

the date of the enactment of such authority, unless a construction permit has been issued. To date, no construction permit has been issued. Due to unforeseen lawsuits, all work, including the fund raising for the memorial was put on hold for approximately 3 years. The lawsuits have been settled and work is ready to re-commence regarding the memorial. However, due to the delay and the 7-year requirement of the Commemorative Works Act, time is about to run out. In fact, the authority will expire on December 2 of this year unless Congress passes a time extension.

With considerable work already accomplished and the lawsuits settled the memorial needs to be completed. Thus, this bill would extend authority to the Air Force Memorial Foundation to complete the well-deserved memorial. The authority would extend until 2005 giving the Foundation the time to fulfill the final construction and dedication of the Air Force Memorial.

CONSUMER PRODUCT SAFETY
COMMISSION ENHANCED EN-
FORCEMENT ACT OF 2000

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. MARKEY. Mr. Speaker, I rise today to introduce the "Consumer Product Safety Commission Enhanced Enforcement Act of 2000", a bill intended to improve consumer safety by increasing compliance with existing requirements to report hazards when they are known. The legislation would increase the civil and criminal penalties that the CPSC can impose upon firms that do not inform the Commission when they have sold a product that could pose a substantial hazard to consumers. The legislation would also help make some product recalls more effective.

The CPSC is the government agency that makes sure cribs, toys, and other products in your home are safe, and recalls them when they're not. The CPSC oversees the safety of 15,000 different kinds of consumer products. Each year there are more than 29 million injuries and about 22,000 deaths related to consumer products.

Current law provides that if companies have information that one of their products could have a serious safety defect, they are required to report that to the government. Unfortunately, some companies are not obeying the law. The CPSC estimates that in half of the most serious cases they deal with, the company has failed to report injuries. Instead, the information comes to the attention of the agency from its own investigators, from consumers, or tragically, from hospital emergency room reports or death certificates.

When companies don't report, dangerous products that could have been recalled or modified remain on store shelves. They continue to be sold and they stay in consumers' homes where they can cause serious injury.

Some consumers pay a very high price for a company's failure to report.

For example, a 3-year-old girl died while playing on her swing. Her grandfather was

cutting weeds in the yard using a weed trimmer with a replacement head that was made with a metal chain. The end link broke off the chain and it flew through the air as if it were a piece of deadly shrapnel—travelling 240 miles an hour. It hit his granddaughter in the temple, penetrated her skull and killed her.

The company didn't tell the CPSC about this death, nor did they tell the CPSC about the 40 other serious injuries from chains breaking. The CPSC was forced to do its own investigation and recalled the product nationwide in May.

Such failures to report result in tragic losses of life and limb that are avoidable and preventable if compliance with reporting were higher.

Under current law, the CPSC can fine companies for violating the law, but the amount of the fine is limited by statute to a level that does not sufficiently deter violations. Under current law, companies can face criminal penalties for violating consumer product safety laws, but they are only misdemeanors. Under current law, in any recall, companies provide a repair, replacement or refund for defective products. In most cases, the CPSC can find a good solution to the problem for consumers. But in rare cases where the product is older and has been on the market for many years, the company sometimes elects a refund that is much too small to even catch consumers' attention, so the dangerous product stays on the market.

To remedy these deficiencies, the legislation would: Eliminate the cap on civil penalties for violations of product safety laws.

Under current law, the CPSC cannot assess more than \$1,650,000 for a related series of violations against a company that knowingly violates consumer product safety laws. The legislation would eliminate this maximum civil penalty. Many of the cases in which the Commission seeks civil penalties involve very large corporations that can easily absorb a \$1.65 million fine. More substantial civil penalties would provide a needed incentive for those companies to notify CPSC of defective products so that the agency can take timely action to protect consumers. Other agencies have civil penalty authority with no "cap" on the amount of the penalty for a related series of violations, including the Federal Trade Commission.

Increase the penalty for a "knowing and willful" criminal violation of product safety laws from a misdemeanor to a felony and eliminate the requirement that the agency give notice to the company that is criminally violating the law.

The legislation would increase the potential criminal penalties for a "knowing and willful" violation of consumer product safety laws from a misdemeanor (up to one year in prison) to a felony (up to three years in prison). It would also increase the maximum monetary criminal penalty in accordance with existing criminal laws. These heightened penalties are commensurate with the seriousness of product safety violations, which can result in death or serious injury to children and families. Other agencies have authority to seek substantial (felony) criminal penalties for knowing and willful violations of safety requirements, including the Food and Drug Administration for prescription drug marketing violations and the Depart-

ment of Transportation for the transportation of hazardous materials.

The legislation would also eliminate the requirement that the Commission give notice of noncompliance before seeking a criminal penalty for a violation of the Consumer Product Safety Act. The notice requirement makes it all but impossible to pursue a criminal penalty for violations of the Act, even in the most serious cases. The threat of a criminal felony prosecution would create an additional strong incentive for companies to report product defects to the Commission.

Give CPSC the authority to overrule the remedy chosen by a manufacturer for fixing a defective product in a product recall when the Commission determines that an alternative would be in the public interest.

Under current law, a company with a defective product that is being recalled has the right to select the remedy to be offered to the public. The company can choose repair, replacement, or refund "less a reasonable allowance for use."

The legislation would continue to permit the company to select the remedy in a product recall. However, the legislation would allow the Commission to determine (after an opportunity for a hearing) that the remedy selected by the company is not in the public interest. The Commission may then order the company to carry out an alternative program that is in the public interest.

Sometimes companies choose a remedy in a recall that does not further public safety. For example, if a manufacturer chooses to refund "less a reasonable allowance for use" the purchase price of a product that has been on the market for a long time, the amount due consumers may be so small that there is no incentive for the consumer to take advantage of the recall. This is especially true where the hazardous product is still useful to the consumer and the cost of replacement is substantial. Companies may choose an insubstantial refund even though people have been at risk for a number of years, thousands of products are still in use, and injuries are continuing to occur. In this example, a refund would do little, if anything, to stop consumers from using the dangerous product and the public interest would not be served.

HONORING THE LATE ERNESTO
ANTONIO PUENTE, JR.

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday June 6, 2000

Mr. ROMERO-BARCELÓ. Mr. Speaker, on this occasion I express our sadness over the death of Ernesto Antonio Puente, Jr., June 2, 2000, the man everyone around the world knew as Tito Puente, the King of Mambo. His achievements in pursuit of a higher musical ground and his legendary flamboyant style have left an indelible mark on our nation's musical heritage.

To his fellow Puerto Rican-Americans, Tito Puente was more than a legend, more than just the Mambo King. He was a trailblazer in the world of music, fusing Afro-Caribbean

rhythms with jazz, mambo, salsa. He created an explosion of inspiration for entire generations of aspiring musicians and for generations of youths who learned by watching that it was possible to make something of yourself if you worked hard.

In commemorating the late "timbalero," Tito Puente, I would also like to honor the countless other Puerto Ricans who have enriched our nation's diverse musical culture and those Puerto Ricans who continue to rise on the world stage.

IN HONOR OF THE 20TH ANNIVERSARY OF THE MAKE-A-WISH FOUNDATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. WOLF. Mr. Speaker, I am proud today to honor the 20th anniversary of the Make-A-Wish Foundation, a non-profit organization that fulfills the wishes of children fighting life-threatening illnesses.

In 1980, a 7-year-old boy named Chris, from Arizona, who was fighting leukemia wished to be a police officer. Friends of Chris's family worked to fulfill his wish and in April that year, Chris spent a day learning about being a police officer and was even sworn in as the first-ever and only Honorary State Trooper in Arizona history.

Shortly after Chris's wish, the Make-A-Wish Foundation was created to help bring happiness to more children. From this humble start, the Make-A-Wish Foundation has grown and now has 80 chapters in the United States and 20 international affiliates. More than 80,000 children fighting life-threatening illnesses worldwide have had their wishes fulfilled. Popular wishes include visiting Walt Disney theme parks, getting home computer systems, taking family vacations, and meeting celebrities.

Two months ago, one of my constituents had his wish fulfilled by Make-A-Wish Foundation of the Mid-Atlantic, Inc. Last year, 7-year-old Ryan Davidson of Ashburn, VA, was diagnosed with a life-threatening illness. It was devastating to him and his family.

When the Make-A-Wish Foundation asked Ryan what his greatest wish was, it didn't surprise anyone that he wanted to meet NASCAR driver Bobby Labonte. Ryan learned about auto racing while playing video games and became an instant fan. Of all the drivers, Labonte is his favorite. On April 26, Ryan, his father Kirby, his mother Amy and his sister Mallory traveled to California where they visited a NASCAR racetrack, watched the action close up and met Labonte. Ryan came home with loads of memories and souvenirs, including his favorite—an autographed collector's edition of Labonte's car. Ryan's wish was a great success. "This is the best day of my life," he told his parents after meeting Labonte.

The Make-A-Wish Foundation gives children fighting life-threatening illnesses a positive break from a world of doctors, hospitals and medicine. I salute the Make-A-Wish Foundation's volunteers and supporters who work to

make wishes come true not only in Virginia's 10th Congressional District, but literally all over the world. I invite those interested in learning more about the Foundation to contact them at 1-800-722-9474 or on the Internet at www.wish.org.

BETTI LIDSKY CELEBRATES 50 YEARS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Betti Lidsky on her fiftieth birthday celebration.

Betti Lidsky is an exemplary woman who personifies love and self sacrifice. As the mother of three children who suffer from Retinitis Pigmentosa, an eye degenerative disease which may lead to blindness, she battles valiantly everyday to seek ways in which to increase funding for finding a cure and save the eyesight of her children and others like them. A true heroine, she selflessly devotes her time and energy to her family, to the national Foundation Fighting Blindness where she serves as a board member, and to the South Florida community where she is highly admired and respected.

Betti Lidsky is an advocate whose services and kind spirit have touched the lives of many, and on this very special occasion, I ask that my colleagues join me in wishing Betti Lidsky a very happy fiftieth birthday.

OLDER PEOPLE DO NOT NEED CHAPERONES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, in the May issue of SeniorScope, the newspaper published by the city of New Bedford dealing with issues of particular importance to older people, editor Rona Zable has an excellent column. Ms. Zable effectively refutes those who would interfere with the rights of older people to make their own decisions, specifically in this case with regard to their choice to gamble if they wish in legal establishments. I have been struck by the degree to which people who usually respect the rights of others to make their own choices make an exception for gambling, and for some reason, people seem often ready to use a caricature of older people as an excuse for this. Indeed, some who believe that we should make a radical change in the Social Security system and have people be dependent on their stock picks for retiring income draw an inexplicable line against letting them go to a casino every so often with some of that retirement income.

As Rona Zable trenchantly asks, "are older people perceived to be so witless, so gullible, that we need to be protected from ourselves lest we buy too many lottery tickets or play bingo too often? . . . If Congress is really con-

cerned about senior citizens, they ought to do something about the sky high cost of prescription drugs. Because, chances are, we're more apt to blow the family inheritance at the drug-store counter than we are at the casinos!"

Mr. Speaker, Ms. Zable is exactly right and I submit her very thoughtful essay here.

DO YOU NEED A CHAPERONE AT THE CASINO?

There are folks out there who are quite concerned about you. They worry that one of these days, you might gamble away your kid's inheritance.

"Are Casinos Preying On Our Elders?" was the headline of a recent story in the AARP Bulletin. Noting the popularity of bingo halls, lotteries and casinos, the article asked, "Is it harmless entertainment? Or are older Americans being targeted deliberately by advertising and marketing efforts designed to ensure that they keep pumping large sums of money into the gambling industry."

The focus of the article was a study published in the Law Journal of the University of Illinois College of Law. The author stated that older people are at greater risk than others for problem gambling because of circumstances that make them vulnerable . . . namely, loss of a spouse loneliness and boredom. The study concluded that "the casino industry targets its marketing to older people because they are reliable spenders with leisure time to visit casinos often."

Well, duh! Like—we didn't know that?

Apparently, our legislators also believe that seniors are more at risk than other age groups for problem gambling. Timothy A. Kelly, executive director of a commission appointed by Congress to examine the economic impact of gambling, believes state and federal lawmakers should consider halting the expansion of gambling around the nation pending further research. Kelly, whose National Gambling Impact Study Commission spent two years examining the issues, says, "We heard a lot of stories about elderly parents gambling away the family inheritance."

Aw, come on, guys. Seriously—does any SeniorScope reader know of any elderly parent who gambled away the family inheritance? (Maybe some younger folks have done that, but not the old folks).

To me, this is one more instance of the Dumbing Down of Senior Citizens. Are older people perceived to be so witless, so gullible, that we need to be protected from ourselves lest we buy too many lottery tickets or play Bingo too often? Do we need Big Brother to watch over us at the blackjack tables and slot machines?

If this sounds like I am some kind of a big-time casino player, rest assured I am not. In fact, I have never set foot in Foxwoods or Mohegan Sun. But I defend the right of anyone over age 21 to spend their money where they please—be it a casino, bingo hall, sports arena, vacation resort, ect. It so happens I am a "shopping mall" person . . . and just as some people enjoy the socialization and buffets at Foxwoods, I enjoy the clearance sales and food court at the Galleria Mall.

Nor would I like it one bit if the Senate appointed a Commission to limit the expansion of malls to curtail shopping by senior citizens. Or, for that matter, to limit the expansion of restaurants because older Americans are eating out too much and putting on weight.

If Congress is really concerned about senior citizens, they ought to do something about the sky high cost of prescription drugs. Because, chances are, we're more apt to blow the family inheritance at the drug-store counter than we are at the casinos!