

targeted at people with low incomes—even though the industry knows full well that these persons cannot afford to pile up credit card debt.

Supporters of the bill argue that the bankruptcy bill isn't a credit card industry bill. They argue that we had votes on credit card legislation, and, that some amendments passed and others did not. But, to deal effectively and comprehensively with the problem of bankruptcy, we have to deal with the problem of debt. We must ensure that the credit card industry doesn't abandon fair lending policies to fatten its bottom line, or ask Congress to become its federal collector for unpaid credit card bills.

I have this letter from the American Bankruptcy Service in St. Paul, MN. It references the "fresh start Visa Card."

They offer a unique opportunity that could be of great benefit to firms and their clients. By becoming a debtor, they will have the ability to market an unsecured Visa credit card—the fresh start card—to their clients who have filed for chapter 7 bankruptcy, if they have completed the "341 meeting" of creditors with no outstanding issues with the trustees, have not yet received a discharge in bankruptcy, or have attached a copy of the bankruptcy notice to their Visa application.

They say several law firms, especially those representing consumer debtors in bankruptcy, have requested the ability to distribute the "fresh start Visa" application to their clients. For each credit card issued, their firm will receive \$10.

The credit card industry is marketing to people who are already in bankruptcy.

Do we understand that? We heard all of the very pious speeches and statements—what we want is accountability; get those hard-working people and teach them the value of the dollar; teach them a lesson. Well, boy, this is apparently teaching someone a lesson here because they are already going to be eligible, according to the American Bankruptcy Service, to get another Visa card even though they have been in bankruptcy.

They are out there trying to tempt them, bring them in one more time, and squeeze out a few extra dollars. Where is the responsibility of the credit card industry in this area? Where is their accountability? Why is this all one way?

This bill is tough on women. It is tough on children. It is tough on workers who have had severe medical problems and had to get prescription drugs. It is tough on older workers who haven't gotten their Medicare and do not have health insurance. It is tough on all of them. But it is not very tough at all on the credit card industry that has contributed to the fact that this particular family or individual will be in bankruptcy.

Where is the fairness in this? It is not there.

Two years ago, the Senate passed good credit card disclosure provisions

that added fair balance to the bankruptcy bill. It's disturbing that the provisions in the bill passed by the Senate this year were watered down to pacify the credit card industry. Even worse, some of the provisions passed by the Senate were stripped from the conference report.

The hypocrisy of this bill is transparent. We hear a lot of pious Republican talk about the need for responsibility when average families are in financial trouble, but we hear no such talk of responsibility when the wealthy credit card companies and their lobbyists are the focus of attention.

The credit card industry and congressional supporters of the bill attempt to argue that the bankruptcy bill will help—not harm—women and children. That argument is laughable.

Proponents of the bill say that it ensures that alimony and child support will be the number one priority in bankruptcy. That rhetoric masks the complexity of the bankruptcy system—but it doesn't hide the fact that women and children will be the losers if this bill becomes law.

Under the current law, an ex-wife trying to collect support enjoys special protection. But under this pending bill, credit card companies are given a new right to compete with women and children for the husband's limited income after bankruptcy.

It is true that this bill moves support payments to the first priority position in the bankruptcy code, but that only matters in the limited number of cases in which the debtor has assets to distribute to a creditor. In most cases, over 95 percent, there are no assets and the list of priorities has no effect.

This issue has been debated and debated and debated. It is amazing to me, as we work in the remaining few hours of this session, that we are not considering increasing the minimum wage for workers who have waited a long time to get a \$1 increase from \$5.15 an hour. No, we are not willing to pass that legislation. We are not willing to come back and pass and give consideration to reauthorizing an elementary and secondary education bill. We are not being asked when we come back to even deal with the Patients' Bill of Rights. No, we are being asked to look out for the credit card industry in a very significant and massive giveaway. It is wrong. This bill does not deserve to pass. I hope it will not.

I yield the floor.

THE PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the Senator from North Dakota is to be recognized.

Mr. DORGAN. I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EARLY PRISON RELEASE

Mr. DORGAN. Mr. President, on November 23 the Washington Post had a story about a murderer that I want to call to my colleagues' attention. This is the picture of the alleged murderer, Elmer Spencer, Jr. The headline of the story reads: "Sex Offender's Arrest Makes an Issue of Mandatory Release."

Let me describe for a moment what I read in the story and how I related it to things I have spoken about on the floor of the Senate before and how disappointed I am that nothing ever seems to change.

The young boy who was murdered a couple of weeks ago was a 9-year-old from Frederick, MD. His name was Christopher Lee Ausherman. He attended fourth grade at the South Frederick Elementary School. He had two brothers. The story said he liked Pokemon cards and was developing a real passion for fishing. He was apparently in his neighborhood, very close to his home on the street or sidewalk, and then a maintenance found his badly beaten, naked body in a dugout at McCurdy Field in Frederick, MD. Christopher Lee Ausherman had been sexually assaulted and strangled.

The story described how the arrest was made. I want to talk about the fellow who has been arrested and charged with this murder. The fact that he was on the streets in this country to murder anyone is unconscionable and shameful.

Elmer Spencer, Jr. was sentenced to 5 years for assault and battery in 1977, 23 years ago, and released 3 years later. Within a year of his release, he raped and attempted to strangle an 11-year-old boy. He paid him \$20 to drink liquor and then tried to strangle him with shoelaces. Spencer left him unconscious after raping him. The boy regained consciousness as Elmer Spencer's attention was diverted, and miraculously escaped. Elmer Spencer was sentenced to 22 years in prison for that crime and released in 1994 after serving 14 years in prison.

In 1996, Elmer Spencer, Jr. was charged with attempted rape and three counts of assault. He attacked the police officers responding to the cries for help from a woman whom he was attempting to rape. He was sentenced to 10 years, and, amazingly, released on November 14 of this year, after serving just 3 and a half years.

Five days later, Christopher Lee Ausherman, a 9-year-old boy from Frederick, MD, was murdered by this man. Five days after being released from prison, having served 3 and a half years of 10-year sentence, this pedophile, this man who had attempted murder previously, killed this 9-year-old boy.

The question is, When will we learn in this country? We know who is committing the crimes, especially the violent crimes, in most cases. It is someone who has committed other violent crimes, been put in prison, and often released early.

I spoke to the family of this 9-year-old boy. There is not much you can do to console that family. They are grieving, obviously, for the loss of this young boy. But I told them some Members are working very hard to try to change the circumstances of release for violent prisoners.

I have spoken many times on this floor about other crimes that are exactly the same—different victims, but exactly the same. Young Bettina Pruckmayr—I brought her picture to the floor of this Senate—a 26-year-old human rights attorney who moved to this town with such great expectations and passion to do work in this area. On December 16, 1995, she was at an ATM machine and a man named Leo Gonzales Wright apprehended her there. He was a man who should have been in prison. He had committed many previous crimes.

At the age of 19, Leo Gonzales Wright was sentenced to 15 to 60 years for armed robbery and murder. He was released after 17 years. During those 17 years, he compiled a record of 38 disciplinary reports and transfers due to drug use, lack of program involvement, weapons possession in prison, and assaults on inmates and staff. Despite all that, he was let out early, so that in December of 1995 he was on the streets here in Washington, DC. He was able to stab young Bettina Pruckmayr 38 times. It wasn't that we didn't know he was a violent offender. He had used a butcher knife just four days earlier to rob and carjack a female motorist. While on probation and parole, he was picked up for drugs and let right back out on the streets. As a result, Bettina Pruckmayr was killed.

Jonathan Hall. I have spoken about Jonathan Hall here on the floor of the Senate; it is exactly the same story. Jonathan was a 13-year-old from Fairfax, VA. The boy had some difficulties, but in the newspaper stories I read about young Jonathan neighbors described him as a smart young boy, starved for affection. His mother reported him missing in December, 1995. Twelve days later, his body was found at the bottom of a pond near his home. He had been stabbed over 60 times with a phillips-head screwdriver. After this young boy had died, they found grass between his fingers. Despite being stabbed 60 times, he was not dead when his attacker left him. This young boy tried to claw his way out of that pond, and they found grass and mud between his fingers, but he didn't make it. James Buck Murray, who lived right there in the neighborhood, killed him. Why was he living there? In 1970, Murray was sentenced to 20 years for slashing the throat of a cab driver, stealing the cab, and leaving the driver for dead. But a mere 3 years later, while on work-release, he abducted a woman, was convicted of kidnapping, and sent back to prison. But again he was let out. And then young Jonathan Hall, of course, was murdered. By someone we knew? Of course. By someone violent?

Of course. Murray had been put in prison and released early.

Shame on those who run our prison system. Shame on the laws that exist, that allow this to happen.

I have asked, in this recent case in Maryland with Christopher Lee Ausherman, how could it be that a man who has been involved in such violent crimes—how could it be that, when sentenced to 10 years, he is released after 3½? This is after many other crimes, mind you, and 5 days after his release, he kills a 9-year-old boy. How can it be he is released that early?

The answer? Unforgivable ignorance in the construction of public policy. I am sorry to say that about those who did it, but I cannot contain myself. Those who did it say those who served in prison for previous convictions can accumulate additional good-time credits at an accelerated pace against their current sentence because they have been in prison before. That is ignorance. We ought not reward anyone with ample or better good-time benefits because they served in prison before. Violent offenders ought to be put in prison and that ought to be their address until the end of their prison term. End of story.

I am so sick and tired of reading stories about innocent people—and I have mentioned just three. I have many more. I am so sick and tired of reading the stories about state governments that allow violent offenders out of prison to walk up and down the streets of this country and kill again.

Do you know, if you live in the United States of America you are seven times more likely to be murdered than if you live in France? The murder rate in our country is 7 times that of Germany, 6 times that of Israel, 10 times that of Japan, 7 times that of Spain. Is there something wrong here? I think so.

Let me show you what is happening in our prison system. For all the talk about truth in sentencing, if state convicts you of murder in this country on average you are going to be in prison 10 years. You are going to get sentenced for 21 years but you are going to be serving about 10 years in prison for murder. Rape? You can expect to serve about 5 years in prison. They will sentence you to 10 on average, but you are only going to be there about 5. For robbery you are going to be sentenced to a little over 8 years, perhaps, and you will serve 4 years.

What is the answer to all this? Why are these folks let out early? Why would we decide in this country that a murderer should only serve half of his or her sentence? The prison authorities and others who construct these laws tell us the reason they have to dangle good-time benefits in front of these prisoners, including violent offenders, is because it allows the authorities to better manage them while in prison. In other words, if they behave while in prison they can get out early. That is a terrific incentive, they say, for prison inmate management.

I wonder, I ask the question about the management of Elmer Spencer, Jr. I wonder if I could get names of the people who decided the best way to manage Elmer Spencer, Jr.'s time in prison was to dangle in front of him the opportunity to be released 7 years early, so he could be on the streets in late November of this year and murder a 9-year-old boy? I guess the word is "allegedly murdered him" because he is now charged with the crime, but am told there is little question about the guilt in this case.

I wonder if we could have the names of those who have decided it is appropriate for James "Buck" Murray to be on the streets, or Leo Gonzales Wright to be on the streets after being convicted of murder, only to murder again; violent criminals to be back on the streets so Bettina and young Jonathan and all the others are victims.

What is the answer? The answer is simple. This is not rocket science. It is simple. It is to decide as a policy—as I have advocated for some while, regrettably unsuccessfully—that in this country we distinguish between those who commit violent crimes and those who commit nonviolent crimes. In my judgment, we ought to have a judicial system in America that says: If you commit a violent act, understand this. All over America, understand this and listen well: If you commit a violent act, there will be no good time, there will be no parole, there will be no time off for good behavior. You will go to prison and the sentence administered by the judge in your trial will be the sentence that you serve in prison. No time off for good behavior—period.

We need to do that in this country. I have tried and tried and tried again in this Senate to advance that public policy, unsuccessfully. But I am not going to quit. This 106th Congress is ending without great distinction. We didn't even discuss the issue of violent crime. We should. I hope we will in the 107th Congress. I hope perhaps there are Republicans and Democrats who understand that there is nothing partisan about this issue. But there is a crying need in this country to decide that violent offenders must be put away and kept away for their entire term of incarceration.

In 1991, the Bureau of Justice Statistics found there were 156,000 people in State prisons for offenses that they committed while they were on parole from a previous conviction.

Let me say that again because it is important: 156,000 people were incarcerated for criminal offenses that they committed while they were out on parole from a previous prison sentence.

That is exactly the case in the description of the murder I started with today. It is exactly the case with Elmer Spencer, Jr., out early and a 9-year-old is dead. This is not an unusual story. I could speak for 2 hours and more, and not just about Maryland or Virginia or the District of Columbia. There is a courageous young woman

from North Dakota named Julie Schultz. Julie Schultz is a friend of mine, a mother of three from Burlington, ND. She was going to a League of Cities meeting in Williston, ND, on a quiet North Dakota highway on an afternoon with very little traffic and stopped at a rest stop. At this rest stop Julie Schultz, mother of three, encountered a man named Gary Wayne Puckett, who should have been in prison but was released early in the State of Washington. This issue knows no State boundaries. He assaulted Julie Schultz and then slit her throat and left her for dead.

I won't describe the events that allowed her to survive, but they were quite miraculous. But Gary Wayne Puckett should never have been near a rest stop on a highway in North Dakota on that day. He was released early.

Again, we know better than that. State governments should know better than that. Public policy should know better than that. We can do better than that.

It is my intention to reintroduce in the coming Congress, in January in the coming Congress, legislation that I have introduced previously. That is legislation that would provide financial penalties in the truth-in-sentencing grants that are given from the Federal Government to the State government, for those States that fail to enact laws that eliminate good-time credits, eliminate the dangling of time off for good behavior. My legislation will use these funds to provide financial incentives for states that say, instead, by statute: If you are convicted of a violent crime, understand your address will be your jail cell until the end of your term.

When and if we do that in this country, finally, innocent people walking up and down the streets of America will not be threatened by a violent murderer, a kidnaper, a killer, a rapist, someone who is let out early, and poses a severe threat to innocent citizens like Christopher Lee Ausherman.

Mr. President, my understanding is the Senate is now in morning business but there will be additional debate on bankruptcy; is that correct?

The PRESIDING OFFICER. At the conclusion of the Senator's remarks, Senator GRASSLEY will be recognized to speak on the bankruptcy bill.

Mr. DORGAN. Mr. President, as soon as Senator GRASSLEY comes to the floor, I will be happy to relinquish the floor. I want to speak for 2 minutes on another subject. As soon as he comes, I will suspend.

THE ECONOMY

Mr. DORGAN. Mr. President, I worry very much that we are facing a slowdown in our economy that could be very significant. I hope Mr. Greenspan and the Federal Reserve Board in December will decide they should begin to cut interest rates. Six increases in in-

terest rates since June 1999 have clearly slowed growth in this country in a way, in some respects, that put us in a perilous position, with the liquidity crisis and a range of other issues that could very well derail the longest and strongest period of economic growth in American history.

I will speak more about this later because I see Senator GRASSLEY is about ready to speak on bankruptcy. I do want to say this. I have come to the floor previously when the Federal Reserve Board was searching for evidence of inflation—searching in closets, under beds, in virtually every crevice, trying to find some evidence of inflation, and used that fear to increase interest rates six times. We have had the highest real interest rates for many years in this country, and they threaten, in my judgment, to derail this economic growth.

I hope the Fed in December will think seriously about beginning to reduce interest rates to preserve an opportunity for continued growth.

Mr. President, I yield the floor.

MAJORITY COMMITTEE ASSIGNMENTS

Mr. GRASSLEY. Mr. President, pursuant to S. Res. 354, on behalf of the leader, I submit the following two Republican Senators to be members of standing committees of the Senate. The appointments that will be made are Senator NICKLES to be a member of the Banking Committee and Senator VOINOVICH to be a member of the Agriculture Committee.

The PRESIDING OFFICER. The appointments will be made.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Continued

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the previous debate time with respect to the bankruptcy bill begin at 1:45 p.m. on Thursday, with a vote then to occur on passage at 3:45 p.m.

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

Mr. GRASSLEY. Mr. President, I rise today to speak yet again on the topic of bankruptcy reform. Yesterday, we invoked cloture on the Bankruptcy Reform Conference Report with 67 votes. That's a solid bipartisan level of support. We have a conference report where both the majority leader and the minority leader voted to cut off debate. At long last, Congress is on the verge of enacting fundamental bankruptcy reform. Earlier this year, the Senate passed bankruptcy reform by an overwhelming vote of 83-14. Almost all Republicans voted for the bill and about one-half of the Democrats voted for it as well. Despite this, a tiny minority of Senators used unfair tactics to prevent us from going to conference with the House of Representatives in the usual way. So, we put the bankruptcy bill

into another conference report. The important thing about this conference committee—which I have said before but want to reiterate now—is that the committee was evenly divided between three Democrats and three Republicans. There was no Republican majority on the conference committee. We would not be here if not for support from Democrats on the conference committee. So all of these objections to the effect that Republicans used some procedural trick to avoid dealing with the minority is simply and flat out false.

As I am speaking, the House passed the bankruptcy conference report by a voice vote. We are almost there. And with the level of bipartisan support demonstrated in yesterday's vote, I am confident we'll send the best bill we can to the President.

As I have stated before on the Senate floor on numerous occasions, every bankruptcy filed in America creates upward pressure on interest rates and prices for goods and services. The more bankruptcies filed, the greater the upward pressure. I know that some of our more liberal colleagues are trying to stir up opposition to bankruptcy reform by denying this point and saying that tightening bankruptcy laws only helps lenders be more profitable. This just is not true. Even the liberal Clinton administration's own Treasury Secretary Larry Summers indicated that bankruptcies tend to drive up interest rates, Mr. President, if you believe Secretary Summers, bankruptcies are everyone's problem. Regular hard-working Americans have to pay higher prices for goods and services as a result of bankruptcies. That's a compelling reason for us to enact bankruptcy reform during this Congress.

Of course, any bankruptcy reform bill must preserve a fresh start for people who have been overwhelmed by medical debts or sudden, unforeseen emergencies. That is why this conference agreement allows for the full, 100 percent deductibility of medical expenses. This is according to the non-partisan, unbiased General Accounting Office. Bankruptcy reform must be fair, and the bicameral agreements on bankruptcy preserves fair access to bankruptcy for people truly in need.

These have been good times in our Nation. Thanks to the fiscal discipline initiated by Congress, and the hard work of the American people, we have a balanced budget and budget surplus. Unemployment is low and so is inflation. But in the midst of this incredible prosperity, about 1½ million Americans declared bankruptcy in 1998 alone. And in 1999, there were just under 1.4 million bankruptcy filings. To put this in some historical context, since 1990, the rate of personal bankruptcy filings has increased almost 100 percent.

Now we see signs of slowing in the economy. We see consumer confidence declining. We see the stock market losing value. We need to fix our bankruptcy system before a recession comes