

I will not go through the lengthy history that we have of this process of reaffirmation.

What is reaffirmation? I file for bankruptcy and I have a debt, and instead of having it discharged so I don't owe it any longer, I voluntarily agree to reaffirm that debt and to continue to pay all or part of it. Why would a person do that? What if you walked into the bankruptcy court and you owed money on your car? You need a car to get to work. You better reaffirm that debt on the car so you can continue to make the payments, even if you are discharged from bankruptcy from all other debts. It makes sense. Someone walks into a bankruptcy court and says, "My family has done business with that department store downtown for three generations, and I just could not stiff them. I will reaffirm my debt. I will pay it. Just discharge the rest of my debts."

The problem we have is in many instances creditors—major department stores and retail chains—have misled the debtors into believing they must reaffirm their debts; that they can't get off the hook in bankruptcy. I want to make sure that this bill does not create more opportunities for this to happen. I hope just the opposite will be true.

Finally, let me urge that in the course of the debate on bankruptcy we address both sides of the problems. To those who are abusing the bankruptcy system, who walk into court and try to, through all sorts of chicanery, escape their obligations and their debts, we say: This will stop. And, on the other side, we say to the credit card industry: You also have an obligation.

Sadly, all of this focus on the bankruptcy code simply helps to obscure a far more important and dangerous feature of our consumer economy—the profligate availability of risky credit.

Merely making bankruptcy abuse harder is only part of the equation. The other part is preventing bankruptcy in the first place by encouraging more responsibility from the banks, as well as consumers.

Come with me to a "Big-Ten" football game this autumn—a wonderful experience—in Champaign or Bement, Illinois—and walk into that stadium. What you are going to find there will be a booth giving away T-shirts. Mark my words. If you will take a T-shirt, you will also take an application for an official University of Illinois credit card. Kids fresh out of high school are signing up for credit cards when they are 18 to get a free T-shirt. You will find these booths at virtually all sorts of events.

These sorts of things are going on at such a pace that, frankly, it has become almost scandalous. Credit cards are being issued to people who are mentally incompetent. They are being issued to pets; being issued to folks who have no business owning a credit card.

I want to make sure that we straighten up that side of the equation as well.

I want to make sure that the people who send us monthly credit card statements are open and honest. When they say your minimum monthly payment is "X," they ought to tell you how many months it will take you to pay it off if you make the minimum monthly payment, and how much you are going to pay in interest. They ought to provide people with a simple worksheet so when they apply for a credit card they will understand where they stand financially. If fact, if the credit card company hasn't done any kind of analysis of your credit standing and they are offering credit blindly, you ought to know that.

In addition, I want to make sure that we provide in these credit card statements a clear statement of the conditions.

This same University of Illinois credit card solicitation—I don't want to pick on them—said, and I quote, "permanent introductory rate of 5.9 percent."

You don't have to be a business major to understand that "permanent" and "introductory" don't go together. What happens, of course, is that in a short period of time the interest rate goes through the roof.

Let me conclude on this note.

We can spend all of our time trying to punish or prevent a small number of abuses. We can also work on something infinitely more constructive. We can try to help prevent financial catastrophes.

What I propose is a small step in that direction which works on the principle that a well-informed consumer is best able to protect himself. I am happy to join with my colleague, Senator GRASSLEY, in an effort to change the bankruptcy code, but let us do it in a fair way that does not penalize the recipients of child support, that doesn't give an upper hand to creditors who abuse the system, and which says to the credit card industry, yes, we will clean up abuses in bankruptcy court but certainly you should extend your responsibility to issue credit responsibly to a well-informed consumer.

I yield back the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Massachusetts.

#### CONSIDERATION OF THE PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, just about an hour ago, we had the majority leader taking the floor and making the request that we go to the bankruptcy legislation, as is his authority, and then making a motion to move toward the bankruptcy bill and filing cloture. And I assume, as others would, that we will be debating this legislation next week.

In an exchange with the majority leader, I questioned him as to why we were not considering taking up the

HMO legislation, the Patients' Bill of Rights. We could either take up the legislation that had been introduced by the Republicans and lay that down as our leader, Senator DASCHLE, has suggested, or permit some other way or means that we could have a full debate and discussion on that legislation.

As I pointed out in the very brief exchange with the majority leader, we are talking considering legislation that affects about 1.4 million bankruptcies, with all the importance and consequences that has, as expressed by our friends and colleagues from Iowa and from Illinois and stated eloquently by both of them in recent times, or whether we should be considering a measure that affects 165 million Americans with health insurance coverage.

When I go home to Massachusetts and travel around the state, I hear from families wondering when the Congress is going to take action to make sure that health care decisions are going to be made by medical officials, by doctors and by nurses, rather than by accountants and insurance company personnel. That is what the people are talking about. That is what they were talking about during August.

I asked the majority leader whether we would be able to have the opportunity to debate this issue. And as is the wont of the majority leader and the assistant majority leader, Senator NICKLES, they have said, look, you are either going to take it or leave it with our proposal. You are either going to take it the way we want it—that is, you can offer two or three amendments, and we can offer two or three amendments—and, if you are willing to take that, we are willing to schedule it; otherwise, we are not.

They are, for all intents and purposes, gagging the Senate. We do not have any such condition on the measure that is before us this afternoon, the bankruptcy bill. There are a number of very worthwhile, substantive amendments for this measure. The majority leader did not come out here and say take it or leave it on the bankruptcy bill. No, no. Why? Because the credit card industry and the banking industry have the votes to pass this legislation, and, as has been publicly recognized, they have expended some \$50 million in order to support the movement of this legislation.

Yet, we find out that there are children in our country today who are being denied a CAT scan because of an automobile accident or because of a bicycle accident or because of some other kind of an accident. They do not make large contributions to push forward legislation that will help them. Nor do the women who are denied access to clinical trials or obstetrical and gynecological care.

And so, Mr. President, we are being effectively gagged by the Republican leadership in debating and discussing and voting on the most important health measure that we will be faced with this year. Again, when asked

when we can proceed to this important legislation, the majority leader, as is his wont, calls for regular order: We are not going to listen to any voices in the Senate that have been trying to get to this measure for over a year and a half, either a hearing or a markup in the appropriate committee. No, thumbs down. Scheduled on the floor of the Senate? Absolutely not, unless you take it our way.

Now, Mr. President, you can—and the majority leader has been successful up to this time—avoid having the opportunity for such a debate and discussion, but I do not really understand the reasons why. Why are the Republicans objecting to debating the gag issue or about emergency room access? Why shouldn't patients who believe they are having an emergency based on a reasonable person's judgment be assured coverage at the nearest emergency room? Why shouldn't we be able to debate what would be the appropriate responsibility of HMOs on these issues?

Why shouldn't we be able to debate whether you can keep your own doctor or whether you have access to specialists or whether you are able to have specialists for primary care, as many women, in particular, so need in our society today? And why not discuss the importance of access to clinical trials, or a right to timely appeals—both internal and external—and health plan accountability? Why should the health insurance industry be the only industry that can cause death and disability and be excluded from accountability in the United States of America? Should we not have the opportunity to debate that issue and call the roll? Not according to the majority leader. No, no, not according to the majority leader. You either take it or leave it.

Now, that has been the position effectively on HMOs, the position on campaign financing, the position on any increase in the minimum wage: Take ours or leave it.

Now, he is entitled and has authority as the majority leader to make these decisions, but we also have prerogatives in this body, and we can exercise those prerogatives and, as Senator DASCHLE has indicated, will either do it in a regular way according to the rules of the Senate or we will have some other opportunity to do so.

This body should not be gagged, as the majority leader is doing when he responds: You will take three amendments and that is it. It is very clear what the priorities are for the Republican leadership—protect the banks and the credit card companies—protect the insurance industry—protect their friends. All you have to do is look at who is going to benefit from the HMO reform and patients' rights and who is going to benefit from the bankruptcy legislation.

Who is going to benefit from the bankruptcy legislation? The banks and the credit card companies that have been among the most profitable industries in this country in the last few

years. Who benefits from Patients' Bill of Rights? Working families benefit from it. Children benefit from it. Senior citizens benefit from it. The average citizen in this country benefits from it.

But, no, no, the Senate hasn't got time for that. Make no mistake. What was determined this afternoon by the leadership is that the Senate is favoring the banks and credit card companies and we are giving short shrift, short shrift to those who are dependent upon, in too many instances, the kinds of HMOs in this country that are not putting the medical decisions in the hands of doctors.

Why is it that nearly 200 of the leading national medical associations, nursing organizations, patient coalitions, disability groups, mental health groups, religious organizations, small businesses and consumer groups support the Daschle bill? I have been in the Chamber when I have listened to the majority leader and my friend from Oklahoma, Senator NICKLES, talk about their bill. We haven't heard of one single patients' organization that supports their bill. Every one of them supports the Daschle bill. So, when we say let us at least have the opportunity to debate it, we mean let's discuss each of the various elements. Let us have an opportunity to address those measures, with relevant amendments—they are right here. I would settle for amendments on the particular measures on this chart this afternoon, if I were asked, with time limits. But let's have accountability. Let's have accountability. Why is the Republican leadership saying to every doctor who is represented by those organizations, to every nurse, to every patient or survivor of every breast cancer group, "No, we can't debate your proposal"?

So we are going to work at it and we are going to keep at it, time in and time out.

I know there are others who want to speak. How much time do I have?

The PRESIDING OFFICER. The time of the Senator has just expired.

Mr. KENNEDY. Mr. President, I ask consent to have the same privilege as has been extended to the Senator from Iowa and the Senator from Illinois, to proceed for 4 more minutes.

The PRESIDING OFFICER. The Senator from Iowa spoke for 20 minutes. The Senator from Illinois spoke for 15 minutes.

Mr. KENNEDY. I ask for 5 minutes.

The PRESIDING OFFICER. The Senator may ask for 5 minutes more. Without objection, it is so ordered.

#### THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, finally, on another measure we have attempted to bring up here, and we will have the opportunity to do so, it is to recognize a fundamental issue of fairness and equity in our country, and that is an increase in the minimum wage.

I ask the Chair to let me know when I have 1 minute left.

We have had the most extraordinary economic prosperity in the history of this country. We have had the explosion in terms of Wall Street, even with its ups and downs. We have the lowest rates of unemployment, the lowest rates of inflation.

Over the many debates which have taken place since I have been here in the U.S. Senate, since 1962—and we have raised the minimum wage during this time five different times with Republican and Democratic support—we are always faced with two issues: If we increase the minimum wage, we are going to add to inflation and add to unemployment. It is fair for those who oppose the increase in the minimum wage to ask us, now that we saw the last increase in 1996–1997—we have seen an increase of 90 cents. For whom? The working poor; men and women working 40 hours a week, 52 weeks of the year, who pay their bills and play by the rules—words that were used by the Senator from Iowa. They are the workers. They are the workers, struggling.

Mr. President, our particular amendment, if successful, with a dollar in the next 2 years, would move it up by the year 2000 to \$6.15. That would be \$5.76, in terms of purchasing power. It would still be lower than what it was for a period of some 20 years—25 years, in purchasing power, at a time of extraordinary prosperity and economic growth.

In every one of these debates they say if you raise it, you will see higher unemployment and you will see higher inflation. Look what happened the last time. When we raised the minimum wage in 1997, the unemployment rate was 4.9 percent and the rate of inflation was 1.7. Then we raised the minimum wage. We raised the minimum wage. Today, the unemployment rate is—higher? No, it is lower. It is 4.5 percent, and the rate of inflation is 1.4 percent. Mr. President, 3.7 million new jobs have been added. Executive salaries have exploded and gone up through the roof, but the real purchasing income for the needy working families of this country continues to fall further and further behind.

Those who receive the minimum wage primarily are women—60 percent. It is a women's issue. It is a children's issue. These are children of working families. Family values? This is it. When you get an increase in the minimum wage, those families say, "Now we no longer have to work three jobs, we can work two. Maybe we don't have the time to spend with our children." But this is an issue of dignity for those who are out there working. It is an issue of fairness. It is an issue of decency.

This body, at the time of this extraordinary economic growth and prosperity, at a time when we in this body have benefited from a cost-of-living adjustment of more than \$3,000 since our last increase in the minimum wage,