colleague from Illinois, Senator DURBIN. I have a few comments in response to his very thoughtful commentary.

First, the jurisdiction of the committee when it gets to the floor, it has been my limited experience, is somewhat fluid. In fact, in this bill we are amending the Truth in Lending Act, which has ramifications in both the Judiciary Committee and the Banking Committee. I think, to be very scrupulous about jurisdictional responsibilities here, we missed the opportunity to do something which most of our colleagues, I hope, would recognize is an appropriate thing to do—preventing the termination of credit to people who simply pay their bills on time.

The second aspect of this debate, which I think is appropriate to have in this bill, is that the driving force for this legislation comes very powerfully from the credit card industry. They are concerned that many individual consumers seek bankruptcy because of their huge credit card debts, and they feel that they are currently disadvantaged with the present system. So, again, I don't think it is inappropriate as we look at this bankruptcy system and, in many respects, test the credit card industry and look at some of their practices. This practice is particularly disturbing—again, that somebody's credit would be terminated simply because they paid on time.

Another aspect that the Senator from Iowa mentioned was the suggestion that this is, in some way, price controls. I think that is a very, very long stretch—to look at this amendment which says you can't terminate an individual because they pay on time—that is a far cry from imposing limits on how much could be charged in terms of fees, penalties; and, clearly, I make no attempt to do that. I would never suggest that we do that in this amendment. I point out that in fact there are existing situations, in State law certainly, usury statutes, which do impose fees and caps on what a credit card company can charge. That is not the intent nor the specificity of this amendment.

This simply says that it should not be permissible for a company to terminate an individual who has paid promptly, solely for the fact that that individual has paid promptly. If the individual is in arrears, if the individual has done something else to violate the agreement, then that is grounds, but not prompt payment; that should not be grounds.

Ultimately, let me get back to the initial point I made. At the heart of this legislation—and, again, the Senator from Iowa and his colleagues have done much to make sure this was at the core—was to try to reinstill a sense of responsibility among borrowers that we will not tolerate people who game the system, who use bankruptcy as a shield for their irresponsibility. To me, it is extremely ironic that we would be talking about a situation here where I am attempting to recognize and protect the continued extension of credit to the most responsible borrowers we have in the country, the ones who pay on time every month and don't use this system to be irresponsible.

So I hope my colleagues can recognize the merits within this particular amendment and support it.

On a final point, I note that today is the birthday of the Senator from Iowa. I thank you for working overtime on your birthday on this measure, Senator.

I yield the floor.

Mr. GRASSLEY. I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. 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. REED. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that at 12 noon today the Senate proceed to a vote on or in relation to the Reed amendment number 3596. I further ask that at 11:55 there be 5 minutes for debate equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I rise in support of the amendment offered by the Senator from Rhode Island.

Recently, some credit card issuers have started to discriminate against people who pay off their account balances each month, and, therefore, don't incur finance charges for the credit card purchases. These issuers charge such customers a monthly fee, or they actually terminate the customer's account.

The Reed amendment would prohibit credit card issuers from charging a fee, or terminating an account based solely on the customer's failure to go into debt to incur finance charges.

Let me tell you why I think this is a good idea.

Industry experts have concluded that many issuers of these cards have been actively discouraging consumers from paying off balances by lowering their monthly minimum payments, and, in some cases, requiring as little as 2 percent of the balance on their credit card debt each month. Think of how long it would take to pay off your credit card under such circumstances. At such a rate, it could take 34 years, in fact, to pay off a $2,500 credit card balance, with payments totalling 300 percent of the original principal.

In fact, about 40 percent of American credit card holders pay their balances in full each month, thus incurring no interest charges. Such ''convenience users'' are considered freeloaders by these credit card companies—even deadbeats. They want people to go into debt. They want us to pay finance charges as much as possible every single month. Some credit card companies charge annual fees and other techniques to discourage this type of credit card use.

I think the amendment offered by the Senator from Rhode Island is a good one. I will support it on the floor. I believe that the credit card companies should understand that if some people are unable to make their monthly payments, and thus, incur additional expenses, so, too, there are people who really do pay off their debts as they are incurred, and in so doing these people should not be penalized.

I yield the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order.

The PRESIDING OFFICER. Is there an objection? Without objection, it is so ordered.

211TH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. BYRD. Mr. President, as I look about at my distinguished colleagues seated in the august Senate chamber, I find myself mentally transported to another gathering of distinguished leaders, in another elegant chamber, that occurred exactly two hundred and eleven years ago today.

The date was Monday, September 17; the setting, the Philadelphia State House. It had been a long, hot summer, and only 38 of the 55 delegates attending the Constitutional Convention were still in attendance. One can imagine the commingled sense of pride, nervous excitement, and exhaustion that filled these men as they filed into the State House chamber and took their seats. For awaiting them that day was a task that they must have eagerly anticipated for several months—and that many of them feared might never arrive. It was to be the fruition of their diligent, patient, frustrating summer of debate, discussion, and dispute. Finally, they would put their signatures to the document, freshly copied on parchment in neat script, that they

had spent the summer composing. And so it was that, after a protracted and at times painful labor, on September 17, 1787, the Constitution was signed. Today, this document, little changed since its creation in Philadelphia, celebrates its 211th birthday.

Before the signing ceremony took place, Benjamin Franklin rose to speak one last time to his colleagues. Some of them still had reservations about the document that the Convention had drafted, and Franklin, as he had so often that summer, used his customary self-deprecating charm and understated wisdom to try to win them over. Acknowledging that the draft Constitution might well contain some ''faults,'' Franklin added, however:

> I doubt too whether any other Convention we can obtain may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an Assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the Builders of Babel. . . .

Mr. President, I, too, continue to be astonished at the perfection of this document. The more I study it, the more I see it in action—as we all do here, on a daily basis—the more I marvel at the handiwork of those 55 men in Philadelphia. What transpired that summer in Philadelphia's State House was truly one of the great events in the history of this Republic—it is not a democracy; it is a Republic—or in the history of the world. Indeed, it is no stretch to call this Constitution, as Gladstone did, ''the most wonderful work ever struck off at a given time by the brain and purpose of man.''

Part of the strength of the Constitution lies in its ability to accommodate situations and developments that the Framers could never have anticipated. Just as Seneca tells us that the test of a strong man is adversity, so the true test of the Constitution may be how well it handles the unexpected. So far, Mr. President, the Constitution has passed that test with flying colors. It has seen us through two centuries of staggering technological, economic, social, and political transformations.

We may well be entering a new period of upheaval which will further test the Constitution's strength and elasticity. Some have even suggested that we are entering ''a constitutional crisis.'' I, for one, have greater faith in the Framers' handiwork. The Constitution sets up a clear process for investigating and resolving allegations of wrongdoing by the Executive and other civil officers. The House is assigned the power of impeachment and the Senate the power to try impeachments. The current situation may well not result in impeachment, but if it does—and that is just one possibility—then I am confident that, as long as we in the House and the Senate fulfill our constitutional duties solemnly and judiciously, we will see the nation through this and any future difficulties.

Sadly, just as current events reaffirm the importance of knowing and following constitutional processes and procedures, a new poll indicates that America's youth are largely ignorant of the Constitution and its origins. It seems that every few months a new poll appears which plumbs the depths of ignorance among some of our children. Each time, we hope that we have finally reached the bottom of the abyss; each time, we are disappointed when a new survey a little later indicates that the depths are deeper and darker than we ever realized.

The latest sounding of the depths comes to us through the courtesy of a poll by the National Constitution Center, which shows that while American teenagers are Rhodes Scholars in popular culture, in many instances many are sadly deficient in matters constitutional. The study found that by a wide margin, 59 percent to 41 percent, more American teenagers can name the Three Stooges than can name the three branches of government. Less than 3 percent of teens could name the Chief Justice of the Supreme Court, while almost 95 percent could name the television actor who played the ''Fresh Prince of Bel-Air.'' And less than one-third could name the Speaker of the House, while almost 9 of 10 could name the star of the T.V. show ''Home Improvement.''

It gets worse, Mr. President. Why, just one-quarter of the teens could name the city in which the Constitution was written! Only one-quarter knew what the 5th Amendment protects. Only 21% knew how many Senators there are. And less than half knew the name given to the first ten amendments.

These should not be difficult questions to answer. This is not a matter of knowing whether the Constitution allows states to grant letters of Marque and Reprisal—it doesn't—or citing cases over which the Supreme Court has original, rather than appellate, jurisdiction. One should not need a degree in constitutional history, or a course in constitutional law, to know the name of the Speaker of the House. Indeed, answering many of the questions I cited requires only a cursory familiarity with current events. What's more, over half of the teens interviewed said they read or listen to the news for at least 15 minutes daily, over half said their teachers discuss politics at least a few times a week, and yet, only a handful could recall the names of Newt Gingrich or William Rehnquist.

Where does the fault lie, Mr. President? With our schools, for failing to provide students with the most rudimentary background in civics and government? With the media, for its shallow and trivializing coverage of important issues? Or with parents, for failing to prepare their children for their responsibilities as citizens? With the entire national culture, for placing greater emphasis on the fashion tips of supermodels and the escapades of rock stars than on the accomplishments and heroics of great men and women of the past and present?

Perhaps all of these entities must share some responsibility for this sad state of affairs. But my purpose today, Mr. President, is not to cast blame. I speak not in anger but in sadness, out of a concern for the welfare of our country and the future generations which will assume its leadership. This country will not long continue to occupy its unique position among the nations of the world if it does not adequately prepare its children to pick up the reins of power that the older generations currently wield. We need to prepare our children to be active, informed, involved citizens. We need to make them aware of how our governmental system operates and what part they play within it. We need, in short, to teach them about the Constitution.

For it is the Constitution that lays out the Federal system of government. It is the Constitution that establishes the separation of certain powers and the sharing of other powers among three distinct but overlapping branches of government, and between one Federal and multiple State governments. The Constitution is the secular bible of this Republic, and, given its importance, its brevity, and its accessibility, it is not too much to expect that every citizen have at least a passing familiarity with it.

Even this is not enough, however. The Constitution, as I suggested at the beginning, is the product of a particularly momentous course of events. Simply reading the words of the Constitution without knowing something of those events is like learning about World War I by reading the Treaty of Versailles. We cannot teach our children to understand and respect this document unless they learn its history. They must learn about the considerable intellectual and physical energy that those 55 men at Philadelphia expended in drafting this document. They should read some of those debates, and they should read The Federalist Papers and discover for themselves the principles, hopes, and fears that motivated the Framers.

For the Constitution was not simply handed down to us as the Old Testament God handed down the Commandments to Moses. To believe that would be a disservice to the remarkable men who toiled long and hard to produce the document. The Constitution is our tangible connection with those men, and with the founding events of this Republic some two centuries ago.

So, I close where I began: with 38 men gathered in a room at the Philadelphia State House some 211 years ago. While they may not have fully appreciated the moment of the occasion—

how could they?—they had some inkling of it. And, of course, it was Franklin again who best captured the spirit of the moment. Gazing at the back of the President's chair, upon which the sun had been painted, Franklin commented:

> I have often and often in the course of the Session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting Sun.

Today, 211 years later, that sun continues to be in the ascendant. I hope and pray that it will remain so for another 211 years.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3596

The PRESIDING OFFICER. Under the previous order, there will now be 5 minutes of debate equally divided on the Reed amendment, No. 3596. Who yields time? The distinguished Senator from Rhode Island.

Mr. REED. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REED. Mr. President, this amendment is a very straightforward one. It would prohibit credit card companies from penalizing or terminating customers who pay their bills on time.

The core principle of this bankruptcy legislation that we are debating today is responsible borrowing, and being responsible for your debts. Here, we have a population of the most responsible borrowers, those who pay their bills timely and full each and every month. But what is happening is that there is a growing movement among credit card companies to penalize these individuals or to terminate their credit arrangements. I think it is wrong and I think we should do something about it here today.

The credit card industry claims it is too expensive to maintain these accounts. Frankly, if you look at the charges that they receive from merchants on each transaction, the very substantial interest rate that they charge for outstanding balances, and also the membership fees which now seem to be ubiquitous, those claims seem to be very hollow. Indeed, this should be an issue about not only responsibility but fairness, and also about whether we really do believe that if people conduct their lives appropriately, pay their bills on time, are responsible, that they should end up being penalized.

If we are talking, today, in this legislation, about responsible borrowing, how can we allow the most responsible borrowers in our society, ones who pay their bills each and every month, to be punished by these credit card companies?

I urge adoption of this amendment. I retain the remainder of my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I consume.

We have the chairman of the appropriate subcommittee willing to work with Senator REED to address this problem in the Banking Committee. My opposition to this is not so much a matter of substance but of procedure and not usurping the authority of that committee. It does need to be studied. I can tell you that in the Grassley-Durbin amendment, we have enhanced disclosure requirements to help consumers.

While I respect the Senator's view on price controls, my view is that forcing a credit card company to offer credit when it has made a business determination that it would lose money will only force increased prices on other consumers. This is something that the Banking Committee needs to take a very serious look at and do it before we do something that may help some but may also hurt others.

Mr. President, I am going to ask that this amendment be tabled after the Senator from Alabama speaks. I yield my remaining time to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama has 1 minute 58 seconds.

Mr. SESSIONS. Thank you, Mr. President.

The effect of this will be to require mandatory lending at no possible profit for a credit card company. We have 6,000 credit card issuers today. They are all providing different services; some charge a fee and you have to pay monthly, others don't. It is just not right for us, without a hearing, to even impose on a credit card company a duty to lend money in a way in which they will never be able to make a return.

I don't think we need to be entering into wage-and-price controls. We have a very vigorous free market, and, for the first time, interest rates are beginning to come down because we do have a lot of credit card companies competing out there. I think we ought not to intervene at this time. This is an unwise amendment. I understand the motivation behind it. It is not appropriate, and I oppose it strongly at this time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-nine seconds.

Mr. REED. Thank you, Mr. President.

The credit card companies make a great deal of money even on those individuals who pay their bills on time. They have membership fees, fees from merchants when the transaction is processed, and they have additional ways to acquire fees.

I do not think it is a question of forcing an enterprise to give money away. What it is is a situation in which the credit card companies have come to us and said, ''There are all these irresponsible borrowers out there; we have to amend the bankruptcy laws so we are protected.'' Yet, when we point out they are punishing responsible borrowers, they rise up and say, ''That is an imposition on us.''

If we believe in responsible borrowing, we should support this amendment.

I yield back my time.

Mr. GRASSLEY. I move to table the amendment.

The PRESIDING OFFICER. All time has expired.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 3595, offered by the Senator from Rhode Island, Mr. REED. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—47

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Brownback	Grassley	Santorum
Burns	Gregg	Sessions
Chafee	Hagel	Shelby
Coats	Hatch	Smith (NH)
Cochran	Helms	Smith (OR)
Collins	Hutchinson	Snowe
Coverdell	Inhofe	Stevens
Craig	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

NAYS—52

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Bond	Graham	Murkowski
Boxer	Harkin	Murray
Breaux	Hutchison	Reed
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Campbell	Kennedy	Roth
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Specter
D'Amato	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Dorgan	Leahy	
Durbin	Levin	

NOT VOTING—1

Hollings

The motion to lay on the table the amendment (No. 3596) was rejected.