

September 30, 1996

Mr. FORD addressed the Chair. The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I yield myself up to 5 minutes from the leader's time on this side.

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

#### OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. FORD. Mr. President, I want to express my disappointment that the banking provisions of the omnibus appropriations bill currently before us fails to include a very important licensing provision for bank insurance sales. Over the past few weeks, I have heard from hundreds of insurance agents in Kentucky who believe it is only fair that all professionals who sell insurance, regardless of what institution one may be affiliated with, be licensed by the appropriate State agency. Regrettably, in the push to leave town and adjourn for the year, the negotiators failed to include this important measure in the banking provisions of the appropriations legislation.

The State licensing question recognizes one simple straightforward issue—the commonsense notion that anyone selling insurance should be licensed. No one questions the fact that lawyers, doctors, real estate agents, and other professionals must pass examinations and be licensed by the appropriate State authority. Insurance agents are professionals, whether they work for a bank or an insurance agency. I see no distinction.

Mr. President, the licensing standard would establish an important safeguard to ensure fair competition in the insurance marketplace. Allowing bankers or any other professional to escape licensing standards represents an unfair advantage over insurance professionals who have diligently met such standards for years. Anyone selling insurance to consumers, bankers and agents alike, should be sanctioned by the proper State authority.

Perhaps more importantly, Mr. President, this issue is about more than a level playing field for insurance agents. It is about confidence and trust. By requiring licensing for insurance sales, Congress will reassure American consumers as they seek insurance protection for their families, homes, automobiles, and their lives, that their agent has a license, meets State education requirements, and all appropriate qualifications. This is no small consideration. I believe American consumers rely on and trust the individuals they consult for financial decisions, whether that individual is an insurance agent, lawyer, or a realtor. We must ensure that minimal standards are met in order to preserve this important confidence.

Mr. President, it is my sincere hope that Congress will address this important issue next year when we return. I believe it is about common sense and fairness. However, above all, this issue represents sound, public policy and would safeguard the trust consumers place in insurance professionals. Again I say, Mr. President, I hope that Congress will take action soon after we return next year to ensure this trust continues.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BRYAN. I yield myself 7 minutes.

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

Mr. BRYAN. I rise today to bring to my colleagues' attention the enactment of a vital piece of consumer legislation. In fact, I believe that the Fair Credit Reform Act of 1996, which is incorporated in the continuing resolution that we are about to vote upon, marks the most significant piece of consumer legislation enacted in this Congress.

This legislation will improve the accuracy of credit reports and it will reduce the frustration of tens of thousands of Americans as they experience difficulties with inaccurate information in their credit reports and the consequent difficulties of getting that inaccurate information removed.

Mr. President, it has been more than a quarter of a century since the original Fair Credit Reporting Act was enacted by the Congress. While the credit reporting industry has initiated a number of improvements voluntarily, the time has come to update the law. Senator BOND and I have been working on problems that individuals experienced with correcting inaccuracies in their credit files for more than 5 years. Errors in consumer credit reports have been the No. 1 item of complaint at the Federal Trade Commission and States attorneys general have experienced similar levels of complaint.

That is why this legislation is so vitally needed. Credit financing has become a way of life for us in America. It is an integral part of our economy and it is hard to imagine our lives without it. Without the credit reporting system consumers would not have the easy access to credit that they now enjoy and America's economy would suffer as a consequence.

The credit reporting industry keeps files on more than 190 million Americans, sells more than 1.5 million credit reports each and every day, and makes over 2 billion new entries each and

every month. With this kind of overwhelming data flow there are bound to be mistakes in the system. Most of the time, errors are unintentional but they can be very damaging. While we expect mistakes when 2 billion bits of information are entered into a credit reporting system every month, what we should not tolerate are companies that show little regard for the accuracy of the information they provide to credit bureaus, and we should not accept the frustrations that consumers experience in trying to get erroneous information removed from their records.

Mr. President, even as I speak, people are being turned down for student loans, car loans and mortgages. People are being turned down for jobs and for promotions all because of faulty information in their credit reports. While we will never eliminate human error or computer error altogether, I believe we can and should do a substantially better job. Over the past 5 years I have been working on this, the Senate has held extensive hearings on this topic. We heard that the credit reporting system, in a majority of cases, works extremely well and benefits American consumers by providing them with ready access to credit. However, we also heard from far too many consumers who endured frustrating experiences in getting errors removed from their credit files.

I remember a hearing that we had in Nevada in which two cases come to mind. One involved a Bill and Barbara Kincaide from a small town in northern Nevada, McDermitt, who corrected a mistake on their credit report that arose when their bank sold their mortgage to another institution. They believed that they had corrected that information. Three years later, they discovered that the erroneous entry had reappeared on their credit history when they were turned down for a loan to finance a satellite dish. Our legislation would prohibit the reinsertion of deleted information without notifying the consumer first.

I also remember the story of Mary Lou Mobley who almost had to drop out of graduate school after she was denied a school loan because her credit report reflected that she was married to a man from Arizona with numerous financial defaults. The problem, Mr. President, is that Mary Lou had never been married, never been to Arizona. Although Mary Lou had an excellent credit history other than this erroneous entry, she was required to obtain a cosigner on a student loan and pay a significantly higher interest rate in order to process her loan. Four years later, after graduating from school, she was victimized once again by the same erroneous information and denied a car loan. These kind of stories demonstrate the need to improve our system of getting errors fixed.

There are two provisions in this legislation which are especially important

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to fix the gaps in the current system. First, the bill creates a consumer friendly process for removing mistakes from your file. Anyone who has tried to correct a mistake in their credit history knows firsthand the immense frustration it causes.

The consumer has to prove the information in his or her report is erroneous. This can often be exceedingly time consuming, costly and, in some cases, nearly impossible to prove the negative; namely, that the individual whose credit history is erroneously inserted in the applicant file for credit is not that same individual. Consumers should not be burdened with these costs and these frustrations.

The legislation, which we will adopt in a few hours, changes the burden of proof from the consumer to the credit reporting agency when the consumer notifies the credit reporting agency that the information reportedly contained in his or her file is erroneous. Once that notice is given to the reporting agency, the reporting agency has 30 days to verify the information. If the reporting agency is unable to verify the information, the erroneous information must be removed.

The second critical feature of this bill deals with those companies that furnish information to credit bureaus. The information in the credit bureau database is only as good as the data sent in by banks, retailers, and other furnishers of credit information. This legislation makes these furnishers of information liable if they fail to correct mistakes after consumers brought such mistakes to their attention.

While none of us want to discourage companies from supplying accurate information to credit bureaus, it is equally important to hold them accountable for the accuracy of the data they supply. This legislation will provide companies with the necessary incentives to improve their reporting and, thus, result in fewer mistakes.

Mr. President, I want to say a word about one of my colleagues with whom I have worked on this issue for the past 5 years—Senator BOND. He and I have worked closely on this legislation. With his support and that of his staff, we have been able to progress to the point where in a few short hours, this legislation will have passed the Congress and on its way to the President for signature.

Interested parties have very strong feelings about this legislation. Senator BOND and I have spent countless hours trying to bridge these differences. And I greatly appreciate his persistence and determination in working toward reform of the credit reporting system.

Let me also say, as every one of my colleagues know, major legislation such as this is not enacted without the strong and continuous support of very effective staff backup. I want to cite one of my staff members in particular,

and mention some others before concluding my comments.

Andy Vermilye has given literally hundreds and hundreds of hours, a frustrating experience as progress was offset by other problems that surfaced as this legislation was processed. In the 103d Congress, we had this legislation cleared in both Houses. A change was made at the last minute, and because it was the concluding day or two of the session, one colleague was able to hold up this legislation and literally wipe out the work of Senator BOND and our respective staffs, but particularly my legislative director, Andy Vermilye.

So back again we came, and now we are on the threshold of victory. The record on this legislation should reflect that without Andy Vermilye's patience and persistence, this legislation would not have occurred.

Other staffers need to be mentioned: Kris Siglin, Maggie Fisher, and Mark Kaufman, who have gone on to greener pastures, but labored mightily in behalf of the cause. John Kamart, Susan McMillan, Doug Nappi, and Kimberly Cobb worked long and hard on this bill. Amy Friend and David Medine were instrumental in getting this passed. Michele Meier, Ed Merwinski, Emmitt Carlton, Mike MacInney, Tim Jenkins, and Barry Connely deserve recognition for their contributions on this bill as well because all sectors—both the business community and consumer interests—are involved in making this legislation a reality.

Mr. President, this legislation marks an important event for consumers in our country. We are making significant improvements in the credit reporting system, and the lives of thousands of Americans who have encountered difficulty in their credit reports will be made easier as a result of the changes made by this legislation.

Mr. President, I yield the floor.

Mr. HATFIELD addressed the Chair. The PRESIDING OFFICER. The Senator from Oregon.

#### SENATOR HATFIELD'S STAFF

Mr. HATFIELD. Mr. President, I would like at this time to take a few moments to reflect on my leaving the Senate, and to comment upon the extraordinary staff that I have enjoyed over the years, the tremendous work that they do every day, and the staffs for all of the Senators I am sure would mete some of the same comments and earn some of the same accolades that I would like to extend to my staff.

I have always said that I believed that the soul of my office is really the casework where you can make a difference in the life of some individual—it may be a Social Security check that is fouled up; it may be an immigration problem in which a family can be reunited. We all have similar work in this category. But I really think that

has probably more bridge-building impact upon people thinking and knowing that their Government does care and that they have compassion.

I would like to thank particularly Melanie Curtis, Chris Tye, Chris Brown, and Lisa White. They have served the people of my State in an extraordinarily capable and compassionate fashion.

My Washington office has been kept running by a dedicated group of administrative professionals led by my office manager, Lynn Baker, who, like many in this Senate, is raising a family as a single parent and juggling her workload in order to meet both her duties to the office and, more especially, to her young son. She is assisted by a dedicated group of Senate professionals as well.

I am sure that no Senator fully knows all the details that go into the creating of a daily schedule. We all carry these little cards around. We all know, too, that situations change during the day. Brenda Hart has been, for the last 5 years, my chief scheduler. She has been a confidant, she has been a political operative, and she has been the cheerleader of our office by her extraordinary talent of baking. She keeps that bakery going at her home and brings the results to the office to share, whether it is late at night or whether it is during the day. I think she is the first to arrive in my office in the morning and the last to leave. I can't believe that an office could run more smoothly than she directs. One of the newsmen the other day dubbed her the den mother for all the people in my office. I refer to her as mother superior, as she takes a very direct role by not just handing me a card, but she helps direct me.

Of course, the reason we are here is to pass legislation, and there is no legislative staff I feel that is as skilled mine. I take great pride in all parts of my office, especially the legislative staff.

For some 6 years a young lady by the name of Sue Hildick has been my legislative director. She became my legislative director at the age of 26. I doubt that history will show that a legislative director of an office has started that undertaking being so young, but she has done it as a mature professional with great judgment, along with all of her directing and coordinating of legislative staff.

Of the 14 members of my policy team, 11 started in my office as interns, including my chief of staff, Steve Nousen.

Mr. President, we all know that offices have to have a tight hand. They have to have an understanding hand, and I believe that Steve Nousen has performed that duty in such an extraordinary way in terms of efficiency and keeping a happy, well-run operation. I suppose I would say that Steve

had a very good beginning. He had professional training as a schoolteacher and as a civics teacher in a high school in a small community in my State. There in small communities you know everyone. Everyone knows you. They know your strengths. They know your weaknesses and yet you have to be a good neighbor especially in school because parents in that type of school take a very active interest. As a consequence, they are watching you as well to inspire, teach, and to set the example before their children. Steve Nousen, as I say, has a great and wonderful record as my chief of staff, has my total confidence.

There are three members of my staff as part of my legislative team: Doug Pahl, Karen Matson, and Kristi Gaines. They earned their law degree while going to night school and carrying a full load during the day as staff members. I am proud of that record. Ken Hart, my current press secretary, started as an intern and finished his master's degree program at American University while serving as a staff assistant. I come from an academia background, and, of course, there is nothing that gives me more satisfaction than watching my staff grow in maturity and academic accomplishment. We have been supportive of their efforts. These are a few of them that I refer to, not every single person, because that would take us into a time beyond my allocation at this moment.

I have praised my staff on the Appropriations Committee many times because each bill we have keyed in upon the performance of the staff in charge, but let me again refer to the chief of staff of the Appropriations Committee. I have to say that he came as an intern from the divinity school at Duke University. He was headed for the Methodist ministry. I feel sort of a guilt complex here at the moment because in coming as an intern he never left. So the Methodists have suffered as a result. I have always said, being ecumenical, my previous staff director came from the Princeton seminary and never returned. I think they are doing the Lord's work when they are involved in public service, and I think we will know they affected the kingdom in a very special way at some point in the future.

Keith Kennedy came, as I say, as an intern and almost 25 years later we have reached this point of our relationship. Again, I would have to have volumes to describe the history, the experiences we have shared together. But I like to think that because we have really a comparatively low turnover, probably the least turnover—I know a few years ago there was a survey done, and we had the least turnover of any staff in the Senate. I would think the longevity of that staff adds to their abilities and the quality of their service to the citizens of this country.

I just have to say I have been blessed by the quality of the people who have served and are the working relationships that I have enjoyed. I have learned a great deal from my staff. I have learned that young people are so enthusiastic. They have so much trust and faith in the system, this great political system of ours and they are determined to make it work, and so individually and corporately I take my hat off to one of the great reasons why I have been able to stay here for 30 years and have achieved a certain degree of success in a certain number of fields.

Mr. President, I wish to take this opportunity to add to the remarks that I just made to further commend the excellent staff that we are fortunate to have here in Congress.

Over the course of the last week, I have had the opportunity to see the Appropriations process at work like few others do. Working around the clock, our negotiations with the House of Representatives and the White House was an all consuming task. Mr. Panetta and OMB Director Raines ably represented the priorities of the White House while Congressmen LIVINGSTON and OBEY did the same for the House.

I wish to highlight the efforts of three people who are the mechanics of this effort. The people who ensure that the decisions that are made are translated into words that are properly included in the bill and report and do what is intended they do.

John Mikel and Dennis Kedzior of the House Appropriations Committee and Jack Conway of the Senate Appropriations Committee are the mechanics that have so developed the confidence of both bodies that we can confidently vote on this large piece of legislation knowing that it is technically correct and properly drafted.

With over 60 years of combined service to the Federal Government, their commitment to the process and making government a better place serves as an example for all who work here.

Mr. President, I suggest the absence of a quorum to be—first of all, Mr. President, what is the time factor remaining?

The PRESIDING OFFICER. The Senator controls 58 minutes 20 seconds; the minority controls 70 minutes.

Mr. HATFIELD. Mr. President, I would suggest the absence of a quorum. I ask unanimous consent that it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I think under a unanimous-consent agreement I am to be recognized now for 5 minutes. Is that correct?

The PRESIDING OFFICER. That is correct. The Senator is recognized for 5 minutes.

Mr. PRYOR. I thank the Chair for recognizing me.

#### FEDERAL AVIATION ADMINISTRATION AUTHORIZATION

Mr. PRYOR. Mr. President, I stand here this afternoon in the waning hours of this Congress urging our colleagues to support not only the FAA reform authorization bill but to urge with all my heart this body to include the language adopted by the conference offered by Senator HOLLINGS of South Carolina, the so-called Hollings amendment. I think that we should approach this rationally. I think that we should approach this matter with understanding and certainly with truth, a calm atmosphere. I know it has gotten remarkably emotional in the last several hours.

First, I hope our colleagues will know that this is not some amendment offered by the Senator from South Carolina to make it difficult for unions to organize. It is not a union-bashing amendment. It is nothing of the sort.

Furthermore, in my humble opinion, this was a mistake. It was a mistake when we phased out the Interstate Commerce Commission and moved those areas of concern and jurisdiction to other parts of our Government. Clearly, there was a disclaimer by the Congress and it said in section 10501 of the Interstate Commerce Commission Termination Act—it has been cited in the Chamber by the distinguished Senator from South Carolina. Once again I will cite that language:

The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of the employees and employers by the Railway Labor Act.

That is precisely what I think this debate is all about. Why the so-called express carrier language was omitted in 1995, I, frankly, do not know. I think it was an error. I think it was a drafting error.

If that be the case, then I think it is incumbent upon this body to cure that error and to set the record straight. I do not believe that one person can be produced who can come and testify before this body, or tell this Senator, or perhaps any other Member of this body, that this was not an error. I do not know who that person is.

That is notwithstanding a report that is being cited freely on the floor of the Senate this afternoon by the American Law Division of the CRS, the Library of Congress.

In all due respect to whomever authored this particular rendition of what they felt the law was, I think

that this is, perhaps, one of the most confusing, ambiguous memoranda that I have read from this erstwhile very, very reputable division of the Library of Congress.

This flies also in the face of the staff of the Senate Commerce Committee and also of the staff of the House of Representatives Commerce Committee. Mr. President, I ask unanimous consent their rendition of what actually happened in this area be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 28, 1996.

Hon. ROBERT LIVINGSTON,  
Chairman, Committee on Appropriations,  
Washington, DC.

DEAR BOB: I understand that some questions have been raised recently concerning the effect of the recently enacted ICC Termination Act on the Railway Labor Act. The new statute replaces the ICC with a Surface Transportation Board at the Department of Transportation. It also explicitly states in 49 U.S.C. 10501(c)(3)(B) the intention of the Congress that the ICC Termination Act is not to change the coverage of any employer or employee under the Railway Labor Act. This was the clear understanding of the Transportation and Infrastructure Committee, the Senate Commerce Committee, and the members of the conference committee. If there are any ambiguities in the new law concerning its effect on the Railway Labor Act, they were created unintentionally. Any such ambiguities should not be allowed to negate the clear intent stated in Section 10501(c)(3)(B).

I hope you find this information useful. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

SUSAN MOLINARI,  
Chairwoman, Subcommittee on Railroads.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 12, 1996.

Hon. TRENT LOTT,  
Majority Leader,  
U.S. Senate, Washington, DC.

Hon. NEWT GINGRICH,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. MAJORITY LEADER AND MR. SPEAKER: We are writing to you to set out the facts regarding a technical error in the ICC Termination Act of 1995, Public Law 104-88. The mistake concerns the context in which the ICC Termination Act addressed the relationship between the economic regulation of transportation under Subtitle IV of Title 49, United States Code, and the Railway Labor Act (45 U.S.C. 151 et seq.).

The ICC Termination Act abolished the former Interstate Commerce Commission, reduced economic regulation substantially in both rail and motor carrier transportation, and transferred the reduced but retained regulatory functions to a new Surface Transportation Board, part of the Department of Transportation.

One form of ICC regulatory jurisdiction under the former Interstate Commerce Act was exercised over "express carriers"—as defined in former 49 U.S.C. 10102, a person "providing express transportation for compensation." This was part of the ICC's jurisdic-

tion, since express service originated as an ancillary service connecting with rail freight service.

The Railway Labor Act included in Part I coverage of "any express company . . . subject to the Interstate Commerce Act." [45 U.S.C. 15]

In the ICC Termination Act, economic regulation of express carriers was eliminated from the statutes to be administered by the new Surface Transportation Board, on the ground that this form of regulation was obsolete. (Another category of ICC and Railway Labor Act "carrier"—the sleeping-car company—was similarly eliminated from STB jurisdiction.)

In light of the abolition of economic regulation, the ICC Termination Act contained a conforming amendment (Section 322, 109 Stat. 950) which also struck the term "express company" from the Railway Labor Act definition of a "carrier." Although unaware of any possible effects of this conforming change on the standards applied under the Railway Labor Act, Congress plainly delineated its intent in new Section 10501(c)(3)(B) of Title 49, U.S. Code [109 Stat. 808]: "The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employers and employees by the Railway Labor Act."

The apparent contradiction between the legislative intent stated in Section 10501(c)(3)(B) and the conforming Railway Labor Act in Section 322 could be interpreted to alter the legal standards by which companies are determined to be governed, or not governed, by the Railway Labor Act. Therefore, a technical correction is necessary to restore the former Railway Labor Act terminology and thus avoid any inference that is at odds with the clearly stated legislative intent not to alter coverage of companies or their employees under the Railway Labor Act.

We hope that this brief summary of the facts will provide you with information useful in your future deliberations.

Respectfully,

BUD SHUSTER,  
Chairman.  
SUSAN MOLINARI,  
Railroad Subcommittee  
Chairwoman.

Mr. PRYOR. Mr. President, it is very clear to me that there is, in fact, confusion. But the quickest and best way to eliminate that confusion is to simply support the Hollings amendment, return us to 1995, December, under that particular Act which for 62 years guided and had jurisdiction over "express carriers."

We could go into a long legal argument, and I am sure that legal arguments will be made on the floor of this body as to who is right and who is wrong. The substance of this issue must and should be debated. But now is the time, we think, that we should correct the issue, that we should go back to where we were, that we should once again set the record straight and start from there.

If hearings are needed next year, that is fine. But we should in this legislation support the Hollings amendment to the FAA Authorization and Reform Act.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield 10 minutes.

Mr. MCCAIN. Mr. President, I believe under the previous unanimous consent agreement I had 10 minutes, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Then I seek recognition.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator from Arkansas for his support of the Hollings amendment. I pray, because of the importance of this legislation, that we get an agreement and get moving on this. I again thank the Senator from Arkansas for his continued support and his statement in support of very important legislation. I hope, following the vote on the CR, we will take that bill up and get it resolved tonight. I hope.

#### OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. MCCAIN. Mr. President, I applaud the managers of the bill and the leaders for all the hard work and long hours they have put into crafting this bill. The mere size of this bill alone—if we look at it here, 2,000 pages—is testament to the immense amount of work that they have done.

I also, of course, express my special thanks and appreciation to the Senator from Oregon, Senator HATFIELD, who not only this year but every year for the previous 30 years has done such a magnificent job. He will be sorely missed, not only because of his accomplishments, but because the Senator from Oregon has always, invariably, unwaveringly been a gentleman, and his unfailing courtesy to all of us, even if there is significant disagreement, will not only be long remembered but, I am sure, from time to time deeply missed.

There is much in this bill that merits support. The bill funds six Cabinet departments and hundreds of agencies and commissions. We must fund these departments and keep the Government open and operating. That is our duty.

Before I go on, I also want to pay special thanks to Keith Kennedy, who, again, unfailingly has been courteous and considerate to me for many years now. The work he has done will never be fully appreciated except by those of us who have observed the incredible labors which he has had to go through in satisfying some pretty enormous egos, and balancing the very difficult, competing priorities that exist here. I do not know of anyone who has done the job the way that Keith Kennedy has, not only for the State of Oregon, not only for the Appropriations Committee