bill. In this appropriations bill, we were not able to come out with any legislation that dealt with the price crisis, the whole question of concentration of power that dealt with what is happening to the family farmers.

Is the bankruptcy bill the pending business after the morning business? Will we bring the bankruptcy bill to the floor with opportunities for Senators to introduce amendments that will make a difference for family farmers? Will we have that opportunity?

Mr. LOTT. I cannot answer that question at this time.

Mr. WELLSTONE. Reserving the right to object, I will do everything I can between now and however long it takes, if I am the last person standing, to insist I have a right as a Senator from Minnesota to come to the floor and introduce legislation that will speak to the pain and suffering of family farmers in my State. I will not stop colleagues from speaking in morning business, but forthwith I will have to stay on the floor until I have a chance to make a difference for farmers.

Mr. LOTT. I wonder if the Senator might want to take this up in the Agriculture Committee and with Members of the Senate who are involved and work with the appropriators on both sides of the aisle. They are working now to try to deal with these issues.

Mr. WELLSTONE. Reserving the right to object, Democrats have not been involved in that Appropriations Committee to my knowledge in terms of any meeting over the last week. Second, with all due respect to the majority leader, we are an amending body. Quite often we come to the floor with amendments. We especially come to the floor with amendments when we are dealing with a crisis situation.

We are dealing with a crisis situation in rural America. It is not business as usual. I am going to insist that I have the right to come to this floor with amendments that will speak to farmers in Minnesota and around the country to make a difference.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, I will not object, but I want to correct a misimpression on the floor. The conference committee in the agricultural appropriations area has not been meeting. I am a conferee. I would know if they are meeting. There is no meeting. It adjourned in the middle of last week. There has been no meeting since. I read the speculation in the newspapers and in the press that there have been agreements made. In fact, one suggestion indicated the majority leader had signed off on certain things. I have no idea who is reaching these agreements. I have no idea whether that is accurate.

It is not accurate to say the conference committee is meeting. The conference committee is not meeting. No Democratic member of the conference committee is able to meet because the conference is not in session.

I will not object either, but I will say there are some who think it is appropriate to have a conference between the House and the Senate on something this important—and it is one of the most important issues to my State dealing with this farm crisis—and it be done behind closed doors with one party in secret, and an agreement is brought to the floor of the Senate which says take it as it is or leave it.

That is not the way it will work. I do not have the capability to make things happen that I want to have happen, but I can slow things down.

I wanted to correct the impression left when the majority leader said the conference has been meeting. The conference has not been meeting. It adjourned nearly a week ago. We passed our bill in the Senate August 4. It is now October. With the urgent crises in farm country, we have slow motion going on and no conference at all. I hope the majority leader can agree with me that the way we are supposed to legislate is to have a conference; that when we call meetings with conferees, we have Republicans and Democrats there, we debate the issues, and we take votes. I wanted to correct the misimpression there has been a conference committee meeting. I am a conferee. That committee has not been meeting, and it should.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 68

Mr. LOTT. Mr. President, I ask unanimous consent that following morning business the Senate proceed to consideration of the joint resolution at the desk making continuing appropriations for the Federal Government; further, that there be 2 hours of debate between the chairman and ranking member of the Appropriations Committee, with no amendments or motions in order; and, following the conclusion or yielding back of that time, the Senate proceed to third reading and adoption of the joint resolution, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, has this request been cleared with the minority leader?

Mr. LOTT. Yes, it has been cleared with the minority leader.

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

Mr. LOTT. I thank my colleague, Senator BYRD. I thank you for your patience.

The PRESIDING OFFICER. The Senator from West Virginia.

DROUGHT EMERGENCY IN WEST VIRGINIA

Mr. BYRD. Mr. President, I will be very brief. I should be in a markup of the Appropriations Committee on the Labor-HHS appropriations bill right at this moment.

Mr. President, as we quickly approach the end of Fiscal Year 1999, there is a portion of the American population that is not faring very well. The small family farmers of the North-Eastern and Mid-Atlantic States have been struggling to survive a fifteen-month-long drought. With all fifty-five of our counties receiving an emergency drought declaration on August 2 from the Secretary of Agriculture, farmers in West Virginia are no exception. These farmers have been waiting for a significant and timely response to their emergency, a feeling I imagine would be similar to dialing nine-one-one and getting a busy signal.

Yet, over the years, this Congress has responded quickly to provide the necessary resources to help the victims of national disasters, not only in this country, but around the world. From the $1 billion for the victims of Mount Saint Helens in 1980; to the $2.7 billion for the victims of Hurricane Hugo in 1989; to the nearly $3 billion for the Loma Prieta earthquake victims, also in 1989; to the more than $10 billion for Hurricanes Andrew and Iniki in 1992; to the $6.8 billion in disaster funds for victims of the Mississippi floods in the Summer of 1993; to the North Ridge earthquake victims in 1994, for which almost $12 billion was appropriated. Throughout the 1990's, emergency disaster assistance has also been provided to the victims of tornadoes, tropical storms, droughts, floods, wildfires, blizzards, and so on.

In 1999, emergency aid has gone to Central American and the Caribbean nations needing assistance with reconstruction after hurricane damage, to Kosovo military and humanitarian operations, and to American farmers suffering from low commodity prices. I voted for all of these. I have been willing to support emergency aid in these instances—all of them. However, I cannot understand why the drought emergency goes ignored. I cannot understand why we are not answering the emergency calls of long-suffering Northeast and Mid-Atlantic farmers.

The drought has devastated—devastated—the lives of thousands of family farmers in this region. I know that the word devastated is used so often that one expects it to be pure hyperbole, but West Virginia farmers work hard on land most often held in the same family for generations. They farm an average of 194 acres in the rough mountain terrain, and they earn an average of just $25,000 annually. That is $25,000 annually for 365 days of never-ending labor. Farming is an every-day, every-week, every-month, 365-day operation every year with no time off. West Virginia farmers average $68.50 a day for days that begin at dawn and run past sunset. These small family farmers are the last to ask for assistance. They are hard-working, they are self-reliant individuals. They

have a sense of pride that prevents them from requesting federal aid unless they are in a desperate situation. These farmers are now in a desperate situation, and they are asking us to respond to them in their time of need. Now is the time that we must assist them and assist them by not by burdening them with more debt—they are over their heads in debt all right, many of them, so they are not asking for more loan programs. They need help. By providing grants, we can give them help that will help them to recover from the drought.

For many farmers it is already too late. They are disposing of their herds. They have sold off their livestock from land that has been farmed by their family for generations. Their pastures are grazed to stubble and will need fertilizer, lime, and reseeding if they are to support cattle again in the Spring. In the meantime, cattle must still be fed, and what little hay could be cut locally has already been eaten. The West Virginia Commissioner of Agriculture informs me that of the 21,000 surviving small family farms in West Virginia—and there were 90,000 back when I was in the State legislature in 1947. There were 90,000 farmers in West Virginia. Now there are 21,000 surviving, and over half of these are at risk as a result of drought. America cannot afford to let the small family farm die. A small family farming operation is the foundation on which America is based. We cannot afford not to help drought-stricken farmers.

Granted, in this area the drought seems to be a thing of the past. The water restrictions to conserve water in the Washington, D.C. metropolitan area have recently been lifted. Lawns have greened up again, and the drone of lawn mowers again dominates the weekend. Schools canceled classes in this area two weeks ago because hurricane Floyd threatened to deluge the city with too much rain too quickly. However, I assure you that the drought in West Virginia continues. Hurricane Floyd's rains did not scale West Virginia's mountains. The drought is so far-reaching that schoolchildren in Fayetteville, WV, had their classes canceled last week and the Fayette County Courthouse has postponed arraignments until October 1 because the city's reservoir has gone dry. The grass in West Virginia is not getting greener, as it is here in the Washington area. It is simply not growing.

Seventeen North-Eastern and Mid-Atlantic States have received a Secretarial drought emergency declaration this year and five more are awaiting a decision. Yet, the emergency aid package that the Agriculture Conference Committee is still negotiating includes a mere $500 million in general aid for all disasters declared by the Secretary of Agriculture throughout 1999. The Secretary of Agriculture estimates that losses due to the drought of 1999 may total $2 billion. Losses in West Virginia alone are estimated at $200 million—and we are not a big farming State, not a big farming State. Most of ours are small farms, but these are people who have been on the land for generations. These farms have been handed down through the line of several generations.

Mr. President, what happened to the small family farmers in ancient Rome is happening in this country. They are leaving the land, and with them will go our family values.

The Secretary of Agriculture estimates, as I say, that the losses due to the drought of 1999 may total $2 billion, and in West Virginia alone they are estimated at $200 million. So the emergency aid package now attached to the Agriculture appropriations bill falls short by some $1.5 billion.

I want colleagues to understand that although a drought is a slow-paced disaster, it nevertheless deserves much-needed attention as an emergency and merits a response much greater and faster than the one we have so far given. A drought can, and this one has, caused farmers to go out of business.

My farmers know that farming is inherently a risky business. It does depend on the weather. I urge this body to help with this natural disaster. American farmers merit federal assistance to ensure their future productivity, and, more importantly, to preserve a heritage that I believe essential to this nation's history, to its moral fiber and to its character. We regularly hear talk of the small family farmer. Now is the time to help small family farmers. Congress must act on this opportunity to direct emergency funds toward a real emergency with wide-reaching effects, that impacts our most treasured Americans, our farmers. The devastation of the drought will only be compounded if we do not offer assistance now. If fields are not treated now, they will not be productive come spring. Farmers normally finance this activity with profits from fall sales, or secure loans based on such sales. But this time they have nothing to sell.

We need to increase appropriations that will be directed to farmers suffering from the drought of 1999. I urge my fellow conferees on the Agriculture Appropriations Conference Committee and I urge the leadership in both Houses, to answer the call of the small family farmer and support increasing emergency assistance directed toward farmers suffering as a result of the drought of 1999. Do not let their 911 call for help be answered by a busy signal. Instead, let us answer the call of farmers by sending the signal that we are busy working for farmers.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Iowa is to go first. Is there an agreement as to the order?

Mr. GRASSLEY. There is not. I ask that Senator TORRICELLI go ahead of me on the issue of bankruptcy so he and I can speak together.

Mr. BAUCUS. Mr. President, will the Senator from Iowa yield for a question?

Mr. GRASSLEY. Yes.

Mr. BAUCUS. I wonder if the Senators will yield to me. I will be brief. I have 5 or 6 minutes. I know the Senators from Iowa and New Jersey are together on the same subject, and this Senator has been standing here for some time.

Mr. GRASSLEY. If Senator TORRICELLI has time, I have time.

Mr. TORRICELLI. Mr. President, if the Senator will yield, I think it is best we go next to each other.

Mr. TORRICELLI. Mr. President, I want to say, before Senator BYRD leaves the floor, however, how much I identify with his remarks. Like the Senator from West Virginia, year after year, with natural disasters around this country, in the House of Representatives and now in the Senate, I have come to the floor as an American, as part of a national union to respond to their emergencies.

Like the Senator from West Virginia in advocacy of his small farmers, I will not allow, as long as I serve in the Senate, the State of New Jersey to be a caboose on the train of the national union. We have a farming crisis. The Appropriations Committee not only reducing but eliminating any assistance for farmers who are being bankrupt and forced from the land is inexcusable. Like the Senator from West Virginia, at the appropriate time, I will come to the floor and if it requires standing here day after day, night after night, I will not see them abandoned.

I apologize for taking the time. I wanted to comment on the Senator's comments.

Mr. BYRD. I thank the distinguished Senator.

Mr. BAUCUS. I think the Senator from Iowa still has the floor.

The PRESIDING OFFICER. It is my understanding the Senators from Iowa and New Jersey have no objection to the Senator from Montana being recognized at this time. The Senator from Montana is recognized for up to 10 minutes.

Mr. BAUCUS. I very much appreciate the Senator from Iowa and the Senator from New Jersey for letting me go ahead of them.

I agree with the statement of the Senator from New Jersey complimenting the Senator from West Virginia, and, in the same vein, the earlier remarks of the Senator from Minnesota, Mr. WELLSTONE. The fact is, our farmers are in desperate straits, and this Congress is doing very little about it. It is that simple. No one can dispute that, and many of us are, quite frankly, concerned because the Senate is not doing enough. Because it looks as if the Senate might not do enough, we will be constrained to take extraordinary measures in the Senate to stand up for our constituents, the people who sent us here; namely, the farmers, in this instance, to pass as best we can appropriate and remedial legislation to help our farmers. It is that simple.

I compliment the Senator from West Virginia, the Senator from New Jersey, and others.

In fact, that is very relevant to the statement I am going to make concerning the introduction of a bill.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1648 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAUCUS. Mr. President, I very much thank my colleagues and good friends, the Senator from Iowa and the Senator from New Jersey, for their courtesy.

The PRESIDING OFFICER. The Senator from New Jersey.

THE BANKRUPTCY REFORM BILL

Mr. TORRICELLI. Mr. President, I rise with some considerable regret to discuss the bankruptcy reform bill that was pulled from the floor of the Senate last week. Senator GRASSLEY and I have worked for over 8 months to craft what I believe is a broadly bipartisan bankruptcy bill. Indeed, Senator GRASSLEY has worked tirelessly for years to craft this legislation. He deserves the considerable gratitude of every Member of this institution.

I regret that after all these months of work, last week we were forced to vote on a cloture motion. I do not believe that the cloture vote was in any way indicative of support for the bill. It is important that that be understood.

Bipartisan support for this bankruptcy legislation is broad and it is deep. The legislation has seven cosponsors; five of them are Democrats. The legislation was voted successfully out of the Judiciary Committee with support from both parties. The inability to move forward on a bankruptcy reform bill is entirely due to unrelated events. The legislation on its merits still stands.

I believe it is important that Senator GRASSLEY and I make clear to people, both within the institution and outside the institution, that we are absolutely committed in this Congress, in this year, to continuing to have bankruptcy legislation considered and passed. Indeed, I believe if the majority leader brings bankruptcy reform to the floor of the Senate, in a matter of only a few days we can resolve the outstanding issues.

I also think it is important that our colleagues understand why we are so motivated to have this bankruptcy reform legislation passed. There are considerable reasons.

We are, to be sure, living in the most prosperous economic period in our Nation's history. The facts are renowned: Unemployment is low, inflation is low, the Nation has created 18 million new jobs, and now the Federal Government is having a burgeoning budget surplus.

But amidst all this prosperity, there are some troubling signs, things that deserve our attention. One is a rapidly declining personal savings rate. Indeed, that is what motivated me to vote for tax cut legislation: To stimulate private savings in America so Americans will prepare for their own futures.

But second is an issue that relates to this legislation: A rapid, inexplicable rise in consumer bankruptcies. In 1998 alone, 1.4 million Americans sought bankruptcy protection—this is a 20-percent increase since 1996 and a staggering 350-percent increase in bankruptcy filings since 1980.

It is estimated that 70 percent of the petitions filed were in chapter 7, which provides relief from most unsecured debt. Only 30 percent of the petitions were filed under chapter 13, which requires a repayment plan.

No matter what the cause of so many bankruptcies, what every American needs to understand is that somebody is paying the price. If people are availing themselves of chapter 7, rather than chapter 13, which ultimately requires the repayment of many of these debts, the balance is going to be paid by somebody, and that somebody is the American consumer.

Indeed, I believe this is the equivalent of an invisible tax on the American family, estimated to cost each and every American family $400 a year, as retailers and financial institutions adjust the prices of their products and their costs to reflect this growing tide of bankruptcy.

The reality is that the majority of people who file for bankruptcy—low- to middle-income, hard-working people—do so to manage overwhelming financial problems. That is as it should be. That is why the United States has always had a bankruptcy code—to protect people and allow them to reorganize their lives, to give people a second chance in American society.

But just the same, with these staggering numbers of increase—20 percent in only 3 years—there must be something else going on in our society. That something is revealed in a recent study by the Department of Justice indicating that as many as 13 percent of debtors filing under chapter 7—182,000 people each year—can, indeed, afford to repay a significant amount of their outstanding debt. That amounts to $4 billion that would have been paid to creditors but is being avoided, inappropriately, by what amounts, in my judgment, to a misuse of the bankruptcy code.

I believe the Congress must act. This invisible tax impacts the health of our financial institutions, forces small business people to absorb these costs, forces some family businesses out of business, and it is a cost we can avoid.

The bankruptcy legislation that Senator GRASSLEY and I have crafted strikes an important balance, making it more difficult for the unscrupulous to abuse the system but ensuring that families who really need bankruptcy protection to reorganize their lives still have access to it.

At its core, the Grassley-Torricelli bill is designed to assure that those with the ability to repay a portion of their debts will be required to do so but that judicial discretion will ensure that no one who is genuinely in need of debt cancellation is prevented from having a fresh start in American life.

When this legislation passed the Judiciary Committee, there were those who had legitimate concerns about some of its other provisions. I was among them and stated so at the time. These ranged from the liability of a debtor's lawyer to ensuring that low-income debtors with no hope of repaying their debts were not swept into the means test.

Colleagues should understand that Senator GRASSLEY and I are prepared, with a managers' amendment, both to ensure that the debtor's lawyers are protected from liability and that low-income people are not inappropriately subjected to this means test. That managers' amendment, I believe, will pass and will make this far better legislation than the Senate considered previously or the legislation that passed the Judiciary Committee.

I am very pleased that we have come so far with this bill. It is critical for our financial institutions and, indeed, it is critical for American families.

There remains one other central issue, however, that must be in this legislation, and that is dealing with the other half of this balance. It is the question of the abuse, I believe, of credit in the Nation itself.

The credit card industry last year sent out 3.5 billion solicitations—41 mailings for every American household; 14 for every man, woman, and child. No one wants to interfere with poor or working people getting access to credit. They should have the availability to do so, but there is something wrong when 14 solicitations per person are being received; when college students, juveniles, poor people are solicited again and again and again, often for high-interest credit. Indeed, these solicitations for high school and college students are at record levels.

The result of this solicitation is not surprising: Americans with incomes below the poverty line have doubled their credit usage; 27 percent of families earning less than $10,000 have consumer debt that is more than 40 percent of their income. Indeed, it is not our intention to restrict access to credit for low-income people or even young people. Senator GRASSLEY and I have crafted legislation that will at least ensure that consumers are protected by giving them knowledge, by having full disclosure so people can make informed judgments, when receiving these solicitations, about how much debt they want and what it will take to repay it and on what kind of a schedule.

Taken as a whole—all of the provisions in the managers' amendment, the legislation from the Judiciary Committee—Senator GRASSLEY's work in consumer protection is a well-crafted and a very balanced bill.

My hope is it can receive early consideration but that, under any circumstances, this Senate does not adjourn for the year without providing