the country. We understand that. We hope good sense will prevail because the President has said he will veto this legislation. I think that is the reason Senator MURKOWSKI, the chairman of the committee, wants to come up with something that is going to be such that it will not create a fight here on the floor.

As the majority leader knows, we have enough votes to sustain a Presidential veto. We hope we will not get to the point where that is necessary.

Will the leader again state what the request is?

Mr. LOTT. The consent would be for the Senate to proceed to the nuclear waste bill, S. 1287, following passage of the bankruptcy bill.

Mr. REID. I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I understood the Senator would object.

I think it is very important, though, that we move this legislation forward.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Having heard the objection then, I move to proceed to S. 1287 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 the motion to proceed to Calendar No. 180, S. 1287, the Nuclear Waste Amendments Act of 1999:

Trent Lott, Frank H. Murkowski, Jim Bunning, Thad Cochran, Kay Bailey Hutchison, Mike Crapo, Richard Shelby, Larry E. Craig, Craig Thomas, Judd Gregg, Jeff Sessions, Bob Smith of New Hampshire, Phil Gramm, Slade Gorton, Tim Hutchinson, and Don Nickles.

Mr. LOTT. Madam President, the cloture vote will occur on Wednesday, February 2. I will notify Members when the time has been established. Of course, I will confer with the Democratic leadership about the exact time.

In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived and the cloture vote occur immediately following the passage of the bankruptcy bill after the use or yielding back of 30 minutes of debate time, equally divided in the usual form.

Mr. REID. Reserving the right to object to that request of the leader, I am confident that request will be granted. I cannot do it right now, but I am sure we will be able to—my colleague from Nevada is on an airplane. I want to be able to confer with him. I think we will be able to do that without a problem.

Mr. LOTT. We appreciate that and look forward to conferring with the Senator on that. I will talk to Senator MURKOWSKI, too, about any plans he may have. I know he wants to get this done. But he is also sensitive to concerns that exist.

We will continue to work to find a way to make this happen.

Mr. REID. Mr. Leader, if I could say this, too. I say about Senator MURKOWSKI, we have been real adversaries on this issue, but I have to say that he has been a total gentleman about everything he has done on this. As bitter as are some of the pills he has asked us to swallow, the fact of the matter is he has never tried to surprise me. He has been very open and above board. I appreciate that very much about Senator MURKOWSKI.

Mr. LOTT. Madam President, we should go ahead and clarify, there was not objection to this?

The PRESIDING OFFICER. Is there objection to the request?

Mr. REID. I say to my friend, I do not know how, procedurally, we are going to go about doing this. I have to talk to Senator BRYAN before I can allow this to go forward. I cannot do that right now. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Let me revise that request and/or that notification and see if we can get unanimous consent that we have the cloture vote on Wednesday, February 3. We will notify Members exactly what the time will be. In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived and then not put in the limiting of the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Let me say, while I believe very strongly that this legislation needs to be passed and is an issue that has tremendous environmental consequences and concerns we have to address, I think the Senator from Nevada would also acknowledge that we have always been sensitive to the need for him and his colleague from Nevada to know what is going on, to not be surprised, have a chance to make their statements, offer amendments, and resist in every way. I am very sympathetic to the need for them to have that opportunity. We will protect their rights as we go forward. We appreciate the way the Senator has approached it also.

I now withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

Mr. LOTT. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Wellstone amendment to the bankruptcy legislation.

Mr. FEINGOLD. Madam President, I ask unanimous consent to speak for 8 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 8 minutes.

DECISION TO SUSPEND EXECUTIONS IN ILLINOIS

Mr. FEINGOLD. Madam President, earlier today, Governor George Ryan of Illinois made an announcement that is absolutely unprecedented for a sitting governor since the reinstatement of the modern death penalty almost 25 years ago. Governor Ryan plans to effectively block executions in Illinois by granting stays of all scheduled executions on a case-by-case basis until a State panel can examine whether Illinois is administering the death penalty fairly and justly. Governor Ryan is right to take this step, because real questions are being raised about whether innocent people are being condemned to die.

Since the U.S. Supreme Court's 1976 Gregg decision finding the death penalty constitutional, Illinois has executed 12 people and and found 13 people on death row to be innocent. This is truly extraordinary. After condemning people to death, Illinois has actually found more death row inmates innocent than it has executed! Some of the innocent were exonerated based on a new DNA test of forensic evidence. Others successfully challenged their convictions based on inadequate representation by disbarred or suspended attorneys or a determination that crucial testimony of a jailhouse informant was unreliable. Illinois has exonerated 13 individuals but the numbers are sure to grow, as other cases continue to be investigated and appeals make their way through the courts.

What is even more troubling is that the lives of some of these 13 innocent people were saved not by the diligence of defense counsel or a jury or judge, but by a group of students taking a journalism class at Northwestern University. These Northwestern University students uncovered evidence, which led to the exoneration of people like Anthony Porter, who spent 15 years on death row and came within 2 days of execution. The criminal justice system failed to do its job. These students and their journalism professor—actors very much outside the criminal justice system—did the footwork to uncover exculpatory evidence. Governor Ryan supports the death penalty as a form of punishment in Illinois. I do not. But he has courageously acknowledged what many lawyers, scholars, and journalists have argued for some time: the criminal justice system in Illinois is broken and it must be fixed.

I applaud Governor Ryan for what is unfortunately unusual courage. Many political leaders, even those who may be personally opposed to the death penalty, nevertheless feel it is somehow ''political suicide'' to support a moratorium on executions. They fear being

labeled ''soft on crime.'' But, last year, the Nebraska legislature passed a moratorium initiative, unfortunately, it was only to be vetoed later by the governor. But Governor Ryan—a Republican Governor and the Illinois chair of Republican Presidential hopeful George W. Bush's campaign—has decided he will lead the people of Illinois to expecting more from their criminal justice system. He has decided to hold out for what should be the minimum standard of any system of justice: that we do all that we can not to execute an innocent person.

As a result of the Governor's action, Illinois is the first of the 38 States with the death penalty to halt all executions while it reviews the death penalty procedure. But the problems of inadequate representation, lack of access to DNA testing, police misconduct, racial bias and even simple errors are not unique to Illinois. These are problems that have plagued the administration of capital punishment around the country since the reinstatement of capital punishment almost a quarter century ago. I hope the Federal government and the other 37 States with capital punishment follow the wisdom of Illinois and halt executions until they, too, review their administration of the death penalty. At the Federal level, I call on the President and the Attorney General to suspend executions until the Federal government reviews the administration of the Federal death penalty.

Are we certain that the Federal death penalty is being applied in a fair, just and unbiased manner? Are we certain that the Federal death penalty is sought against defendants free of even a hint of racial bias? Are we certain that the Federal death penalty is sought evenly from U.S. Attorney district to U.S. Attorney district across the Nation? I don't think we have a clear answer to these questions. Yet, these are questions, literally, of life or death.

There isn't room for even a simple mistake when it comes to the ultimate punishment, the death penalty. For a nation that holds itself to principles of justice, equality and due process, the Federal government should not be in the business of punishing by killing. As Governor Ryan's spokesperson aptly noted, ''It's really not about politics. How could anyone be opposed to this when the system is so clearly flawed?''

Let us not let one more innocent person be condemned to die. Let us demand reform.

In a moment, I intend to offer an amendment to the bankruptcy bill. 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. FEINGOLD. Madam 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 1999—Continued

Mr. FEINGOLD. Madam President, I ask unanimous consent that the pending Wellstone amendment be set aside so I may offer an amendment.

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

AMENDMENT NO. 2747

(Purpose: To make an amendment with respect to consumer credit transactions)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2747.

Mr. FEINGOLD. 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:

At the appropriate place in title XI, insert the following:

SEC. 11 . CONSUMER CREDIT TRANSACTIONS.

(a) DEFINITION.—Section 1 of title 9, United States Code, is amended—

(1) in the section heading, by striking ''**and 'commerce' defined**'' and inserting ''**, 'commerce', 'consumer credit transaction', and 'consumer credit contract' defined**''; and

(2) by inserting before the period at the end the following: ''; 'consumer credit transaction', as herein defined, means the right granted to a natural person to incur debt and defer its payment, where the credit is intended primarily for personal, family, or household purposes; and 'consumer credit contract', as herein defined, means any contract between the parties to a consumer credit transaction.''.

(b) AGREEMENTS TO ARBITRATE.—Section 2 of title 9, United States Code, is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a written provision in any consumer credit contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of the contract, or the refusal to perform the whole or any part thereof, shall not be valid or enforceable. Nothing in this section shall prohibit the enforcement of any written agreement to settle by arbitration a controversy arising out of a consumer credit contract, if such written agreement has been entered into by the parties to the consumer credit contract after the controversy has arisen.''.

Mr. FEINGOLD. Madam President, I rise today to introduce an amendment to the bankruptcy reform bill that will protect and preserve the American consumers' right to take their disputes with creditors to court. There is a troubling trend among credit card companies and consumer credit lenders of requiring customers to use binding arbitration when a dispute arises. Under this system, the consumer is barred from taking a dispute to court, even a small claims court.

While arbitration can certainly be an efficient tool to settle claims, it is credible and effective only when customers and consumers enter into it knowingly, intelligently, and voluntarily. Unfortunately, that is not what is happening in the credit card and consumer credit lending business. One of the most fundamental principles of our civil justice system is each American's right to take a dispute to court. In fact, each of us has a right in civil and criminal cases to a trial by jury. A right to a jury trial in criminal cases is contained in the sixth amendment to the Constitution. The right to a jury trial in a civil case is contained in the seventh amendment, which provides, ''In suits at common law where the value and controversy shall exceed $20, the right of trial by jury shall be preserved.''

It has been argued that Americans are overusing the courts. Court dockets across the country are said to be congested with civil cases. In response to these concerns, various ways to resolve disputes, other than taking a dispute to court, have been developed. Alternatives to litigating in a court of law are collectively known as ''alternative dispute resolution,'' or ADR. Alternative dispute resolution includes mediation and arbitration. Mediation and arbitration can resolve disputes in an efficient manner because the parties can have their cases heard well before they would have received a trial date in a court. Mediation is conducted by a neutral third party, the mediator, who meets with the opposing parties to help them find a mutually satisfactory solution. Unlike a judge in a courtroom, the mediator has no independent power to impose a solution. No formal rules of evidence or procedure control mediation. The mediator and the parties mutually agree on how to proceed.

In contrast, arbitration involves one or more third parties—an arbitrator or arbitration panel. Unlike mediation but similar to a court proceeding, the arbitrator issues a decision after reviewing the merits of the case as presented by all parties. Arbitration uses rules of evidence and procedure, although it may use rules that are simpler or more flexible than the evidentiary and procedural rules that a party would follow or be subjected to in a court proceeding. And arbitration can be either binding or nonbinding.

Nonbinding arbitration means the decision issued by the arbitrator or arbitration panel takes effect only if the parties agree to it after they know what the decision is.

In binding arbitration, parties agree in advance to accept and abide by the decision, whatever it is. In addition, there is a practice of inserting arbitration clauses in contracts to require arbitration as the forum to resolve disputes before a dispute has even arisen.

Now, this is called mandatory arbitration. This means that if there is a dispute, the complaining party cannot file suit in court, and instead is required to pursue arbitration. It is binding, mandatory arbitration, and it therefore means that under the contract the parties must use arbitration