

you fill out a form, and he files a bankruptcy, and he hardly even talks to the client. That too often happens.

In credit counseling, the person sits down with the credit counselor. They go over their income. They talk about how they can pay that off. Maybe the banks or the credit card companies would reduce their interest rates if the person could make regular payments and not go into bankruptcy. They help them deal with problems in families such as gambling addiction. I have been talked to credit counseling people across this country. They are telling me that gambling is a big factor driving bankruptcy filings. Maybe Gamblers Anonymous would be the right thing for them.

Maybe there is a mental health problem, depression in the family or other things that these people who are not sophisticated in finance did not know would be available to them to help them overcome their debt problem. So I think that would be a great thing. It is not going to eliminate huge numbers of filings, but I assure you, I believe we will have a number of families helped by this personally, maybe marriages saved. And it will help them develop a plan to pay off this debt and avoid the stigma of bankruptcy. It would be a good thing and is an important part of this bill. I am confident of this because on my study of this issue. I offered an amendment to this bill which was adopted.

The bill also requires, during bankruptcy, that people who do declare bankruptcy participate in a debt management class. We found in some districts as much as 40 percent of the bankruptcy filings are by people who filed bankruptcy before. We need to educate them on some basic principles of how to manage their money and hopefully they will not come back again and other debts will not be abrogated.

This legislation would require debtors to provide more financial information, including tax returns. It provides for random audits requiring referrals for possible criminal prosecution. I was a Federal prosecutor for 15 years and we formed a bankruptcy fraud task force to deal with this problem. The truth is that there are very, very few bankruptcy fraud prosecutions in America. This is Federal court. We expect people to be truthful in what they submit, and those who are not honest must suffer criminal sanctions, or the word will get out among the bankruptcy lawyers that it doesn't make any difference and that nothing will ever happen to you if you are not candid and truthful in filling out your statements.

It also allows creditors to represent themselves; that is, people to whom money is owed can go down to bankruptcy court to represent themselves without a lawyer. The Presiding Officer here today, Senator GRASSLEY, felt very strongly about that provision. And the truth is, it is a key issue. If

you have a \$500 debt owed to the garage, the furniture store, the jewelry store, or whatever, you may spend that much on a lawyer to go down there and represent you. What kind of relief is that, if you cannot go yourself, if you have to spend more on collection than what you collect? Senator GRASSLEY has been very steadfast in believing that we need to change that situation. It is a good step in this bill, because most of these matters are not that complicated. All you really need is a verified claim from the person who is owed the debt.

So I believe this bill represents a major step forward. It is a bill that seeks to lift our standards as Americans to encourage people to pay their debts if they are able to, to train and educate them so they will not get in financial trouble in the future. That is something we ought to do, to perhaps reduce this ever-increasing spiral of bankruptcy filings.

It is a good bill. I am disappointed, shocked, and really stunned that we are now at a point where we cannot even get the bill up for debate and we have to deal with a filibuster and we are going to have to have a cloture vote on whether or not we even consider this legislation. It is not controversial. It is good legislation. It is carefully crafted. It is good for America. It is good public policy. It calls people to a higher standard, eliminates abuse and fraud and criminality, and ought to be something that will go through this Congress with the most minimal objections.

I do not know what politics are behind the objection here. Sometimes I think it is just a desire to keep this Congress from passing anything and utilizing every rule and technical objection that can be made to frustrate the normal working through of good legislation. At any rate, I believe we will prevail on this motion, we will get the bill up, and I believe it will pass in this chamber as it did in the House, and then we will have done something good in this Congress: We will have reformed a bankruptcy system that is out of control.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

THE IRS AND BASEBALL FANS

Mr. BOND. Mr. President, I rise today as a proud St. Louis Cardinals baseball fan. I have been a St. Louis Cardinals fan a lot longer than I have been a U.S. Senator, and I have never been more proud of the team, nor of the city and the State which supports that team.

This weekend we saw the fabulous Mark McGwire hit home runs 60 and 61. And it was truly electrifying, not only for the people who were in the stands and watched the huge home runs—and when Mark McGwire hits a home run generally it is huge. He bounced one off of the dining room of the Stadium Club

and it dropped back down beneath. There used to be a time when people didn't even think somebody could hit the Stadium Club. He has hit balls so far in Bush Stadium that they automatically start measuring them. The announcer of the Cardinal baseball games, the fabulous Jack Buck, talks about calling air traffic control to warn about it.

There are a couple of things that I think need to be mentioned. No. 1, Mark McGwire is the kind of fine human being whom we need as a role model for our young people today, when the national spirit is sagging and we are talking about scandals. Here is a man, the first thing he did when he came to St. Louis was make a significant donation to the St. Louis Children's Hospital. He is a man who worships his son. When he crossed the plate after hitting his 61st home run, he picked up his 10-year-old son. There were some who were worried that the son might be in danger because of his enthusiasm. But Mark McGwire is truly an American hero.

I would say also the same thing for Sammy Sosa, who was in the outfield with the Cubs when that 61st went out. Sammy Sosa is a class ballplayer, one we can be proud of.

I will tell you something else that Missouri and the Midwest and America can be proud of, the young men who caught the home runs 60 and 61. When they were asked, "Are you going to sell it for a million dollars?" They said, "No, we are going to give it back to Mark McGwire." And this selfless act, giving the ball back to the guy who hit it so he could give it to Cooperstown, epitomizes the spirit. The signs in the stadium said "Baseball City U.S.A." St. Louis is very proud of being Baseball City and everybody who comes in there is proud of it, and they are proud of the spirit of the fans who are there. But you have to know, the Grinch appears.

Today's New York Times, classic spot for the Grinch to appear: "Fan Snaring Number 62 Faces Big Tax Bite."

Now, get a life. The IRS spokesman has confirmed that the person who gives the ball back to Mark McGwire might be facing a gift tax of \$150,000. The young man who caught number 60 is just out of college and he works in the promotion department of the Rams. The guy who caught number 61 is the catering manager who had to go to work at 4:30 this morning. They are going to have to pay \$150,000? Now, that is about as ludicrous as anything I have seen. If the IRS wants to know why they are the most feared, disliked agency in town, this is the classic example.

The New York Times interviewed a spokesman for the IRS who said: "I can confirm your understanding of how the gift tax works. The giver of the gift is required to file a gift tax return. We'd have to take a look at all the circumstances: the value of the gift and who owns the baseball."

I am asking my colleagues to join me in a letter to the Commissioner of the IRS. We come here as Democrats and Republicans, but I know there is a strong, bipartisan enthusiasm for the support of baseball. And for the Commission to tolerate somebody saying that a fan who gives the ball back to Mark McGwire could owe a \$150,000 gift tax is outrageous.

The IRS needs to lighten up. The fact that the Tax Code could allow for such a ridiculous thing is one thing. We are going to be tackling the issue of tax reform in Congress. We have done much on the Taxpayer Relief Act. We have made strides. The new Commissioner has talked about making the IRS a consumer-friendly agency, but it is absolutely ridiculous that the IRS would seriously consider imposing a tax on a generous fan who happens to catch the historic ball and return it. Get a life. Surely there are baseball fans among the clever lawyers and accountants at the IRS who can devise reasons why this good deed should go unpunished. My staff and I are available to work with them. I think we can find a way to take care of it.

But if the IRS wants to know what their problems are, they have to look no further than this threat. I have to tell you that if you do not think people are paying attention, our e-mail has been running, our fax machine; the calls are coming in.

Dean Pfeiffer of Lee's Summit said:

What a better issue to use to highlight the need for tax reform. How can anyone defend a tax system that penalizes such a selfless act?

Scot George said:

This tax on this person is as unAmerican as Saddam Hussein. I urge you to act swiftly against the IRS on this matter.

Mr. President, I warn you, there is a revolution brewing. There may not be enough agents to collect a gift tax from somebody who returns the 62nd baseball back to Mark McGwire.

I do have a letter here to Commissioner Rossotti asking him to review this situation and clarify it so that when the fan catches the ball—we know he is going to be surrounded by security. The security is very tight to make sure he is not physically abused. And it is a jungle out there when people are going for the ball. We have security to protect him. We want to keep the IRS agents off of him.

I say to my colleagues, if they wish to join me in signing this letter to the Commissioner to call this serious matter to his attention, I will have it today and it will be available for them to do so. I think that the time has come to say that a fan who catches a historic home run ball and gives it back to the guy who hit it should not be stuck by the IRS.

I thank the Chair and yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Iowa.

Mr. GRASSLEY. First of all, I want to compliment the Senator from Mis-

souri for his comments. He, along with me and Senator KERREY of Nebraska, was very much in the middle of the work of the IRS commission as representatives of the Senate on that commission, and also working with the legislation as members of the Finance Committee to bring about the consumer-friendly IRS that the legislation is supposed to do.

Obviously, I am chagrined that there is still an attitude within the IRS that would be interpreting tax law the way that the Senator from Missouri has described it. I think he has accurately described it, because this morning when I was preparing to come to work I heard on WTOP the very news story to which the Senator from Missouri refers. I could only think in terms of, well, maybe it is a joke. Obviously, it is not a joke.

But I also thought in terms of Mr. Rossotti, the Commissioner of Internal Revenue, had to be hearing that same report as we did. And before he got to the office, I hope that he had made some phone calls to make sure that this erroneous interpretation of law would be corrected, because that is what I would expect from Mr. Rossotti.

To the Senator from Missouri, I will be glad to sign the letter that he has. I would also hope that Mr. Rossotti has this situation taken care of before the letter is received from the Senator from Missouri.

Also, I would expect that the Senator from Missouri expects Mr. Rossotti, who is not a tax attorney and who was hired specifically by the President of the United States because he came from the business world, from an organization and a business that he formulated that was only successful because he was able to satisfy his consumers—he built his organization from a few employees to several thousand employees. He was willing to give this up because he knew that the challenge of making the IRS a more consumer-friendly organization was a legitimate challenge that had to be met, and he was willing to do that.

So I see in Mr. Rossotti a person who is going to get this taken care of very quickly so we do not have to worry that when that 62nd home run is hit by McGwire that there is going to be a tax consequence as a result of hitting the 62nd home run.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRASSLEY. I withhold that.

Mr. HARKIN. Mr. President, I wonder if the Senator could yield me some time. I do not know what the situation is on the floor right now.

The PRESIDING OFFICER. Under the previous order, we are to recess at 12:30, and the Senator from Iowa has time on the bankruptcy bill.

Mr. GRASSLEY. Before I yield, I think the thing to do—how much time is left?

The PRESIDING OFFICER. You have until 12:30.

Mr. GRASSLEY. I yield the Senator 5 minutes.

Mr. HARKIN. I thank the Senator for yielding me time.

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

Mr. HARKIN. Mr. President, I will speak for 5 minutes in morning business.

THE FARM CRISIS

Mr. HARKIN. Mr. President, farmers continue to suffer huge losses through absolutely no fault of their own. No other business has less control of the price they can receive for what they produce, the cost of the inputs. Farmers cannot control the weather. They cannot control the world economy. They cannot control what is happening in Asia. But those factors do determine the price of corn, soybeans, wheat, and other commodities. The Freedom to Farm bill passed in 1996 sharply reduced the farmer's safety net to take care of those contingencies over which the farmer has no control.

Now farm prices are crashing to levels not seen in decades. Many farmers are going to have a difficult time acquiring funds needed to pay their bills this year and to get the necessary money to get the fields prepared and to get the seed and the fertilizer to get the crops in the ground for next year.

Many farmers could lose their farms that have been in their families for generations. I recently talked with an older farmer who said, "That's my life's savings. I made it through the eighties. I'm a good manager. I weathered that terrible storm in the eighties. And now this may wipe me out after a lifetime of work."

I am sure the Senator from Alabama knows. He has a lot of farmers in his State. There is the old adage that farmers live poor and die rich. They have all that money in that land. That is their retirement system. They work hard all of their lives. They do not live high on the hog. Then it comes time to retire. That is their equity. And now that is being severely eroded, not to mention the young farmers who have gotten started, carrying a debtload who will be really forced out of agriculture, never to return.

Well, it is already having a terrible ripple effect, not only on farms but in small towns and communities all over America. Layoffs are starting to occur at agricultural equipment manufacturing companies and in stores. I think we are just beginning to see the stages of what could become a very severe downturn in rural America.

Last week, a number of Senators and I proposed a series of modifications in ag programs to help alleviate the problem. But I take the floor this morning to say that I believe Congress should also pass a provision broadening existing tax law that will allow farmers to recover taxes paid in the past to cover their net operating losses right now.

Mr. President, under existing law, businesses, including farmers, can be