measure is not in those accomplishments. The measure of her life is in the great wealth of love and affection that was engendered in all she touched.''

Mr. President, please join me in extending our heartfelt sympathy and prayers to Ginger's parents, Hank and Joanna Adams, and to all those whose lives she touched. She will be missed very, very much.

Mr. President, I ask that Dr. Alexander's eulogy be printed in the RECORD.

The eulogy follows:

EULOGY OF GINGER ADAMS, DELIVERED BY DR. KERN ALEXANDER, PRESIDENT, MURRAY STATE UNIVERSITY

Ginger was given only 20 years, but her brief years were no measure of the importance of her life. She accomplished more in those few years than most persons achieve in 80. We know she was a grand achiever, student leader, cheerleader, superb athlete, outstanding student, but the supreme measure is not in those accomplishments, but rather the measure of her life is in the great wealth of love and affection that was engendered in all she touched; fellow students, sorority sisters, neighbors, her University, and her community.

Sir Christopher Wren, the architect who rebuilt London after the great fire, died. In his remembrance it was said, ''For his monuments look ye around.'' For Ginger's accomplishments ''look ye around.'' Look at all those of you here today who cherish and love her. This love and devotion to Ginger are her monuments and these are the monuments that are most enduring.

This outpouring here today of so many in this solemn ceremony is the ultimate measure of one's achievements on this earth. Here, they are Ginger's in abundance.

When death allies itself with youth and beauty it is the most difficult for us to understand.

When the most beautiful and radiant among us dies, we are all the more profoundly stricken with grief and wonderment as to its reasons and purposes.

When beauty dies our own limitations and frailties as human beings become more obvious and less comprehensible.

This week we lost the most beautiful and talented among us and none of us can understand. Consolation can only come in prayer to those who love Ginger, the prayer that:

''The Lord God will wipe away the tears and will swallow up death in final victory.''

It helps us in our own poverty of comprehension if we know that life and death are not absolutes, but merely transition of the human soul. This we know in our faith and trust in God.

Prayer: Dear Heavenly Father, please help Ginger's mother and father, JoAnna and Hafford, and her brothers, in this time of great sorrow. Help them in this moment of overpowering grief.

O God, we give back to you those whom You gave us. You did not lose Ginger when You gave her to us, and we do not lose her by her return to You. Your dear Son has taught us that life is eternal and love cannot die. So death is only an horizon, and an horizon is only the limit of our sight. Open our eyes to see more clearly, and draw us closer to You that we may know that we are nearer to our loved ones, who are with You. You have told us that You are preparing a place for us. Prepare us also for that happy place, that where You are we may be always.

O Lord, You have made us very small, and we bring our years to an end like a tale that is told. Help us to remember that beyond our brief day is the eternity of Your Love. Amen.

God bless Ginger and her family.●

MEASURE PLACED ON THE CALENDAR—H.R. 483

Mr. KYL. Mr. President, I understand that there is a bill at the desk that is due its second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 483) to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes.

Mr. KYL. I object to further proceedings on the bill at this time, Mr. President.

The PRESIDING OFFICER. The bill will be placed on the calendar pursuant to Rule XIV.

TRUTH IN LENDING CLASS ACTION RELIEF ACT OF 1995

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1380, that the bill be deemed read a second and third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

Mr. MACK. Mr. President, I urge my colleagues to support H.R. 1380, which temporarily suspends class action lawsuits filed under the Truth in Lending Act until October 1, 1995.

This bill will give Congress time to address a U.S. Court of Appeals decision, Rodash versus AIB Mortgage Co., which allowed a borrower to rescind a mortgage based on a technical violation of the disclosure and notice requirements provided for in the Truth in Lending Act. Nearly 50 class action suits have been filed based on the Rodash decision.

The Truth in Lending Act is a complex law with almost no room for forgiveness if an honest technical error is made by the lender. Under truth in lending, for a mistake as little as $11 in how a charge is disclosed, the lender could be forced to reimburse all fees and costs to the borrower, including all interest paid for up to 3 years. In addition, the lender must release the mortgage lien, leaving the lender with an unsecured loan. These laws encourage cookie-cutter lending in order to avoid mistakes. Consumers are then hurt by higher rates and less lending.

The enormous number of loans that have been refinanced since 1991 makes this a potentially system-wide problem. I do not believe that the authors of the Truth in Lending Act intended to stifle creative lending and punish the mortgage industry for technical violations of its complex disclosure provisions. If the courts were to permit borrowers to rescind loans as part of class action lawsuits, the impact could be felt from the financial institutions and the secondary markets all the way to the Federal deposit insurance funds, which are ultimately backed by the U.S. taxpayer.

In Florida, we have seen ads with banner headlines, ''collect money back from your lender,'' encouraging borrowers to rescind their loan. There is no mention of harm done to the consumer in the ads. In fact, even if the amount disclosed was more than what was actually charged, a borrower can rescind the loan. I have heard that some attorneys are trying to amass a large number of plaintiffs in order to increase their fees. In the end, the biggest beneficiaries of this wave of class action suits will be the lawyers. Consumers will be left with small settlements, higher costs, and fewer choices of mortgage lenders.

This bill, H.R. 1380, gives Congress time to examine the Truth in Lending Act and correct the problems created by the Rodash decision. At a minimum, we need to clarify the disclosure provisions of this highly complex law, provide a greater tolerance for honest mistakes, and make sure that the penalties are in line with the violations.

This bill is narrowly drawn to temporarily end the abuse of the Truth in Lending Act through class-action suits. Individual consumers will still be allowed to bring suit during the moratorium on class actions. I urge my colleagues to support this bill.

Mr. D'AMATO. Mr. President, I rise today to voice my support for the Truth in Lending Class Action Relief Act of 1995. Our colleagues in the House recently passed this legislation. It is a product of bipartisan cooperation and is intended as a temporary measure to deal with an urgent situation. As chairman of the Banking Committee, I believe that immediate action is warranted. I would therefore encourage my colleagues to consider and pass H.R. 1380 immediately.

Mr. President, I made reference to an ''urgent situation.'' The situation to which I refer is the potential for devastating liability that threatens our housing finance system in the wake of the 11th Circuit Court of Appeals' recent decision in Rodash versus AIB Mortgage Co. The Rodash decision has resulted in a wave of litigation and created a threat of wholesale rescissions of mortgages. The threat of rescissions on so massive a scale could wreck havoc on our mortgage lending system and the secondary mortgage markets.

If a class-action rescission is granted, every class member would be released from their mortgage lien, and the obligation to pay finance charges and other charges. Class members would also be entitled to reimbursement of all finance charges, as well as other charges that are outside the scope of the finance charge. The 3-year right of rescission in truth in lending entitles the borrower to reimbursement of these charges. The potential for massive rescissions, based on technical disclosures errors of as little as $10, creates a potential for liability that has

been estimated to be as high as $217 billion.

The granting of wholesale rescissions, and the liability that such rescissions would create, could be devastating to both mortgage lenders, and to the secondary markets that provide the mortgage-market with liquidity. And we must remember that the liquidity of the mortgage markets has helped millions of Americans obtain their dream of home ownership at lower costs.

This bill will permit time for careful consideration of this problem. This legislation provides a short-term moratorium that only applies to class action certifications in connection with certain first-lien refinancings and consolidations. This moratorium is narrowly focused on a specific, technical disclosure problems, and will last only until October 1, 1995. This provision is not intended to impede the settlement of class actions. If, for purposes of settlement, the parties stipulate to the certification of a class, a court can approve the stipulation and solely for the purposes of settlement, can certify the class. A class action cannot be settled without certification of the class. This moratorium will provide time to remedy this problem and ensure the continued safety-and-soundness of the mortgage-finance markets.

Mr. BOND. Mr. President, I state my support for H.R. 1380, the Truth in Lending Class Action Relief Act of 1995. This important legislation is designed to impose a class action moratorium on certain lawsuits under the Truth in Lending Act. This legislation is narrow but necessary to give the Congress an opportunity to review the requirements of the Truth in Lending Act and the possible unintended consequences of the Rodash case and the possible impact of Rodash on the mortgage finance industry.

Rodash is a Florida case that allowed for the rescission of a mortgage where the lender disclosed certain delivery fees and an intangible tax in an improper place on the settlement sheet. This case has now been used as precedent for nationwide lawsuits that could potentially disrupt and damage our mortgage finance industry. I emphasis that the violation in Rodash was a technical violation of the Truth in Lending Act, and that the fees in question were small and that any improper disclosure was unintended. Nevertheless, a complete rescission of the mortgage was permitted.

In addition, since 1991, some 11.8 million loans totaling $1.3 trillion have been refinanced. The cost of rescinding these mortgages is about $217 billion. To apply Rodash to the mortgage industry is like killing a mosquito with an atomic bomb. I believe we need to consider these consequences.

Thank you, Mr. President.

The bill (H.R. 1380) was deemed read three times and passed.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104–3 AND TREATY DOCUMENT NO. 104–4

Mr. KYL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following two treaties transmitted to the Senate on April 24, 1995, by the President of the United States: Extradition Treaty with Jordan (Treaty Document No. 104–3); and Protocol Amending the 1980 Tax Convention with Canada (Treaty Document No. 104–4).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan, signed at Washington on March 28, 1995. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty establishes the conditions and procedures for extradition between the United States and Jordan. It also provides a legal basis for temporarily surrendering prisoners to stand trial for crimes against the laws of the Requesting State.

The Treaty further represents an important step in combatting terrorism by excluding from the scope of the political offense exception serious offenses typically committed by terrorists, e.g., crimes against a Head of State or first family member of either Party, aircraft hijacking, aircraft sabotage, crimes against internationally protected persons, including diplomats, hostage-taking, narcotics trafficking, and other offenses for which the United States and Jordan have an obligation to extradite or submit to prosecution by reason of a multilateral international agreement or treaty.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

This Treaty will make a significant contribution to international cooperation in law enforcement. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 24, 1995.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification, a revised Protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital Signed at Washington on September 26, 1980, as Amended by the Protocols Signed on June 14, 1983, and March 28, 1984. This revised Protocol was signed at Washington on March 17, 1995. Also transmitted for the information of the Senate is the report of the Department of State with respect to the revised Protocol. The principal provisions of the Protocol, as well as the reasons for the technical amendments made in the revised Protocol, are explained in that document.

It is my desire that the revised Protocol transmitted herewith be considered in place of the Protocol to the Income Tax Convention with Canada signed at Washington on August 31, 1994, which was transmitted to the Senate with my message dated September 14, 1994, and which is now pending in the Committee on Foreign Relations. I desire, therefore, to withdraw from the Senate the Protocol signed in August 1994.

I recommend that the Senate give early and favorable consideration to the revised Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 24, 1995.*

ORDERS FOR TUESDAY, APRIL 25, 1995

Mr. KYL. Finally, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m., on Tuesday, April 25, 1995; that following the prayer the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, there then be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon with Senators permitted to speak for up to 5 minutes each with the exception of the following: Senator DOMENICI, 60 minutes; Senator THOMAS, 30 minutes; Senator BAUCUS, 15 minutes.

I further ask that at 12 noon, Tuesday, the Senate proceed to a vote on the adoption of Senate Resolution 110, regarding the bombing in Oklahoma City; further that the Senate recess between the hours of 12:30 and 2:15 tomorrow for the weekly policy luncheons to meet.

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

PROGRAM

Mr. KYL. Mr. President, for the information of my colleagues, the leader has advised that there will be a rollcall vote on the Oklahoma City resolution at 12 noon tomorrow. Following the conclusion of the policy luncheons at