that both parties have, we might not be so fortunate as to get something up before 1:15 when the Wellstone amendment is up.

The second is, the Senator asked if we could do another amendment. What amendment would the Senator suggest we move to, then?

Mr. REID. There is one amendment about which I have received a number of calls today. Mr. DURBIN, the Senator from Illinois, wants to offer his substitute. In effect, that is what it is. The Senator from Iowa is familiar with that. It is at the desk.

It is at the desk. He would be willing to have a relatively short time agreement for the opportunity to express his views on that.

Mr. GRASSLEY. As the main sponsor of this legislation, I should be able to tell you we could go to the Durbin amendment. But we have some reservation at this time on moving forward on the Durbin amendment, particularly because it would take a good deal of time and would interfere with the Wellstone amendment. If there is some other amendment the Senator from Nevada would like to take up, he might suggest something, and we would quickly consider that.

Mr. REID. We have one that Senator LEAHY has been trying to get up, amendment No. 19, a set-aside amendment.

Mr. GRASSLEY. That is the same amendment, if we went back to regular order. If we called regular order, we would end up on that amendment.

Mr. REID. It is my understanding that No. 20 is regular order. This one isn't before the Senate.

Mr. GRASSLEY. This is an amendment that has not been before the Senate.

Mr. REID. That is my understanding. It has been filed but it has not been debated.

Mr. GRASSLEY. I suggest we put in a quorum call, and then we will take a look at it.

Mr. REID. Mr. President, 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. REID. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. REID. Mr. President, I ask that the pending amendment be set aside temporarily and amendment No. 19 on behalf of Senator LEAHY be offered.

It is my understanding that the Senator from Iowa will also want a unanimous consent agreement to indicate there would be no second-degree amendments.

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

AMENDMENT NO. 19

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEAHY, proposes an amendment numbered 19.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To correct the treatment of certain spousal income for purposes of means testing)

On page 17, line 8, strike ''and the debtor's spouse combined'' and insert '', or in a joint case, the debtor and the debtor's spouse''.

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

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

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking up to 10 minutes each until 1:15 today.

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

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

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

BANKRUPTCY REFORM ACT OF 2001—Continued

AMENDMENT NO. 36, AS MODIFIED

The PRESIDING OFFICER. The clerk will report the pending amendment of the Senator from Minnesota.

The legislative clerk read as follows:

Amendment No. 36, as modified, previously proposed by Mr. WELLSTONE.

Mr. WELLSTONE. Mr. President, I want to be clear with my colleagues and the majority leader that I came to the floor very early on with several amendments to move this process forward. Last week, when I initially objected to a motion to proceed, the majority leader said we would have substantive debate on amendments. This amendment has been ''hanging out there'' for several days. I have wanted a vote on this amendment. I modified this amendment because there was concern on the part of one of my colleagues on the other side that there was a jurisdictional problem with a committee. I had assumed we would have an up-or-down vote on this amendment. My understanding is that it might not happen and there might be a second-degree amendment. I don't know what that amendment is, but it will probably be an amendment that will gut this amendment.

It makes me start to wonder, even more, about what we have been doing out on the floor of the Senate with this bankruptcy bill. My colleague called this a reform bill, but I wish to mention a couple of articles that have been published recently. I will soon ask to have them printed in the RECORD.

There was a piece that appeared on Tuesday, March 13, in the Wall Street Journal entitled, ''Auto Firms See Profit In Bankruptcy-Reform Bill Provision.'' The first paragraph:

The nation's three major auto makers are always interested in making deals, and they hope to close one in the U.S. Senate this week that is worth millions of dollars to each of them.

The deal lies in the bankruptcy-reform bill expected to clear the Senate this week. Buried in the bill's 42 pages is a section that changes the way auto loans are treated when an individual declares bankruptcy, making it more likely the car loans will have to be paid back in full—even while other creditors collect only part of what they are owed.

That might include child support payments as well.

There also is in here a chart that deals with the soft money, PAC, and individual contributions by members of the Coalition for Responsible Bankruptcy Laws.

I actually think the bitter irony is that the debate we have been having on this bill—for the 2½ or 3 years I have been working on this—is probably, unfortunately, a perfect bridge to the debate we are going to have on campaign finance reform.

Again, I want to be real clear with my colleagues. I don't like to come to the floor and do a one-to-one correlation that money has been given, so that is why you are voting this way. I don't believe in that for several reasons. One, it would be arrogant on my part to believe that if somebody has a different point of view, that means, ipso facto, they are receiving all this money from, for instance, the financial services industry and that is why they are voting the way they are. That is not my argument.

Rather, my argument is institutional, which is more serious. The problem with this political process is not that there is ''corruption,'' as in the wrongdoing of individual officeholders, as in one-to-one quid pro quo—here is the money, here is how you should vote.

The problem is institutional, and that is a more serious problem. It is the imbalance of power, the imbalance of access, the imbalance of influence, not affluence, between the people I have tried to represent as a Senator—low- and moderate-income people, people of color, poor people, consumers—and the heavy hitters, the investors, the players, the lobbying coalition.

There has been article after article about the full-court press of the financial services industry over this bill.

The auto firms get a good deal. That is worked into this bill. Buried in the bill's 42 pages is a special deal for them.

By the way, it is not a special deal for you if you are going under because of major medical expenses, which is 50 percent of the cases. It is not a special deal for you if you have lost your job in the Iron Range of Minnesota, 1,400 taconite workers out of work. It is not a special deal for you if you have gone through a divorce and there is a sudden loss of income. But it is a special deal for these folks. This is a piece by Tom Hamburger of the Wall Street Journal.

There is another piece in the Wall Street Journal by Tom Hamburger, Laurie McKinley, and David S. Cloud:

For the businesses that invested more money than ever before in George W. Bush's costly campaign for the presidency, the returns have already begun.

MBNA America Bank was one of the largest corporate donors to the Bush campaign and other GOP electoral efforts last year. The bank and its employees gave a total of $1.3 million, according to the Center for Responsive Politics, a nonpartisan clearinghouse here. Charles Cawley, MBNA's president, was a member of the Bush ''pioneers,'' wealthy fund-raisers who each personally gathered at least $100,000 for the presidential campaign.

I guess I am not going to get any support from the pioneers in my Senate race.

Mr. Cawley hosted Bush fund-raising events at his home in Wilmington, Del., last year and, in 1999, at his summer home in Maine, north of the Bush family retreat in Kennebunkport.

This whole piece—you get the point—is all about huge amounts of money, lobbying coalitions, access, and influence.

I ask unanimous consent that both of these articles by Mr. Hamburger in the Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal]

INFLUENCE MARKET: INDUSTRIES THAT BACKED BUSH ARE NOW SEEKING RETURN ON INVESTMENT—TOBACCO WANTS TO KILL A SUIT, OIL TO DRILL IN ALASKA; PATIENT PRIVACY TARGETED—WHITE HOUSE STRESSES MERITS

(By Tom Hamburger, Laurie McGinley and David S. Cloud)

WASHINGTON.—For the businesses that invested more money than ever before in George W. Bush's costly campaign for the presidency, the returns have already begun.

MBNA America Bank was one of the largest corporate donors to the Bush campaign and other GOP electoral efforts last year. The bank and its employees gave a total of about $1.3 million, according to the Center for Responsive Politics, a nonpartisan clearinghouse here. Charles Cawley, MBNA's president, was a member of the Bush ''pioneers,'' wealthy fund-raisers who each personally gathered at least $100,000 for the presidential campaign.

Mr. Cawley hosted Bush fund-raising events at his home in Wilmington, Del., last year and, in 1999, at his summer home in Maine, north of the Bush family retreat in Kennebunkport. At the Maine affair, 200 guests gathered in the early evening on the large porch of the Cawley home, situated on a hill with a sweeping view of the Atlantic Ocean. Guests sipped cocktails and heard a brief talk by the candidate.

The money didn't stop on election day. Mr. Cawley and his wife each gave the maximum of $5,000 to help fund Mr. Bush's fight in the Florida vote recount. Mr. Cawley gave an additional $100,000 to the Bush-Cheney inaugural committee, the most the committee would take from a single donor.

Last week, MBNA's investment began paying off. The company, one of the nation's three largest credit-card issuers, has been pushing for years to tighten bankruptcy laws that allow certain consumers filing for court protection, in effect, to disregard obligations to credit-card companies and other unsecured lenders. On Wednesday, the White House announced that President Bush would sign a bill now moving through Congress that would make it tougher for consumers to escape such debts. If enacted, the measure could translate into an estimated tens of millions of dollars in additional annual earnings for each of the big credit companies.

MBNA's vice chair, David Spartin, says his firm has no way to estimate how the legislation would affect the company's bottom line. MBNA has backed the bill for years ''because we think it is good for consumers,'' as it will ''reduce the cost of credit for everyone,'' Mr. Spartin says. The donations to President Bush and other candidates were made because ''we think they would make excellent public officials,'' he adds. No MBNA official ''has ever spoken to President Bush about the bill,'' Mr. Spartin says.

Many corporations feel like a new day is dawning in Washington. ''We have come out of the cave, blinking in the sunlight, saying to one another, 'My God, now we can actually get something done,'" says Richard Hohlt, Washington lobbyist for several other major banks which, like MBNA, are backing an industry coalition whose members provided some $26 million to Republicans during the 1999–2000 campaign cycle.

President Clinton last year vetoed a similar bill that would have toughened bankruptcy law. Consumer groups argue that such legislation would weaken protection for working families, many of whom have been the targets of aggressive credit-card marketing.

Also in action last week were members of a large coalition of Mr. Bush's business backers who want to roll back new federal rules designed to protect workers from repetitive-motion injuries.

In a private meeting with congressional leaders last Tuesday, President Bush signed off on a plan to kill the ergonomic regulations, using the powers of the Congressional Review Act. That act, passed in 1996, gives Congress 60 days to reject regulations issued by federal agencies. But it was never used during Mr. Clinton's term because to take effect, a resolution rejecting new rules has to be approved by the president.

Repealing the ergonomic rules ranks high on the priority lists of the U.S. Chamber of Commerce, the National Association of Manufacturers and the National Association of Wholesaler-Distributors. The trade groups technically don't endorse candidates, but each of them mounted major grass-roots and advertising campaigns that benefited Mr. Bush and other Republicans in the 2000 elections.

A repeal would be a particularly hard loss for organized labor, which has fought for enactment of the ergonomic rules for 10 years, saying they are needed to protect workers from wrist, back and other injuries.

On employee safety, consumer bankruptcy and a host of other issues, Bush administration officials maintain they are acting strictly on the merits, not the money. Proponents of the bankruptcy bill, for example, point out that personal bankruptcy filings reached a record 1.4 million in 1998. The bill that would toughen the bankruptcy law won strong bipartisan support in the House last week, passing 309–106.

Business advocates maintain that the ergonomics rules include an overly broad definition of ''musculoskeletal disorders'' and that the new standards give employees claiming to have such disorders overly generous treatment: 90% of their salary and benefits for up to three months.

But a strongly as they believe in their arguments, business lobbyists acknowledge it's no accident that, following their massive support for the GOP, Republicans are moving quickly to address some of their top issues.

Mr. Bush ran the most costly presidential campaign in American history. Donors to his campaign and the Republican National Committee contributed a total of $314 million. Of that, more than 80% came from corporations or individuals employed by them. Al Gore and the Democratic National Committee raised $213 million, receiving strong support from labor organizations and their members. But more than 70% of the Democratic total also came from businesses and their employees.

These totals can be seen as somewhat inflated because most donors to either party work for a business. But the amounts don't include separate contributions from trade associations or independent business advertising. ''The role of business last year was huge, and it overwhelmingly benefited Republicans,'' says Larry Makinson of the Center for Responsive Politics.

As the bankruptcy and ergonomics bills move through the Senate over the next few days, business groups also will be looking for early action on other key issues. Here's a preview.

With then-Vice President Al Gore and many Democratic congressional candidates railing against alleged profiteering by drug companies, the industry made its biggest-ever contributions to the GOP cause.

Drug companies contributed $14 million to Republican campaigns over the past two years and spent an additional $60 million to fund their own independent political-advertising campaign. Industry executives will be lobbying the new administration on a wide range of issues, such as the proposal to overhaul the Medicare program and include a prescription-drug benefit for senior citizens. The industry wants to make sure such a benefit doesn't lead to drug-price controls.

But the fight isn't likely to command center stage for many months. In the meantime, drug companies will press for a rewrite of federal rules protecting the privacy of patients' medical records. The rules were announced with much fanfare in the final weeks of the Clinton administration. The drug companies recently got a sign that they, too, were making progress with the new administration.

Health and Human Services Secretary Tommy Thompson, in a move that infuriated consumer groups, invited additional public comments on the rules until the end of this month. The industry is hoping the move will lead to more delays and, ultimately, significant revisions.

Last December, Mr. Clinton heralded the rules as ''the most sweeping privacy protections ever written.'' For the first time, patients would have access to their medical files and could correct mistakes. Providers, such as hospitals and health plans, would be

required to get written permission from patients to use or disclose patients' health information. Providers also would have to create sophisticated record-keeping systems and privacy policies to document compliance with the rules.

Hailed by privacy advocates, the rules include provisions anathema to nearly every segment of the health-care industry. Drug makers, HMOs, drugstore chains and hospitals say that while they back the goal of increased privacy, the rules have a potential cumulative price tag in the tens of billions of dollars, much of it to overhaul data-collection and information-technology systems.

The companies warn that the new requirements mean that pharmacies would need signed customer consents on file before they could do something as simple as sending a prescription home with a neighbor. The drug industry also says that research critical to boosting corporate innovation and tracking the safety of drugs would be inhibited. Academic researchers seeking personal health information from hospitals would have to get authorization from the patient or undergo a special privacy review by a hospital panel.

Privacy advocates such as Janlori Goldman of the Health Privacy Project at Georgetown University counter that such dire predictions are inaccurate and ''hysterical.''

Technically, the regulations apply to the use of information by hospitals, doctors, pharmacists and HMOs. But they have big implications for drug companies, which depend on access to that data for research and marketing. Among the drug companies most concerned is Merck & Co., because of its Merck-Medco unit. Like other pharmacy-benefits managers, which obtain contracts from HMOs and employers to keep drug costs down, Merck-Medco fears it would be hindered in its ability to track physician-prescribing patterns and other information.

Taking the lead on combating the rules is the Confidentiality Coalition, an industry group that meets at the offices of the Healthcare Leadership Council, overlooking Farragut Square, a few blocks from the White House. Dubbed the ''Anti-confidentiality Coalition'' by privacy advocates, the alliance has 120 members, including Merck, Eli Lilly & Co., Cigna Corp. and Medtronic Inc., the big medical-device maker. A core group of 20 to 30 lobbyists shows up regularly for strategy sessions.

[From the Wall Street Journal, Mar. 13, 2001]

AUTO FIRMS SEE PROFIT IN BANKRUPTCY-REFORM BILL PROVISION

(By Tom Hamburger)

WASHINGTON.—The nation's three major auto makers are always interested in making deals, and they hope to close one in the U.S. Senate this week that is worth millions of dollars to each of them.

The deal lies in the bankruptcy-reform bill expected to clear the Senate this week. Buried in the bill's 420 pages is a section that changes the way auto loans are treated when an individual declares bankruptcy, making it more likely the car loans will have to be paid back in full—even while other creditors collect only part of what they are owed.

Automobile lenders and academic experts say the financing arms of the large auto companies will gain hundreds of millions of dollars annually if the auto-loan provision remains in the final bill, despite efforts by Illinois Sen. Richard Durbin and other Democrats to pull it out.

The long-sought bill, which tightens the rules under which consumers can declare bankruptcy, contains several other obscure provisions that, like the one on auto loans, provide special benefits to groups with the ability to influence decision makers. For example, the legislation contains a two-paragraph section—not the subject of any hearings or public debate—that could make it more difficult for Lloyd's of London to collect debts from American investors in the insurance firm who can show they were victims of fraud. The legislation also exempts credit unions from the bill's disclosure requirements for voluntary repayment plans.

But it is the auto-loan provision that draws the loudest complaints.

''This is one of the best examples of why this is legislation that is at war with itself,'' says Brady C. Williamson, who teaches at the University of Wisconsin Law School and who was chairman of the National Bankruptcy Review Commission in 1996 and 1997.

The bankruptcy bill is designed to reduce the number of Chapter 7 bankruptcy filings, in which consumers erase debts to unsecured creditors, and increase the number of Chapter 13 filings, which require debtors to repay at least a portion of their obligations under the supervision of a court-appointed trustee.

The auto giants gain because the proposed law would eliminate the so-called cram-down rules that allow borrowers entering Chapter 13 bankruptcy to repay only an automobile's market value plus interest, not the full value of the outstanding loan.

Consider, for example, the situation of someone entering bankruptcy who bought a car two years ago for $10,000. The car is now worth $6,000, but the buyer still owes $8,000 in a multiyear note to the auto dealer. Under current law, a person filing for Chapter 13 bankruptcy would pay the dealer the $6,000 market value and keep the car. The remaining debt would be considered, along with debts owed to other unsecured creditors such as retailers, credit-card firms and medical providers.

The theory behind the cram-down was that secured creditors could get the value of their collateral back, cars wouldn't get repossessed as often and bankruptcy filers could continue to pay off at least a portion of their obligations to auto lenders and other creditors under the supervision of a trustee.

But under the bill's change, says Mr. Williamson, the debtor will have to devote a larger share of remaining resources to satisfying the auto dealer. Many may lose their cars to repossession. Others will fall in Chapter 13, which already has a 66% failure rate. He worries that more creditors will thus end up filing under Chapter 7, precisely the outcome the bill was designed to avoid.

Lobbyists for the major auto companies, whose financing arms make loans to their customers, acknowledge encouraging Michigan's former senator—now energy secretary—Spencer Abraham to add the provision to the bankruptcy bill in 1999.

''We think cram-down is a bad idea,'' says Anne Marie Sylvester, media-relations manager for GMAC North America, the financing arm of General Motors Corp. ''It raises costs because it forces us to accept losses, which we may have to spread among our customer base. In effect, it rewards debtors who don't fulfill their obligations and penalizes those who follow the rules.'' She said GMAC contributed $1.6 billion to GM's $5 billion earnings last year. The bill also stands to benefit GM's main competitors, Ford Motor Co. and Daimler Chrysler AG.

This provision was in the bill that passed Congress last year but was vetoed by then President Clinton, who said it hit working families too hard. In another sign of the effect a change in the presidency can make, the Bush White House has formally signaled its intention to sign the bill.

Because removal of the cram-down effectively puts auto lenders ahead of other creditors, the proposed shift threatened a powerful business coalition, led by credit-card companies, that has been pushing for an overhaul of bankruptcy law in recent years. Despite some dissent, though, the coalition generally held together, says Jeff Tassey, organizer of the Coalition for Responsible Bankruptcy Laws. Coalition members calculated that the advantages gained by auto companies were worth accepting to keep that powerful constituency behind the new law.

''There are provisions that are important to some industries that aren't important to others,'' Mr. Tassey says. ''But the members took a mature approach . . . It was important to have the automobile industry in there.''

To the auto industry, the change has been needed since cram-down was introduced into law in 1978. Since that law passed, bankruptcy rates have gone up nearly 800% and automobile companies, which make a significant portion of revenue from lending, were upset about the losses.

They argued that eliminating cram-down will make the overall system more disciplined, helping all creditors. Mr. Tassey says that cram-down works as an incentive to enter Chapter 13 bankruptcy and argues that removing it will ''be a deterrent to filing specious bankruptcies.''

But opponents scoff at those arguments. ''This is the worst provision in this bill for those who want to induce people to pay their debts back,'' says Henry Hildebrand of Nashville, Tenn., chairman of the legislative- and legal-affairs committee of the National Association of Chapter 13 Trustees.

As Mr. Hildebrand and others see it, the legislation will hurt all creditors, and will run contrary to the intent of the law's proponents. He cites studies by his organization showing that a fifth of Chapter 13 debtors would be driven into Chapter 7, where they can discharge or liquidate credit-card and other unsecured debt.

And in the Senate last week, Sen. Durbin launched his effort to remove the auto section from the final bill, or at least modify it significantly.

''This provision is unjustly tipped in favor of the creditor, providing little or no protection for debtors,'' Mr. Durbin says. ''A person who want to keep their car and go to work ends up being a loser.''

The bankruptcy coalition's Mr. Tassey, though, dismisses the critics: ''The bankruptcy establishment likes the system the way they have been running it,'' he says.

A STAKE IN BANKRUPTCY

SOFT MONEY, PAC AND INDIVIDUAL CONTRIBUTIONS BY MEMBERS OF THE COALITION FOR RESPONSIBLE BANKRUPTCY LAWS

(In thousands of dollars)

Organization	To Democrats	To Republicans	Total
American Bankers Association	$588.90	$1,109.60	$1,709.50
Credit Union National Association	763.40	873.04	1,642,44
Ford Motor	208.47	548.21	772.13
DaimlerChrysler	161.03	483.08	700.11
General Motors	172.20	502.83	688.80
America's Community Bankers	201.57	334.85	536.42
Independent Bankers Association	164.62	261.25	429.47
Visa USA	172.25	167.85	340.10
National Retail Federation	28.50	204.78	233.28
American Financial Services Association	38.84	155.73	194.57
Mastercard International	11.60	82.60	96.65
Consumer Bankers Association	10.25	13.00	23.25
Total (in millions)	$2.52	$4.74	$7.37

Note: Numbers don't add up because some contributions went to non-partisan causes.

Sources: The Center for Responsive Politics, Federal Election Commission.

Mr. WELLSTONE. Mr. President, I also ask unanimous consent that a New

York Times piece—all of these articles are dated Tuesday, March 13, 2001—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Mar. 13, 2001]

LOBBYING ON DEBTOR BILL PAYS DIVIDEND

(By Philip Shenon)

WASHINGTON, March 12.—A lobbying campaign led by credit card companies and banks that gave millions of dollars in political donations to members of Congress and contributed generously to President Bush's 2000 campaign is close to its long-sought goal of overhauling the nation's bankruptcy system.

Legislation that would make it harder for people to wipe out their debts could be passed by the Senate as early as this week. The bill has already been approved by the House, and Mr. Bush has pledged to sign it.

Sponsors of the bill acknowledge that lawyers and lobbyists for the banks and credit card companies were involved in drafting it. The bill gives those industries most of what they have wanted since they began lobbying in earnest in the late 1990's, when the number of personal bankruptcies rose to record levels.

In his final weeks in office, President Bill Clinton vetoed an identical bill, describing it as too tough on debtors. But with the election of Mr. Bush and other candidates who received their financial support, the banks and credit card industries saw an opportunity to quickly resurrect the measure.

In recent weeks, their lawyers and lobbyists have jammed Congressional hearing rooms to overflowing as the bill was redebated and reapproved. During breaks, there was a common, almost comical pattern. The pinstriped lobbyists ran into the hallway, grabbed tiny cell phones from their pockets or briefcases and reported back to their clients, almost always with the news they wanted to hear.

''Where money goes, sometimes you see results,'' acknowledged Representative George W. Gekas, a Pennsylvania Republican who was a sponsor of the bill in the House. But Mr. Gekas said that political contributions did not explain why most members of Congress and Mr. Bush appeared ready to overhaul the bankruptcy system.

''People are gaming this system,'' Mr. Gekas said, describing the bill as an effort to end abuses by people who are declaring bankruptcy to wipe out their debts even though they have the money to pay them. ''We need bankruptcy reform.''

Among the biggest beneficiaries of the measure would be MBNA Corporation of Delaware, which describes itself as the world's biggest independent credit card company. Ranked by employee donations, MBNA was the largest corporate contributor to the Bush campaign, according to a study by the Center for Responsive Politics, an election research group.

MBNA's employees and their families contributed about $240,000 to Mr. Bush, and the chairman of the company's bank unit, Charles M. Cawley, was a significant fundraiser for Mr. Bush and gave a $1,000-a-plate dinner in his honor, the center said. After Mr. Bush's election MBNA pledged $100,000 to help pay for inaugural festivities.

MBNA was obviously less enthusiastic about the candidacy of former Vice President Al Gore, Mr. Bush's Democratic rival; according to the center, only three of the company's employees gave money to the Gore campaign, and their donations totaled $1,500.

The center found that of MBNA's overall political contributions of $3.5 million in the last election 86 percent went to Republicans, 14 percent to Democrats. The company, which did not return phone calls for comment, made large donations to the Senate campaign committees of both political parties—$310,000 to the Republicans, $200,000 to the Democrats.

MBNA's donations were part of a larger trend within the finance and credit card industries, which have widely expanded their contributions to federal candidates as they stepped up their lobbying efforts for bankruptcy overhaul.

According to the Center for Responsive Politics, the industries' political donations more than quadrupled over the last eight years, rising from $1.9 million in 1992 to $9.2 million last year, two-thirds of it to Republicans.

Kenneth A. Posner, an analyst for Morgan Stanley Dean Witter, said that the bankruptcy bill would mean billions of dollars in additional profits to creditors, and that it would raise the profits of credit card companies by as much as 5 percent next year. In the case of MBNA, that would mean nearly $75 million in extra profits in 2002, based on its recent financial performance.

The bill's most important provision would bar many people from getting a fresh start from credit card bills and other forms of debt when they enter bankruptcy. Depending on their income, it would bar them from filing under Chapter 7 of the bankruptcy code, which forgives most debts.

Under the legislation, they would have to file under Chapter 13, which would require repayment, even if that meant balancing overdue credit card bills with alimony and child-support payments.

Consumer groups describe the bill as a gift to credit card companies and banks in exchange for their political largess, and they complain that the bill does nothing to stop abuses by creditors who flood the mail with solicitations for high-interest credit cards and loans, which in turn help drive many vulnerable people into bankruptcy.

''This bill is the credit card industry's wish list,'' said Elizabeth Warren, a Harvard law professor who is a bankruptcy specialist. ''They've hired every lobbying firm in Washington. They've decided that its time to lock the doors to the bankruptcy courthouse.''

The bill's passage would be evidence of the heightened power of corporate lobbyists in Washington in the aftermath of last year's elections, which left the White House and both houses of Congress in the hands of business-friendly Republicans.

Last week, corporate lobbyists had another important victory when both the Senate and the House voted to overturn regulations imposed during the Clinton administration to protect workers from repetitive-stress injuries.

Credit card companies and banks would not be the only interests served by the bankruptcy bill. Wealthy American investors in Lloyd's of London, the insurance concern, have managed through their lobbyists to insert a provision in the bill that would block Lloyd's from collecting millions of dollars that the company says it is owed by the Americans.

Lloyd's has hired its own powerful lobbyist, Bob Dole, to help plead its case on Capitol Hill. Last week, the chief executive of Lloyd's was in Washington to plot strategy.

The issue involves liabilities incurred by Lloyd's in the 1980's and 1990's when it was forced to pay off claims on several disasters, like the Exxon Valdez oil spill. Investors in Lloyd's are expected to share both its profits and its losses, but the Americans have refused to settle the debts, claiming they were misled by Lloyd's.

As he watched consumer-protection amendments to the bankruptcy bill fail by lopsided margins last week, Senator Patrick J. Leahy of Vermont, the ranking Democrat on the Judiciary Committee and a leading critic of the bill, said that colleagues had told him privately that they were ''committed to the banks and credit card companies—and they are not going to change.

''Some of them do this because they think it's the right thing to do,'' Mr. Leahy said.

But he said other senators were voting for the bill because they know that the banks and credit card companies ''are a very good source'' of political contributions. ''I always assume senators are doing things for the purest of motives,'' he added, his voice thick with sarcasm. ''But I have never had credit card companies show up at my fund-raisers, and I don't think they ever will.''

Mr. Gekas said the implication that money was buying support for the bankruptcy bill was insulting, and that the bill did most consumers a favor by ending practices by some debtors that had forced up interest rates for everybody else. ''Bankruptcies are costly to all of us who don't go bankrupt,'' Mr. Gekas said.

In the late 1990's, banks, credit card industries and others with an interest in overhauling the bankruptcy system formed a lobbying group, the National Consumer Bankruptcy Coalition, for the purpose of pushing a bankruptcy-overhaul bill through Congress.

They said they needed to act to deal with what was then a record number of personal bankruptcy filings. According to court records, the number of personal bankruptcies hit nearly 1.4 million in 1998, a record up from 718,000 in 1990. The number fell to just under 1.3 million last year, although it is expected to rise again if the economy continues to sour.

The coalition's founders included Visa and Mastercard, as well as the American Financial Services Association, which represents the credit card industry, and the American Bankers Association.

The Center for Responsive Politics found that the coalition's members contributed more than $5 million to federal parties and candidates during the 1999–2000 election campaign, a 40 percent increase over the last presidential election.

Mr. WELLSTONE. By the way, there was also a piece on this on National Public Radio this morning. There is another piece by Mr. Samuelson in the Washington Post this morning. His argument is that it is not so much that it is a bad bill—I think because I had to skim read it; I was in a rush—he was saying that at a time with an economic downturn, there may now be more people filing bankruptcy. Actually, it has fallen off over the last year and a half, but that may happen again, and we are going to make it really difficult for a whole lot of people in very difficult economic circumstances to rebuild their lives. Mr. Samuelson was saying he questioned the timing of this bill.

The New York Times piece is: ''Lobbying On Debtor Bill Pays Dividend.'' That is a headline that should give ordinary citizens, the people of Minnesota and the country, a whole lot of faith in our political process. ''Lobbying On Debtor Bill Pays Dividend'':

A lobbying campaign led by credit card companies and banks that gave millions of dollars in political donations to members of Congress and contributed generously to

President Bush's 2000 campaign is close to its long-sought goal of overhauling the Nation's bankruptcy system.

It goes on to talk about all of the breaks the credit card industry is going to get, that all of the money they put into politics is going to pay a huge dividend in terms of support.

By the way—this is interesting as well—while I probably have been one of the strongest critics of President Clinton, it is interesting that this piece about the support from all of the financial contributions paying off—I think one reason my colleagues are in such a rush to pass this bill is to show now we have a President who is going to sign the bill as opposed to veto the bill because we could not override the veto.

President Clinton, wherever you are, with whatever kind of tough stories you have had to deal, with whatever you have done by way of pardons that may not be right that I do not agree with, I want you to know that as a Senator I thank you for standing up to all of these big contributors, to all of these interests, to the financial services industry. It wasn't easy to do, and you did it. Thank you, President Clinton.

I am not at all surprised President Bush cannot wait to sign this bill. This is his crowd, as my good friend FRITZ HOLLINGS from South Carolina would say. This is his crowd. I am sure he cannot wait to sign the bill.

Let me go to this amendment which I do not think my colleagues want to vote on up or down. I thought when I modified it we had at least an implicit understanding we would have an up-or-down vote, but they do not want to vote on this amendment, and I do not blame them. I would not want to vote against this amendment either.

This amendment is an amendment that deals with the predatory lending which targets low- and moderate-income families.

This bankruptcy ''reform'' bill, does it have much that deals with predatory lending practices? No. Does it call on the credit card industry—broadly defined—to perhaps take some accountability for pumping credit cards on our children and all sorts of other people who then find themselves in trouble and have to file for bankruptcy? No.

I will tell you what it does do. It makes it very difficult for a whole lot of people who find themselves in desperate financial straits to file for chapter 7, and, for that matter, it goes beyond the means test. There are provisions in this 50-page bill plus that make it really hard for ordinary people to get relief and rebuild their lives. That is absolutely outrageous.

I believe somebody needs to challenge this rush to get this done. We may have a cloture vote. We are going to have a cloture vote this afternoon, I take it. Colleagues should vote against it. There are a number of Senators who want to have amendments and want to have a vote on amendments, and they are right.

By the way, I did not file for cloture. That was the majority leader. My understanding is there is going to be a cloture vote, and my understanding is Senators would have a chance to have votes on their amendments. That was my understanding. That is what should happen. There are some substantive amendments that deal directly with alternatives to this harsh bill.

I want to know why we are not going to have votes on those amendments—I mean major amendments. And this amendment I think is also a major amendment, but I know other colleagues, who have worked on this many more years than I have and have more expertise, probably have even more important amendments. What do you think about this one? This amendment will prevent claims in bankruptcy on high-cost transactions in which the annual interest rate—if you are ready for this—exceeds 100 percent. These are payday car title pawns. It is an extremely small amount. These are low-income folks who pay this price who are having a difficult time because someone was ill and had to go to the doctor and they do not have much margin month to month. Go for a loan and you are extended a small amount, $100 to $500, for an extremely short time, 1 or 2 weeks. The loans are marketed as giving the borrower a little extra until payday.

The loan works like this, if you can believe these loan sharks, these vultures. The borrower writes a check for the loan amount, plus a fee. The lender agrees to hold on to the check until the agreed upon date and give the borrower the cash. On the due date, the lender either cashes the check or, as quite often it happens, allows the borrower to extend the loan by writing a new check for the loan amount, plus an additional fee. Calculated on an annual basis, these fees are exorbitant. For example, a $15 fee on a 2-week loan of $100 is an annual interest rate of 391 percent. Rates as high as 2,000 percent per year have been reported on these loans.

Why in the world do we want to allow claims in bankruptcy for these kinds of credit transactions? Why are we in such a rush to support these sleazy loan sharks? Can somebody come out on the floor of the Senate and tell me what the goodness is in what they do? Can somebody give me one good argument why you don't want to vote up or down on this amendment? I am indignant. I have to be careful not to get too hot. I am really angry.

Let me talk about the other area that is so egregious. Car title pawns are 1-month loans secured by the title to the vehicle by the borrower. Please remember, Senators, these are not our sons and daughters or brothers or sisters or our wives or husbands. I am talking about poor people. We, luckily by the grace of God, or by luck of another kind, are not in this position. We don't have to put our car up for collateral. We don't live month by month on meager incomes and desperate to get credit. That doesn't happen to us.

A typical title pawn costs 300 percent interest, and consumers who miss the payments have their cars repossessed. In some States, consumers do not receive the proceeds from the sale of the repossessed vehicle even if the value of the car exceeds the amount of the loan.

The Presiding Officer knows all about this because of his position in the State of Florida. For example, a borrower might put up their $2,000 car as collateral for a $100 car title loan and an outrageous interest rate, and if the borrower defaults, the lender can take the car, sell it, and keep the full $2,000 without returning the excess value to the borrower.

And we want to protect these loan sharks? Members don't want to vote for this amendment? Members want to come second-degree this amendment? Why?

These schemes actually are more lucrative if the borrower defaults. Often the borrower—are you ready for this?—is required to leave a set of keys to the car with the lender, and if the borrower is even 1 day late with the payment, he or she might look out the window and find the car is gone.

This amendment would prohibit claims in bankruptcy for credit transactions such as these payday loans and car title pawns where they charge over 100 percent interest in a year.

Could somebody explain to me why this is a bad amendment? Could somebody defend these sleazy loan sharks? So far, no one has.

There is no question these high-interest-rate loans take advantage of working people. On the face of it, paying 300 percent or 500 percent or 800 percent for a $100 loan or $200 loan is unconscionable. No fully informed person with a choice would do it. But that is exactly the issue: These folks may not always have a choice.

I am sorry I believe this has been happening over and over again in the last couple of weeks. This is similar to the ergonomics standard. This is a class issue. These are poor people we are talking about. None of us is ever put in this situation.

President Bush, whatever happened to compassionate conservatism? My Republican colleagues, whatever happened to compassionate conservatism?

Often these borrowers turn to payday lenders and car title pawns because they can't get enough credit through the normal channels. So these borrowers are a captive audience, unable to shop around to seek the best interest rates, uninformed about choices, unprotected from coercive collection practices.

I thank the Chair for having the graciousness to face me while I speak. I always thought that was important. I thank the Chair. It is much harder to speak when the presiding Chair is reading or not paying attention. I thank the Chair for his graciousness. When I shout, I am not shouting at the Presiding Officer.

There is no way the borrower can win. At best, they are robbed by high

interest rates, and at worst their lives are ruined by the $100 loan which spirals out of control. These loans are patently abusive. They should not be protected by a bankruptcy system. Because they are so extensive, they should be completely dischargeable in bankruptcy so the debtors can get a true fresh start and so that more responsible lenders' claims are not crowded out by the shifty operators.

Colleagues, vote for this amendment because you are for responsible lenders. Vote for this amendment. I call this the responsible lender's amendment. Why should unscrupulous lenders who have equal standing in bankruptcy court with a community bank or a credit union that tries to do right by their customers? Why do we give equal value to these sleazy loan sharks with community banks or credit unions?

By the way, I don't think these lenders should be able to take advantage of customers' vulnerability through harassment or coercion, but that was considered to be a terrible provision. That challenged jurisdiction in another committee, so I even dropped the language on the coercive practices.

My amendment simply says if you charge interest over 100 percent on a loan, and if the borrower goes bankrupt, you cannot make a claim on that loan or the fees from the loan. In other words, the borrower's slate is wiped clean of your usurious loan and he gets a fresh start.

Additionally, such lenders will be penalized if they try to collect—well, no. See, there you go; there was my prepared statement. I shouldn't use a prepared statement. I was going to say, additionally such lenders will be penalized if they try to collect on their loan using coercive tactics, but I have taken that out. That was the modification my colleagues asked for, as if that would be such a terrible thing. And now I don't even get an up-or-down vote on the amendment. That is my understanding.

This amendment is a commonsense solution to the problem I have described. It allows the Senate to send a message to those loan sharks. If you charge an outrageous interest rate, if you profit from the misery and misfortune of others, if you stack the deck against the customers so they become virtual slaves to their indebtedness, you will get no protection in bankruptcy court for your claims.

As I say that, it sounds good to me. It really does. What is wrong with this proposition? If a lender wants to make these kinds of loans under this amendment, he or she can. But if he wants to be able to file claims in bankruptcy, he can't charge more than 100 percent interest. I don't believe any one of my colleagues will come to the floor to claim that a 100-percent interest rate is an unreasonable ceiling.

This amendment is in the spirit of reducing bankruptcies. I think if it was adopted it would significantly improve the bill, and I urge its adoption.

I will deal with a few more questions that have been raised. I assume we will have a debate on this. This whole bankruptcy bill and debate make me uncomfortable because one of the Senators for whom I have the greatest respect is Senator GRASSLEY from Iowa—and he or another Senator may come out here. He is a great Senator, in my opinion. But I have to say one of two things is going to happen. Senators are going to come out here and say: Senator WELLSTONE, your amendment is all wrong. These loan sharks need the protection. We are for the loan sharks. We are for the 100 percent interest-plus. Or they are going to come out with a second-degree amendment which I fear will have the same effect because it will gut this amendment, in which case we will have a debate about that.

But, so far, the silence has been deafening. I assume we will have that debate or maybe it will be accepted; I don't know. We will have a vote one way or the other.

This amendment is necessary. For those who say some States are starting to institute regulation of payday lenders—that is true, and I am glad; if States do more than we do, I am all for it—more and more payday loans are being made over the Internet, and they cannot be effectively regulated by the States. In addition, payday lenders have explored using national bank charters to avoid State regulation. So both tactics require a Federal response.

These payday lenders, if you are ready for this, are generating 35 percent to 50 percent. The fees are grossly disproportionate to the risk or the profit margins would not be so high. We are talking about loan sharks who feed off misery and illness, all too often, and desperation, and low- and moderate-income people, many of them families headed by single parents, many of them families headed by women, many of them people of color, many of them urban, many of them rural—and we ought to be willing to stand up for these people.

This amendment challenges Senators: Are you on the side of these sleazy loan sharks? Or are you willing to defend poor people in the United States of America?

I am not holding the Senate up. I am waiting for the debate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 37

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to bring up my amendment No. 37, and I then be allowed to withdraw the amendment No. 37 which relates to trade adjustment assistance.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President and my good friend from Montana, the reason that I offered this amendment previously is because the crisis that we are facing in the steel industry in general is having a particularly devastating effect on workers in my state—and also, quite frankly in the state of Michigan as well.

In the northeastern part of Minnesota—an area we call the Iron Range—a material called taconite is mined and then becomes an input into the steel production process. Taconite is basically iron ore; it's crushed, melted in blast furnaces, and then cast to be used to produce finished steel products.

As you know, the steel industry is highly integrated. To make finished steel products, producers can purchase semi-finished steel or they can make their own semi-finished steel with taconite or iron ore. Due to the recent surge in dumped semi-finished steel slab imports it has become cheaper for steel mills to import this steel and finish it rather than make their own. This, coupled with the general decline in the U.S. steel industry, has had a devastating effect on taconite workers in my state and in Michigan. Just one example of many that I'm sure you're familiar with is LTV Corp's announcement in December that it was filing for bankruptcy.

I ask unanimous consent to have this document, which sets forth the chronology of the major layoffs, shutdowns, etc. that have been devastating working families in the Iron Range of my state, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF WORKER DISLOCATION IN THE TACONITE INDUSTRY ON THE IRON RANGE IN MINNESOTA

In December 1999 the Iron Mining Association of Minnesota (IMA) reported that 5,760 workers were employed in taconite plants in Minnesota. After the announced cuts described below take effect, our projections show that there will be approximately 4,480 workers employed in this industry. That's more than 1,200 workers laid off in one year.

Below is a chronology of the worker dislocation we have been experiencing.

1. On May 24, 2000, the LTV Corp. announced its plan to permanently close the taconite plant in Hoyt Lakes. There are 1,400 people who work at this plant.

2. On December 29, 2000, LTV, the Nation's third leading producer of basic steel, filed for bankruptcy court protection.

3. On December 31, 2000, National Steel Pellet Co. laid off 15 hourly workers and 7 salaried staff members.

4. On January 28, 2001, Hibbing Taconite announced a six-week shut down, idling about 650 hourly workers.

5. On February 16, 2001, Minnesota Twist Drill laid off 64 of 195 full-time employees.

6. On February 19, 2001, Hibbing Taconite announced the elimination of between 29 and 38 salaried positions.

Mr. WELLSTONE. Mr. President, the difficulty, and the reason I offered my

amendment, is that the previous Administration had an inconsistent record with respect to recognizing U.S. iron ore workers' eligibility to receive Trade Adjustment Assistance, despite the fact that they are clearly being injured by unfairly traded steel imports. In its most recent decision, involving a different taconite producer, a determination was made that low grade iron ore is not ''like or directly competitive with'' semi-finished steel slabs. I remain hopeful that a new Administration, taking a fresh look at this issue, will resolve the issue differently. Meanwhile, however, I was offering this amendment to make it explicit that taconite workers will be eligible to receive the trade adjustment assistance they so clearly need.

Mr. BAUCUS. Mr. President, I want to begin by saying that I am very sympathetic to the plight of taconite workers described by Senator WELLSTONE. Unfortunately, the situation is not at all unusual. Taconite workers are an example, and unfortunately not an isolated example, of the fate of workers who supply critical inputs to American industries that face stiff import competition.

When American workers lose their jobs because their production is replaced by imports of ''like or directly competitive articles,'' we help those workers through the Trade Adjustment Assistance Program. TAA provides extended unemployment benefits, retraining benefits, and job search and relocation benefits to workers who lose their jobs through the effects of trade. I am and have been a strong supporter of the Trade Adjustment Assistance Program for many years. But the present TAA program helps only the workers whom the Department of Labor determines produce the same product that is being imported.

This year presents an opportunity to consider how the TAA program can be more effective in meeting the needs of all workers who lose their jobs as a result of import competition. That means recognizing that trade-related job losses and dislocation are devastating for all workers, no matter where they are in the overall production process.

The TAA program comes up for reauthorization this year. I think that is the right context for addressing the problem raised today. I want to assure my colleague Senator WELLSTONE that I would look favorably on expanding the TAA program to cover workers, whenever imports from any country lead to job loss. In fact, we are already working on legislation in the Finance Committee which would do just that. I invite Senator WELLSTONE to work with the Finance Committee in this effort and to testify before the Committee when we hold hearings on TAA later this year. It is certainly my hope that we will be able to address the trade adjustment needs of taconite and other similarly situated workers, as we work to reauthorize and expand the TAA program this year.

Mr. DAYTON. Mr. President and my colleagues, the Senior Senator from Minnesota, Senator WELLSTONE and Senator BAUCUS from Montana, I appreciate Senator BAUCUS' candor in recognizing that taconite workers have been inconsistently treated in the Department of Labor's definition of workers, eligible for Trade Adjustment Assistance. The efforts of taconite workers, from the Iron Range of Minnesota, to obtain relief from reduced production of semi-finished steel slab and steel plant closings, have been frustrated by how the Department of Labor considers the taconite industry. This is the reason Senator WELLSTONE and I introduced the Taconite Workers Relief Act. This bill underscores what I believe is certain: that taconite production is an essential part of an integrated steel-making process. Steel, no matter where it is made, is produced by a process initiated by iron ore or taconite pellets. Taconite pellets are melted in blast furnaces and then blown with oxygen to make steel. Every ton of imported semifinished steel displaces 1.3 tons of iron ore in basic domestic steel production.

In Minnesota, in the mid-1990's, seven operating taconite mines and 6,000 workers produced 45 million tons of taconite, which is 70 percent of the nation's supply. Today, the painful reality is that production cutbacks have ravaged the United States' iron ore industry. Northshore Mining Company announced that it would cut 700,000 tons of production; U.S. Steel's Minntac plant is cutting 450,000 tons; and the Hibbing Taconite Company is cutting 1.3 million tons of production.

On December 29, 2000 LTV, the third largest steel producer in the United States, filed for bankruptcy, bringing the number of steel producing companies under Chapter 11 protection to nine. The closing of LTV permanently eliminates 8 million tons of production and 1,400 jobs in Minnesota. I am sure that the pain of unemployed steelworkers in Minnesota, and the fear of those who face an uncertain future, is mirrored among steelworkers in northern Michigan. This is the reason why Senators LEVIN and STABENOW are also cosponsors of the Taconite Workers Relief Act.

The men and women of the Iron Range, who have worked for generations in the iron ore mines of northeastern Minnesota, are members of long standing in the union of the United Steelworkers of America. These are hard working people who believe that America's steel industry is a basic industry, essential to the economic and national security of our country. These are people, with an unwavering work ethic, who understand that the steel industry is highly integrated, and who believe they are part of that industry. This is the reason I want to work to ensure the Department of Labor clearly recognizes the eligibility of taconite workers for TAA, and I also believe that eligibility should be retroactive to include workers permanently laid off in the past year.

I commend the leadership of Senator BAUCUS in offering to support the expansion of TAA to cover taconite workers. I stand firmly on the principle that taconite workers must be treated equally at the trade table, and in the definition of eligibility for trade adjustment assistance. The opportunity the Senator has offered within the context of reauthorizing TAA is a wise strategy. I will join the Senator in working hard to eliminate any question there may be about the importance of taconite as part of an integrated steel industry.

Mr. BAUCUS. I thank Senator WELLSTONE and Senator DAYTON for their detailed and thoughtful presentation of the situation of taconite workers in Minnesota and Michigan. I also welcome their willingness to work with me and the Finance Committee on the reauthorization and expansion of the TAA program.

Mr. GRASSLEY. Mr. President, I concur with my colleagues that the Trade Adjustment Assistance Act needs a thorough review to protect workers who lose their jobs or income as a result of import competition. I am committed to a top to bottom review of the Act this year and to work with members to make the necessary changes.

The amendment (No. 37) was withdrawn.

Mr. WELLSTONE. I thank the Chair.

Mr. LEAHY. Mr. President, I thank the Senator from Minnesota.

Mr. President, the Senator from Utah and I have been working together on a managers' package. We might be able to move that forward. We are not right at that spot yet.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to speak as in morning business.

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

Mr. REID. If the Senator would just withhold, how long does the Senator wish to speak? We are about to do a unanimous consent request.

Mr. KERRY. I don't know exactly. About 10 minutes or so.

Mr. REID. Fine. It will take us that long to get things in order.

Mr. WELLSTONE. If I could say to my colleague, with his indulgence, I certainly will not object, but I want to make it clear, because we are also in the middle of something else, that I have an amendment out here. I have been debating it. I am ready to hear somebody else debate it. I am ready to

have a vote. I am not holding anything up. Democrats have a number of amendments to this bill that should be offered, debated, and voted on.

I question what is going on here.

Mr. KERRY. Mr. President, I am not sure which dog I have in this fight at the moment. I appreciate what the Senator from Minnesota is trying to accomplish. I gather that various people are trying to work on that. I certainly don't want to interrupt the flow. I will speak. If at some moment the Senate needs to move back to business, I will obviously be happy to do so.

(The remarks of Mr. KERRY are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I want to accommodate two colleagues who are on the floor, Senator LEVIN and Senator BIDEN, but I want to just be clear about what is going on here. It is 2:30. I have been asking for a vote on the amendment. Eight other Democrats have amendments on which they would like to have votes.

The strategy on the other side is to not have votes and basically shut this down with a cloture vote. I want to be clear about this.

I ask unanimous consent that my amendment be voted on within the next 30 minutes—first of all, voted on within the next 30 minutes, with no second-degree amendments.

Mr. HATCH. Mr. President, I have to object to that unless we can work out some matters that have to be worked out.

Mr. WELLSTONE. If I may go on, I was going to go on and ask unanimous consent that the managers' package be dealt with—I would not think that would require a rollcall vote—and that the pending Durbin amendment No. 93 be dealt with. But I would like to say to Democrats—and this is not aimed at my colleague from Utah—this is a violation of an agreement that we had.

Last week, the majority leader came out here on a motion to proceed. I blocked it. We talked about it and said we would have substantive debate. We were given the assurance that before any cloture vote, we would have the opportunity to have our amendments down here and voted on. I have come out here with an amendment. I have not delayed at all. I still can't get a vote on this amendment after 3 days. You have someone such as Senator DURBIN, who has been working as hard on bankruptcy as anybody, who can't get a vote on his amendment. This cloture motion should not have been filed. It is in violation of the agreement that was made. Any number of us are not having the opportunity to have up-or-down votes.

Frankly, I would not want a vote on behalf of these payday lenders, these sleazeball shark lenders, myself. We ought to have a vote.

Mr. HATCH. If the Senator will yield, Mr. President, as the Senator knows, we have been here for almost 2 weeks on this bill. This is a bill that has been modified. Some of the amendments of the other side have been agreed to. Some have been on the floor.

This bill passed 70–28 last December. Frankly, there appears to us to be an effort to have amendment after amendment, and some of these amendments are not even germane. In fact, quite a few of them are not germane. Our side exercised a prerogative of the rules to file cloture, to end what really is a debate that is going out of bounds.

Mr. REID. Will the Senator yield?

Mr. HATCH. Excuse me, if I may finish. I would have preferred not to have filed cloture. I would have preferred to agree to a small number of amendments and we go forward on those amendments and then have a vote on final passage, but we were not able to get that agreement, or at least have not been able to up to now. As far as I know, there is only one Senator stopping that agreement.

I say this to my distinguished friend from Minnesota: As far as I am concerned, I have no real objection to the Senator proceeding on his amendment and having a vote prior to the cloture vote. I prefer to vitiate the cloture vote. If the Senator feels aggrieved, I am going to try to accommodate him, but I hope our colleagues on both sides will be willing to work with us to get this bill completed because it is an important bill.

Yes, there are a variety of viewpoints in this bill, but this is a very important bill. We believe we have bent over backwards to try to work it out with both sides in this matter.

I ask unanimous consent—I hope the distinguished Senator from Minnesota will listen—that a vote occur in relation to the pending Wellstone amendment No. 36, as I understand it, as modified, at 3:40 p.m. today, and the time between now and then be equally divided and no second-degree amendments be in order prior to the vote, and at some point it be in order to lay aside the amendment for up to 5 minutes for consideration of a managers' amendment.

Mr. REID. Reserving the right to object, I appreciate the Republicans allowing a vote on the amendment of the Senator from Minnesota. We have now approximately 1 hour 5 minutes. I am told the Senator from Minnesota wishes to speak an additional period of time on his amendment. The Senator from Delaware, who is the ranking member on the Foreign Relations Committee——

Mr. BIDEN. If the Senator will yield, that is fine.

Mr. REID. The Senator from Michigan is here to talk about something he worked out with the chairman and ranking member. I wonder if we can make sure they all have an opportunity to speak. I ask the Senator from Minnesota how he feels about that.

Mr. WELLSTONE. I am sorry, I did not hear.

Mr. REID. Does the Senator have a problem with Senator LEVIN having 5 minutes and the Senator from Delaware 15 minutes prior to the vote at 4 p.m. because there are no another amendments being offered prior to that time?

Mr. WELLSTONE. Reserving the right to object, I ask my colleague from Utah whether I may amend his unanimous consent request to assure that the managers' package be accepted or voted on and that the Durbin amendment be out here. If I may—I have the floor, if I may finish for a moment. I want to let my colleagues speak. It is an outrageous proposition here. I am not just speaking about my own amendment. I want a vote on my own amendment.

Mr. HATCH. Will the Senator yield?

Mr. WELLSTONE. If I may finish, and then I will take a question. I want to know why, No. 1—maybe there is something I do not know—I want to know whether or not there is a commitment that the managers' amendment will be accepted before we get a cloture vote and it gets clotured out, and I want to know why Senator DURBIN, who has worked on this bill long before I understood the issue, cannot bring it out. I want a vote. I have been trying to have a vote on it for days. I am ready to have Senator BIDEN and Senator LEVIN speak and have a vote on my amendment right away. I want to know why.

I ask unanimous consent that my amendment be disposed of at 3:40 p.m. and also Senator DURBIN be allowed to come to the floor and debate his amendment and have a vote on the Durbin amendment as well after 3:40 p.m. and that we either have a voice vote or recorded vote on the managers' package before the cloture vote.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Will the Senator yield for a comment?

Mr. WELLSTONE. I am not going to yield the floor, but I——

Mr. HATCH. You already yielded the floor.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Let me accommodate my colleague.

I am trying to accommodate the Senator. I am trying to be reasonable, and I am trying to make this matter acceptable. We have a cloture vote at 4. I am willing to accommodate the Senator so he can have a debate on his amendment equally divided until 3:40 when we vote on the amendment.

Mr. WELLSTONE. Mr. President, will——

Mr. HATCH. Let me finish. Then we will vote on that amendment, as modified. As I understand it, Senator LEVIN wants to speak—is that correct?—for 5 minutes, and Senator BIDEN wants to speak for how much time?

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. I will be happy to without losing my right to the floor.

Mr. BIDEN. I am not standing here seeking recognition to speak, although I would like to do that at whatever time is convenient, but I ask the question: Isn't it fair that the request—and I strongly disagree with Senator WELLSTONE's characterization of this bill, and I strongly disagree with Senator DURBIN's characterization of this bill, but are they not entitled to have a vote? I am standing here to support their right to have a vote before cloture. I thought that was the general understanding, that we would have the ability to vote on both those amendments before cloture.

I do not understand why they are not being given that right. Again, I strongly disagree with both of them. I think there has even been a little bit of demagoguery on the bill. I resent some of the ways they have characterized the positions of some of us who support the bill, but I think they have a right to have a vote on their amendments. I thought there was an understanding.

My question is: Was there not an understanding that we would be voting today prior to cloture on some of these amendments that would be kicked out by cloture if cloture were invoked?

Mr. WELLSTONE. Will the Senator yield?

Mr. BIDEN. I cannot yield. The Senator from Utah has the floor. I asked a question so I cannot yield. That is my question.

Does it also not make sense for the legitimacy of the cloture vote to let them have their votes on both those amendments?

Mr. HATCH. I am not aware of the promise to Senator DURBIN, but I am trying to accommodate the distinguished Senator. We have a limited time prior to the cloture vote.

Mr. BIDEN. I ask unanimous consent——

Mr. HATCH. Will the Senator withhold?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Will the Senator withhold before I ask unanimous consent myself? I am trying to accommodate the distinguished Senator from Minnesota. If Senator DURBIN wants to come to the floor and do his amendment, personally I do not have any objection to that. Let me check with our side and make sure we can do that, as long as we have an opportunity to amend the Durbin amendment.

Would it be possible to cut down the time so we could accommodate both amendments before the vote?

Mr. WELLSTONE. Absolutely. That has been my point.

Mr. HATCH. If you will be willing to take less time, we can allow 5 minutes for Senator LEVIN; and how much time does the Senator from Delaware need?

Mr. BIDEN. If the Senator will yield, I am not asking for any time to speak on NATO—that is what I want to speak on—because I thought this was a dead period. It is kind of a dead period for different reasons.

I ask the Senator to consider the request. If the Senator from Minnesota is willing to knock down his time—the Senator can speak for himself—the staff of the Senator from Illinois tells me he will be willing to cut down his time as well so they both can get a vote on their amendments prior to 4 o'clock.

What I am asking the Senator from Utah, whom I support on this bill, is to give them a chance, if they will cut down their time, to have a vote on both of their amendments. That is my request of the Senator from Utah. They are both here and can speak for themselves, obviously, better than I can.

Mr. HATCH. Let me suggest the absence of a quorum, and I will immediately see if I can get this done.

Mr. LEVIN. Will the Senator withhold so I may speak?

Mr. HATCH. I ask unanimous consent that the Senator from Michigan be given 5 minutes and then the floor come back to me at the conclusion of his remarks.

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

Mr. LEVIN. Mr. President, I thank my good friend from Utah. I was going to offer an amendment on behalf of Senator FEINSTEIN and myself. It is amendment No. 91 at the desk. It is similar to an amendment adopted last Congress during debate of the bankruptcy bill, which was deleted during negotiations with the House of Representatives. I am not going to offer this as an amendment to this year's bankruptcy bill but, rather, introduce it as a freestanding bill because of the agreement of Senator GRAMM, who is the chairman of the Banking Committee, to hold a hearing on our bill when it is filed as a freestanding bill.

When it is introduced, it will be referred to his committee. However, I want to spend 1 or 2 minutes explaining what this amendment is all about.

What credit card companies do now is charge interest to people, even though they pay part of their indebtedness on time.

It would be fine if they were just charging interest on part of the indebtedness which was outstanding and not paid on time. That is perfectly appropriate. But if somebody, for instance, starts with a zero balance, charges $1,000 on their credit card, pays $900 on time by the due date, then that person is not only charged interest on the $100 owed, that person is charged interest on the full $1000, even the part of his bill that is paid by the due date.

I don't know any other situation where somebody who pays an obligation on time is nonetheless charged interest on the part that is paid.

Again, our bill will address this by addressing the imposition of interest for on-time payments during the so-called "grace period." Currently, credit card lenders use complicated definitions of "grace period" to allow interest charges for payments even if they are made on time. Credit card lenders define "grace period" as applicable only if the balance is paid in full. Mastercard, for example, defines their "grace period" as "a minimum of 25 days without a finance charge on new purchases if the New Balance if paid in full each month by the payment due date." That means that even if a person pays 90 percent of his balance, he is still charged interest on money which is timely paid.

This is an overreach by the credit card companies. It should be corrected by the credit card companies. Most credit card customers, when they send in a check to pay their credit card on time, fairly assume they will not be charged interest on the money paid. But in fact they are, unless they happen to pay off the entire amount of their obligation. It is unfair. It is an overreach. It ought to be corrected by the credit card companies themselves. If it isn't, our bill will correct it for them.

Credit card companies are adding new and higher fees all the time in the small print of their lending terms. According to Credit Card Management, late fees, balance transfer fees, overlimit fees, and other penalty fees were a source of $5.5 billion in revenue for credit card companies in 1999, up from $3.1 billion in 1995.

Hopefully, the credit card companies will correct this overreach themselves, and this bill will not be necessary, but the chairman of the Banking Committee has indicated he is willing to hold a hearing on this bill and on similar practices by the credit card companies that might be brought to the attention of the Banking Committee, and based on that agreement by the Senator from Texas, I will not be offering this amendment on the bankruptcy bill but instead will be offering a freestanding bill on behalf of Senator FEINSTEIN and myself.

I thank the Chair. I thank the Senator from Utah for yielding me this time. I will not offer the amendment, and I withdraw the amendment at this time.

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

Mr. HATCH. Mr. President, I ask unanimous consent that the time prior to the vote in relation to the pending Wellstone amendment numbered 36, as modified, be limited to 10 minutes equally divided and no second-degree amendments be in order prior to the vote, and following that time, the amendment be laid aside and Senator DURBIN be recognized to call up his amendment No. 93, and following the reporting, Senator HATCH be recognized to offer a second degree, and time on both amendments be limited to 30 minutes equally divided.

Further, then, these votes occur first in relation to the second degree to Durbin, then in relation to the Durbin amendment, as amended, if amended,

and finally in relation to the Wellstone amendment, with 2 minutes between each vote for explanation, and the votes to begin no later than 3:20, and Senator WELLSTONE's time as previously ordered be limited to 5 minutes, and the majority leader be recognized for 5 minutes just prior to cloture.

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

The Senator from Illinois.

Mr. DURBIN. If I understood the unanimous consent, I can call up my amendment numbered 93 at this time. At some point, Senator HATCH may offer a second degree.

Mr. HATCH. I ask unanimous consent the Wellstone time be reserved to follow the 30 minutes equally divided between Senator DURBIN and myself.

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

AMENDMENT NO. 93

Mr. DURBIN. Mr. President, I don't know the sequence, but I want to make certain we are considering amendment No. 93 that I have offered. Senator WELLSTONE has a pending amendment as well. I am prepared to argue my amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. DURBIN. The amendment has been filed.

The PRESIDING OFFICER. The amendment was called up earlier. It is pending.

AMENDMENT NO. 96 TO AMENDMENT NO. 93

Mr. HATCH. I send an amendment to the desk and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 96 to amendment No. 93.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

Mr. DURBIN. Mr. President, I object, unless a copy is provided. We have no idea what is in the amendment.

Mr. HATCH. It is on your desk.

Mr. DURBIN. I do not object.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it took a few minutes to sort out what we are doing, and this is what it has come down to. I am offering an amendment to the bill before us with a bankruptcy reform bill which was considered 2½ years ago in the Senate and passed by a vote of 97–1.

Senator HATCH has come back and said, instead, it is a take it or leave it deal. We have this bill that is presently before us—take it or leave it. That is what the choice will be for my colleagues in the Senate. But I encourage them to take a close look at the differences between the substitute I am offering and what is being considered today in this Chamber.

This bankruptcy debate has gone on for over 4 years. A very small percentage of Americans will never set foot in bankruptcy court, thank the Lord, but those who do hope they will have a new day in their lives. Because of their income situations they cannot repay their debts. Many of these people would love to repay their debts but, unfortunately, they have been faced with medical bills far beyond what any family could take care of. They might have gone through a divorce and found themselves with little or no income to raise a family and all the bills finally stacked up and pushed them over the edge. They could face a situation where they have lost a job that they had for a lifetime and then they find themselves in bankruptcy court.

My colleague, Senator GRASSLEY of Iowa, spoke eloquently, when I offered my bill, about the need for us to change the process so the Senate could have bankruptcy reform. Let me read a little bit of what Senator GRASSLEY said in the CONGRESSIONAL RECORD of September 23, 1998. He said:

Mr. President, first of all I want to thank everyone in this body for the overwhelming vote of confidence on the work that Senator DURBIN and I have done on this bankruptcy bill. Getting to this point has been a very tough process involving a lot of compromise and a lot of refinement.

Senator GRASSLEY went on to say:

You heard me say on the first day of debate that for the entire time that I have been in the Senate that on the subject of bankruptcy—maybe not on every subject, but the subject of bankruptcy—there has been a great deal of bipartisan cooperation . . . this legislation has always passed with that sort of tradition.

About the amendment I am offering now, Senator GRASSLEY went on to say:

So I want to say to all of my colleagues that I not only thank them for their support but, more importantly . . . that tradition has continued. . . . I don't think we would have had the vote that we had today if it had not been for the bipartisanship that has been expressed. . . .

The vote was 97–1. The Grassley-Durbin bankruptcy reform had overwhelming bipartisan support. But, on two successive occasions, that bankruptcy bill went into a conference committee and, frankly, never emerged. What came back from the conference committee was a slam dunk, unbalanced, one-sided bankruptcy reform that favored credit card companies and financial institutions, and, frankly, did little or nothing for consumers and families across America.

I am pleased we have had this debate before us. But I tell you in the spirit that Senator GRASSLEY spoke to the Members of the Senate on the floor, I have offered the very bill which he and I worked on for so long, the bill that passed so overwhelmingly. We already have before us a thoroughly researched and broadly considered bill which was found acceptable to virtually every Member of this body in 1998. The bill before the Senate now, the Bankruptcy Reform Bill, is not a balanced bill. The bill we have before us today is one that is tipped decidedly in favor of credit card companies and banks.

There have been efforts made over the span of this debate to amend this bill to give consumers a fighting chance. Those efforts have failed. I have tried to offer an amendment, for example, which would require more complete disclosure on the monthly statements on credit cards. The credit card industry has refused. Why send a message to America of how divided we are in bankruptcy reform instead of coming up with a bipartisan bill that addresses the issue? The Senate can speak in a united, bipartisan voice, making clear we have reached a broad-based consensus on bankruptcy reform.

Let me review a few of the major differences between the bills and point out why I believe the bill I offer as a substitute is a much more balanced approach, a decision made by 96 of my colleagues and myself when we last voted on this.

The Durbin amendment uses a means test that requires every debtor, regardless of income, who files for chapter 7 bankruptcy to be scrutinize by the U.S. Trustee to determine whether the filing is abusive. We want to stop abusive filings and those who would exploit the bankruptcy court. The bill creates a presumption that a case is abusive if the debtor, the person who owes the debt, is able to pay a fixed percentage of unsecured nonpriority claims or a fixed dollar amount.

In my home State of Illinois, the average annual income for bankruptcy filers in the Central District where I live in Springfield, in 1998, was $20,448. Yet the average amount of debt which people brought into bankruptcy court was more than $22,000. It is clear that these people were over the edge. You can't get blood out of a turnip. When the credit industry wants to keep pushing and pushing and pushing for more and more money, they have lost sight of the reason for bankruptcy court. When people have reached the end of the road, it is time to give them a fresh start.

This figure shows these filers were hopelessly insolvent. They owed more money on debt than they had in collateral and their total income for the entire year. They don't even come close to meeting the standards where they would go through the scrutiny of this bill.

My amendment gives the courts discretion to dismiss or convert a chapter 7 bankruptcy case if the debtor can fund a chapter 13 repayment plan. What it means in simple language is this: If the court takes a look at the person in bankruptcy court and says, ''You can pay back a substantial part of this debt, we are not going to let you off the hook entirely,'' the Durbin

amendment says: Yes, the court can reach that decision. And that is an appropriate decision. Everybody should try in good faith to pay their bills.

But let us also concede there are some people who will never be able to repay these bills. Unfortunately, the amendment offered by Senator HATCH is one that doesn't give that kind of latitude and flexibility.

My approach is cheaper, it is more flexible, it is more sensible, and it is more fair. What is the sense of applying a complicated means test to every bankruptcy filing when studies have clearly shown the types of means tests envisioned in the amendment of Senator HATCH would only apply to a small fraction, far less than 10 percent of the people filing bankruptcy? A study by the American Bankruptcy Institute put the figure at 3 percent. That means that 100 percent of the people filing in bankruptcy court would have to go through a process that only applies to 3 percent of them.

Beyond the administrative costs, there is a lot of stress on poor families in this approach. Let me tell you why I think this bill is also balanced. I don't believe we should ration credit in America, but I believe as consumers and families across America you have a right to be informed, well informed about what you are getting into with a credit card. My amendment was more balanced in its approach. This bill before us, Senator HATCH's bill, does not approach credit card disclosure in a meaningful way. This should be a primary objective of bankruptcy reform: Reform the bankruptcy court, but also end some of the abuses of the credit card industry.

When you go home tonight and open the mail, you know what you are going to find—another credit card solicitation. If you happen to be a college student, you are a prime target for these credit card companies. They want to get students with limited or no income with credit cards in hand, charging debts across the campus and around the town, many of them finding themselves in over their head in no time at all.

If I want to take out a large loan at a reasonable interest rate, a few thousand dollars, or $100,000 as the mortgage on my home, I have to go through all kinds of scrutiny. The banks want to see my income tax forms, my bank statements, my pay stubs, and the like. But many of you know when you want to apply for a credit card the same tests don't apply.

We have heard a lot about the democratization of credit. On the one hand, it is a good thing; credit should be broadly available. The marketplace should work in a way so everyone who needs credit has access. But the pendulum has swung too far in the wrong direction. According to BAI Global, a market research firm in Tarrytown, NY, in 1999 Americans received 3 billion mailings advertising credit cards. That is more than three times the 900 million mailings in 1992, and those are only the ones that go through the mail. We know there are Internet solicitations and television and radio solicitations and magazine solicitations as well.

Let me tell you a little bit about the college students. At American University here in Washington, DC, every time a student purchases something from the bookstore at American U, he or she gets this bag. At the bottom of this bag are four—not one, but four—credit card solicitations for these students every time they go into the bookstore.

Another college has a phone-in system for registering for class. That sounds pretty convenient. I can remember standing in long lines when I had to register. But when the students come in, the first thing they hear from the university is a credit card solicitation. There is no avoiding it. If they want to register for class, the first thing they have to find out is whether they need a credit card. That is the most important question.

When I go to a University of Illinois football game, they wave a T-shirt at me: Do you want a free T-shirt? Sure. Well, all you have to do is sign up for a credit card.

Students are signing up. The dean of students tells us the No. 1 reason kids leave school—not because of academic failure—is because they are in over their heads when it comes to credit cards.

That sort of thing is absolutely indefensible. When you consider the fact the median family income for chapter 7 bankruptcy filers has been declining, it tells us that more and more people of limited means are taking out too many credit cards and getting in too far.

This bill that is being offered by the credit industry says several things:

First, if you get in over your head and want to file for bankruptcy, it is going to be tough.

Think about this for a minute.

There was an interesting article which appeared today in the Washington Post that said, ''Bad timing on the bankruptcy bill.'' If we are worried about confidence, and if people are worried about making purchases, are we going to pass the Hatch-Grassley bankruptcy bill to tell people if they purchase something and get in over their heads they are not going to be able to get out of their debt in bankruptcy court? Is that supposed to restore consumer confidence? Just the opposite is going to be true.

I think the writer of this, Robert Samuelson, makes a very good point.

One of the provisions I think we should consider is that consumers have more information on their monthly bill they receive from a credit card company—something that is clear and understandable and not ambiguous. The credit industry that wrote the bill before us said they will say to consumers across America that they will give them an 800 telephone number so they can call if they have any questions about the credit card.

When you go home tired at night and are fighting all the phone calls coming in, you don't want anyone to say they will give you an 800 telephone number.

What I suggested is something very simple, and it is a part of my amendment. I have a little show and tell. Let me demonstrate it.

This is a credit card statement that came to one of the people in my office. As you can see, it is pretty familiar to you. It has a second page with all of the things we read so carefully each month to figure out what the terms of the credit card are.

The concern I have is this whole question of the minimum monthly payment. I said to the credit card companies: When it comes to the minimum monthly payments on these monthly statements, could you be so kind as to say to the people who are being billed, if they make the minimum monthly payment and they don't increase their balance, how many months it will take for them to pay off the balance and how much will they have paid in principal and interest.

I don't think that is an outrageous idea.

This is an example of what it might look like. This says, if you make the minimum monthly payment, it will take you 8 months to pay off your current balance, and the total cost to you will be approximately $9,407 instead of the remainder of $5,435.

Do you know what the credit card companies told me when I suggested they put this information on the monthly statement? ''Impossible.'' It is impossible for us to calculate if they made the minimum monthly payment how long it would take them to pay the principal and interest.

You know better and I know better. The technology and the computers are such that they can provide this in an instant. But they do not want people to know this. Make the minimum monthly payment, and things are going to be just fine. When you get in too far, why don't you ''consolidate your debt'' and get another credit card, and pretty soon you are in over your head.

Pretty soon, if this bankruptcy bill passes, they will find when they walk into bankruptcy court they will be stuck with these debts. They cannot get away from them.

This is the greatest boon to the credit industry that has ever been passed by the Senate. And we are about to do it today, if we don't adopt the Durbin amendment.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. DURBIN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I admire our colleague. He is very articulate. He is a very effective Member of this body.

We have filed an amendment to his amendment that basically, if we vote for it, would enact the bill we passed

last year 72–28 in the Senate, which I think would be a fitting conclusion to what has gone on here over the last number of weeks. But I know it causes heartburn for our colleague from Illinois. So, as a courtesy to him, I am going to withdraw my amendment at this time.

I ask unanimous consent that my amendment be withdrawn. And we will have a vote. I will move to table the Senator's amendment at the appropriate time, and I will also, if he needs more time for his amendment, grant him some of my time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 96) was withdrawn.

Mr. HATCH. Mr. President, let's understand the Senator's amendment. His amendment does not have the Schumer language in it that was passed yesterday. It doesn't have the Schumer language on abortion in it that we worked out very meticulously with the distinguished Senator from New York. That is very important language.

It doesn't have the privacy language that Senator LEAHY and the distinguished Senator from Vermont and I worked out over a long period of time. That is very critical language. Frankly, it is just an amendment that would substitute the current legislation with the bankruptcy reform bill that passed the Senate in the 105th Congress.

This amendment by the distinguished Senator from Illinois is a transparent attempt to kill bankruptcy reform. It was hastily produced and does not even include the amendments to keep it current; that is, some of the bankruptcy judgeship provisions that have been overtaken by them.

The Durbin amendment throws away 4 years of revision, compromise, and improvement.

The Durbin amendment is lacking in several important areas:

The amendment has no enforceable means test;

The amendment does not include the improved child support provisions requested by the child support community;

The amendment does not include the Leahy-Hatch ''Toysmart'' consumer privacy amendment;

The amendment does not have the reaffirmation provisions in the current bill which substantially improved consumer protections;

The amendment lacks the important consumer protections such as the ''Debtors' Bill of Rights'';

The amendment does not include 4 years of improvements for the financial netting provision;

The amendment does not address the abuse of the bankruptcy system by those who wish to discharge debts arising from violence; that is, the Schumer-Hatch compromise. That is a very important part of what we hope will be the final bill.

The amendment has much weaker anti-fraud provisions, such as weakened audit provisions and being more tolerant of repeated abusive filings.

The amendment deletes current law provisions allowing the court to consider charitable contributions when making a determination as to whether the debtor's filing is an abuse.

The amendment does not provide for retroactive enactment of Chapter 12 filings—farmers—from July 1, 2000 through the date of enactment.

The amendment would create an immediate effective date, which, given the scope of the legislation, is wholly inappropriate.

The amendment lacks improvements to the small business bankruptcy provisions in the bill.

This is a blatant effort to turn back the clock and force considerable renegotiation of provisions that have been negotiated in good faith by literally hundreds of Senators and Congresspeople over the last 4 years.

Make no mistake. A vote for this substitute is a vote to kill bankruptcy reform.

We oppose the Durbin amendment. I hope my colleagues on the other side will oppose it as well because basically it will upset everything we have tried to do and tried to accommodate Democrats on and Republicans on over the last 4 years.

A vote for this amendment is a vote against meaningful bankruptcy reform. I appreciate the fact the distinguished Senator believes deeply and he doesn't like this bill. He is one of a few who does not like this bill. He is one of the 28 who voted against the bill when it passed last year. If anything, the bill from last year has been modified with amendments from the other side.

The bill we ultimately, hopefully, will vote on and vote to invoke cloture on has been modified to please Members on the other side in a wide variety of ways.

We have tried to accommodate our friends on the other side. I certainly believe I have been fair as the manager of the bill; and I intend to continue to be. But this amendment would work against almost everything we have tried to accomplish over the last 4 years.

With that, does the distinguished Senator need some time?

Mr. DURBIN. Yes, I do.

Mr. HATCH. Mr. President, how much time?

Mr. DURBIN. I do not know how much time is remaining, but if I could have 10 minutes.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 9 minutes remaining.

Mr. HATCH. Could I give the Senator 5 minutes, and I will take 4?

Mr. DURBIN. That would be fine. I thank the Senator from Utah for his courtesy.

We have locked horns many times, but we are friends. I respect him very much.

Every time Senator HATCH tells you there is a provision in the bill before us that is not included in the Durbin bill—believe me, every time the credit industry gave us a morsel, they took away a beef steak. And that is what happened when it was all over.

The bill before us today is much worse on consumers in America than the bill this Senate passed by a vote of 97–1. And though the Senator from Utah tells me how terrible my bill is, he voted for it. He voted for it, as did most of the Senators who are here today.

Let me read to you some comments from people I think are worth repeating. This first comment comes from David Broder. We know him. He is a respected journalist and is published in the Washington Post, and other newspapers. This is what he says about this bankruptcy bill I am trying to replace:

> As for the bankruptcy bill, it deserves the veto Clinton gave it. Despite some useful provisions, it is an unbalanced measure, which does nothing to curb the mass marketing of credit cards to young and low-income people who perpetually pay the exorbitant interest on their monthly balances. It will squeeze money out of people who have been clobbered by job losses, divorce or medical disasters, yet allow some millionaires to plead bankruptcy while turning their assets into mansions in states with unlimited homestead exemptions.
>
> In both cases, money interests prevailed over the public interest.

That was David Broder in this morning's Washington Post.

Lawrence King is a law professor at New York University. I quote him:

> I fear this [bill] will end up creating an underground economy. People will go off the books. They'll ask to be paid in cash. They'll get a false Social Security number. They'll move.
>
> In my 40 years of dealing with Congress on bankruptcy legislation, this is the worst I've ever seen. It's the kind of bill that makes you want to point your fingers at individual congressmen and say, ''Shame on you.''

This bill before us today is not balanced. If that credit industry will not even include a provision on your monthly statement so you can make an informed decision about the kind of debt which you and your family can face, it tells the whole story, as far as I am concerned.

What we have offered in this substitute is a carefully crafted and balanced bill. It says the credit card companies have to end some of their abuses and that we believe that abuses in the bankruptcy court have to end.

I salute my colleague and friend from New York, Senator SCHUMER. It is true that his language yesterday on predatory lending is a good addition to the bill. But I will tell him that the bill I am offering—the one that passed 97–1—has my provision which directly attacks predatory lending.

Who are these predatory lenders? They are people who want a second mortgage on your grandmother's home, that turns into a balloon payment, that turns into a foreclosure, that turns into a trip to bankruptcy court,

where the home she saved for for a lifetime is lost to these people, these loan sharks, who take advantage of the system. Sadly, the financial and credit card industry came to the rescue of these loan sharks at the expense of elderly Americans who are being exploited by them.

Senator SCHUMER's amendment has helped immeasurably. I assure those who are listening to this debate that the Durbin amendment I have offered today has equally powerful language when it comes to ending predatory lending in the United States.

The credit industry and the financial industry oppose both measures. That ought to tell you the whole story about what is before us.

We have precious few opportunities in the Congress—certainly on the floor of this Senate—to consider any legislation to help consumers and families across America. Passing the Durbin amendment will help them. It will provide some balance to the bill. If we should defeat this amendment and go back to the original bill—which is now before us—as David Broder and others have said, the net losers will be families across America facing a slowdown in this economy, who fall behind in their debts and end up in bankruptcy court as the targets and as the victims of the credit industry. That is a wrong move.

I hope my colleagues in the Senate will join me in supporting this amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I will yield to the distinguished Senator from Wisconsin, without losing my right to the floor, for the purpose of modifying his amendment.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be permitted to modify amendment No. 51 with the modification I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The submitted amendment (No. 51), as modified, is as follows:

(Purpose: To strike section 1310, relating to barring certain foreign judgments)

On page 439, strike line 19 and all that follows through page 440, line 12.

Mr. FEINGOLD. Mr. President, I thank the chairman for his courtesy and assistance.

Mr. HATCH. Thank you.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 93

Mr. HATCH. As I said before, the Durbin amendment would upset 4 solid years of negotiations between both sides of the aisle on both sides of Capitol Hill. It is lacking in all kinds of areas. There is no enforceable means test. It does not include the improved child support provisions that have been requested and desired by the child support community. It does not have the Leahy-Hatch privacy language. It does not have the reaffirmation provisions.

It lacks the Debtors' Bill of Rights. It lacks 4 years of improvements in the financial netting provisions. It does not address the abuse of the bankruptcy system by those who wish to discharge debts arising from violence, the Schumer-Hatch compromise. It has much weaker antifraud provisions, such as weakened audit provisions. You can just go on and on.

It deletes current law provisions in allowing the courts to consider charitable contributions when making a determination as to whether the debtor's filing is an abuse. It does not provide for retroactive enactment of chapter 12 filings that benefits our farmers from July 1, 2000, to the date of enactment.

The amendment would create an immediate effective date which, given the scope of the legislation, is wholly inappropriate, and it lacks improvements to the small business bankruptcy provisions that are in the bill currently before the Senate.

In my opinion, it is an attempt to turn back the clock and force considerable renegotiation of all of these provisions, and many other provisions, that we have worked so hard to put together over the last 4 years.

The bankruptcy bill is a bipartisan bill. It is not a Republican bill; it is not a Democrat bill. It is a bipartisan bill. We worked very strongly all these years to bring it about. I have to say, there are certain Senators in this body who have a right to do this but who have never wanted a change in the bankruptcy laws, at least the way the bill has been negotiated by the vast majority of people in both Houses of Congress. But a vote for this substitute is a vote to kill the bankruptcy bill.

I hope, after all of these years, and all of these months, and all of the time we have spent on the floor on this bill, that my colleagues will vote to table the amendment.

Mr. President, I yield back the remainder of my time and move to table the amendment, and ask for the yeas and nays. And I ask unanimous consent that the votes occur as we had in the original unanimous consent.

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

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATCH. No. We have to wait until the Wellstone—my motion to table has been approved?

The PRESIDING OFFICER. The Chair was in error. The unanimous consent agreement was that we now debate the Wellstone amendment.

Mr. HATCH. Right, before the motion to table.

The PRESIDING OFFICER. The motion to table has been made, and the rollcall vote will be ordered at the appropriate time.

The Senator from Minnesota.

AMENDMENT NO. 36, AS MODIFIED

Mr. WELLSTONE. Mr. President, I have spoken about this amendment for some time. I have just a few minutes to summarize again. This is already in the RECORD. In addition to the Broder piece that my colleague, Senator DURBIN, mentioned, I have the New York Times, Tuesday, March 13, ''Lobbying on Debtor Bill Pays Dividend''; two pieces by Tom Hamburger in the Wall Street Journal—''Auto Firms See Profit in Bankruptcy-Reform Bill Provision'' and ''Influence Market: Industries That Backed Bush Are Now Seeking Return on Investment,'' including in bankruptcy. Also, another piece by Robert Samuelson, ''Bad Timing on the Bankruptcy Bill.''

Mr. President, I have an amendment that I think is a real test case. It simply says, if you charge over 100 percent interest on a loan, and the borrower goes bankrupt, you cannot make a claim on that loan or the fees from that loan. In other words, the borrower's slate is wiped clean of the usurious loan, and he gets a fresh start.

This amendment is a commonsense solution to the problem I have talked about all afternoon. It allows the Senate to send a message to these loan sharks: If you charge an outrageous interest rate, if you profit from the misery and misfortune of others, if you stack the deck against the customer so that they become virtual slaves to your indebtedness, you will get no protection in bankruptcy court for your claims.

In talking about these payday loans, I say to my colleagues, these are poor people, low- and moderate-income people. They don't have other sources of credit. They get charged on these loans as they roll over every several weeks up to 2,000 percent interest per year. Is it too much to say that if you charge over 100 percent per year, you are not going to get the protection in bankruptcy? Is it too much for the Senate to be on the side of consumers, to be on the side of poor people?

This amendment is simple: Are we on the side of poor people? Do we provide some protection—for a single woman who is raising her family, for communities of color, senior citizens, working-income people who were put under by these interest rates—or are we on the side of some of the sleaziest loan sharks?

I hope Senators will support this amendment. It certainly will make this bill less harsh. It doesn't change the overall equation. This is a great bill for the credit card industry, a great bill for the financial services industry. I congratulate them. What a lobbying force; how much money and how much lobbying and how much power. A whole lot of vulnerable people have been left out; a whole lot of middle-income families have been left out.

I believe my colleagues will regret voting for this bill, but at the very minimum, they could vote for this amendment that goes after these loan sharks, that goes after these payday loans. It is such is deplorable practice. It is so outrageous, making such exorbitant profit off the misery of people.

We ought to be on the side of vulnerable consumers. We ought to be on the side of low- and moderate-income families. We ought not be on the side of these loan sharks. This amendment should receive 100 votes.

I say to my colleague from Illinois, for all the hours I have been out here, so far I have not heard one Senator come to the floor and debate this amendment. That is unbelievable to me.

Mr. DURBIN. Will the Senator yield?

Mr. WELLSTONE. I yield.

Mr. DURBIN. What the Senator is saying is that no one has come to the floor defending the payday loans and the loan sharks?

Mr. WELLSTONE. No one has come to the floor to defend the payday loans and the loan sharks. I have had this amendment on the floor for 3 or 4 days.

Mr. DURBIN. They have had ample opportunity. The Senator should get a unanimous vote.

Mr. WELLSTONE. I say to my colleague from Illinois, I think this may be the first amendment I have introduced that is going to get 100 votes.

Mr. DURBIN. I look forward to it.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, lest there be a failure to talk about the other side, I might just do that.

Although the amendment is described as only attacking ''payday loans,'' it imposes new and burdensome regulation on virtually any company that offers consumer loans, including automobile or truck loans, or that cashes personal checks and charges a fee. It represents an attempt to use Federal law to in effect abolish ''payday loans'', intruding into an area traditionally reserved to the States.

Although lenders who provide ''payday loans'' are an easy target because the credit they offer is expensive, they in fact provide access to legitimate, short term credit for many poor families who otherwise would be forced to borrow from loan sharks to cover short term emergencies. Some borrowers, particularly poor borrowers, cannot qualify with conventional lenders. For that reason, some States permit ''payday'' lenders to operate.

This amendment would in effect drive payday lenders out of business.

It also is vastly overbroad, imposing new, burdensome regulation on many legitimate businesses.

The amendment amends the Bankruptcy Code to deny the claim of any creditor who charged more than a new, Federal maximum price ceiling for any type of automobile or consumer credit.

The amendment also imposes a maximum Federal price limit of 100 percent annual percentage rate on what any consumer creditor, automobile dealer, or check casher could charge in fees or interest for a loan or check cashing service, possibly preempting State regulation setting a lower or higher price limit. Violations of the maximum Federal price limit would result in denial in bankruptcy proceedings of the claim of the creditor, auto dealer or check casher.

This amendment strikes at any lender or merchant who charges flat fees permitted by State law in a lending transaction. For example, a $10 cash advance fee or a $15 Federal Express fee permitted by State law for quickly sending a check back to the borrower could exceed the limit if the credit was short term.

This amendment intrudes into an area traditionally regulated by the states. Some States permit ''payday'' loans, but this regulation would initiate federal regulation of the service.

Oppose this unwise and overbroad attempt to federally regulate an area traditionally regulated by the States.

This could hurt the very poor people who have to have these instant loans the Senator is trying to help. In fact, he hurts them.

I yield the remainder of my time to the distinguished Senator from Texas.

Mr. WELLSTONE. May I ask the Chair if I have any time left?

The PRESIDING OFFICER. The Senator has 51 seconds remaining. The Senator from Texas has 2 minutes 30 seconds.

Mr. GRAMM. Mr. President, this amendment is really a usury limit amendment. Our distinguished colleague from Minnesota simply objects to people lending at high interest rates.

I am sure there are some people who believe that if contracts are entered into at terms they find objectionable, the terms should not be enforced. But that is not the way the American commercial code works. What this amendment would do, in essence, is say that if I borrowed $100 for a week and I paid a $2 service charge on that loan, if the borrower went bankrupt, I wouldn't have to pay the loan because the Senator from Minnesota has judged that interest rate to be too high.

That is great when you are making $146,000 a year. That is great when every bank in your State would love to lend you money. But the plain truth is, there are a lot of Americans who need to borrow money, a lot of Americans who would like to borrow money for a week to get over a temporary credit problem they have. The terrible impact of this amendment is that it would destroy the ability of those people to use legitimate lenders and, in the process, would force them in many cases to borrow elsewhere and pay many times as much in interest.

Not only is this Government simply imposing its will on the marketplace, but it also has real unintended consequences. Let me give an example. Let's say you have a debit card and you pay a fee in case you have an overcharge from your balance. If you write a check for $100, that fee is going to exceed the amount prohibited under the Wellstone amendment and, as a consequence, you wouldn't have to pay that charge if something happened to the company and it went into bankruptcy.

Here is the problem: The kinds of interest rates that are being talked about sound high, and they are high when they are calculated on an annualized basis. But when you borrow for a week, the carrying charges and the finance charges, which aren't necessarily high for that period of time, by their very nature, produce a high annual rate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. WELLSTONE. Mr. President, I would not object, although I would like to have, and ask unanimous consent for, 1 additional minute to respond.

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

Mr. GRAMM. Let me give another example: If you took a cab in the District of Columbia and were driven to the airport, you would not consider the rate to be usurious. But if you took that same cab and were driven to Los Angeles, CA, and you were charged $50,000, you would likely consider that charge to be usurious. Do we have a law that tries to say that a rate going to California, which would be considered usurious, not be charged for traveling a much shorter local distance in the District of Columbia? The point is, when you are borrowing money for a week, you pay high annual interest rates.

So, the net result of this amendment is to deny people access to credit. If the amendment were adopted, it is true that borrowers would no longer be paying high rates, but it is equally, and more significantly, true they wouldn't be getting any loans at all for which they were willing to pay. They will be driven into the black market, and they will pay a higher rate.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, no legitimate lender charges over 100 percent interest on an annual basis. We have usury laws that deal with banks at the State level, and we should do so. But these payday lenders have carved out an exemption for themselves. These loan sharks have carved out an exemption for themselves.

If Senators are concerned about poor people, we should be thinking about other ways they can have access to credit. We are not doing that at all. But we now have an opportunity to make it clear that we are not going to let these loan sharks continue to feed off of the misery of poor people. We are not going to let them engage in this kind of exploitation.

To my colleagues who say, oh, no, 100 percent, or 300 percent, or 2,000 percent interest rates on an annual basis are just what poor people need, so please don't have an amendment, Senator WELLSTONE, that will hurt poor people; they need to be able to pay over 100 percent per year—your arguments are

absurd, as much as I like you. They are absurd.

Frankly, you can't get out of this vote. You are either for vulnerable citizens and families and you are against this kind of loan shark practices or you are on the side of these loan sharks. Senators, step up to the plate and vote.

I yield the floor.

Mr. HATCH. Mr. President, I move to table the amendment of the Senator from Minnesota, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 93

Mr. FEINGOLD. Mr. President, I rise to support Mr. DURBIN's amendment that is a complete substitute for the pending bankruptcy reform bill. This amendment is essentially the bill that passed the Senate in 1998 by a vote of 97–1. This near unanimous vote in favor of a bill shows that it is possible to have bankruptcy reform that the whole Senate can support if it is balanced and fair.

Unfortunately, I have said before, S. 420 is not balanced and fair. I have outlined in detail my concerns with this bill. Mr. DURBIN's amendment goes a long way to addressing those concerns and I will vote for it if we are permitted to vote on it.

One of the most significant improvements that the Durbin amendment accomplishes is that it contains much stronger credit card disclosure requirements.

Literally billions of credit card solicitations flood consumers' mailboxes each year. Not millions but billions.

Even though the number of bankruptcies is now on the way down, most experts agree that the rise in bankruptcy filings that occurred in the past decade was due in significant part to the irresponsible extending of credit by credit card companies and banks to people who have already shown that they cannot handle additional debt.

Just to give a single tangible example of the blizzard of solicitations that credit card issuers are now sending out, one member of my staff has collected solicitations he received by mail since this bill was marked up in the last Congress. In the last 20 months, he has received 95 mail offers for a new credit card. Now I am sure my staffer is a very creditworthy individual, but 95 offers for a new credit card? I am sure that my colleagues have received at least as many solicitations, even if they did not count them all up. And of course, these direct mail offers don't include the constant invitations for credit cards that people see every day on TV and on the Internet.

This is an industry whose sales pitches are out of control. The credit card companies are making bad decisions every day. People receive new cards with thousands of dollars of new credit when they have maxed out on 2, 5, or even 10 other cards.

And now the credit card companies have come before Congress asking for our help. And boy, are we about to give it to them. This bill is a bailout for the credit card industry. It is going to make it easier for credit card companies to collect more on the bad decisions they have made, the credit they have extended to people who are demonstrably poor credit risks. And make no mistake, giving the credit card companies more power will work to the detriment of women trying to collect alimony and child support from ex-husbands who have filed for bankruptcy.

Last December, the Wisconsin State Journal, a very middle-of-the-road paper in my home State, summarized well my concern about the extent to which this bill gives the credit card industry what it wants. The Journal wrote:

> When the credit card industry came to Congress to ask for help in collecting debts from deadbeats, Congress should have said: It's not government's job to bail you out. Why don't you tighten up your own lending practices? Instead, Congress let the industry turn a bankruptcy reform bill into a debt collection assistance plan.

The editorial continues:

> The House and Senate had before them 172 recommendations from the National Bankruptcy Reform Commission, which was led by Madison attorney Brady Williamson. The commission had stressed that bankruptcy law must remain balanced: It must work for creditors and debtors.
>
> But the congressmen also had before them lobbyists for the credit card industry and similar lenders. Quickly, bankruptcy reform legislation became a campaign fund-raising bonanza for the politicians, with the lending industry ''investing'' $20 million in contributions. Just as quickly, bankruptcy reform turned into the credit card industry's bill.

My colleagues are well aware of my concern about the influence of campaign money on politics and policy. As I have said a number of times, the bankruptcy bill is a poster child for the need for campaign finance reform. You only have to look at what the credit card industry gets in this bill, and just as importantly, the disclosure that consumers do not get, to understand that.

A full discussion of this amendment, or the larger bankruptcy issue, is impossible without a Calling of the Bankroll. Money and influence are at the very core of this debate.

I would like to call my colleagues' attention to an article from the February 26th issue of Business Week magazine. It's called ''Tougher Bankruptcy Laws—Compliments of MBNA?'' The article points out the extraordinary largesse of this one credit card company, which is, of course, a significant leader of the coalition supporting this bill.

The contributions of MBNA were also noted in an article in the New York Times entitled, ''Hard Lobbying on Debtor Bill Pays Dividend.''

Most of the $1.2 million in soft money that MBNA gave to the parties in the last cycle was given in the second half of 2000, when a ''shadow conference'' determined what the final bankruptcy bill would look like, and the bill was brought back to the House and the Senate in an extraordinary procedural maneuver. In particular, MBNA gave $100,000 in soft money to the National Republican Senatorial Committee on October 12, 2000, the very same day that the House gave final approval to the bill. MBNA has a habit of making well-timed contributions. On the very day that the House passed a bankruptcy conference report in 1998 and sent it to the Senate, MBNA gave a $200,000 soft money contribution to the NRSC.

To give my colleagues and the public an idea of just how generous MBNA has been, the corporation's Chairman & CEO, Alfred J. Lerner, and his wife, Norma, each made contributions of a quarter of a million dollars to the Republican National Committee in the last cycle.

And the generosity didn't stop there. According to an article in the Wall Street Journal from March 6th, MBNA President Charles M. Cawley is also an active political donor and fundraiser who gave $100,000 to the Bush-Cheney Inaugural Committee.

Of course, MBNA is not the only wealthy interest fighting against this bill, on the contrary, they have plenty of company. According to the Center for Responsive Politics, the nine members of the National Consumer Bankruptcy Coalition contributed more than $5 million in soft money, PAC money and individual contributions during the 2000 election cycle. The Coalition's members include Visa USA, Mastercard International and several financial industry trade groups, including the American Bankers Association and the American Financial Services Association.

This is the fourth time I have Called the Bankroll on the bankruptcy issue from this floor. You might wonder how I manage to come up with new information, bankroll after bankroll after bankroll. Well, the answer is simple: the industry keeps giving more and more money.

Huge sums, like quarter million dollar contributions, and six figure donations that just happen to be delivered on key days when legislation is up for a vote. This industry is not subtle. They want this legislation to become law, and they aren't shy about using the campaign finance system to get their way.

That is the context in which we consider this amendment. And that is all the more reason why sensible protections like that proposed in this amendment need to be adopted.

I urge my colleagues to support the Durbin amendment.

I ask unanimous consent that the articles from Business Week and The New York Times be printed in the RECORD.

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

[From Business Week, Feb. 26, 2001]

TOUGHER BANKRUPTCY LAWS—COMPLIMENTS OF MBNA?

(By Christopher H. Schmitt)

Last December, as Congress struggled to wrap up a lame-duck session, it sent President Clinton an overhaul of bankruptcy laws. The bill, the most sweeping change in bankruptcy policy in two decades, had handily passed both houses. But Clinton, complaining that it was unfair to those who fall on hard times, let it die. That was a big disappointment to credit-card issuer MBNA Corp., which has spent several years lobbying for a bankruptcy rewrite and stands to be the biggest beneficiary of an overhaul.

Now, MBNA is about to hit pay dirt. New bankruptcy legislation is on a fast track. Judiciary panels in the House and Senate have held perfunctory hearings, and a bill could be on the House and Senate floors as early as late February. A White House spokesman has indicated that George W. Bush will sign it.

The bill—a carbon copy of last year's version—is aimed at stopping consumers from dissolving debts they can afford to repay. It would establish a ''needs-based'' formula that would determine whether debtors can pay off part of their debt under court supervision. Those earning at or above the median for their state would have to make good on at least part of their obligations. LARGESSE. While this would help all lenders, it especially benefits MBNA, the world's largest credit-card issuer. The credit that MBNA and its fellow plastic-issuers extend is typically unsecured, so they have less recourse than other creditors when a customer can't pay. Morgan Stanley Dean Witter analyst Kenneth A. Posner estimates that the overhaul could boost credit-card issuers' earnings by 5% this year. For MBNA, that could mean some $75 million more in profit, based on third-quarter earnings.

With the kind of payoff, the company has been pushing hard for the bill—and the election of a President who will sign it. In Campaign 2000, MBNA employees contributed $237,675 to Bush, making them the candidate's single biggest source of cash, according to the Center for Responsive Politics, a campaign-finance think tank in Washington. On the soft-money side, MBNA chipped in nearly $600,000, with about two-thirds going to the GOP. (Most of the rest went to a Democratic Party committee.) On top of that, MBNA Chairman and CEO Alfred Lerner and his wife, Norma, each kicked in $250,00 to the Republicans. Charles M. Cawley, CEO of MBNA's bank unit and a friend of Bush Sr., organized fund-raisers and gave $18,660 to Bush and the GOP.

Much of the money flowed in the second half of last year, when the bankruptcy bill was moving on Capitol Hill. One example: On the same day the House gave final approval, MBNA ponied up $100,000 for the Republican Party. ''This is just a real good illustration of the way things work in Washington: Money is given, money is given strategically, [and] money is given by industries for a particular purpose,'' says Celia Viggo Wexler, author of a Common Cause report on consumer-credit companies' political giving. Adds Edmund Mierzwinski, consumer director for the U.S. Public Interest Research Group: MBNA's largesse is ''clearly money well spent.'' Lerner, Cawley, and an MBNA spokesman did not return calls seeking comment.

Consumer groups say they'll continue to fight the bill, which they contend is especially ill-advised in the slowing economy. After falling 12% from a high of 1.44 million in 1998, bankruptcy filings are ticking up again. One early report shows cases in January rose 15% over a year ago. A handful of Democrats will seek to soften the bill's impact on indebted consumers, but quick approval seems guaranteed. ''This legislation is on a downward ski slope, never to be stopped.'' said Representative Sheila Jackson Lee (D-Tex.) at a recent hearing. And smoothing the way is MBNA.

[From the New York Times, Mar. 13, 2001]

HARD LOBBYING ON DEBTOR BILL PAYS DIVIDEND

(By Philip Shenon)

WASHINGTON, Mar. 12.—A lobbying campaign led by credit card companies and banks that gave millions of dollars in political donations to members of Congress and contributed generously to President Bush's 2000 campaign is close to its long-sought goal of overwhelming the nation's bankruptcy system.

Legislation that would make it harder for people to wipe out their debts could be passed by the Senate as early as this week. The bill has already been approved by the House, and Mr. Bush has pledged to sign it.

Sponsors of the bill acknowledge that lawyers and lobbyists for the banks and credit card companies were involved in drafting it. The bill gives those industries most of what they have wanted since they began lobbying in earnest in the late 1990's, when the number of personal bankruptcies rose to record levels.

In his final weeks in office, President Bill Clinton vetoed an identical bill, describing it as too tough on debtors. But with the election of Mr. Bush and other candidates who received their financial support, the banks and credit card industries saw an opportunity to quickly resurrect the measure.

In recent weeks, their lawyers and lobbyists have jammed Congressional hearing rooms to overflowing as the bill was redebated and reapproved. During breaks, there was a common, almost comical pattern. The pinstriped lobbyists ran into the hallway, grabbed tiny cell phones from their pockets or briefcases and reported back to their clients, almost always with the news they wanted to hear.

''Where money goes, sometimes you see results,'' acknowledged Representative George W. Gekas, a Pennsylvania Republican who was a sponsor of the bill in the House. But Mr. Gekas said that political contributions did not explain why most members of Congress and Mr. Bush appeared ready to overhaul the bankruptcy system.

''People are gaming this system,'' Mr. Gekas said, describing the bill as an effort to end abuses by people who are declaring bankruptcy to wipe out their debts even though they have the money to pay them. ''We need bankruptcy reform.''

Among the biggest beneficiaries of the measure would be MBNA Corporation of Delaware, which describes itself as the world's biggest independent credit card company. Ranked by employee donations, MBNA was the largest corporate contributor to the Bush campaign, according to a study by the Center for Responsive Politics, an election research group.

MBNA's employees and their families contributed about $240,000 to Mr. Bush, and the chairman of the company's bank unit, Charles M. Cawley, was a significant fundraiser for Mr. Bush and gave a $1,000 a-plate dinner in his honor, the center said. After Mr. Bush's election, MBNA pledged $100,000 to help pay for inaugural festivities.

MBNA was obviously less enthusiastic about the candidacy of former Vice President Al Gore, Mr. Bush's Democratic rival; according to the center, only three of the company's employees gave money to the Gore campaign, and their donations totaled $1,500.

The center found that of MBNA's overall political contributions of $3.5 million in the last election, 86 percent went to Republicans, 14 percent to Democrats. The company, which did not return phone calls for comments, made large donations to the Senate campaign committees of both political parties—$310,000 to the Republicans, $200,000 to the Democrats.

MBNA's donations were part of a larger trend within the finance and credit card industries, which have widely expanded their contributions to federal candidates as they stepped up their lobbying efforts for a bankruptcy overhaul.

According to the Center for Responsive Politics, the industries' political donations more than quadrupled over the last eight years, rising from $1.9 million in 1992 to $9.2 million last year, two-thirds of it to Republicans.

Kenneth A. Posner, an analyst for Morgan Stanley Dean Witter, said that the bankruptcy bill would mean billions of dollars in additional profits to creditors, and that it would raise the profits of credit card companies by as much as 5 percent next year. In the case of MBNA, that would mean nearly $75 million in extra profits in 2002, based on its recent financial performance.

The bill's most important provision would bar many people from getting a fresh start from credit card bills and other forms of debt when they enter bankruptcy. Depending on their income, it would bar them from filing under Chapter 7 of the bankruptcy code, which forgives most debts.

Under the legislation, they would have to file under Chapter 13, which would require repayment, even if that meant balancing overdue credit card bills with alimony and child- support payments.

Consumer groups describe the bill as a gift to credit card companies and banks in exchange for their political largess, and they complain that the bill does nothing to stop abuses by creditors who flood the mail with solicitations for high-interest credit cards and loans, which in turn help drive many vulnerable people into bankruptcy.

''This bill is the credit card industry's wish list,'' said Elizabeth Warren, a Harvard law professor who is a bankruptcy specialist. ''They've hired every lobbying firm in Washington. They've decided that it's time to lock the doors to the bankruptcy courthouse.''

The bill's passage would be evidence of the heightened power of corporate lobbyists in Washington in the aftermath of last year's elections, which left the White House and both houses of Congress in the hands of business-friendly Republicans.

Last week, corporate lobbyists had another important victory when both the Senate and the House voted to overturn regulations imposed during the Clinton administration to protect workers from repetitive-stress injuries.

Credit card companies and banks would not be the only interests served by the bankruptcy bill. Wealthy American investors in Lloyd's of London, the insurance concern, have managed through their lobbyists to insert a provision in the bill that would block Lloyd's from collecting millions of dollars that the company says it is owed by the Americans.

Lloyd's has hired its own powerful lobbyist, Bob Dole, to help plead its case on Capitol Hill. Last week, the chief executive of Lloyd's was in Washington to plot strategy.

The issue involves liabilities incurred by Lloyd's in the 1980's and 1990's when it was forced to pay off claims on several disasters,

like the Exxon Valdez oil spill. Investors in Lloyd's are expected to share both its profits and its losses, but the American have refused to settle the debts, claiming they were misled by Lloyd's.

As he watched consumer-protection amendments to the bankruptcy bill fail by lopsided margins last week, Senator Patrick J. Leahy of Vermont, the ranking Democrat on the Judiciary Committee and a leading critic of the bill, said that colleagues had told him privately that they were ''committed to the banks and credit card companies—and they are not going to change.

''Some of them do this because they think it's the right thing to do,'' Mr. Leahy said.

But he said other senators were voting for the bill because they know that the banks and credit card companies ''are a very good source'' of political contributions. ''I always assume senators are doing things for the purest of motives,'' he added, his voice thick with sarcasm. ''But I have never had credit card companies show up at my fund-raisers, and I don't think they ever will.''

Mr. Gekas said the implication that money was buying support for the bankruptcy bill was insulting, and that the bill did most consumers a favor by ending practices by some debtors that had forced up interest rates for everybody else. ''Bankruptcies are costly to all of us who don't go bankrupt,'' Mr. Gekas said.

In the late 1990's, banks, credit card industries and others with an interest in overhauling the bankruptcy system formed a lobbying group, the National Consumer Bankruptcy Coalition, for the purpose of pushing a bankruptcy-overhaul bill through Congress.

They said they needed to act to deal with what was then a record number of personal bankruptcy filings. According to court records, the number of personal bankruptcies hit nearly 1.4 million in 1998, a record, up from 718,000 in 1990. The number fell to just under 1.3 million last year, although it is expected to rise again if the economy continues to sour.

The coalition's founders included Visa and Mastercard, as well as the American Financial Services Association, which represents the credit card industry, and the American Bankers Association.

The Center for Responsive Politics found that the coalition's members contributed more than $5 million to federal parties and candidates during the 1999–2000 election campaign, a 40 percent increase over the last presidential election.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Illinois, Mr. DURBIN.

Mr. LEAHY. I ask unanimous consent that I be able to continue for 1 minute, with the same amount of time for the Senator from Utah, before we go to a vote.

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

Mr. LEAHY. Mr. President, I wish to take the time to simply ask the Senator from Utah where we stand on the managers' package? Are we getting close to that time? We have a number of items being cleared or have been cleared. I would like to get that taken care of. I would like to be able to present the managers' package prior to the cloture vote.

Mr. HATCH. We are working on that, but we don't have it put together yet. I don't know if we can do that before the cloture vote, but we will continue to work on it.

Mr. LEAHY. Mr. President, I further ask of the Senator from Utah, if they are unable to complete the ones we have agreed on—the paperwork—it would fall, if cloture was voted, on the basis of germaneness.

The PRESIDING OFFICER. The time has expired.

Mr. HATCH. We are going to try to work with the Senator. It may take a unanimous consent postcloture.

Mr. LEAHY. Mr. President, I ask unanimous consent that when the managers' package is brought forward, and it is agreed on by the Senator from Utah and the Senator from Vermont, the items in it be considered germane.

Mr. HATCH. I cannot agree to that at this time, but I will certainly run that by the appropriate people.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the motion to table the amendment of the Senator from Illinois. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—64

Allard	Domenici	Miller
Allen	Ensign	Murkowski
Baucus	Enzi	Nelson (NE)
Bayh	Frist	Nickles
Bennett	Graham	Roberts
Biden	Gramm	Santorum
Bingaman	Grassley	Sessions
Bond	Gregg	Shelby
Breaux	Hagel	Smith (NH)
Brownback	Hatch	Smith (OR)
Bunning	Helms	Snowe
Burns	Hutchinson	Specter
Campbell	Hutchison	Stabenow
Carnahan	Inhofe	Stevens
Carper	Jeffords	Thomas
Chafee	Johnson	Thompson
Cleland	Kyl	Thurmond
Cochran	Lieberman	Torricelli
Collins	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	
DeWine	McConnell	

NAYS—35

Akaka	Edwards	Lincoln
Boxer	Feingold	Mikulski
Byrd	Feinstein	Murray
Cantwell	Harkin	Nelson (FL)
Clinton	Hollings	Reed
Conrad	Inouye	Reid
Corzine	Kennedy	Rockefeller
Daschle	Kerry	Sarbanes
Dayton	Kohl	Schumer
Dodd	Landrieu	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

ANSWERED ''PRESENT''—1

Fitzgerald

The motion was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 36, AS MODIFIED

Mr. GRASSLEY. Mr. President, I oppose the amendment of Senator WELLSTONE dealing with payday loans. For people who aren't familiar with this kind of loan, payday loans occur when a borrower gives a personal check to someone else, and that person gives the borrower cash in an amount less than the amount of the personal check. The check isn't cashed if the borrower redeems the check for its full value within 2 weeks.

At the onset, I would like to point out the fact that payday loans are completely legal transactions in many states. If a financial transaction is perfectly legal under state law, I don't think that it is wise policy to use the bankruptcy code to try and undo that legal state transaction.

Using the Bankruptcy Code for this purpose leads to perverse results because the only people who will receive any benefit or relief will be those who file for bankruptcy. The amendment would deny payday lenders the right to sit at the bankruptcy bargaining table. So other people who use payday loans who never file for bankruptcy will not benefit from this amendment. These people who have taken out loans but don't take the easy way out in bankruptcy court will still have to pay back their loan. Therefore, you have the perverse result of people who do not have the money to file for bankruptcy who will have to pay the loan as agreed. Even if you share Senator WELLSTONE's distaste for payday loans, this amendment won't benefit the poorest of the poor because most of them do not seek bankruptcy relief.

I also think that the Wellstone amendment would have the effect of making it harder for the poor and those with bad credit histories to gain access to cash—the very people that Senator WELLSTONE is concerned about. People who use payday loans simply cannot get loans through traditional sources because they are too risky, so a payday loan may be the only way they can get quick cash to pay for family emergencies or essential home and auto repairs.

I know that the intentions of my friend from Minnesota are honorable, but the effect of this amendment would be to make it harder for poor people to get the help they need when they need it. So I urge my colleagues to reject the Wellstone payday amendment.

The PRESIDING OFFICER (Mr. BROWNBACK). The question is on agreeing to the motion to table amendment No. 36, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—58

Allard	Carper	Enzi
Allen	Chafee	Frist
Bennett	Cochran	Gramm
Bond	Collins	Grassley
Breaux	Craig	Gregg
Brownback	Crapo	Hagel
Bunning	DeWine	Hatch
Burns	Domenici	Helms
Campbell	Ensign	Hutchinson

Hutchison	Miller	Snowe
Inhofe	Murkowski	Specter
Jeffords	Nelson (NE)	Stabenow
Johnson	Nickles	Stevens
Kyl	Reid	Thomas
Landrieu	Roberts	Thompson
Lincoln	Santorum	Thurmond
Lott	Sessions	Voinovich
Lugar	Shelby	Warner
McCain	Smith (NH)	
McConnell	Smith (OR)	

NAYS—41

Akaka	Dayton	Leahy
Baucus	Dodd	Levin
Bayh	Dorgan	Lieberman
Biden	Durbin	Mikulski
Bingaman	Edwards	Murray
Boxer	Feingold	Nelson (FL)
Byrd	Feinstein	Reed
Cantwell	Graham	Rockefeller
Carnahan	Harkin	Sarbanes
Cleland	Hollings	Schumer
Clinton	Inouye	Torricelli
Conrad	Kennedy	Wellstone
Corzine	Kerry	Wyden
Daschle	Kohl	

ANSWERED ''PRESENT''—1

Fitzgerald

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. BIDEN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Would it be appropriate at this time to be able to ask unanimous consent to change my vote on the last tabling motion? It will not affect the outcome of the vote. I intended to vote with Senator WELLSTONE. I did not realize it was a tabling motion. I voted ''aye.'' I would like to change my vote to ''no.'' I ask unanimous consent to do that.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I will not object.

Mr. BIDEN. I thank my friend.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. HATCH. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for up to 5 minutes.

The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

First of all, I think this vote on the—

The PRESIDING OFFICER. The Senator will suspend for a moment.

We will have order in the body.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, we really do need order.

The PRESIDING OFFICER. We will please have order in the body. Please take your conversations off the floor. We cannot proceed until we have order.

Mr. WELLSTONE. I thank the Chair and thank my colleagues for their courtesy.

Mr. President, we just had a vote that dealt with payday loans, whether or not we were going to provide some protections to the most vulnerable consumers. That amendment failed.

My colleague, Senator DURBIN, and other colleagues, have come out on the floor with amendments that have gone after predatory practices. They have said: Look, let's give consumers some protection. Those amendments—or most of those amendments—have failed.

I had an amendment earlier which said, look, if you want to go after those people who are gaming this system, fine, but for goodness' sake, for the 50 percent of the people who are going under because of medical bills and who find themselves in these difficult circumstances, carve out an exemption. Do not make it so difficult for them to file for chapter 7. Do not make it so difficult for them to go through this procedure, this procedure, and this procedure. Do not put so many hurdles in their way.

Bankruptcy is a safety net not just for low-income people but for middle-income people.

There was a front page story the other day in the New York Times. The headline was: ''Lobbying On Debtor Bill Pays Dividend.''

I do not want to get myself in trouble with people in whom I believe. I do not make a one-to-one correlation such as, for example, the Senator from Utah and the Senator from Iowa; they have a different viewpoint. That is why they have argued for this bill, period. Let's just make that argument and stop there.

But I will tell you, at an institutional level, there is a serious problem with this bill. And it is this: When it comes to the financial services industry, the credit card industry, broadly defined, big givers, heavy hitters, a huge and powerful lobbying coalition, they have way too much access, and they have way too much say.

It is an institutional problem because the people filing for chapter 7, trying to rebuild their lives because of a major medical bill or because they have lost their job on the Iron Range or because there has been a divorce, they do not have the same clout. They do not have the same economic resources.

Quite frankly, I think this bill is too harsh, it is not balanced, it is not just, it is not fair, and there are a whole lot of families in this country who are going to pay the price.

I call on my colleagues to vote against cloture. I know the vast majority of Senators will not do so, but I will tell you, I do not believe by voting for cloture and then going forward and passing this bankruptcy bill we have done the right thing. I think this is good for the credit card industry. It is good for the financial services industry. But I think we have left out consumers.

We have left out a lot of low- and moderate- and middle-income people. We have left out a lot of women who are single and the heads of their households. We have left out a whole lot of people of color and a whole lot of people who are disproportionately among the ranks of working-income and low-income people.

So I say to Senators, I hope you will vote against cloture. This bill does not deserve to go forward. This bill represents the power of the financial services industry that has marched on Washington every single day for the last 3 years. And it leaves out ordinary citizens in a very profound and very harsh way. Senators, please vote against cloture.

The PRESIDING OFFICER. Under the previous order, the majority leader or his designee is recognized for up to 5 minutes.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I hate to disagree with my friend and colleague from Minnesota, but he could not be more wrong. This bill actually will do an awful lot of good for people in our society. I will not go into all the details on that. All I have to say is that a vote at this stage against cloture is a vote against bankruptcy reform.

The bill we are voting on is the same bill that got 70 votes last year, plus it includes the Schumer-Hatch violence amendment among a number of other Democratic Party amendments. Let me remind my colleagues, and everyone else who wants bankruptcy reform, that many of those who voted against this bill that passed 70–28 last December said if the Schumer violence language had been included, they would have voted for it. Well, it is included. We have worked that language out. It is a shame we have been forced to file cloture after all of the accommodations we have made. I would have preferred not to file cloture, but I believed that was the way we needed to proceed.

We have been very fair on this bill. I hope our colleagues will realize this is a very important bill. It makes very important changes that are needed in the bankruptcy laws of this country. We have accommodated both sides in virtually every way we possibly could. I hope everybody will vote for cloture, and let's get this bill passed and get it enacted into law.

Is there any time remaining?

The PRESIDING OFFICER. The Senator has 3 and a half minutes remaining.

Mr. HATCH. Is that all the time that is remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 28 seconds remaining.

Mr. HATCH. We are prepared to yield back.

CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 420, an original bill to amend title 11, United States Code, and for other purposes:

Trent Lott, Robert F. Bennett, Chuck Grassley, Orrin G. Hatch, Susan Collins, Pat Roberts, Lincoln Chafee, Strom Thurmond, Frank H. Murkowski, Mitch McConnell, Rick Santorum, Jeff Sessions, Richard G. Lugar, Gordon Smith, George Voinovich, and Bill Frist.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 420, a bill to amend title 11, United States Code, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The yeas and nays resulted—yeas 80, nays 19, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—80

Akaka	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feinstein	Murray
Biden	Frist	Nelson (NE)
Bingaman	Graham	Nickles
Bond	Gramm	Reid
Breaux	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Byrd	Helms	Shelby
Campbell	Hollings	Smith (NH)
Cantwell	Hutchinson	Smith (OR)
Carnahan	Hutchison	Snowe
Carper	Inhofe	Specter
Chafee	Inouye	Stabenow
Cleland	Jeffords	Stevens
Cochran	Johnson	Thomas
Collins	Kohl	Thompson
Conrad	Kyl	Thurmond
Craig	Lieberman	Torricelli
Crapo	Lincoln	Voinovich
Daschle	Lott	Warner
DeWine	Lugar	

NAYS—19

Boxer	Harkin	Reed
Clinton	Kennedy	Sarbanes
Corzine	Kerry	Schumer
Dayton	Landrieu	Wellstone
Dodd	Leahy	Wyden
Durbin	Levin	
Feingold	Nelson (FL)	

ANSWERED ''PRESENT''—1

Fitzgerald

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 19, and one voted ''present.'' Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. 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.

AMENDMENT NO. 19

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

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 19 is pending.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on amendment No. 19?

The PRESIDING OFFICER. No.

Mr. LEAHY. Is amendment No. 19 germane?

The PRESIDING OFFICER. It appears to be.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. GRASSLEY. 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. LEAHY. 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. LEAHY. Mr. President, I know the Senator from Alaska wishes to speak on his time. I am going to yield to him in just a second.

Is my understanding from the Senator from Iowa correct that it is now in order—I realize we are not about to vote right now—to get the yeas and nays on this amendment?

Mr. GRASSLEY. Sure.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I seek time under the time allocated to me under the current procedure in the Senate.

The PRESIDING OFFICER. The Senator is recognized.

PORK

Mr. STEVENS. Mr. President, today the Citizens Against Government Waste issued their 2001 Pork List. I am here to discuss that briefly.

Five items on the first page of this list were requested in the President's budget as part of the Corps of Engineers regular program, but they are charged to be pork. Those were requested by President Clinton and his administration, not by me. Also, $11 million listed as pork in the Interior Department budget was also requested by the President, not me, to manage fish and game in Alaska. It shows the accuracy of this list.

Other items listed on this ''waste'' list include runway lights. It so happens that 80 villages in Alaska have no roads or hospitals. They depend on medical evacuation by aircraft when people have babies, suffer a heart attack, or have to have medical assistance. Those same villages have no runway lights at all.

North of the Arctic Circle, the Sun doesn't even rise beginning in mid-December until the end of the following January, making it impossible for an evacuation plane to land without lights. In fact, this is a persistent problem for us all winter throughout Alaska. After a Native man in Hoonah, AK, suffered a heart attack and sat on the tarmac for 3 days waiting for medical evacuation, the mayor wrote to me and asked for runway lights. We looked into it and found that it was true. I really did not realize there were so many of these small airports that had no lights.

I not only am proud that the Senate acceded to my request for runway lights in last year's appropriations bills, I want to put the Senate on notice that this year I am going to seek funds so that every village in Alaska has runway lights. Under the current procedure for allocation aid for improvement of airports, they are not eligible.

I believe if it is wasteful to make sure a woman in hard labor can deliver her baby in a hospital with a doctor attending, instead of in an airplane hangar with the help of a mechanic, then I am guilty of asking the Senate for pork and proud of the Senate for giving it to me.

The Citizens Against Government Waste listed funding to aid in the recovery of the endangered stellar sea lion as pork. The Senate and the whole Congress remember the battle over the sea lion at the end of the last session. That issue threatened to shut down the pollack fishery in Alaska, which supplies most of the fish for fast food and frozen products nationwide. The Office of Management and Budget estimated the closure of that fishery would cost the national economy as much as a half billion dollars annually. By making a Federal investment to assure sound science to protect the sea lions, we will avoid that loss in our fisheries, families will not lose their jobs, and the Federal Government will continue to collect corporate and personal income taxes far in excess of the money we put up to assure sound science is used in addressing that problem.

Likewise, the list includes transportation vouchers so welfare mothers can get to their jobs and get off welfare. By making another small investment in public transportation—$60,000 in this case—women, particularly in the Matanuska-Susitna Borough in our State, can work, pay taxes, and save