to carry them through retirement. When they signed some pension forms from the company, the forms did not state clearly enough that she would lose her pension if he died.

This happens, unfortunately, all too frequently it is a very sad situation to face.

Women also unknowingly give up their future right to a share of their husbands' pension benefits when they divorce and do not sign a complete Qualified Domestic Relations Order, QDRO. Pensions are often the most valuable asset a couple owns—earned together during their years of marriage.

Judy Horstman of Joliet, IL, was divorced in October 1989, after 23 years of marriage. She was awarded half of her husband's pension from his 18 years of service with General Motors. Her husband continued to work in the plant until he died in November 1990. When he died, she received no pension from General Motors. She was informed that she was no longer entitled to any of his benefits because her divorce decree only referred to joint and survivor's benefits, not pre-retirement benefits in case he died. Because he died before retirement and not after, and because her lawyer forgot to put one line in writing, she lost her rights to a pension.

Judy Horstman lost her right to retain part of her husband's pension because her lawyer did not know the right questions to ask. They missed

something when they wrote the Qualified Domestic Relations Order and so now, 7 years later, Judy still has no pension benefits from her 24 years of marriage.

This bill simplifies the spousal consent form so that average women can read and understand it. It also simplifies the QDRO for women, lawyers, and businesses so everyone knows what to consider and include in a divorce decree.

And it also includes provisions to correct some of the most illogical parts of pension laws that are unduly harmful for women. Let me give you four examples of the problems the bill will fix.

First, when a couple is married for 30 years, and the husband is in the military, upon divorce the court can ensure that the wife receives 50 percent of the pension benefits.

If, however, the husband leaves the military after the divorce, enters the civil service, and rolls his military pension over into his Government pension, his wife loses any claim on her spouse's pension. This legislation ensures that this kind of injustice will not occur in the future.

Second, a husband working in the civil service leaves his job to work outside the Government. He does not begin collecting his pension yet, because he has not yet retired.

If he dies after leaving the civil service and before collecting pension benefits, his widow receives nothing. If he died while working in the civil service or after retirement, she would receive a survivor's pension from the Federal Government. This legislation ensures that this kind of injustice will not occur in the future.

Third, a husband dies before retirement and his civil service pension is rolled over into a lump sum payment to whomever he names as his beneficiary.

The courts cannot require that he name his ex-wife as a partial beneficiary even if the court awarded her a portion of his pension. This legislation ensures that this kind of injustice will not occur in the future.

Fourth, an ex-wife has been awarded a portion of her husband's tier II railroad retirement benefits. The tier II benefits are the equivalent of a private pension for the railroad retirees. The ex-husband dies and her Tier II benefits cease immediately.

In other words, at the moment he dies her private pension rights die with him.

This legislation ensures that this kind of injustice will not occur in the future.

These are just some examples of the kinds of unjust, ridiculous, confusing, and harmful pension laws this legislation addresses. These initiatives help bring about equity in the pension system for married women.

I am keenly aware that we must address broader issues as well. And we will address them. We should focus on making participation in private pension plans easier, and not the game of roulette which all too often leaves people surprised at their retirement.

Women, particularly, should not be penalized for career interruptions by vesting rules which require long-term employment. Current vesting rules depend on 5 years of continuing employment. The average job tenure for women is around 4 years—again, going in and out of the work force because of family demands very often. Women should not be penalized for taking care of their families.

Portability, an issue which is even now being debated in the Congress in the context of health security, remains a hurdle for retirement security.

The President's recently unveiled Retirement Savings and Security Act addresses portability in regards to the popular 401(k) plans, and is a welcomed advance in this area. We need to continue to address the ability of workers to transfer earned pensions.

Women who have spent many years in the work force should be able to count on their own pension income during retirement. It is important that we both improve the situation for women after a divorce or the death of a spouse, and the situation for women entering the work force. It is important to recognize that these issues of financial security go hand in hand. I will continue to work with my colleagues to bring pension equity to all aspects of the nation's pension laws.

Retirement security is not an expense we cannot afford. It is an investment we cannot avoid. Our economy will benefit. Our society will benefit. Our people will benefit if we undertake the macro and micro challenges of this issue.

The Bramble Bush illustrates that we are all in this together, and, if with Grace, we live long enough to retire it ought not be a punishment of longevity. The haves and have nots share an equal stake in the outcome of pension reform. That advocacy, in my opinion, is patriotism in the most classic sense, seeking to preserve the American dream for future generations.

There is no reason that this legislation cannot be enacted right away. The benefits are obvious and the changes simple.

I urge every one of my colleagues to support the rapid adoption of the Pension Equity Act of 1996. This legislation is being cosponsored by Senator OLYMPIA SNOWE, Senator PATTY MURRAY, and Senator JOHN KERRY.

I ask unanimous consent that a copy of the bill and a summary of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1756

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Pension Equity Act of 1996".

SEC. 2. MODEL SPOUSAL CONSENT FORM AND QUALIFIED DOMESTIC RELATIONS ORDER.**(a) MODEL SPOUSAL CONSENT FORM.—**

(1) AMENDMENT TO INTERNAL REVENUE CODE.—Section 417(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(7) CONSENT FORM.—The Secretary shall develop a form not later than January 1, 1997, for the spousal consent required under paragraph (2) which—

“(A) is written in a manner calculated to be understood by the average person, and

“(B) discloses in plain form whether—

“(i) the waiver is irrevocable, and

“(ii) the waiver may be revoked by a qualified domestic relations order.”.

(2) AMENDMENT TO ERISA.—Section 205(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)) is amended by adding at the end the following new paragraph:

“(8) The Secretary of the Treasury shall develop a form not later than January 1, 1997, for the spousal consent required under paragraph (2) which—

“(A) is written in a manner calculated to be understood by the average person, and

“(B) discloses in plain form whether—

“(i) the waiver is irrevocable, and

“(ii) the waiver may be revoked by a qualified domestic relations order.”.

(b) MODEL QUALIFIED DOMESTIC RELATIONS ORDER.—

(1) AMENDMENT TO ERISA.—Section 206(d)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(d)(3)) is amended by adding at the end the following new subparagraph:

“(O) The Secretary shall develop a form not later than January 1, 1997, for a qualified domestic relations order—

“(i) which meets all the requirements of subparagraph (B)(i), and

“(ii) the provisions of which focus attention on the need to consider the treatment of any lump sum payment, qualified joint and survivor annuity, or qualified preretirement survivor annuity.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE.—Section 414(p) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(13) The Secretary of Labor shall develop a form not later than January 1, 1997, for a qualified domestic relations order which—

“(A) which meets all the requirements of paragraph (1)(A), and

“(B) the provisions of which focus attention on the need to consider the treatment of any lump sum payment, qualified joint and survivor annuity, or qualified preretirement survivor annuity.”.

(c) PUBLICITY.—The Secretary of the Treasury and the Secretary of Labor shall include publicity for the model forms required by the amendments made by this section in the pension outreach efforts undertaken by each Secretary.

SEC. 3. EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS.

(a) IN GENERAL.—Section 5 of the Railroad Retirement Act of 1974 (45 U.S.C. 231d) is amended by adding at the end the following new subsection:

“(d) Notwithstanding any other provision of law, the payment of any portion of an annuity computed under section 3(b) to a surviving former spouse in accordance with a court decree of divorce, annulment, or legal separation or the terms of any court-approved property settlement incident to any such court decree shall not be terminated upon the death of the individual who performed the service with respect to which

such annuity is so computed unless such termination is otherwise required by the terms of such court decree.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS, AND FORMER SPOUSES OF FEDERAL EMPLOYEES WHO DIE BEFORE ATTAINING AGE FOR DEFERRED ANNUITY UNDER CIVIL SERVICE RETIREMENT SYSTEM.

(a) BENEFITS FOR WIDOW OR WIDOWER.—Section 8341(f) of title 5, United States Code, is amended—

(1) in the matter preceding paragraph (1) by—

(A) by inserting “a former employee separated from the service with title to deferred annuity from the Fund dies before having established a valid claim for annuity and is survived by a spouse, or if” before “a Member”; and

(B) by inserting “of such former employee or Member” after “the surviving spouse”;

(2) in paragraph (1)—

(A) by inserting “former employee or” before “Member commencing”; and

(B) by inserting “former employee or” before “Member dies”; and

(3) in the undesignated sentence following paragraph (2)—

(A) by inserting “former employee or” before “Member”; and

(B) in subparagraph (B) by inserting “former employee or” before “Member”.

(b) BENEFITS FOR FORMER SPOUSE.—Section 8341(h) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding after the first sentence “Subject to paragraphs (2) through (5) of this subsection, a former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity is entitled to a survivor annuity under this subsection, if and to the extent expressly provided for in an election under section 8339(j)(3) of this title, or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree.”; and

(2) in paragraph (2)—

(A) in subparagraph (A)(ii) by striking “or annuitant,” and inserting “annuitant, or former employee”; and

(B) in subparagraph (B)(iii) by inserting “former employee or” before “Member”.

(c) PROTECTION OF SURVIVOR BENEFIT RIGHTS.—Section 8339(j)(3) of title 5, United States Code, is amended by inserting at the end the following:

“The Office shall provide by regulation for the application of this subsection to the widow, widower, or surviving former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply only in the case of a former employee who dies on or after such date.

SEC. 5. COURT ORDERS RELATING TO FEDERAL RETIREMENT BENEFITS FOR FORMER SPOUSES OF FEDERAL EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8345(j) of title 5, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

“(3) Payment to a person under a court decree, court order, property settlement, or similar process referred to under paragraph (1) shall include payment to a former spouse of the employee, Member, or annuitant.”.

(2) LUMP-SUM BENEFITS.—Section 8342 of title 5, United States Code, is amended—

(A) in subsection (c) by striking “Lump-sum benefits” and inserting “Subject to subsection (j), lump-sum benefits”; and

(B) in subsection (j)(1) by striking “the lump-sum credit under subsection (a) of this section” and inserting “any lump-sum credit or lump-sum benefit under this section”.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8467 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c) Payment to a person under a court decree, court order, property settlement, or similar process referred to under subsection (a) shall include payment to a former spouse of the employee, Member, or annuitant.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 6. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—(1) Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

“(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.”.

(2) Paragraph (1) of such subsection is amended by striking out “Except as provided in paragraph (2)” and inserting “Except as provided in paragraphs (2) and (4)”.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

“(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.”.

(2) Paragraph (1) of such subsection is amended by striking out “Except as provided in paragraph (2) or (3)” and inserting “Except as provided in paragraphs (2), (3), and (5)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1997.

WOMEN'S PENSION EQUITY ACT OF 1996
PRIVATE PENSIONS

Require the IRS to create a model form for spousal consent with respect to survivor annuities.

Background—In 1984, Congress passed the Retirement Equity Act (REA) which provided, among other things, that survivor annuities were to apply automatically and any opt-out could be obtained only with spousal consent.

Problem—The consent forms are not in plain language and do not contain sufficient explanation, i.e. that the decision is irrevocable even in the event of divorce. For the past 10 years, the IRS, at the urging of the GAO, has been preparing a model consent form for couples that choose to take a larger annuity during the husband's life and give up the survivor annuity—but that form has never been completed.

Require the Department of Labor to create a model QDRO form.

Background—The 1984 REA required pension plans to honor court orders dividing pensions upon divorce. But the law does not protect spouses automatically. The divorced woman, or her lawyer, must ask for a court order specifically including the pensions in the divorce settlement. Without a qualified domestic relations order (QDRO) spelling out how, to whom, and when the pension should be paid, plans don't have to pay the divorced spouse a dime.

Problem—(1) Many lawyers do not know to ask for a QDRO. (2) There are no model QDRO's for lawyers, or couples who divorce without a lawyer, and pension plans will not honor the orders unless they are complete. (3) Pre- and post-retirement survivor benefits are often forgotten.

CIVIL SERVICE RETIREMENT SYSTEM

Make widow or divorced widow benefits payable no matter when the ex-husband dies or starts collecting his benefits.

Background—If the husband dies after leaving the government (either before or after retirement age) and before starting to collect retirement benefits, no retirement or survivor benefits are payable to the spouse or former spouse.

Problem—The widow or divorced wife loses everything: the ex-wife's benefits never start because he didn't choose to or didn't live to start collecting his benefits, and the widow's benefits are canceled because he wasn't working in the federal government at the time of his death.

Authorize courts to order the ex-husband to name his former wife as the beneficiary of all or a portion of any refunded contributions.

Background—In the case of a husband dying before collecting benefits, his contributions to the CSRS are paid to the person named as the "beneficiary." The employee may name anyone as the beneficiary.

Problem—A divorce court cannot order him to name his former spouse as the beneficiary to receive a refund of contributions upon his death, even if she was to receive a portion of his pension.

MILITARY RETIREMENT SYSTEM

Transfer the pension benefits awarded during divorce from a military to a civil service pension, if the spouse rolls the military pension into a civil service pension.

Background—The Uniformed Services Former Spouses' Protection Act of 1982 (USFSPA) provides that a court may treat only the member's "disposable" retired pay as marital property. The definition of disposable now includes, among other deductions, government salary or pension.

Problem—The allowed deductions can leave former wives with little if any pension.

For example, if an ex-husband leaves the military and enters the civil service, he can roll over his military pension into his civil service pension and the ex-wife loses the military pension awarded to her during the divorce settlement.

RAILROAD RETIREMENT BOARD

Allow payment of a Tier 2 survivor annuity after divorce.

Background—The Tier 1 benefits under the Railroad Retirement Board take the place of social security. The Tier 2 benefits take the place of a private pension.

Problem—Unlike the nondivorced widow, the divorced widow loses any Tier 2 benefits she may have been receiving while her ex-husband was alive, leaving her with only a Tier 1 annuity.

Mrs. MURRAY. Mr. President, I am pleased to join Senator MOSELEY-BRAUN today in cosponsoring the Women's Pension Equity Act of 1996. This legislation addresses one of the most important issues facing women today—retirement security. Of course, both men and women share many of the same concerns about growing old and planning for the future. But, the fact is that women face a unique set of circumstances that put us at a disadvantage for living comfortably in our retirement.

We are all very aware of the anxiety being felt by our friends and neighbors as they see and hear about the wave of corporate downsizing taking place in many of America's largest industries. American workers no longer expect to hold down one or two jobs throughout their working careers. Rather, most Americans expect to hold five or six different jobs throughout their careers.

This job insecurity ripples through every aspect of our lives and impacts the way one determines how to afford a home, pay for a child's education, and set aside savings for retirement.

This anxiety is real and it is justified. Working families throughout Washington State are telling me they are worried about their futures and that of their children. My constituents recognize the skyrocketing costs of long-term health care, doubt whether they can ensure a successful and prosperous life for their children, and are losing faith in the Social Security system.

We all know that women often play the role of caregiver for sick parents or children. In this role, they are forced to leave their jobs and, in turn, jeopardize their own future security. As the daughter of two aging parents, I understand this anxiety and want to do all I can to ensure women are not penalized for doing the right thing—for taking care of their families.

In today's world, it takes two incomes to raise a family. This is not solely an issue of improving the security of retired women. This is about providing stability and peace of mind for working families and their children. It is about opportunities for the future and strengthening the resources that families can depend on tomorrow. This is about ensuring that both parents' hard work is rewarded.

The Women's Pension Equity Act corrects current pension laws, which often fail to account for the special pattern in a women's working life. Our employment patterns differ from our male counterparts in the work force. Women's tenures tend to be shorter—4.8 years compared with 6.6 years for men. Many women leave their jobs before they reach the required years of service to qualify for employer retirement plans; usually 5 to 7 years.

Also, under current law, if a woman's husband dies after leaving Government service but before starting to collect retirement benefits, no retirement or survivor benefits are payable to the spouse. This bill, among other things, will amend the Civil Service retirement system to make sure the spouse doesn't lose the benefits to which her family is entitled.

We can alleviate some of the anxiety Americans are experiencing. For instance, we can help Americans save for their future by expanding pension opportunities for the employees of small businesses. Only 24 percent of all employees in small businesses have pension plans, while 76 percent of employees in large businesses have pension plans. Or we could widen the scope of Individual Retirement Accounts. For instance, I am a cosponsor of S. 287, a bill that allows spouses who work at home to get a full IRA deduction.

Congress has the ability to improve the savings opportunities for millions of Americans, and Senator MOSELEY-BRAUN's bill will do so for millions of working and retired women. This legislation makes sense and successfully highlights the discrepancy that exists between male and female retirees and it lays out several ways to narrow the income divide that exists between them.

The facts are clear. Older women are twice as likely as older men to be poor. According to the Older Women's League, more than 70 percent of nearly 4 million persons over 65 living in poverty are women. Fewer than 25 percent of older women receive any pension income. And in 1993, the median pension benefit received by new female retirees was half that of men. Given all this, we must keep in mind that once they reach 65 women live on average 4 years longer than men.

This bill helps Americans save for the future, and it will make retirement life more secure for millions of women. It is an important first step to addressing the many obstacles which women face as they try to plan for their futures and those of their children. I commend Senator MOSELEY-BRAUN for her leadership on this issue, and I look forward to working with her on behalf of working families across our Nation.

Mr. KERRY. Mr. President, I rise today to express my support for the Women's Pension Equity Act of 1996, and to thank Senator MOSELEY-BRAUN and Senators MIKULSKI, MURRAY, BOXER, and FEINSTEIN for their leadership on this important issue.

Mr. President, women are five times as likely to live out their final years below the poverty line. Research also indicates that almost 80 percent of widows living in poverty were not poor because their husbands died—while the same is not generally true of men, according to the General Accounting Office.

I am proud to say that my wife, Teresa Heinz, contributed important work toward this bill. In April, she sponsored a conference in Boston entitled "Women, Widows, and Pensions—The Unfinished Agenda." Senator MOSELEY-BRAUN was the keynote speaker and I believe many of the insights from the conference contributed to this bill.

But I also want to highlight a letter from a woman named Marian from Attleboro, MA. She wrote me recently that she just turned 81 years old and worked from 1934 to 1994. Because of family responsibilities, she had to take a total of 7 years off from work to raise her children. She said that since her various jobs paid less than what a man would make, she now receives a worker's benefit that is less than one-half the benefit that was earned by her husband when he was alive.

Mr. President, current pension laws do not take into account the circumstances of women in the work force. This bill takes an important step toward correcting pension inequities and helps to redress the overwhelming poverty suffered by older women.

The bill would require the IRS to create a model form for spousal consent for survivor annuities so that couples understand the consequences of taking a larger annuity during the husband's life and giving up the survivor annuity. The bill would also require the Department of Labor to create a model order so divorced spouses get the pensions they deserve.

Ultimately, we need fundamental reforms to address these pressing issues. Fewer women than men receive pensions and they receive less because they have fewer years in the work force: the average woman spends 11.5 years out of the work force largely due to greater time spent in nonpaying caregiving roles. Additionally, women earn less than men and are more likely to change jobs frequently and be affected by lack of pension portability and high vesting hurdles.

But, Mr. President, along with the President's recent pension initiative the Retirement Savings and Security Act, this bill will move toward a day when the laws governing our Nation's pension system are truly gender neutral and older women are not faced with living their final years in poverty.

By Mr. FRIST (for himself and Mr. HARKIN):

S. 1757. A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the act, and for other purposes; to the Committee on Labor and Human Resources.

EXTENSION OF THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT

• Mr. FRIST. Mr. President, today I am introducing a simple extension of the Developmental Disabilities Assistance and Bill of Rights Act. This act is the result of more than 25 years of national bipartisan collaboration to secure basic rights for our Nation's most vulnerable citizens.

Before the Developmental Disabilities Act was signed in 1970, Americans who happened to be born with developmental disabilities such as mental retardation and severe physical disabilities often lived and died in institutions where many were subjected to unspeakable conditions far worse than conditions found in any American prison.

As a nation, we had a lot to learn about how we could help people with developmental disabilities live more independent and more productive lives. We had a lot to learn about: How to help families find the strength to bring up their children with developmental disabilities in their family home; how to teach children with developmental disabilities in our schools; how to make room for these citizens to live and work in the heart of our communities; and how to ensure safe and humane living environments for those citizens with developmental disabilities who remain in residential facilities.

It has taken courage to face the fact that we had so much to learn. Because of the Developmental Disabilities Act, we have made tremendous progress across the Nation in all of these areas—education, living arrangements, and meaningful participation in community activities for many individuals with developmental disabilities. We are still learning.

When we reauthorize the Developmental Disabilities Act, we show that we support programs that help people with developmental disabilities continue to live independent and productive lives—and with as little bureaucracy and government intrusion as possible.

This goal was almost unthinkable two decades ago. New technology, new services, new professional practices, and new ways of thinking about Americans who have the most severe and lifelong disabilities have created opportunities beyond what we thought possible. Research has shown that the DD Act programs make significant contributions to this progress, and they do it with minimal Federal control.

The DD Act programs are flexible and responsive to the needs of consumers—people with developmental disabilities and their families—in each State. Federal funding is limited, so successful programs must leverage Federal funds by seeking State grants and training contracts, and grants from other sources. The programs have demonstrated that they can be cost-effective while attaining good results for the people who use them.

Since the DD Act was originally authorized, it has created a lean infrastructure of programs including, in each state, a university affiliated program to educate university students in developmental disabilities-related fields and to conduct research and training to meet the needs of State agencies; a Developmental Disabilities Council appointed by the Governor of each State to define and carry out State initiatives; and a protection and advocacy organization to provide legal assistance to persons with developmental disabilities, especially those who are living in institutions.

DD Act networks have been successful at creating new service models for people with developmental disabilities without creating new bureaucracies. With the 1994 amendments, made only 2 years ago, we can reauthorize it as it stands today and know that the continuous improvements we expect will be sought. As a nation, we are now able to create opportunities for many Americans with developmental disabilities to live and work in our communities, where services are decentralized and cost-effective. From this success, we have identified new challenges, and we still need to work to improve these community-based programs so they can meet any client's needs.

Clearly, our work is not finished. The simple and fundamental rights shared by every American citizen—to life, liberty and the pursuit of happiness—are not yet secure for those of us who have developmental disabilities. For this reason, it is essential that we extend the Developmental Disabilities Assistance and Bill of Rights Act this year. We must not forget the rights of Americans with developmental disabilities this year, or ever again.●

ADDITIONAL COSPONSORS

S. 615

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 615, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 953

At the request of Mr. DOLE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 984

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 984, a bill to protect the fundamental right of a parent to direct the upbringing of a child, and for other purposes.

S. 1150

At the request of Mr. SANTORUM, the names of the Senator from Kansas