

Consumer Bankruptcy Reform Bill of 1998.

I especially want to thank him for insisting that S.1301 address not only the need for greater responsibility on the part of debtors, but also the need for greater responsibility on the part of creditors. In particular, this bill takes notice of the fact that credit card companies often act as enablers to individuals who end up in bankruptcy after falling prey to one too many promises of easy credit from these companies. S.1301 requires that credit card companies provide consumers with the information they need to behave in a responsible manner, rather than luring them into tighter financial straits with false promises of easy credit.

The bill that passed out of the Judiciary Committee did not take such an evenhanded approach, and I, among others both on and off the Judiciary Committee, noted the need to bring greater balance to this issue on the floor. Thanks to Senator DURBIN's leadership, the efforts of several other Democratic Senators, and the cooperation of Senator GRASSLEY and other Republicans, the bill we will soon pass is a product that, as amended, acknowledges the shared responsibility for the rise in bankruptcies between creditors and debtors, and strives to discourage reckless behavior on both sides of credit transactions.

Mr. DURBIN. I thank my colleague from Maryland for his kind words, and for his assistance in making S.1301 a bill that the Senate can be proud of.

As Ranking Member of the Senate Committee on Banking, Housing and Urban Affairs, Senator SARBANES has long been interested in the issue of consumer lending practices, and his efforts were invaluable in drawing the necessary connection between increased bankruptcy filings and the lending practices of credit card companies.

Due to the efforts of a number of Democratic Senators, including Senator SARBANES, we were able to have inserted into the managers amendment to this bill a number of important provisions dealing with consumer credit information. These provisions require credit card companies to provide in their monthly statements and initial solicitation materials information that will help consumers manage their finances in a way that will, I believe, obviate the need for bankruptcy in many cases. The bill also now provides for studies regarding (1) the extension of credit to individuals with a high debt-to-income ratio and (2) the use of credit card security interests to coerce reaffirmations of debt in bankruptcy.

In short, we now have before us a bill that is balanced and that is not simply the wish list of the credit card companies. I thank Senator SARBANES for helping to make this possible.

Mr. SARBANES. I thank Senator DURBIN for his kind words. I also note, however, that we still have much work to do in this area. None of the con-

sumer-oriented provisions that we have succeeded in adding to S.1301 are in the House-passed bankruptcy bill, and I daresay that the credit card companies are less than thrilled with even the modest steps we have taken on behalf of consumers here in the Senate. I ask my colleague from Illinois, is it not safe to expect that there will be efforts during the bankruptcy conference to strip out some of these provisions from the conference report, and to bring to the Senate a bankruptcy bill that is, once again, merely a wish list of the credit card companies?

I further ask my colleague, will we not need to be vigilant in our efforts to preserve these consumer-oriented provisions during the conference?

Mr. DURBIN. My colleague from Maryland sadly may be correct. Neither our Republican colleagues in the House nor the credit card companies are likely to be as enthusiastic as he or I about the efforts at cooperation and compromise that went into crafting the Senate bill.

We will, indeed, have to be vigilant in regard to the consumer-oriented provisions in S.1301, and I hope that we will be joined in this effort both by our Senate Republican colleagues, who have agreed to accept most of these provisions without any debate, as well as by the White House, which has indicated the importance of preserving the Senate managers' amendment to its own consideration of bankruptcy reform legislation. We have our work cut for us, but I commit to my colleague from Maryland that I will do my utmost to ensure that the bankruptcy conference report contains the vital consumer protections we worked so hard to add to the Senate bill.

Mr. SARBANES. I thank my distinguished colleague from Illinois, and pledge my support for his efforts in this regard. Only if we are able to preserve our hard-fought gains in the Senate in conference will we be able to pass bankruptcy reform legislation that will stand the tests of time and fairness.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUEST— S. 442

Mr. MCCAIN. Mr. President, on behalf of the leader, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to the consideration of Calendar No. 509, S. 442, and it be considered under the following limitations:

The Commerce Committee amendment be agreed to, and the Finance substitute then be agreed to, and the substitute then be considered as original text for the purpose of further amendment. I further ask unanimous consent that the only other amendments in order to the bill be the following:

A managers' amendment; McCain-Wyden amendment extending length of moratorium; Coats, Internet porn, 1 hour equally divided; Bennett amendment, relevant; Senator Kay Bailey Hutchison amendment, relevant; Bond amendment, relevant; Bumpers amendment, mail order; three Enzi relevant amendments; Domenici, an amendment on interest rates; Graham, relevant; Abraham, Government paperwork; and Bumpers, a commission amendment.

I further ask unanimous consent that relevant second-degree amendments be in order to all amendments other than the Coats amendment.

I further ask unanimous consent that there be 2 hours of general debate equally divided on the bill. I finally ask that following the disposition of the above-listed amendments and the expiration of time, the bill be read a third time and the Senate proceed to a vote on passage of the bill with no other intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object on behalf of a number of colleagues.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, let me just explain.

I support this legislation, and I hope we can come to some resolution here. Obviously, this is an important bill that ought to be passed. The problem is that, once again, we are presented with an untenable circumstance. Colleagues on this side of the aisle, certainly through no fault of the distinguished Senator from Arizona, have been precluded, to date, from offering our Patients' Bill of Rights. We are running out of time. We are running out of vehicles. We are running out of opportunities for us to have the kind of debate that we all have asked for and expected to have by this day.

Because we are again put into a difficult position of not knowing how we are going to resolve that outstanding question, recognizing that it is at least as important as this issue, in spite of the fact that I do support S. 442, we are compelled to object today.

My hope is that at some point in the not-too-distant future we can resolve the issue of how we will debate the Patients' Bill of Rights, and we will then resolve our ability to bring up the request made by the Senator from Arizona. So I object at this time with the hope that we can find some resolution at some point soon.

Mr. MCCAIN addressed the Chair.

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

Mr. MCCAIN. I ask unanimous consent that the Senate turn to the immediate consideration of S. 442 and that only amendments in order to the bill be relevant amendments.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN. Mr. President, let me just point out that I think the Democratic leader makes a very legitimate point. Obviously, he believes there are very important issues that need to be addressed. The Patients' Bill of Rights is a very important issue. But let me also point out, Mr. President, that we have been working on this legislation for 2 years. All of Silicon Valley, especially the State of Massachusetts as well as other places where high tech is a very important part of the economy of the various States and the Nation, want this bill done.

Senator WYDEN, who is the originator of this bill, and I, along with many others, have worked very hard for a long period of time. We have made concessions after concession; we have made compromise after compromise on this bill, including having the Finance Committee play a major role in it. All I hope is that on the Democrat side we can get some agreement to address the Patients' Bill of Rights, and I also ask that we make every effort to get this bill up and passed. We have approximately 11, 12 remaining legislative days, as I understand it.

I respect and understand the objection of the Democratic leader. I hope we can get this issue resolved, up and passed so that we can ensure the future of perhaps one of the most important and vital parts of America's economy.

UNANIMOUS CONSENT
AGREEMENT—S. 2279

Mr. McCAIN. So again now, Mr. President, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to S. 2279, the FAA reauthorization, and that the bill be limited to relevant amendments only, of which we will have a list shortly.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCAIN. Mr. President, I know others will want to be recognized for comments, including maybe the Senator from Massachusetts, before we move forward with the FAA bill.

Mr. KENNEDY. I thank the Senator from Arizona.

I just wanted to join in expressing support for our leader's position in raising this extremely important issue, the Patients' Bill of Rights. Our leader, Senator DASCHLE, has indicated a willingness to enter into agreements that would be reasonable and which would permit debate and discussion of these important matters that are at the heart of concerns of millions of American families, and to do it in a way we would not interrupt the important legislation that the Senator from Arizona has identified. We have been frustrated in having that opportunity.

We had similar difficulty earlier in terms of the minimum wage. We were able to address that, not with the outcome that some of us might have hoped

but nonetheless we were able to at least get a judgment on that. And we wanted to try to also get a judgment on this matter which is of central concern to families all across this country.

I want to just add my support to the objections of Senator DASCHLE and also to express appreciation to the Senator from Arizona. We know that this is not his decision at this time to be making, but it is a leadership decision.

I thank him for his courtesy and recognize it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me briefly say as well, I support what the Democratic leader is doing on this HMO issue. Hopefully, that matter can be resolved.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent I be allowed to speak as in morning business. It is not on this subject matter.

Mr. McCAIN. I object unless I know how long it is.

Mr. DODD. About 5 minutes.

Mr. McCAIN. I have no objection.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Y2K AND MEDICAL DEVICES

Mr. DODD. Mr. President, most of us are aware that there is a very serious computer problem, the year 2000 computer problem or Y2K problem, which has the potential to dramatically disrupt our energy, transportation, banking and health sectors, just to name a few.

As most of you know, the year 2000 computer technology problem stems from the earlier programming of two digit date codes; many old programs were written assuming the year would begin with "19." Therefore the year-2000 computer problem means that if an unknown number of programs and microchips around the world aren't fixed or replaced, computers that read "00" as the year 1900, not 2000 will fail or malfunction on January 1, 2000.

To correct this problem millions of dollars have been earmarked by government and industry to identify, correct and test the millions of lines of code and embedded chips that perform mission-critical functions.

Senator BENNETT and I co-chair the Senate's Year 2000 Committee and we are actively reviewing the progress of U.S. industry and government agencies. Both must bring their own systems into compliance and the government agencies must monitor the compliance status of the areas that they regulate.

This is truly a world-wide phenomenon, and while the United States is doing a pretty good job of playing catch up, many nations of the world have hardly begun to address their own year 2000 or Y2K problems.

From time to time I will come to the Senate floor to brief the other Mem-

bers and the public on the progress of the committee's work and the high-light problems areas.

One such problem area was highlighted during the committee's hearing on health concerns. Whereas, in many industries, there are areas termed mission-critical which refers to embedded or coded systems without which the primary objective of that system fails. In the health field, there are life-critical systems which sustain human life. An example of a life-critical embedded system would be a cardiac monitor in the intensive-care unit of a hospital. If it fails, the patient could lose his or her life.

With this in mind I was deeply disturbed to learn, during one of the committee's earlier hearings, that the FDA's attempts to survey and document year 2000 compliance within the medical device industry had indicated an unacceptable low level of response. At the committee's July 23, 1998 hearing on the health care industry, I was shocked by the fact that instead of taking steps to deal with this problem, the medical device industry, as a whole, at that time, seemed to be exacerbating the problem by refusing to provide information either to the FDA or to even the hospitals and clinics which use the devices every day. I made it clear that this sort of attitude was stunningly short-sighted and could only cause harm to both the makers and users of these devices. Indeed, the committee learned that the FDA on June 28, 1998 requested that the nearly 2000 medical device manufacturers immediately respond and indicate their level of year 2000 compliance. This initial lack of response was indeed irresponsible. According to the FDA, of the nearly 1,935 medical manufacturers surveyed, approximately 755 replied.

Let me repeat this. Of the nearly 2,000 manufacturers of life-critical medical devices, the FDA tells us that less than 40 percent responded to the oversight agency tasked with insuring that critical medical devices still work when you and I and the people we love are in need and might depend on this sophisticated equipment.

Again this is unacceptable. I am therefore submitting a list of those manufacturers that did not reply to the FDA's request for information to the RECORD for all Americans to see. It is my hope that these companies quickly comply and provide information as to the year 2000 readiness of these critical medical devices. It is also my hope that this will serve as a wake up call to other industries to be vigilant, responsible and pro-active in their efforts to insure that Americans wake up to a wonderful new year on January first of the year 2000.

Mr. President, I ask unanimous consent the list of these companies be printed in the RECORD. I understand the Government Printing Office estimates the cost of printing this list to be \$1,426.00.