United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, MARCH 14, 2001 No. 34

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, source of strength to live life to the fullest, replenish our enthusiasm for the people of our lives, the work that You have given us to do, and the leadership we must provide. What Vesuvius would be without fire, or Niagara without water, or the firmament without the Sun, so leaders would be without enthusiasm. You desire it. We require it. And other people never tire of it.

Lord, You know what happens to us in the pressures and problems of life. The ruts of sameness become well worn, the blight of boredom settles on the bloom of what was once thrilling. You know we need a fresh gift of enthusiasm, when prayer becomes routine or people are taken for granted or the national anthem and the Pledge of Allegiance do not send a thrill up our spines or the privilege of living in this free land becomes mundane.

Bless the Senators and all of us who work with them today with a burst of enthusiasm for the privilege of being here in the Senate. Renew our awe and wonder, our vision and hope for our Nation, and our sense of gratitude that You have chosen to be our God and chosen us to love and serve You here in Government. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 14, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will be in a period of morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of the Bankruptcy Reform Act. There will be three stacked votes at approximately 10:45 a.m. on the Carnahan amendment No. 40, the Smith of Oregon amendment No. 95, and the Wyden amendment No. 78. Following the votes, the Senate will resume consideration of the Wellstone amendment regarding debt collection. As a reminder, the cloture vote on the bankruptcy bill will occur at 4 p.m. today. Pursuant to rule XXII, the filing deadline for second-degree amendments is 3 p.m. Senators should be prepared for votes throughout the day and into the evening.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the time until 10 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

TAX CUT RELIEF

Mr. THOMAS. Mr. President, the issue the Senate is debating is bankruptcy. We will also be dealing with education, and we will be dealing with the budget.

Somewhat overlying all these issues is the idea of tax relief, of doing something with the tax burden of American citizens, coming to some agreement on how that can indeed be done with some of our associates to come to the conclusion that, in fact, taxpayers are entitled to some relief in their taxes, if indeed those taxes exceed the needs of the Federal Government.

It has been, of course, the highest priority for this administration, the highest priority for President Bush, as he has outlined his plan in his campaign and has brought it forth as a specific proposal to the Congress. The House has acted on a portion of it at this point. I happen to believe it is reasonable for the Senate to hold off a bit in terms of acting on it until we have seen our budget. That is appropriate.

We need to try as much as we can to get people to understand what is out there. There are all kinds of notions being thrown about. What we need to do is to try to get it as accurate as we can so people can, indeed, make their decisions.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

Some are concerned about the idea that you have to project revenues into the future. Of course, there is some uncertainty. We don't know exactly what will happen. In anything you do, whether it is an organization, whether it is a business, whether, indeed, it is your family, as you take into account longer term expenditures, one has to reach out and make an estimate as to what they think the revenues are going to be. That is not unusual. We have the best people who have made prognostications in the past doing that.

Under the budget, receipts grow from $2.1 trillion in 2001 to $3.2 trillion in 2011, an increase of 51 percent. Overall, the budget projection totals collections of almost $30 trillion over the next 10 years. Despite the fact that to all of us, I assume, $1.6 trillion is an almost unimaginable amount, it is, indeed, a little less than 6 percent of the total projected revenues. When you put it into the context of what we are talking about, it becomes a reasonable proposal.

I imagine probably more important than anything is that we have to take a look at the fact that we do have a surplus. Frankly, when we do have a surplus, we find, if we ask people, how much more involvement of the Federal Government, how much growth of the Federal Government do you want over here, they would say: We have about enough growth. We have about enough Government. But then over here you have a surplus so every expenditure that anyone has ever had in mind suddenly becomes a possibility, and we find ourselves then with growth beyond what most people would want to have.

The American people are paying a record level of taxation, over 20.5 percent of the gross domestic product. That is the highest it has been since World War II. The individual burden has doubled since the Clinton tax increases of 1993. All this points toward doing something meaningful in terms of tax reduction. The cut would be $1.6 trillion; that would be left in the pockets of taxpayers.

We hear all kinds of notions that it is actually going to be $2.2 trillion or whatever. That is not the case. It is aimed towards being $1.6 trillion, and that is where it would be.

There is tax relief for all taxpayers. We can get into, obviously, a discussion of the fact that there are people who don't pay income taxes who will not have relief from income tax reduction. That is fairly reasonable.

Everyone who pays taxes will get some relief. A typical family of four will see their tax liabilities reduced by $1,600, which is a sizable amount.

The other part of the equation is that there are moneys to strengthen education. There are moneys to help with defense and security. Those are a couple of the top priorities we have. We will do more with Medicare. Those dollars will be there for Medicare. Those dollars will be there for Social Security.

I hope people understand the whole package. It sometimes is made to sound as though, if we give those taxpayers a break, we will not be able to do the things we should. Not true. There will be dollars to do the things the Federal Government has as priorities. There will be dollars to reduce the debt, and, in fact, all of the reducible debt will be done by 2010. That will not be all of it because much of it is long term and, frankly, people who hold the certificates are not ready to do that.

It is something on which we need to continue to work. I think it is a good thing for the country. It is a good thing for the taxpayers. Certainly, it is something I support, and I hope others support. I see my friend from Missouri.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 528 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BOND. I yield the floor and 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. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

RACIAL PROFILING

Mr. FEINGOLD. Mr. President, we Americans take pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our own choosing, free to move about as we please, free from the intrusion of the government in that movement.

As Thomas Jefferson wrote in his Draft of Instructions to the Virginia Delegates in the Continental Congress, ''The God who gave us life, gave us liberty at the same time.''

From the start, immigrants came to these shores to escape the state's intrusion into their lives. When in the early 1600's, the English government began arresting Separatists for their religious practices, about a hundred of them became the Pilgrims and sailed to Plymouth. When in 1620 the Parliament enacted a law requiring all to worship according to the laws of the Church of England, the Puritans came to Massachusetts, the Quakers came to New Jersey and then Pennsylvania, and Catholics came to Maryland.

When, in 1636, Roger Williams sought freedom from the intrusions of the Massachusetts colony into religious practices, he founded Rhode Island. And two decades later, Jews fleeing the persecutions of numerous states settled there in Newport.

Even separated by the Atlantic Ocean, however, the American colonists continued to chafe at the intrusion of the British government into their lives. Among the colonists' foremost grievances was the manner in which the British government harassed and searched Americans without reason or probable cause. The British government did so under color of general warrants known as ''writs of assistance,'' which gave British customs officers blanket authority to search where they pleased for goods imported in violation of British tax laws.

This harassment by the state's officers helped to spark the American Revolution. In 1761, the Massachusetts patriot James Otis attacked the writs and their use to hound American colonists as, he said, ''the worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of law, that ever was found in an English law book,'' because, in Otis' words, they placed ''the liberty of every man in the hands of every petty officer.''

Otis' argument did much to sow the seeds of America's Declaration of Independence. ''Then and there,'' said John Adams, ''then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born.''

The Supreme Court later wrote: ''Vivid in the memory of the newly independent Americans were those general warrants known as writs of assistance under which officers of the Crown had so bedeviled the colonists.'' And in another case, the Court wrote: ''It is familiar history that indiscriminate searches and seizures conducted under the authority of 'general warrants' were the immediate evils that motivated the framing and adoption of the Fourth Amendment.''

That Amendment states:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Early on, Chief Justice Marshall assumed that the Fourth Amendment was intended to protect against arbitrary arrests. And that position has become settled law. More recently, the Supreme Court has said:

> Unreasonable searches or seizures conducted without any warrant at all are condemned by the plain language of the first clause of the Amendment.'' The Court went on to state that ''the warrantless arrest of a

person is a species of seizure required by the Amendment to be reasonable.

It is thus fundamental to American history and rooted in American law that the officers of the state may not arrest or detain its citizens arbitrarily or without cause. Our law and Constitution protect our freedom to walk those paths of our own choosing, free from the intrusion of the government as we walk.

And it is that very individual freedom that gives our great Nation its strength. As John Quincy Adams wrote: ''Individual liberty is individual power, and as the power of a community is a mass compounded of individual powers, the nation which enjoys the most freedom must necessarily be in proportion to its numbers the most powerful nation.''

The point of my comments today is this is not the case for all Americans.

But, some Americans still cannot walk where they choose. Some Americans cannot travel free from the harassment of the government. Some Americans still do not receive the full benefit of their civil rights.

Too many Americans are subject to being detained by officers of the state without reasonable suspicion, without good reason, for no other reason than the color of their skin.

As I noted at the outset of my remarks, many came to these shores as immigrants to escape the intrusive state. We must not forget that many also came to these shores in chains, because of the color of their skin. They and their decendents endured our Nation's long struggle against slavery and discrimination.

Sadly, even now, skin color alone still makes too many Americans more likely to be a suspect, more likely to be stopped, more likely to be searched, more likely to be arrested, and more likely to be imprisoned.

The numbers alone are devastating: A 1999 ACLU report found that along Interstate 95 in Maryland, while African-Americans were only 17 percent of the drivers and traffic violators, African-Americans accounted for an alarming 73 percent of the drivers searched.

Last November, a front-page New York Times story reported that New Jersey state documents acknowledged that at least 8 of every 10 automobile searches carried out by state troopers on the New Jersey Turnpike over most of the last decade were conducted on vehicles driven by African-Americans and Hispanics.

Racial profiling is not limited to I–95. The Justice Department has recently been investigating 14 police departments for civil rights violations, including Charleston, West Virginia; Riverside, California; Orange County, Florida; Prince George's County, Maryland; Eastpointe, Michigan; New Orleans; Buffalo; Washington; and New York City. In Los Angeles, the Justice Department recently forced the police department to accept an independent monitor's supervision after a 4-year investigation of police abuse in the city's largely minority Rampart section.

The practice of racial profiling has not respected status or standing, wealth or privilege.

Last September, the Director of Personnel at the White House, Bob Nash, and his wife were stopped for no other apparent reason than that they are African-American. As Mr. Nash said at the time:

> Until that moment, we had an intellectual understanding of the bogus crime, ''Driving While Black.'' But, in a few terrifying moments, we felt it more deeply and more personally than any words could ever convey. Said Nash, the experience left them embarrassed, humiliated and afraid for our lives.

The Houston Chronicle reported that last year the Border Patrol pulled over and questioned United States District Judge Filemon Vela traveling to court—not once but twice—as part of an immigration crackdown in South Texas, called Operation Rio Grande.

Last November, the well-known singer Lenny Kravitz was handcuffed and detained by Miami Beach police. Mr. Kravitz, whose 1989 song ''Mr. Cab Driver'' speaks out against racial profiling, appears to have fallen victim to it himself. Said Kravitz:

> I was very concerned and upset. Being black, I've dealt with all kinds of things because of my color, but nothing like this.

Last month, 60 Minutes aired the story of Harvard law student Bryonn Bain, who appears to have been the victim of ''walking while black.'' He was stopped by police while simply walking down the street. In an article in the May 2, 2000, Village Voice, Bain said:

> After hundreds of hours and thousands of pages of legal theory in law school, I have finally had my first real lesson in the Law.

Said Bain:

> The lesson for the day was that there is a special Bill of Rights for nonwhite people in the United States—one that applies with particular severity to Black men. It has never had to be ratified by Congress because—in the hearts of those with the power to enforce it—the Black Bill of Rights is held to be self-evident.

Plainly, the practice of racial profiling is profoundly at variance with the fundamental tradition of American law and justice.

In 1790, President George Washington wrote the congregation of Touro Synagogue in Newport, Rhode Island, in words that are etched in the Holocaust Memorial Museum in Washington:

> The government of the United States . . . gives to bigotry no sanction, to persecution no assistance.

But what other than ''bigotry'' and ''persecution'' can we call this practice of ''racial profiling,'' which targets drivers, airline passengers, or pedestrians, not because of any action they take, not because of any probable cause, but solely because of the color of their skin. Too many law enforcement entities have made a crime out of DWB—''Driving While Black.''

Among the many corrosive effects of this insidious practice is the way it undermines the willingness of good people to work with the police. As one victim of racial profiling in Glencoe, Illinois, said:

> Who is there left to protect us? The police just violated us.

As the U.S. Civil Rights Commission found last year:

> Communities of color do not want to choose between safety and civil rights.

They should not have to.

We as a Nation cannot and should not tolerate this injustice. As the philosopher Herbert Spencer wrote:

> No one can be perfectly free till all are free.

And as Woodrow Wilson said:

> Liberty does not consist . . . in mere general declarations of the rights of man. It consists in the translation of those declarations into definite action.

Many leaders have spoken out against this intolerable abuse. Many have worked to translate the traditions of American law and justice into legislation to address this evil.

First and foremost is our colleague in the other body, Representative JOHN CONYERS. Representative JOHN CONYERS has been at the forefront of legislative efforts on this subject. We have worked together on legislation focused on a study of traffic stop data. Shortly, Congressman CONYERS and I will introduce, along with many of our colleagues, an improved version of that bill.

Last Congress and this Congress, I have been proud to cosponsor a bill introduced by my friend and colleague from Illinois, Senator DURBIN, that focuses on ''flying while Black''—the practice of targeting people of color to be stopped and searched in airports. Senator DURBIN has provided valuable leadership on this issue.

Let me take a moment to notice the very intense and sincere efforts of a new colleague of ours, Senator JON CORZINE, of New Jersey, who has made addressing this racial profiling issue one of his top priorities. I very much look forward to working with the new Senator from New Jersey on this issue.

Leaders of both parties have expressed support for doing something about racial profiling.

During the second Presidential debate, on October 11 of last year, then-Governor Bush said that he would support or sign as President a federal law banning racial profiling by police and other authorities at all levels of government.

Governor Bush said:

> I can't imagine what it would be like to be singled out because of race and stopped and harassed. That's just flat wrong, and that's not what America's all about. And so we ought to do everything we can to end racial profiling.

Governor Bush went on:

> I do think we need to find out where racial profiling occurs and do something about it. And say to the local folks, get it done, and if you can't, there'll be a federal consequence.

He further said:

> [R]acial profiling isn't just an issue at the local police forces. It's an issue throughout

our society. And as we become a diverse society, we're going to have to deal with it more and more.

I believe, sure as I'm sitting here, that most Americans really care. They're tolerant people. They're good, tolerant people. It's the very few that create most of the crisis. And we just happen to have to find them and deal with them.

On February 9 of this year, at remarks marking Black History Month, President Bush said that he would ''look at all opportunities'' to end racial profiling. While visiting a predominantly African-American elementary school here in Washington, D.C., President Bush said:

I'll look at all opportunities, starting with the gathering of information where the federal government can help jurisdictions gather information, compile information, to get the facts on the table to make sure people are treated fairly in the justice system.

And in his State of the Union Address two weeks ago, the President addressed the issue again. There, he said:

As government promotes compassion, it also must promote justice. Too many of our citizens have cause to doubt our nation's justice when the law points a finger of suspicion at groups instead of individuals. All our citizens are created equal and must be treated equally. Earlier today, I asked John Ashcroft, the Attorney General, to develop specific recommendations to end racial profiling. It's wrong, and we will end it in America.

I certainly welcome our new President's comments.

Attorney General Ashcroft has also stated that racial profiling will be a priority in his Department of Justice. At his confirmation hearing on January 17, Senator Ashcroft said:

I think racial profiling is wrong. I think it's unconstitutional. I think it violates the 14th Amendment. I think most of the men and women in our law enforcement are good people trying to enforce the law. I think we all share that view. But we owe it to provide them with guidance to ensure that racial profiling does not happen. I look forward to working together with you to try to find a way to do that.

Senator Ashcroft summed up:

I will make racial profiling a priority of mine.

In a follow-up written question to that hearing, I asked Senator Ashcroft whether his opposition to racial profiling included racial profiling of airline passengers or people walking down the street. Senator Ashcroft replied:

I have stated my strong opposition to racial profiling across the spectrum. There should be no loopholes or safe harbors for racial profiling. Official discrimination of this sort is wrong and unconstitutional no matter what the context.

And two weeks ago, at an extensive statement and press conference on the subject, Attorney General Ashcroft said:

I have long believed that to treat people solely on the basis of their race was a violation of the 14th Amendment to the U.S. Constitution.

He declared: ''It's wrong,'' and said:

I believe Congress can, and will, respond constructively.

Attorney General Ashcroft also sent a letter to the Chairmen and Ranking Democratic Members of the Judiciary Committees on this subject, and I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, Wisconsin's former Governor Tommy Thompson, now Secretary of Health and Human Services, created a Task Force on Racial Profiling when he was Governor. That Task Force just completed its report, and concluded, among other things, that more data is needed, and recommended data collection. Congressman CONYERS and our legislation calls for data collection, among other things.

I am pleased that the President and Members of his Cabinet recognize the gravity of this issue for all Americans. Particularly in the wake of the racially divisive election and nomination of Attorney General Ashcroft, the Administration needs to make special efforts to heal the wounds that separate us as a Nation. And with the support of the Administration, we should be able to enact racial profiling legislation this year.

But we should do more. Once again, I call on President Bush to resubmit the nomination of Judge Ronnie White to serve as a U.S. District Court judge.

I also call on the President publicly to support the nomination of Judge Roger Gregory to the Fourth Circuit Court of Appeals.

These distinguished jurists deserve to sit on the Federal bench. And the effective administration of justice in America demands that the Federal courts, even the Fourth Circuit Court of Appeals, reflect the diversity of this Nation.

Let us do more to advance the cause of justice for all, and then we can truly live out the ancient wisdom, inscribed on the Liberty Bell, and ''[p]roclaim liberty throughout all the land unto all the inhabitants thereof.''

I yield the remainder of my time.

EXHIBIT 1

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, February 28, 2001.

Hon. PATRICK LEAHY,
Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: As you know, I received a directive from the President late yesterday asking me to work with Congress to develop effective methods to determine the extent to which law enforcement officers in the United States engage in the practice of racial profiling. As you further know, racial profiling is the use of race as a factor in conducting stops, searches, and other investigative procedures. While we all recognize that the overwhelming majority of law enforcement officers perform their demanding jobs in an outstanding manner, any practice of racial profiling, even by a small minority, is unacceptable.

You may recall that during the hearing I held on the subject last year as a Senator, I stated that racial profiling, even if practiced only by a few, is extremely problematic for two reasons. First, it undermines the public trust in the impartiality of law enforcement officers which is essential to effective law enforcement. Second, and more importantly, I personally believe such a practice violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution. I share the President's commitment to ending any unequal treatment of Americans, particularly by law enforcement.

To this end, I urge you in your capacity as Ranking Member of the Judiciary Committee to consider quickly legislation authorizing the Department of Justice to conduct a study of traffic stops data that currently is being collected voluntarily by law enforcement agencies across the country. Such a study will assist us in determining the extent of the problem of racial profiling.

The Traffic Stops Statistics Study Act introduced last Congress by Congressman Conyers in the House, and proposed by Senator Feingold in the Senate, is an excellent starting place for such an enterprise. I would hope that any legislation you consider makes clear that such information is provided voluntarily, in order to quell any potential federalism concerns. Such legislation ought to permit consideration of broad categories of data, such as the reasons and circumstances of any stop, the identifying characteristics of the driver and passengers as perceived and discernable by the officer making the stop, the characteristics of the officer making the stop, the racial or ethnic composition of the area in which the stop was made, and any other data that will ensure as full a picture as possible of these contacts, such as arrest and conviction outcomes linked to traffic stops. In order to encourage participation, the legislation hopefully will make clear that the legislation will not change the burdens or standards of proof in any lawsuits. The legislation, therefore, would lend to a better study, by emphasizing the importance and seriousness of the issue while, at the same time, encouraging cooperation.

I am eager to begin work on this important task, and hope that Congress will consider such legislation quickly. If Congress is unable to authorize such a study in 6 months, I will instruct the Department to begin promptly its own study of available data. I look forward to working with you on this important issue to ensure that all Americans are guaranteed equal justice under law.

Sincerely,

JOHN ASHCROFT,
Attorney General.

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

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

BANKRUPTCY

Mr. BINGAMAN. Mr. President, I ask unanimous consent to be allowed to speak as if in morning business for a few minutes on two amendments that are pending to the bankruptcy bill—amendments offered by Senator WYDEN and Senator SMITH related to discharge of debts and prohibition of discharge of debts related to the California energy crisis.

I oppose the Smith amendment to the underlying Wyden amendment, and I also oppose the Wyden amendment.

In my view, both amendments are unfair in that they give an unfair advantage to government agencies at the expense of private companies in the event that California utilities wind up in bankruptcy. They ensure that a large Federal utility like Bonneville, itself the beneficiary of billions of dollars of Federal investment, and other utilities will be paid ahead of the banks, small renewable energy generators, natural gas companies, and other creditors.

Both amendments are not helpful in our current circumstance. The State of California and its utilities are trying desperately to keep the utilities out of bankruptcy. Without these amendments, they stand a good chance of succeeding. If the amendments are adopted, the utilities will almost certainly be forced to declare bankruptcy.

I also oppose the amendments because, in my view, they are unwise. The consequences of the three largest utilities in California going bankrupt are unknown, as is the rest of the State's economy and the rest of our Nation's economy. But it is clear that it will not just affect the ratepayers served by the three utilities, or even just the people of California. It will affect all Americans. As Chairman of the Federal Reserve, Alan Greenspan, testified several weeks ago, ''it's scarcely credible that you can have a major economic problem in California which does not feed to the rest of the 49 States.''

In my view, the amendments are also unnecessary. If utilities are able to avoid bankruptcy, then the power suppliers that these amendments seek to protect will be paid. Even if they go bankrupt, those power suppliers stand a reasonably good chance of being paid—if not by the utilities themselves, then by the government, for the reasons that Senator MURKOWSKI explained last night on the Senate floor.

In my view, the amendments are also unworkable. By trying to jump certain creditors to the head of the line to receive payment, they will most likely force the remaining creditors to move to put the utilities into bankruptcy immediately so that the utilities' assets can be divided immediately, 6 months before the amendments in fact take effect.

Even if the amendments are enacted, the generators would not likely receive any benefit from the enactment of the amendments.

Finally, these amendments, in my view, are uncharitable in that the administration has declared the California electric crisis to be California's problem, and has left it to California to solve the problem. The Federal Energy Regulatory Commission, which is the independent agency charged with seeing to it that electric rates are just and reasonable, has done little to help the situation. Governor Davis, and the State legislature in California, the utilities, and their creditors have been working valiantly in recent weeks, and even months, to fix this problem. All they are now asking of this Senate is that we not intervene and send the utilities into bankruptcy by adopting amendments of this type.

In my view, Senators need to weigh the potential enormous harm to millions of Americans that would result in the adoption of these amendments against the illusory benefit that the amendments hold out for the few generators that would be benefited.

In sum, to paraphrase Shakespeare, which is not done very often on the Senate floor, adoption of the amendments will rob California of that which cannot enrich the northwest generators and yet will make California poor, indeed.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I believe the unanimous consent order provided 5 minutes for Senator HAGEL to speak against the Wyden amendment. Senator HAGEL will not be able to be present, and I ask unanimous consent to use that time.

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

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I thank the ranking member of the Energy Committee, the Senator from New Mexico, Mr. BINGAMAN, for his remarks in opposition to the Wyden amendment. I also wish to thank Senator MURKOWSKI, the chairman, who came to the floor last night and spoke against the amendment.

Last evening, I submitted for the RECORD several letters in opposition to the amendment from the Electric Power Supply Association, the Edison Electric Institute, The Williams Companies, Calpine, Pacific Gas and Electric, Southern California Edison, International Brotherhood of Electrical Workers, The Utility Reform Network, a consumer group, and the American Gas Association, all in strong opposition to the Wyden amendment, and also with one general theme. That general theme is that if the Congress of the United States were to determine the order in which debts would be discharged, it would trigger a bankruptcy because those who are not favored in that order would seek to protect their right by moving both Pacific Gas and Electric and Southern California Edison into bankruptcy. Virtually every single letter reiterated that concern.

I would like to reread from one of the letters so the Senate might understand the concern, and that is from the Electric Power Supply Association. That letter states:

> We are writing to express our deep concern and opposition to [the amendment]. Our fear is that this amendment could precipitate a financial crisis and exacerbate the already precarious situation in the West.

The PRESIDING OFFICER. Will the Senator suspend.

Mrs. FEINSTEIN. I will.

BANKRUPTCY REFORM ACT OF 2001—Resumed

The PRESIDING OFFICER. We were to lay down the bill at 10:30. The hour of 10:30 having arrived, the clerk will report the pending bill.

The bill clerk read as follows:

> A bill (S. 420) to amend title 11, United States Code, and for other purposes.

Pending:

> Leahy amendment No. 20, to resolve an ambiguity relating to the definition of current monthly income.
>
> Wellstone amendment No. 35, to clarify the duties of a debtor who is the plan administrator of an employee benefit plan.
>
> Wellstone modified amendment No. 36, to disallow certain claims and prohibit coercive debt collection practices.
>
> Wellstone amendment No. 37, to provide that imports of semifinished steel slabs shall be considered to be articles like or directly competitive with taconite pellets for purposes of determining the eligibility of certain workers for trade adjustment assistance under the Trade Act of 1974.
>
> Kennedy amendment No. 38, to allow for reasonable medical expenses.
>
> Collins amendment No. 16, to provide family fishermen with the same kind of protections and terms as granted to family farmers under chapter 12 of the bankruptcy laws.
>
> Leahy amendment No. 41, to protect the identity of minor children in bankruptcy proceedings.
>
> Wyden amendment No. 78, to provide for the nondischargeability of debts arising from the exchange of electric energy.
>
> Carnahan amendment No. 40, to ensure additional expenses associated with home energy costs are included in the debtor's monthly expenses.
>
> Smith of Oregon amendment No. 95 (to amendment No. 78), of a perfecting nature.
>
> Reid (for Durbin) amendment No. 93, in the nature of a substitute.
>
> Reid (for Breaux) amendment No. 94, to provide for the reissuance of a rule relating to ergonomics.

AMENDMENT NO. 78

The PRESIDING OFFICER. The Senator now has 5 minutes.

Mrs. FEINSTEIN. I thank the Chair, and I would like to continue:

> This amendment seeks to give certain entities a favorable status in the event that California utilities fall into bankruptcy.

That is what the Wyden amendment does.

The letter goes on:

> Many companies have provided power to California's consumers and [this association] believes emphatically that all these entities deserve to be fully and fairly compensated.

As do I, Mr. President.

> However, it is inappropriate for the Senate to try and create winners and losers in this desperate situation. Rather than orderly resolution, this legislation could lead to a premature declaration of bankruptcy and the

inevitable liquidation of the California electric utilities' assets in a legal free-for-all.

The American Gas Association, on behalf of all of the natural gas companies involved in this, also states the same thing. They go on, however, to say:

As the preferred creditors would in actuality control the bankruptcy proceedings through their status, in effect Chapter 11 reorganization would not be an option. Liquidation of assets through Chapter 7 filing would result. Such action could cause serious disruption and harm to the utility customers, not to mention the non-preferred creditors.

So, Mr. President, you have virtually all of the electric power producers, as well as the natural gas producers, in effect, saying that if you give these Federal entities preferred status, should there be a bankruptcy, they would, in effect, have to assert their rights to force an involuntary bankruptcy, and that then would put both of the utilities into chapter 7 rather than chapters 11 or 13. This was the theme—the dominant theme—from virtually every generator, producer, and creditor.

I know of virtually no electric power producer or gas producer that believes this amendment will do anything other than trigger a bankruptcy of these two companies. Therefore, I am strongly in opposition to it.

Last evening, the proponent of this legislation, Senator WYDEN, said in fact the legislation does not do this. So we went out and we contacted the bankruptcy attorney for Pacific Gas and Electric. We asked them for a letter and their interpretation of the Wyden amendment. I have that letter. I will read it into the RECORD.

My firm is special reorganization counsel to Southern California Edison. In connection with the debate over the Wyden Amendment to S. 420, it has been suggested that the Amendment is not intended to prefer the debt covered by the Amendment over the debts of other creditors of Southern California Edison and the other utilities affected by the Amendment. Please be advised that, in my view, the Amendment would do exactly that.

This is the bankruptcy counsel for one of the utilities at risk of bankruptcy.

The letter goes on:

The purpose of the Wyden Amendment is to exclude from the binding effect of a plan of reorganization in chapter 11 certain creditors of the utility who provided wholesale electric power to the utility under certain conditions. It provides that such debts are nondischargeable. As a consequence, a utility in chapter 11 could not bind such preferred creditors under a plan of reorganization, and such creditors would be able to pursue the utility following confirmation of a plan to collect in full, in cash, their obligations while the other creditors were bound by the terms of a confirmed plan of reorganization. Depending upon the magnitude of such preferred claims, the utility might find it very difficult to confirm a plan under such circumstances. Such result would be very detrimental to not only the utility but to its other creditors.

This is the bankruptcy counsel himself.

It is also my understanding that there has been a suggestion in argument on behalf of the Amendment that the magnitude of the preferred obligations would not exceed $100 million to $200 million. I am advised by Southern California Edison that based upon the amount of power purchased during the emergency orders of the Federal Energy Regulatory Commission, the amount of power procured to serve Southern California Edison's customers substantially exceeded that amount.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to use the remainder of Senator BINGAMAN's time.

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

Mrs. FEINSTEIN. Thank you very much.

Continuing:

Based upon the foregoing, it should be clear that if Southern California Edison was involved in a bankruptcy proceeding, the proposed legislation would have significant impact upon Southern California Edison and its other creditors.

Mr. President, this is the bankruptcy counsel.

So we know two things: One, from bankruptcy counsel, that this amendment—the Wyden amendment and the Smith amendment—do in fact create two classes of creditors. And they do, in fact, give premier standing to one class of creditors, the Federal subsidized entities. Those entities are given preference in a bankruptcy. Secondly, we know in fact that the amount involved is a good deal more than the amount represented in this Chamber.

We also know that virtually every other power producer and supplier—every single one—believes that if this amendment were to pass, they would have to exercise their rights, which would be to push Southern California Edison and Pacific Gas and Electric into an involuntary bankruptcy and most probably in chapter 7, which would mean a dissolution of the companies involved.

This would be tragic because the State has negotiated an agreement with two utilities to buy their transmission lines and to put $7 billion into the purchase of those transmission lines. The result would then be a securitization of that back debt and enable these utilities to pay their debtors and creditors without going into bankruptcy. So a plan to enable the payment of the debtors and creditors is now underway by the State.

Various Members of this body may not like how the State is handling the problem, but the State does have the right to try to redress the debts and in fact is doing so. These amendments can only wreak devastation on that attempt. I strongly oppose the Wyden and Smith amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am going to a gathering for Jesse Brown. I ask unanimous consent that I be allowed to bring the Wellstone amendment, which is supposed to come next, to the floor at 1:15.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, is that a modification of the earlier amendment?

Mr. WELLSTONE. That is correct.

Mr. SESSIONS. How would it be, again?

Mr. WELLSTONE. The modification is that the section dealing with coercive practices is out, which was a question of Banking Committee jurisdiction.

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

AMENDMENT NO. 40

The PRESIDING OFFICER. There will now be a 5-minute debate on the Carnahan amendment No. 40. Who yields time?

The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I understand the managers have agreed to accept my amendment on home energy. I thank Senator COLLINS, cosponsor of the amendment, as well as Senators HATCH, GRASSLEY, and LEAHY for their willingness to help on this very important amendment. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Alabama.

Mr. SESSIONS. I understand that pending is the Carnahan amendment. I ask unanimous consent that following the concluding debate, the amendment be agreed to and the motion to reconsider be laid upon the table.

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

Mr. SESSIONS. Therefore, the next vote will occur in relation to the Wyden-Smith amendment regarding the California utilities matter.

Mr. REID. Mr. President, 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. SESSIONS. 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. SESSIONS. Mr. President, I yield back the time on the Carnahan amendment.

The PRESIDING OFFICER. The time is yielded back on the Carnahan amendment. By unanimous consent, the amendment is agreed to.

The amendment (No. 40) was agreed to.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be counted against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 78

Mr. SESSIONS. Mr. President, I say to the Senator from Alaska that we are waiting on a 5-minute debate before we vote, and the debaters have not arrived. That could delay our vote. Will the Senator speak long?

Mr. MURKOWSKI. If I may, I will take some of the time, perhaps, allotted to the Senator from California to just make a statement on the amendment, which will not take more than a minute.

The PRESIDING OFFICER. The time has expired.

Mrs. FEINSTEIN. Mr. President, I don't believe the time has expired. I believe I have 2½ minutes. I will be happy to give some of that to the Senator from Alaska.

The PRESIDING OFFICER. The Senator is correct. She has 2½ minutes.

Mr. MURKOWSKI. I will just use a minute. Let me leave you with one thought. Article I, section 8, of the Constitution clearly states that Congress shall ''establish uniform laws on the subject of bankruptcies throughout the United States.''

There is absolutely nothing uniform about the pending amendment. It only protects electric sales ordered by the Federal Government to California, or sales only to California by State, local, or Federal Government entities. If similar power sales arose in New York or Georgia, these provisions would not apply.

In other words, this amendment says there is one set of bankruptcy rules for electric sales into California and another set of bankruptcy rules for electric sales into the other 49 States. Clearly, this is completely contrary to the intent of our Founding Fathers and the Constitution; they wanted one set of uniform rules to govern bankruptcy throughout the entire country. As a consequence, I urge my colleagues to reflect on this legitimate question of the constitutionality of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, there are 2½ minutes on our side for the Smith-Boxer-Wyden amendment. I yield a minute and a half of that time to Senator BOXER, and I thank her. I remind our colleagues on this issue affecting the Pacific Northwest, there is a disagreement among the Californians.

Mrs. BOXER. Mr. President, I am supporting the Wyden-Smith amendment because it sends the right signal—an ethical signal to the private utilities in California who owe billions of dollars of unpaid bills to those who supplied energy to my State when my State was in dire need. Sometimes these power generators, many municipal utilities, were forced by the Federal Government to send this power, even though they were concerned that they needed to conserve it for themselves or that they might not get paid.

Call me old-fashioned, but I say pay your bills. Don't send your parent company $4.8 billion—which is what one private utility did—to pay dividends of the shareholders and repurchase stock when you know you have bills to pay.

I have a Washington Post article. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 31, 2001]

AUDIT RESULTS ANGER CONSUMER GROUPS

(By William Booth and Rene Sanchez)

LOS ANGELES, Jan. 30—The first of several audits to be released by state regulators said that one of California's two nearly bankrupt utilities, Southern California Edison, legally passed along nearly $5 billion in net income to its parent, Edison International, which used the money to pay dividends to its shareholders and to repurchase its own stock.

The audit, released Monday night by the California Public Utilities Commission, also showed that Southern California Edison is now broke and so strapped for cash it cannot keep buying electricity at rates higher than it can pass along to consumers.

The $4.8 billion was, in part, proceeds from the sale of the Southern California Edison's power plants, which the utility was required to sell under California's 1996 deregulation plan. Deregulation here sought to break up the utility monopolies and open the state up to free-market forces.

Consumer advocates—and some elected officials—reacted angrily to the audit, accusing the utilities of pleading poverty and begging for financial assistance from the state to avoid bankruptcy.

''Basically, they took the money and ran,'' John Burton, a Democratic leader of the state Senate from San Francisco, told reporters. ''Had they not done that they would not be in the financial problem they are in. If ratepayers bail them out, ratepayers should get something in return, like power lines or something.''

But officials with the utilities said their critics are playing politics and misinterpreting their books. Tom Higgins, senior vice president at Edison International, said: ''There's been no profit, no windfall. This is the recovery of capital investment.''

The past profits and current solvency of the state's two struggling utilities are central to California's energy crisis. Most experts agree that the state is suffering from soaring prices and its 15th day of emergency energy rationing because of a failed and dysfunctional deregulatory plan, which allowed wholesale energy prices to soar while capping the rates utility companies could charge consumers. In the past six months, the utilities have gone bust, while wholesale power producers have reaped huge profits.

California is fast running out of time to solve its immediate energy crisis. The state already has used up the first $400 million in emergency appropriations for electricity purchases. The Legislature is considering bills to make the state a major buyer of power—and to pass along possible steep increases in costs to consumers. Gov. Gray Davis (D) worked through the weekend trying to hammer out a longer-range plan, but so far the Legislature has passed only emergency measures and decrees—and no long-term solutions.

Higgins, the Edison International executive, said Southern California Edison was required to sell off its plants after deregulation in 1996, and that it did so—mostly to out-of-state companies that are now the wholesale suppliers of California's electricity. The utility sold off its gas and coal-fired plants, but retained its nuclear and hydroelectric facilities.

The money they got from plant sales, Higgins said, went to pay off the banks that loaned them the cash to build the generating stations and to repay investors and shareholders who also put money into plant construction. The transfer of money occurred from 1996 through last November.

''It's like you have a house and mortgage and you sell the house and you recover your initial investment and then pay off the mortgage,'' Higgins said.

Another audit of Pacific Gas and Electric Co., the other struggling utility, will be released within days. That results are expected to be similar.

''The only reason this would be controversial is that the consumer groups are trying to rewrite history,'' said John Nelson, a spokesman for PG&E.

Nelson said his utility did the same thing as Southern California Edison—it sold plants, paid off loans and sent the rest to its holding company, PG&E Corp. He would not disclose exactly how much was transferred, but said it is safe to assume a figure of several billion dollars.

Consumer advocates around California, however, said it did not matter that the utilities were returning investments to their shareholders, a practice that no one has asserted is financially improper or illegal. Today, they began lobbying state lawmakers to scrap an emerging legislative plan that would cover much of the utilities' purported debts with billions of dollars in publicly financed bonds.

''This confirms what we've been saying all along,'' said Matt Freedman, a director of the Utility Reform Network. ''Edison is not being straight with the public or the Legislature about the extent of its debt.''

Freedman also said that the audit shows that in recent months Edison has been selling some of its own generating power back to itself at high prices on the open market, then claiming both profit and debt.

''It's like a laundering scheme,'' he said.

Michael Shames of the Utility Consumers Action Network said the audit could significantly influence the fast-moving legislative debate on the state's energy crisis. He said that while it was not illegal for the utilities to transfer money to their parent companies, ''the question is, 'Was it prudent?' ''

But Paul Hefner, a spokesman for Assembly Speaker Robert Hertzberg (D), said there are no substantive new revelations in the Edison audit and that the Legislature is proceeding with a plan outlined last Friday that would cover much of the utilities' debts in exchange for the state receiving warrants to buy stock in the companies.

''I don't know that it changes the landscape at all,'' Hefner said, referring to the audits. ''All along we've been saying we're not going to do this and get nothing back. We're driving as hard a bargain as we can.''

Mrs. BOXER. Another private utility did the same thing to the tune of $5 billion. That is $9 billion these private utilities sent out.

In my opinion, this amendment sends a strong message to the utilities in my State: It is not right to ask for help and walk away from your obligations. This amendment helps 12 power companies in California, municipal companies. In the end, it will help consumers because the next time there is a crisis,

power companies will not fear they will be left high and dry and they will be willing to assist us in the future.

This amendment was not offered in anger; it was offered in fairness. I support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. There are 37 seconds remaining.

Mr. WYDEN. To finish the debate, I yield to Senator SMITH, my colleague.

Mr. SMITH of Oregon. Mr. President, I appreciate the chance to say a few closing words on this debate, which has been a good one.

All the neighbors of California are asking—at least those affected by the Bonneville Power Administration—is that they be paid. I believe California wants to pay. Ultimately, they have to work through their law that makes it difficult to pay. We want them to do that. We need them to do that because people in the Northwest already are paying higher rates because of this California law. We should not have to pay additional, higher rates.

I thank the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, how much of my time remains?

The PRESIDING OFFICER. One minute 4 seconds.

Mrs. FEINSTEIN. Mr. President, I rise to thank Senators MURKOWSKI and BINGAMAN for opposing this amendment and also to join them in saying that I believe this is a very dangerous amendment. It creates two classes of creditors. The first is a protected class; namely, certain Federal entities.

Yesterday, I introduced into the RECORD a series of letters from virtually all of the electricity and natural gas providers. Those letters had one common theme, and that theme was that to do this is not only unprecedented, but it will probably force an involuntary bankruptcy because once the dam is broken, other creditors will then seek to protect their rights under bankruptcy law. Hence, it is a very dangerous amendment.

The State of California is currently seeking to purchase the transmission lines of the utilities to be able to inject $7 billion and solve the problem. I urge a ''no'' vote on this amendment.

Is all time expired?

The PRESIDING OFFICER. Yes, it is.

Mrs. FEINSTEIN. Mr. President, I move to table the Wyden amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table Amendment No. 78.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

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

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—67

Akaka	Feingold	McConnell
Allard	Feinstein	Mikulski
Allen	Frist	Murkowski
Bayh	Graham	Nelson (NE)
Bingaman	Gramm	Nickles
Bond	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Rockefeller
Bunning	Hatch	Sarbanes
Carper	Helms	Schumer
Chafee	Hutchinson	Sessions
Clinton	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Jeffords	Snowe
Conrad	Johnson	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Landrieu	Thompson
Domenici	Leahy	Thurmond
Dorgan	Lieberman	Voinovich
Edwards	Lincoln	Warner
Ensign	Lott	
Enzi	Lugar	

NAYS—30

Baucus	Craig	McCain
Bennett	Crapo	Miller
Biden	Dayton	Murray
Boxer	Durbin	Nelson (FL)
Burns	Harkin	Roberts
Byrd	Hollings	Santorum
Campbell	Inouye	Smith (OR)
Cantwell	Kennedy	Stabenow
Carnahan	Kyl	Wellstone
Cleland	Levin	Wyden

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—2

Corzine Torricelli

The motion was agreed to.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. 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. NICKLES. Mr. President, Senator BREAUX, Senator ENZI, and myself had an interesting and, I think, enlightening discussion on the issue of ergonomics, as well as Senator SPECTER.

I ask unanimous consent there now be a period of about 30 minutes for a discussion of this issue, the time to be equally divided between Senators BREAUX and ENZI for debate only.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, does the Senator have an idea how long this will take?

Mr. NICKLES. About 30 minutes.

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

The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank my colleagues for the discussion with me—Senator ENZI, Senator LANDRIEU, and Senator BLANCHE LINCOLN—on the issue of an amendment I have at the desk, which we will not vote on right now, but I hope to perhaps reach an agreement on at a later hour.

The amendment addresses the question of the so-called ergonomics rule, which this body addressed last week, through the use of a procedure which is not normally utilized, when the Senate of the United States said that a rule that had been promulgated by the Department of Labor would not be allowed to go into effect addressing injuries in the workplace that workers receive which cause them to lose very valuable hours of service, both to themselves and their employers. Those workplace injuries clearly cause a loss to companies and small businesses, as well as the personal loss that is caused to the individual.

There was a great deal of concern raised by myself and by some Republican colleagues to the rule because in many cases it would have an adverse effect on the States' workers compensation laws. And they had concerns about the potential that the rule would, in fact, allow injuries to be covered that were not directly related to having been brought about by conditions in the workplace.

The third thing I heard a great deal of was that employers really didn't have enough information to know whether they were covered or what were their responsibilities. Therefore, in order to try to answer those questions and still address the concern that I think most people have about injuries in the workplace, which are estimated to cost between $45 million and $54 million annually, I have offered an amendment that I think is one this body should embrace in a bipartisan fashion.

No. 1, we say the Secretary of Labor, within the next 2 years, shall promulgate regulations dealing with these injuries in the workplace. In addition to giving her the mandate from the Congress to promulgate these regulations, we also go further and say that, in trying to address the concerns we heard on the floor of the Senate, for instance, in issuing this new rule, the Secretary of Labor shall ensure that nothing in the rule expands the application of the State workers comp law. We had a lot of concern about whether it would be altered or expanded. This amendment clearly says that nothing would be in the bill and the rule could expand the application of the State workers compensation law. It also says that nothing in this amendment or in the rule could affect the OSHA laws. They are in place as they are, and if somebody wants to change them, that would be for a later date.

The other thing I think was very important, which we heard from so many of our people, was that the injuries they are talking about under the rule shall be work-related disorders that occur within the workplace. Many people were concerned that, well, someone could injure their back on a Saturday at home during a recreational activity and come to work on Monday and blame it on conditions in the workplace.

The amendment I have offered, along with my bipartisan cosponsors, says

the standard shall not apply to nonwork-related disorders that occur outside the workplace or nonwork-related disorders that are aggravated by the workplace.

So every objection I heard, particularly from my colleagues on this side of the aisle, I think has been taken care of in the amendment we have offered. It is my intent that if this rule would be promulgated, nothing in this amendment would prohibit Congress from using the same Congressional Review Act procedures if they did not like the rule. If some think it is too much or too little, they can still use the Congressional Review Act, as we did last week to knock down the rule with which a majority of the Members of the Congress did not agree.

I think our amendment addresses every concern. The question is, Do you want to do something about the workplace that is fair, reasonable, responsible; that businesses can embrace, working people can embrace, and say, all right, this is a problem, let's recognize it and do something about it? Just to say, well, the Secretary may not do that, really doesn't give any guidance to what the Congress says. We should make the rules.

My amendment takes care of every objection I heard, I think, and I think there is a proper balance between employers and business, as well as the working men and women of this country. I do not, for the life of me, understand why this would not be something that should not be unanimously agreed to by Republicans as well as my Democrat colleagues.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BREAUX. I guess we are equally divided under the agreement.

The PRESIDING OFFICER. Correct.

Mr. BREAUX. I will yield 15 minutes to my colleague. I reserve 15 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank Senator BREAUX for his efforts on ergonomics. These injuries are happening in this country and we need to do something about them. I appreciated the conciseness with which he made a statement during the last debate we had on ergonomics.

I wish his bill more closely followed the statement he made. I suspect there is leeway in there to do exactly what he said when he made that statement, and I think this comes fairly close. I hope we will be able to work together to make some changes in what is in his amendment. Most of all, what I hope is that the Senators who are interested in this issue will work with me. I am the subcommittee chairman for Employment, Safety and Training. It is all of the labor issues. It includes the ergonomics issue. I had planned to begin a process of holding some hearings. I already have my staff members looking at past efforts—and there are supposed to be 10 or 12 years of efforts on ergonomics already—to see what was done and where it went wrong before. Also, I am scheduling some meetings with Secretary Chao. I am pleased to have other people involved in those meetings with me. We need to come up with a mechanism that will actually prevent injuries. I am not interested in the mechanism that just does paperwork or just puts costs on business. I know the people who submitted this amendment—particularly Senator BREAUX—are not interested in having that either.

I have been trying to work on this compliance issue through a number of mechanisms since I got here. One of them is something called the SAFE Act. It was encouragement for businesses—particularly small businesses—to hire professional consultants to come in and take a look at their business. I would suggest using OSHA people, but they are already overworked doing OSHA inspections. In State plan States, which are the States where there are the least OSHA accidents, there are more inspections but there is more consultation that is done. So I have put a huge emphasis on consultation with businesses.

The way the consultation works in States is the OSHA team, or inspector, comes in and looks at the place and says this is wrong, this is wrong, and this is wrong. If they say that, you better fix it. And if you fix it, then you are not subject to the penalties.

That is an incentive process. That is what I envision for compliance with an ergonomics rule as well: Somebody helping the small businessman. I am not worried about the big businesspeople because they have the VPP program, the specialists, and they have the professionals on staff. It is the little guy, and that is what we talked about when we did the ergonomics CRA last week. They cannot digest all the information. They do not even know what is absolutely essential and what is suggested.

If somebody can tell them what to do—they know the value of their employees; they want to protect their employees. In most instances, they do not know how to protect their employees. If there is more of the consultation aspect to it and the incentive to do it, if the folks come in and tell you to do those things and you do those things, you will not be fined. I am so pleased there is a compliance piece to this.

Something I hope will be incorporated in the future, perhaps even in this rule, is the ability of the managers to talk to the employee or employees directly. The way the current national labor standards read is that management cannot talk to the employees unless they are in a union. Of course, if they are in a union, then the management can talk to the representative of the employees.

We are missing this step of being able to say to an employee: How are you feeling? How is your workstation? Are there any improvements we can make? These are folks who are doing that same job in all of the examples we use, the same job day in and day out. They are the experts on it. They know the things that can be done to make their work easier.

Those are the things that need to be incorporated in ergonomics: very specific suggestions for a particular kind of a—it is not even for a particular kind of business because within an industry, several different businesses will do the same operation differently. If they conferred more, which I am not sure they are allowed to do either, then they would probably wind up with a standard method of doing things, and they would be able to compare the ergonomics process, as well as any other safety issue and come to an agreement on how those safety issues can be reached.

Another thing that needs to be done while we are at it is changing the rulemaking process. One of the things that fascinated me in my comments and visits with Assistant Secretary Jeffress, who is in charge of OSHA, was that in the 28 years OSHA has been in effect, there has not been one rule revised even though there have been huge changes in the workplace.

What that tells me is that our rulemaking process is so cumbersome, so subject to court action that we cannot take a look at things that were done 28 years ago even though the technologies have changed tremendously.

There are some things that need to be done. I wish we had been consulted a bit more on some of the specific wording. I know there is an effort to work together on some of these things, so we may be able to come up with an agreement in a short while so this amendment can be accepted.

I thank the Senator from Louisiana for making this effort, for getting us started on it. I hope he will work with me on the process. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I will use whatever time I need, and I will then yield to the Senator from Arkansas.

Some of the points the Senator made are valid. However, our amendment addresses those concerns, particularly the concern about an employer knowing exactly what his or her requirements are because we say that the rule shall set forth in clear terms the circumstances under which an employer is required to take action, the measures required of an employer under the standard, and the compliance obligation of an employer under the standard.

We give the employers clear direction. We let them know when they are in compliance, and we clearly spell out what their obligations are and also the measures that are required.

Under the requirements of our legislation, the rule has to come back and clarify to an employer exactly what is being required.

I think the amendment is a good one; ergo, I think it should be adopted.

I yield whatever time she consumes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Chair.

Mr. President, with all of this talk we have heard recently about bipartisanship and wanting to do what is right by everyone, not leaving anyone behind, I am certainly glad we have at least a few minutes to have a debate on an alternative to last week's issue of workplace safety.

I have been delighted to work with my colleagues, Senator BREAUX and Senator LANDRIEU—and Senator SPECTER has worked with us—in developing an amendment that requires the Department of Labor to draft a new ergonomics standard that addresses the ergonomic hazards in the workplace without penalizing business owners who act in good faith.

As I stated in my remarks last week, I voted to repeal the ergonomics standard last year because, in my opinion, it was unreasonable in terms of the requirements it imposed on businesses and how unworkable it was with regard to the vagueness of the standards with which employers were expected to comply.

However, I do not believe our action to overturn the current ergonomics rule should in any way be interpreted as congressional intention to end the debate on this issue of workplace safety. That is what we did last week. That certainly was not my intention. In fact, I believe the Federal Government does have a responsibility to set safety standards and to protect workers against hazards that exist in their place of employment.

Certainly, the new Secretary of Labor and the new administration, through working with our colleagues in hearings and other ways, I think would relish the idea of being able to come up with a standard that is workable, something that can give us workplace safety but encourage businesses to be involved. That is certainly possible.

The ergonomics standard or the rule we saw last year was a no win for anyone because we were not going to see, because of the court cases that were already involved with that rule, workers protected, nor were we able to see a reasonable compliance that industries could meet. It was not a win for anyone.

If we fail to come back with anything else, and if we fail to encourage the Department of Labor to come up with something that is reasonable and workable, then we, once again, have failed everyone—businesses and employees—because we can do better at providing better workplace safety, and we can also provide businesses a better way of complying with it. Everyone wins with that—workers and businesses.

The amendment we are offering gives the Department of Labor 2 years to craft a new Federal ergonomics standard. In addition, our amendment directs the Department to address serious problems that exist in the previous rule.

Specifically, we make clear that the new standards should not apply to injuries that occur outside the workplace or, as Senator BREAUX mentioned, injuries that are aggravated by activities that employees perform as a part of their job.

Furthermore, this amendment requires the Secretary of Labor to set forth in clear terms what businesses are required to do to comply with this new standard before it takes effect.

Finally, we prohibit the new rule from expanding the application of State workers compensation laws.

In short, I believe our amendment is a reasonable, commonsense approach that will allow the Department of Labor to address a serious health and safety issue in the workplace in a manner that is fair to both employees and employers. After all, in the debate last week, is that not what we said we were striving for?

As a founding member of the Senate's new Democrats coalition who is inclined to seek compromise whenever possible, I wish we had been given the opportunity to draft and offer a compromise proposal on ergonomics last week when it was most appropriate. Unfortunately, we did not have that opportunity.

Now that the consideration of the resolution of disapproval has been concluded, I am certainly hopeful my colleagues will want to work in a bipartisan way and permit a reasonable period of debate and vote on this amendment and come up with something that is going to be workable for absolutely everybody, certainly employees as well as employers and businesses, all of which can be brought to the table in the next 2 years, and we can craft something that is going to be workable and meet the objectives we have all expressed.

I thank the Senator from Louisiana for his hard work and leadership in this effort, and I look forward to working with all of our colleagues in the next several days to come up with something we can adopt and prove to the people of this Nation and businesses of this Nation that we are truly concerned about workplace safety and about being sensible.

I yield back to the Senator from Louisiana the remainder of his time.

Mr. BREAUX. I thank the Senator from Arkansas for her contribution. She comes from a State deeply involved in these issues. I know she speaks with a ''mine'' of experience in addressing these concerns. I thank her for her contribution, as well as my colleague from Louisiana, Senator LANDRIEU.

I take this time to say to our colleagues our staffs are currently talking with each other across party lines to see whether there might be some agreement we can reach on an authorization bill as an amendment either to this legislation that is currently pending before the Senate or to some other legislative package that is going to come before the Senate. I will continue to work with our colleagues and our staffs trying to find a way to reach an agreement on a pending amendment.

I yield the floor.

Mr. ENZI. I thank the Senator from Arkansas and the Senator from Louisiana for their consideration and their work in a bipartisan way to see we get something done and to extend that opportunity to go to meetings with Secretary Chao and also to participate in hearings on my subcommittee. We want to make some progress on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, I know Senator ENZI is not managing the bill—he is on the floor for other reasons—but I wonder if we could have some idea in the near future as to what we are going to do for the rest of the day. Senator WELLSTONE, by virtue of the unanimous consent agreement, is going to come in at 1:15. We have Senator DURBIN who has offered what is, in effect, a substitute. That was laid down last night. He is willing to start debating that amendment.

We have others we could get over here to offer amendments. We want the record to be clear that we are doing everything we can. Senator LEAHY has instructed everyone to move this bill along as quickly as possible. I certainly agree with that. I see Senator GRASSLEY, too. Maybe we could have some information as to whether we could set aside the amendment that is pending and move on to something else?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, it is my understanding the bill managers are looking at what is left on the bankruptcy bill at this moment. Senator WELLSTONE's bill will be the amendment pending. He is planning on being here at 1:15.

I had heard some concern that most of the actual bankruptcy issues had been covered and we were just doing some peripheral ones. There is some concern on our side as to what the process is going to be, too. It is my understanding they are discussing that now. The chairman probably can give us some information.

Mr. GRASSLEY. If the Senator from Nevada will yield, I will try to respond to his inquiry.

No. 1, since so many people are busy during the lunch hour with the steering committees and the type meeting

that both parties have, we might not be so fortunate as to get something up before 1:15 when the Wellstone amendment is up.

The second is, the Senator asked if we could do another amendment. What amendment would the Senator suggest we move to, then?

Mr. REID. There is one amendment about which I have received a number of calls today. Mr. DURBIN, the Senator from Illinois, wants to offer his substitute. In effect, that is what it is. The Senator from Iowa is familiar with that. It is at the desk.

It is at the desk. He would be willing to have a relatively short time agreement for the opportunity to express his views on that.

Mr. GRASSLEY. As the main sponsor of this legislation, I should be able to tell you we could go to the Durbin amendment. But we have some reservation at this time on moving forward on the Durbin amendment, particularly because it would take a good deal of time and would interfere with the Wellstone amendment. If there is some other amendment the Senator from Nevada would like to take up, he might suggest something, and we would quickly consider that.

Mr. REID. We have one that Senator LEAHY has been trying to get up, amendment No. 19, a set-aside amendment.

Mr. GRASSLEY. That is the same amendment, if we went back to regular order. If we called regular order, we would end up on that amendment.

Mr. REID. It is my understanding that No. 20 is regular order. This one isn't before the Senate.

Mr. GRASSLEY. This is an amendment that has not been before the Senate.

Mr. REID. That is my understanding. It has been filed but it has not been debated.

Mr. GRASSLEY. I suggest we put in a quorum call, and then we will take a look at it.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I ask that the pending amendment be set aside temporarily and amendment No. 19 on behalf of Senator LEAHY be offered.

It is my understanding that the Senator from Iowa will also want a unanimous consent agreement to indicate there would be no second-degree amendments.

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

AMENDMENT NO. 19

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEAHY, proposes an amendment numbered 19.

Mr. REID. 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:

(Purpose: To correct the treatment of certain spousal income for purposes of means testing)

On page 17, line 8, strike ''and the debtor's spouse combined'' and insert '', or in a joint case, the debtor and the debtor's spouse''.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking up to 10 minutes each until 1:15 today.

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

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. 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 2001—Continued

AMENDMENT NO. 36, AS MODIFIED

The PRESIDING OFFICER. The clerk will report the pending amendment of the Senator from Minnesota.

The legislative clerk read as follows:

Amendment No. 36, as modified, previously proposed by Mr. WELLSTONE.

Mr. WELLSTONE. Mr. President, I want to be clear with my colleagues and the majority leader that I came to the floor very early on with several amendments to move this process forward. Last week, when I initially objected to a motion to proceed, the majority leader said we would have substantive debate on amendments. This amendment has been ''hanging out there'' for several days. I have wanted a vote on this amendment. I modified this amendment because there was concern on the part of one of my colleagues on the other side that there was a jurisdictional problem with a committee. I had assumed we would have an up-or-down vote on this amendment. My understanding is that it might not happen and there might be a second-degree amendment. I don't know what that amendment is, but it will probably be an amendment that will gut this amendment.

It makes me start to wonder, even more, about what we have been doing out on the floor of the Senate with this bankruptcy bill. My colleague called this a reform bill, but I wish to mention a couple of articles that have been published recently. I will soon ask to have them printed in the RECORD.

There was a piece that appeared on Tuesday, March 13, in the Wall Street Journal entitled, ''Auto Firms See Profit In Bankruptcy-Reform Bill Provision.'' The first paragraph:

The nation's three major auto makers are always interested in making deals, and they hope to close one in the U.S. Senate this week that is worth millions of dollars to each of them.

The deal lies in the bankruptcy-reform bill expected to clear the Senate this week. Buried in the bill's 42 pages is a section that changes the way auto loans are treated when an individual declares bankruptcy, making it more likely the car loans will have to be paid back in full—even while other creditors collect only part of what they are owed.

That might include child support payments as well.

There also is in here a chart that deals with the soft money, PAC, and individual contributions by members of the Coalition for Responsible Bankruptcy Laws.

I actually think the bitter irony is that the debate we have been having on this bill—for the 2½ or 3 years I have been working on this—is probably, unfortunately, a perfect bridge to the debate we are going to have on campaign finance reform.

Again, I want to be real clear with my colleagues. I don't like to come to the floor and do a one-to-one correlation that money has been given, so that is why you are voting this way. I don't believe in that for several reasons. One, it would be arrogant on my part to believe that if somebody has a different point of view, that means, ipso facto, they are receiving all this money from, for instance, the financial services industry and that is why they are voting the way they are. That is not my argument.

Rather, my argument is institutional, which is more serious. The problem with this political process is not that there is ''corruption,'' as in the wrongdoing of individual officeholders, as in one-to-one quid pro quo—here is the money, here is how you should vote.

The problem is institutional, and that is a more serious problem. It is the imbalance of power, the imbalance of access, the imbalance of influence, not affluence, between the people I have tried to represent as a Senator—low- and moderate-income people, people of color, poor people, consumers—and the heavy hitters, the investors, the players, the lobbying coalition.

There has been article after article about the full-court press of the financial services industry over this bill.

The auto firms get a good deal. That is worked into this bill. Buried in the bill's 42 pages is a special deal for them.

By the way, it is not a special deal for you if you are going under because of major medical expenses, which is 50 percent of the cases. It is not a special deal for you if you have lost your job in the Iron Range of Minnesota, 1,400 taconite workers out of work. It is not a special deal for you if you have gone through a divorce and there is a sudden loss of income. But it is a special deal for these folks. This is a piece by Tom Hamburger of the Wall Street Journal.

There is another piece in the Wall Street Journal by Tom Hamburger, Laurie McKinley, and David S. Cloud:

For the businesses that invested more money than ever before in George W. Bush's costly campaign for the presidency, the returns have already begun.

MBNA America Bank was one of the largest corporate donors to the Bush campaign and other GOP electoral efforts last year. The bank and its employees gave a total of $1.3 million, according to the Center for Responsive Politics, a nonpartisan clearinghouse here. Charles Cawley, MBNA's president, was a member of the Bush ''pioneers,'' wealthy fund-raisers who each personally gathered at least $100,000 for the presidential campaign.

I guess I am not going to get any support from the pioneers in my Senate race.

Mr. Cawley hosted Bush fund-raising events at his home in Wilmington, Del., last year and, in 1999, at his summer home in Maine, north of the Bush family retreat in Kennebunkport.

This whole piece—you get the point—is all about huge amounts of money, lobbying coalitions, access, and influence.

I ask unanimous consent that both of these articles by Mr. Hamburger in the Wall Street Journal be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

INFLUENCE MARKET: INDUSTRIES THAT BACKED BUSH ARE NOW SEEKING RETURN ON INVESTMENT—TOBACCO WANTS TO KILL A SUIT, OIL TO DRILL IN ALASKA; PATIENT PRIVACY TARGETED—WHITE HOUSE STRESSES MERITS

(By Tom Hamburger, Laurie McGinley and David S. Cloud)

WASHINGTON.—For the businesses that invested more money than ever before in George W. Bush's costly campaign for the presidency, the returns have already begun.

MBNA America Bank was one of the largest corporate donors to the Bush campaign and other GOP electoral efforts last year. The bank and its employees gave a total of about $1.3 million, according to the Center for Responsive Politics, a nonpartisan clearinghouse here. Charles Cawley, MBNA's president, was a member of the Bush ''pioneers,'' wealthy fund-raisers who each personally gathered at least $100,000 for the presidential campaign.

Mr. Cawley hosted Bush fund-raising events at his home in Wilmington, Del., last year and, in 1999, at his summer home in Maine, north of the Bush family retreat in Kennebunkport. At the Maine affair, 200 guests gathered in the early evening on the large porch of the Cawley home, situated on a hill with a sweeping view of the Atlantic Ocean. Guests sipped cocktails and heard a brief talk by the candidate.

The money didn't stop on election day. Mr. Cawley and his wife each gave the maximum of $5,000 to help fund Mr. Bush's fight in the Florida vote recount. Mr. Cawley gave an additional $100,000 to the Bush-Cheney inaugural committee, the most the committee would take from a single donor.

Last week, MBNA's investment began paying off. The company, one of the nation's three largest credit-card issuers, has been pushing for years to tighten bankruptcy laws that allow certain consumers filing for court protection, in effect, to disregard obligations to credit-card companies and other unsecured lenders. On Wednesday, the White House announced that President Bush would sign a bill now moving through Congress that would make it tougher for consumers to escape such debts. If enacted, the measure could translate into an estimated tens of millions of dollars in additional annual earnings for each of the big credit companies.

MBNA's vice chair, David Spartin, says his firm has no way to estimate how the legislation would affect the company's bottom line. MBNA has backed the bill for years ''because we think it is good for consumers,'' as it will ''reduce the cost of credit for everyone,'' Mr. Spartin says. The donations to President Bush and other candidates were made because ''we think they would make excellent public officials,'' he adds. No MBNA official ''has ever spoken to President Bush about the bill,'' Mr. Spartin says.

Many corporations feel like a new day is dawning in Washington. ''We have come out of the cave, blinking in the sunlight, saying to one another, 'My God, now we can actually get something done,'" says Richard Hohlt, Washington lobbyist for several other major banks which, like MBNA, are backing an industry coalition whose members provided some $26 million to Republicans during the 1999–2000 campaign cycle.

President Clinton last year vetoed a similar bill that would have toughened bankruptcy law. Consumer groups argue that such legislation would weaken protection for working families, many of whom have been the targets of aggressive credit-card marketing.

Also in action last week were members of a large coalition of Mr. Bush's business backers who want to roll back new federal rules designed to protect workers from repetitive-motion injuries.

In a private meeting with congressional leaders last Tuesday, President Bush signed off on a plan to kill the ergonomic regulations, using the powers of the Congressional Review Act. That act, passed in 1996, gives Congress 60 days to reject regulations issued by federal agencies. But it was never used during Mr. Clinton's term because to take effect, a resolution rejecting new rules has to be approved by the president.

Repealing the ergonomic rules ranks high on the priority lists of the U.S. Chamber of Commerce, the National Association of Manufacturers and the National Association of Wholesaler-Distributors. The trade groups technically don't endorse candidates, but each of them mounted major grass-roots and advertising campaigns that benefited Mr. Bush and other Republicans in the 2000 elections.

A repeal would be a particularly hard loss for organized labor, which has fought for enactment of the ergonomic rules for 10 years, saying they are needed to protect workers from wrist, back and other injuries.

On employee safety, consumer bankruptcy and a host of other issues, Bush administration officials maintain they are acting strictly on the merits, not the money. Proponents of the bankruptcy bill, for example, point out that personal bankruptcy filings reached a record 1.4 million in 1998. The bill that would toughen the bankruptcy law won strong bipartisan support in the House last week, passing 309–106.

Business advocates maintain that the ergonomics rules include an overly broad definition of ''musculoskeletal disorders'' and that the new standards give employees claiming to have such disorders overly generous treatment: 90% of their salary and benefits for up to three months.

But a strongly as they believe in their arguments, business lobbyists acknowledge it's no accident that, following their massive support for the GOP, Republicans are moving quickly to address some of their top issues.

Mr. Bush ran the most costly presidential campaign in American history. Donors to his campaign and the Republican National Committee contributed a total of $314 million. Of that, more than 80% came from corporations or individuals employed by them. Al Gore and the Democratic National Committee raised $213 million, receiving strong support from labor organizations and their members. But more than 70% of the Democratic total also came from businesses and their employees.

These totals can be seen as somewhat inflated because most donors to either party work for a business. But the amounts don't include separate contributions from trade associations or independent business advertising. ''The role of business last year was huge, and it overwhelmingly benefited Republicans,'' says Larry Makinson of the Center for Responsive Politics.

As the bankruptcy and ergonomics bills move through the Senate over the next few days, business groups also will be looking for early action on other key issues. Here's a preview.

With then-Vice President Al Gore and many Democratic congressional candidates railing against alleged profiteering by drug companies, the industry made its biggest-ever contributions to the GOP cause.

Drug companies contributed $14 million to Republican campaigns over the past two years and spent an additional $60 million to fund their own independent political-advertising campaign. Industry executives will be lobbying the new administration on a wide range of issues, such as the proposal to overhaul the Medicare program and include a prescription-drug benefit for senior citizens. The industry wants to make sure such a benefit doesn't lead to drug-price controls.

But the fight isn't likely to command center stage for many months. In the meantime, drug companies will press for a rewrite of federal rules protecting the privacy of patients' medical records. The rules were announced with much fanfare in the final weeks of the Clinton administration. The drug companies recently got a sign that they, too, were making progress with the new administration.

Health and Human Services Secretary Tommy Thompson, in a move that infuriated consumer groups, invited additional public comments on the rules until the end of this month. The industry is hoping the move will lead to more delays and, ultimately, significant revisions.

Last December, Mr. Clinton heralded the rules as ''the most sweeping privacy protections ever written.'' For the first time, patients would have access to their medical files and could correct mistakes. Providers, such as hospitals and health plans, would be

required to get written permission from patients to use or disclose patients' health information. Providers also would have to create sophisticated record-keeping systems and privacy policies to document compliance with the rules.

Hailed by privacy advocates, the rules include provisions anathema to nearly every segment of the health-care industry. Drug makers, HMOs, drugstore chains and hospitals say that while they back the goal of increased privacy, the rules have a potential cumulative price tag in the tens of billions of dollars, much of it to overhaul data-collection and information-technology systems.

The companies warn that the new requirements mean that pharmacies would need signed customer consents on file before they could do something as simple as sending a prescription home with a neighbor. The drug industry also says that research critical to boosting corporate innovation and tracking the safety of drugs would be inhibited. Academic researchers seeking personal health information from hospitals would have to get authorization from the patient or undergo a special privacy review by a hospital panel.

Privacy advocates such as Janlori Goldman of the Health Privacy Project at Georgetown University counter that such dire predictions are inaccurate and ''hysterical.''

Technically, the regulations apply to the use of information by hospitals, doctors, pharmacists and HMOs. But they have big implications for drug companies, which depend on access to that data for research and marketing. Among the drug companies most concerned is Merck & Co., because of its Merck-Medco unit. Like other pharmacy-benefits managers, which obtain contracts from HMOs and employers to keep drug costs down, Merck-Medco fears it would be hindered in its ability to track physician-prescribing patterns and other information.

Taking the lead on combating the rules is the Confidentiality Coalition, an industry group that meets at the offices of the Healthcare Leadership Council, overlooking Farragut Square, a few blocks from the White House. Dubbed the ''Anti-confidentiality Coalition'' by privacy advocates, the alliance has 120 members, including Merck, Eli Lilly & Co., Cigna Corp. and Medtronic Inc., the big medical-device maker. A core group of 20 to 30 lobbyists shows up regularly for strategy sessions.

[From the Wall Street Journal, Mar. 13, 2001]

AUTO FIRMS SEE PROFIT IN BANKRUPTCY-REFORM BILL PROVISION

(By Tom Hamburger)

WASHINGTON.—The nation's three major auto makers are always interested in making deals, and they hope to close one in the U.S. Senate this week that is worth millions of dollars to each of them.

The deal lies in the bankruptcy-reform bill expected to clear the Senate this week. Buried in the bill's 420 pages is a section that changes the way auto loans are treated when an individual declares bankruptcy, making it more likely the car loans will have to be paid back in full—even while other creditors collect only part of what they are owed.

Automobile lenders and academic experts say the financing arms of the large auto companies will gain hundreds of millions of dollars annually if the auto-loan provision remains in the final bill, despite efforts by Illinois Sen. Richard Durbin and other Democrats to pull it out.

The long-sought bill, which tightens the rules under which consumers can declare bankruptcy, contains several other obscure provisions that, like the one on auto loans, provide special benefits to groups with the ability to influence decision makers. For example, the legislation contains a two-paragraph section—not the subject of any hearings or public debate—that could make it more difficult for Lloyd's of London to collect debts from American investors in the insurance firm who can show they were victims of fraud. The legislation also exempts credit unions from the bill's disclosure requirements for voluntary repayment plans.

But it is the auto-loan provision that draws the loudest complaints.

''This is one of the best examples of why this is legislation that is at war with itself,'' says Brady C. Williamson, who teaches at the University of Wisconsin Law School and who was chairman of the National Bankruptcy Review Commission in 1996 and 1997.

The bankruptcy bill is designed to reduce the number of Chapter 7 bankruptcy filings, in which consumers erase debts to unsecured creditors, and increase the number of Chapter 13 filings, which require debtors to repay at least a portion of their obligations under the supervision of a court-appointed trustee.

The auto giants gain because the proposed law would eliminate the so-called cram-down rules that allow borrowers entering Chapter 13 bankruptcy to repay only an automobile's market value plus interest, not the full value of the outstanding loan.

Consider, for example, the situation of someone entering bankruptcy who bought a car two years ago for $10,000. The car is now worth $6,000, but the buyer still owes $8,000 in a multiyear note to the auto dealer. Under current law, a person filing for Chapter 13 bankruptcy would pay the dealer the $6,000 market value and keep the car. The remaining debt would be considered, along with debts owed to other unsecured creditors such as retailers, credit-card firms and medical providers.

The theory behind the cram-down was that secured creditors could get the value of their collateral back, cars wouldn't get repossessed as often and bankruptcy filers could continue to pay off at least a portion of their obligations to auto lenders and other creditors under the supervision of a trustee.

But under the bill's change, says Mr. Williamson, the debtor will have to devote a larger share of remaining resources to satisfying the auto dealer. Many may lose their cars to repossession. Others will fall in Chapter 13, which already has a 66% failure rate. He worries that more creditors will thus end up filing under Chapter 7, precisely the outcome the bill was designed to avoid.

Lobbyists for the major auto companies, whose financing arms make loans to their customers, acknowledge encouraging Michigan's former senator—now energy secretary—Spencer Abraham to add the provision to the bankruptcy bill in 1999.

''We think cram-down is a bad idea,'' says Anne Marie Sylvester, media-relations manager for GMAC North America, the financing arm of General Motors Corp. ''It raises costs because it forces us to accept losses, which we may have to spread among our customer base. In effect, it rewards debtors who don't fulfill their obligations and penalizes those who follow the rules.'' She said GMAC contributed $1.6 billion to GM's $5 billion earnings last year. The bill also stands to benefit GM's main competitors, Ford Motor Co. and Daimler Chrysler AG.

This provision was in the bill that passed Congress last year but was vetoed by then President Clinton, who said it hit working families too hard. In another sign of the effect a change in the presidency can make, the Bush White House has formally signaled its intention to sign the bill.

Because removal of the cram-down effectively puts auto lenders ahead of other creditors, the proposed shift threatened a powerful business coalition, led by credit-card companies, that has been pushing for an overhaul of bankruptcy law in recent years. Despite some dissent, though, the coalition generally held together, says Jeff Tassey, organizer of the Coalition for Responsible Bankruptcy Laws. Coalition members calculated that the advantages gained by auto companies were worth accepting to keep that powerful constituency behind the new law.

''There are provisions that are important to some industries that aren't important to others,'' Mr. Tassey says. ''But the members took a mature approach . . . It was important to have the automobile industry in there.''

To the auto industry, the change has been needed since cram-down was introduced into law in 1978. Since that law passed, bankruptcy rates have gone up nearly 800% and automobile companies, which make a significant portion of revenue from lending, were upset about the losses.

They argued that eliminating cram-down will make the overall system more disciplined, helping all creditors. Mr. Tassey says that cram-down works as an incentive to enter Chapter 13 bankruptcy and argues that removing it will ''be a deterrent to filing specious bankruptcies.''

But opponents scoff at those arguments. ''This is the worst provision in this bill for those who want to induce people to pay their debts back,'' says Henry Hildebrand of Nashville, Tenn., chairman of the legislative- and legal-affairs committee of the National Association of Chapter 13 Trustees.

As Mr. Hildebrand and others see it, the legislation will hurt all creditors, and will run contrary to the intent of the law's proponents. He cites studies by his organization showing that a fifth of Chapter 13 debtors would be driven into Chapter 7, where they can discharge or liquidate credit-card and other unsecured debt.

And in the Senate last week, Sen. Durbin launched his effort to remove the auto section from the final bill, or at least modify it significantly.

''This provision is unjustly tipped in favor of the creditor, providing little or no protection for debtors,'' Mr. Durbin says. ''A person who want to keep their car and go to work ends up being a loser.''

The bankruptcy coalition's Mr. Tassey, though, dismisses the critics: ''The bankruptcy establishment likes the system the way they have been running it,'' he says.

A STAKE IN BANKRUPTCY

SOFT MONEY, PAC AND INDIVIDUAL CONTRIBUTIONS BY MEMBERS OF THE COALITION FOR RESPONSIBLE BANKRUPTCY LAWS

(In thousands of dollars)

Organization	To Democrats	To Republicans	Total
American Bankers Association	$588.90	$1,109.60	$1,709.50
Credit Union National Association	763.40	873.04	1,642,44
Ford Motor	208.47	548.21	772.13
DaimlerChrysler	161.03	483.08	700.11
General Motors	172.20	502.83	688.80
America's Community Bankers	201.57	334.85	536.42
Independent Bankers Association	164.62	261.25	429.47
Visa USA	172.25	167.85	340.10
National Retail Federation	28.50	204.78	233.28
American Financial Services Association	38.84	155.73	194.57
Mastercard International	11.60	82.60	96.65
Consumer Bankers Association	10.25	13.00	23.25
Total (in millions)	$2.52	$4.74	$7.37

Note: Numbers don't add up because some contributions went to non-partisan causes.

Sources: The Center for Responsive Politics, Federal Election Commission.

Mr. WELLSTONE. Mr. President, I also ask unanimous consent that a New

York Times piece—all of these articles are dated Tuesday, March 13, 2001—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Mar. 13, 2001]

LOBBYING ON DEBTOR BILL PAYS DIVIDEND

(By Philip Shenon)

WASHINGTON, March 12.—A lobbying campaign led by credit card companies and banks that gave millions of dollars in political donations to members of Congress and contributed generously to President Bush's 2000 campaign is close to its long-sought goal of overhauling the nation's bankruptcy system.

Legislation that would make it harder for people to wipe out their debts could be passed by the Senate as early as this week. The bill has already been approved by the House, and Mr. Bush has pledged to sign it.

Sponsors of the bill acknowledge that lawyers and lobbyists for the banks and credit card companies were involved in drafting it. The bill gives those industries most of what they have wanted since they began lobbying in earnest in the late 1990's, when the number of personal bankruptcies rose to record levels.

In his final weeks in office, President Bill Clinton vetoed an identical bill, describing it as too tough on debtors. But with the election of Mr. Bush and other candidates who received their financial support, the banks and credit card industries saw an opportunity to quickly resurrect the measure.

In recent weeks, their lawyers and lobbyists have jammed Congressional hearing rooms to overflowing as the bill was redebated and reapproved. During breaks, there was a common, almost comical pattern. The pinstriped lobbyists ran into the hallway, grabbed tiny cell phones from their pockets or briefcases and reported back to their clients, almost always with the news they wanted to hear.

''Where money goes, sometimes you see results,'' acknowledged Representative George W. Gekas, a Pennsylvania Republican who was a sponsor of the bill in the House. But Mr. Gekas said that political contributions did not explain why most members of Congress and Mr. Bush appeared ready to overhaul the bankruptcy system.

''People are gaming this system,'' Mr. Gekas said, describing the bill as an effort to end abuses by people who are declaring bankruptcy to wipe out their debts even though they have the money to pay them. ''We need bankruptcy reform.''

Among the biggest beneficiaries of the measure would be MBNA Corporation of Delaware, which describes itself as the world's biggest independent credit card company. Ranked by employee donations, MBNA was the largest corporate contributor to the Bush campaign, according to a study by the Center for Responsive Politics, an election research group.

MBNA's employees and their families contributed about $240,000 to Mr. Bush, and the chairman of the company's bank unit, Charles M. Cawley, was a significant fundraiser for Mr. Bush and gave a $1,000-a-plate dinner in his honor, the center said. After Mr. Bush's election MBNA pledged $100,000 to help pay for inaugural festivities.

MBNA was obviously less enthusiastic about the candidacy of former Vice President Al Gore, Mr. Bush's Democratic rival; according to the center, only three of the company's employees gave money to the Gore campaign, and their donations totaled $1,500.

The center found that of MBNA's overall political contributions of $3.5 million in the last election 86 percent went to Republicans, 14 percent to Democrats. The company, which did not return phone calls for comment, made large donations to the Senate campaign committees of both political parties—$310,000 to the Republicans, $200,000 to the Democrats.

MBNA's donations were part of a larger trend within the finance and credit card industries, which have widely expanded their contributions to federal candidates as they stepped up their lobbying efforts for bankruptcy overhaul.

According to the Center for Responsive Politics, the industries' political donations more than quadrupled over the last eight years, rising from $1.9 million in 1992 to $9.2 million last year, two-thirds of it to Republicans.

Kenneth A. Posner, an analyst for Morgan Stanley Dean Witter, said that the bankruptcy bill would mean billions of dollars in additional profits to creditors, and that it would raise the profits of credit card companies by as much as 5 percent next year. In the case of MBNA, that would mean nearly $75 million in extra profits in 2002, based on its recent financial performance.

The bill's most important provision would bar many people from getting a fresh start from credit card bills and other forms of debt when they enter bankruptcy. Depending on their income, it would bar them from filing under Chapter 7 of the bankruptcy code, which forgives most debts.

Under the legislation, they would have to file under Chapter 13, which would require repayment, even if that meant balancing overdue credit card bills with alimony and child-support payments.

Consumer groups describe the bill as a gift to credit card companies and banks in exchange for their political largess, and they complain that the bill does nothing to stop abuses by creditors who flood the mail with solicitations for high-interest credit cards and loans, which in turn help drive many vulnerable people into bankruptcy.

''This bill is the credit card industry's wish list,'' said Elizabeth Warren, a Harvard law professor who is a bankruptcy specialist. ''They've hired every lobbying firm in Washington. They've decided that its time to lock the doors to the bankruptcy courthouse.''

The bill's passage would be evidence of the heightened power of corporate lobbyists in Washington in the aftermath of last year's elections, which left the White House and both houses of Congress in the hands of business-friendly Republicans.

Last week, corporate lobbyists had another important victory when both the Senate and the House voted to overturn regulations imposed during the Clinton administration to protect workers from repetitive-stress injuries.

Credit card companies and banks would not be the only interests served by the bankruptcy bill. Wealthy American investors in Lloyd's of London, the insurance concern, have managed through their lobbyists to insert a provision in the bill that would block Lloyd's from collecting millions of dollars that the company says it is owed by the Americans.

Lloyd's has hired its own powerful lobbyist, Bob Dole, to help plead its case on Capitol Hill. Last week, the chief executive of Lloyd's was in Washington to plot strategy.

The issue involves liabilities incurred by Lloyd's in the 1980's and 1990's when it was forced to pay off claims on several disasters, like the Exxon Valdez oil spill. Investors in Lloyd's are expected to share both its profits and its losses, but the Americans have refused to settle the debts, claiming they were misled by Lloyd's.

As he watched consumer-protection amendments to the bankruptcy bill fail by lopsided margins last week, Senator Patrick J. Leahy of Vermont, the ranking Democrat on the Judiciary Committee and a leading critic of the bill, said that colleagues had told him privately that they were ''committed to the banks and credit card companies—and they are not going to change.

''Some of them do this because they think it's the right thing to do,'' Mr. Leahy said.

But he said other senators were voting for the bill because they know that the banks and credit card companies ''are a very good source'' of political contributions. ''I always assume senators are doing things for the purest of motives,'' he added, his voice thick with sarcasm. ''But I have never had credit card companies show up at my fund-raisers, and I don't think they ever will.''

Mr. Gekas said the implication that money was buying support for the bankruptcy bill was insulting, and that the bill did most consumers a favor by ending practices by some debtors that had forced up interest rates for everybody else. ''Bankruptcies are costly to all of us who don't go bankrupt,'' Mr. Gekas said.

In the late 1990's, banks, credit card industries and others with an interest in overhauling the bankruptcy system formed a lobbying group, the National Consumer Bankruptcy Coalition, for the purpose of pushing a bankruptcy-overhaul bill through Congress.

They said they needed to act to deal with what was then a record number of personal bankruptcy filings. According to court records, the number of personal bankruptcies hit nearly 1.4 million in 1998, a record up from 718,000 in 1990. The number fell to just under 1.3 million last year, although it is expected to rise again if the economy continues to sour.

The coalition's founders included Visa and Mastercard, as well as the American Financial Services Association, which represents the credit card industry, and the American Bankers Association.

The Center for Responsive Politics found that the coalition's members contributed more than $5 million to federal parties and candidates during the 1999–2000 election campaign, a 40 percent increase over the last presidential election.

Mr. WELLSTONE. By the way, there was also a piece on this on National Public Radio this morning. There is another piece by Mr. Samuelson in the Washington Post this morning. His argument is that it is not so much that it is a bad bill—I think because I had to skim read it; I was in a rush—he was saying that at a time with an economic downturn, there may now be more people filing bankruptcy. Actually, it has fallen off over the last year and a half, but that may happen again, and we are going to make it really difficult for a whole lot of people in very difficult economic circumstances to rebuild their lives. Mr. Samuelson was saying he questioned the timing of this bill.

The New York Times piece is: ''Lobbying On Debtor Bill Pays Dividend.'' That is a headline that should give ordinary citizens, the people of Minnesota and the country, a whole lot of faith in our political process. ''Lobbying On Debtor Bill Pays Dividend'':

A lobbying campaign led by credit card companies and banks that gave millions of dollars in political donations to members of Congress and contributed generously to

President Bush's 2000 campaign is close to its long-sought goal of overhauling the Nation's bankruptcy system.

It goes on to talk about all of the breaks the credit card industry is going to get, that all of the money they put into politics is going to pay a huge dividend in terms of support.

By the way—this is interesting as well—while I probably have been one of the strongest critics of President Clinton, it is interesting that this piece about the support from all of the financial contributions paying off—I think one reason my colleagues are in such a rush to pass this bill is to show now we have a President who is going to sign the bill as opposed to veto the bill because we could not override the veto.

President Clinton, wherever you are, with whatever kind of tough stories you have had to deal, with whatever you have done by way of pardons that may not be right that I do not agree with, I want you to know that as a Senator I thank you for standing up to all of these big contributors, to all of these interests, to the financial services industry. It wasn't easy to do, and you did it. Thank you, President Clinton.

I am not at all surprised President Bush cannot wait to sign this bill. This is his crowd, as my good friend FRITZ HOLLINGS from South Carolina would say. This is his crowd. I am sure he cannot wait to sign the bill.

Let me go to this amendment which I do not think my colleagues want to vote on up or down. I thought when I modified it we had at least an implicit understanding we would have an up-or-down vote, but they do not want to vote on this amendment, and I do not blame them. I would not want to vote against this amendment either.

This amendment is an amendment that deals with the predatory lending which targets low- and moderate-income families.

This bankruptcy ''reform'' bill, does it have much that deals with predatory lending practices? No. Does it call on the credit card industry—broadly defined—to perhaps take some accountability for pumping credit cards on our children and all sorts of other people who then find themselves in trouble and have to file for bankruptcy? No.

I will tell you what it does do. It makes it very difficult for a whole lot of people who find themselves in desperate financial straits to file for chapter 7, and, for that matter, it goes beyond the means test. There are provisions in this 50-page bill plus that make it really hard for ordinary people to get relief and rebuild their lives. That is absolutely outrageous.

I believe somebody needs to challenge this rush to get this done. We may have a cloture vote. We are going to have a cloture vote this afternoon, I take it. Colleagues should vote against it. There are a number of Senators who want to have amendments and want to have a vote on amendments, and they are right.

By the way, I did not file for cloture. That was the majority leader. My understanding is there is going to be a cloture vote, and my understanding is Senators would have a chance to have votes on their amendments. That was my understanding. That is what should happen. There are some substantive amendments that deal directly with alternatives to this harsh bill.

I want to know why we are not going to have votes on those amendments—I mean major amendments. And this amendment I think is also a major amendment, but I know other colleagues, who have worked on this many more years than I have and have more expertise, probably have even more important amendments. What do you think about this one? This amendment will prevent claims in bankruptcy on high-cost transactions in which the annual interest rate—if you are ready for this—exceeds 100 percent. These are payday car title pawns. It is an extremely small amount. These are low-income folks who pay this price who are having a difficult time because someone was ill and had to go to the doctor and they do not have much margin month to month. Go for a loan and you are extended a small amount, $100 to $500, for an extremely short time, 1 or 2 weeks. The loans are marketed as giving the borrower a little extra until payday.

The loan works like this, if you can believe these loan sharks, these vultures. The borrower writes a check for the loan amount, plus a fee. The lender agrees to hold on to the check until the agreed upon date and give the borrower the cash. On the due date, the lender either cashes the check or, as quite often it happens, allows the borrower to extend the loan by writing a new check for the loan amount, plus an additional fee. Calculated on an annual basis, these fees are exorbitant. For example, a $15 fee on a 2-week loan of $100 is an annual interest rate of 391 percent. Rates as high as 2,000 percent per year have been reported on these loans.

Why in the world do we want to allow claims in bankruptcy for these kinds of credit transactions? Why are we in such a rush to support these sleazy loan sharks? Can somebody come out on the floor of the Senate and tell me what the goodness is in what they do? Can somebody give me one good argument why you don't want to vote up or down on this amendment? I am indignant. I have to be careful not to get too hot. I am really angry.

Let me talk about the other area that is so egregious. Car title pawns are 1-month loans secured by the title to the vehicle by the borrower. Please remember, Senators, these are not our sons and daughters or brothers or sisters or our wives or husbands. I am talking about poor people. We, luckily by the grace of God, or by luck of another kind, are not in this position. We don't have to put our car up for collateral. We don't live month by month on meager incomes and desperate to get credit. That doesn't happen to us.

A typical title pawn costs 300 percent interest, and consumers who miss the payments have their cars repossessed. In some States, consumers do not receive the proceeds from the sale of the repossessed vehicle even if the value of the car exceeds the amount of the loan.

The Presiding Officer knows all about this because of his position in the State of Florida. For example, a borrower might put up their $2,000 car as collateral for a $100 car title loan and an outrageous interest rate, and if the borrower defaults, the lender can take the car, sell it, and keep the full $2,000 without returning the excess value to the borrower.

And we want to protect these loan sharks? Members don't want to vote for this amendment? Members want to come second-degree this amendment? Why?

These schemes actually are more lucrative if the borrower defaults. Often the borrower—are you ready for this?—is required to leave a set of keys to the car with the lender, and if the borrower is even 1 day late with the payment, he or she might look out the window and find the car is gone.

This amendment would prohibit claims in bankruptcy for credit transactions such as these payday loans and car title pawns where they charge over 100 percent interest in a year.

Could somebody explain to me why this is a bad amendment? Could somebody defend these sleazy loan sharks? So far, no one has.

There is no question these high-interest-rate loans take advantage of working people. On the face of it, paying 300 percent or 500 percent or 800 percent for a $100 loan or $200 loan is unconscionable. No fully informed person with a choice would do it. But that is exactly the issue: These folks may not always have a choice.

I am sorry I believe this has been happening over and over again in the last couple of weeks. This is similar to the ergonomics standard. This is a class issue. These are poor people we are talking about. None of us is ever put in this situation.

President Bush, whatever happened to compassionate conservatism? My Republican colleagues, whatever happened to compassionate conservatism?

Often these borrowers turn to payday lenders and car title pawns because they can't get enough credit through the normal channels. So these borrowers are a captive audience, unable to shop around to seek the best interest rates, uninformed about choices, unprotected from coercive collection practices.

I thank the Chair for having the graciousness to face me while I speak. I always thought that was important. I thank the Chair. It is much harder to speak when the presiding Chair is reading or not paying attention. I thank the Chair for his graciousness. When I shout, I am not shouting at the Presiding Officer.

There is no way the borrower can win. At best, they are robbed by high

interest rates, and at worst their lives are ruined by the $100 loan which spirals out of control. These loans are patently abusive. They should not be protected by a bankruptcy system. Because they are so extensive, they should be completely dischargeable in bankruptcy so the debtors can get a true fresh start and so that more responsible lenders' claims are not crowded out by the shifty operators.

Colleagues, vote for this amendment because you are for responsible lenders. Vote for this amendment. I call this the responsible lender's amendment. Why should unscrupulous lenders who have equal standing in bankruptcy court with a community bank or a credit union that tries to do right by their customers? Why do we give equal value to these sleazy loan sharks with community banks or credit unions?

By the way, I don't think these lenders should be able to take advantage of customers' vulnerability through harassment or coercion, but that was considered to be a terrible provision. That challenged jurisdiction in another committee, so I even dropped the language on the coercive practices.

My amendment simply says if you charge interest over 100 percent on a loan, and if the borrower goes bankrupt, you cannot make a claim on that loan or the fees from the loan. In other words, the borrower's slate is wiped clean of your usurious loan and he gets a fresh start.

Additionally, such lenders will be penalized if they try to collect—well, no. See, there you go; there was my prepared statement. I shouldn't use a prepared statement. I was going to say, additionally such lenders will be penalized if they try to collect on their loan using coercive tactics, but I have taken that out. That was the modification my colleagues asked for, as if that would be such a terrible thing. And now I don't even get an up-or-down vote on the amendment. That is my understanding.

This amendment is a commonsense solution to the problem I have described. It allows the Senate to send a message to those loan sharks. If you charge an outrageous interest rate, if you profit from the misery and misfortune of others, if you stack the deck against the customers so they become virtual slaves to their indebtedness, you will get no protection in bankruptcy court for your claims.

As I say that, it sounds good to me. It really does. What is wrong with this proposition? If a lender wants to make these kinds of loans under this amendment, he or she can. But if he wants to be able to file claims in bankruptcy, he can't charge more than 100 percent interest. I don't believe any one of my colleagues will come to the floor to claim that a 100-percent interest rate is an unreasonable ceiling.

This amendment is in the spirit of reducing bankruptcies. I think if it was adopted it would significantly improve the bill, and I urge its adoption.

I will deal with a few more questions that have been raised. I assume we will have a debate on this. This whole bankruptcy bill and debate make me uncomfortable because one of the Senators for whom I have the greatest respect is Senator GRASSLEY from Iowa—and he or another Senator may come out here. He is a great Senator, in my opinion. But I have to say one of two things is going to happen. Senators are going to come out here and say: Senator WELLSTONE, your amendment is all wrong. These loan sharks need the protection. We are for the loan sharks. We are for the 100 percent interest-plus. Or they are going to come out with a second-degree amendment which I fear will have the same effect because it will gut this amendment, in which case we will have a debate about that.

But, so far, the silence has been deafening. I assume we will have that debate or maybe it will be accepted; I don't know. We will have a vote one way or the other.

This amendment is necessary. For those who say some States are starting to institute regulation of payday lenders—that is true, and I am glad; if States do more than we do, I am all for it—more and more payday loans are being made over the Internet, and they cannot be effectively regulated by the States. In addition, payday lenders have explored using national bank charters to avoid State regulation. So both tactics require a Federal response.

These payday lenders, if you are ready for this, are generating 35 percent to 50 percent. The fees are grossly disproportionate to the risk or the profit margins would not be so high. We are talking about loan sharks who feed off misery and illness, all too often, and desperation, and low- and moderate-income people, many of them families headed by single parents, many of them families headed by women, many of them people of color, many of them urban, many of them rural—and we ought to be willing to stand up for these people.

This amendment challenges Senators: Are you on the side of these sleazy loan sharks? Or are you willing to defend poor people in the United States of America?

I am not holding the Senate up. I am waiting for the debate.

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

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

AMENDMENT NO. 37

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to bring up my amendment No. 37, and I then be allowed to withdraw the amendment No. 37 which relates to trade adjustment assistance.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President and my good friend from Montana, the reason that I offered this amendment previously is because the crisis that we are facing in the steel industry in general is having a particularly devastating effect on workers in my state—and also, quite frankly in the state of Michigan as well.

In the northeastern part of Minnesota—an area we call the Iron Range—a material called taconite is mined and then becomes an input into the steel production process. Taconite is basically iron ore; it's crushed, melted in blast furnaces, and then cast to be used to produce finished steel products.

As you know, the steel industry is highly integrated. To make finished steel products, producers can purchase semi-finished steel or they can make their own semi-finished steel with taconite or iron ore. Due to the recent surge in dumped semi-finished steel slab imports it has become cheaper for steel mills to import this steel and finish it rather than make their own. This, coupled with the general decline in the U.S. steel industry, has had a devastating effect on taconite workers in my state and in Michigan. Just one example of many that I'm sure you're familiar with is LTV Corp's announcement in December that it was filing for bankruptcy.

I ask unanimous consent to have this document, which sets forth the chronology of the major layoffs, shutdowns, etc. that have been devastating working families in the Iron Range of my state, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF WORKER DISLOCATION IN THE TACONITE INDUSTRY ON THE IRON RANGE IN MINNESOTA

In December 1999 the Iron Mining Association of Minnesota (IMA) reported that 5,760 workers were employed in taconite plants in Minnesota. After the announced cuts described below take effect, our projections show that there will be approximately 4,480 workers employed in this industry. That's more than 1,200 workers laid off in one year.

Below is a chronology of the worker dislocation we have been experiencing.

1. On May 24, 2000, the LTV Corp. announced its plan to permanently close the taconite plant in Hoyt Lakes. There are 1,400 people who work at this plant.

2. On December 29, 2000, LTV, the Nation's third leading producer of basic steel, filed for bankruptcy court protection.

3. On December 31, 2000, National Steel Pellet Co. laid off 15 hourly workers and 7 salaried staff members.

4. On January 28, 2001, Hibbing Taconite announced a six-week shut down, idling about 650 hourly workers.

5. On February 16, 2001, Minnesota Twist Drill laid off 64 of 195 full-time employees.

6. On February 19, 2001, Hibbing Taconite announced the elimination of between 29 and 38 salaried positions.

Mr. WELLSTONE. Mr. President, the difficulty, and the reason I offered my

amendment, is that the previous Administration had an inconsistent record with respect to recognizing U.S. iron ore workers' eligibility to receive Trade Adjustment Assistance, despite the fact that they are clearly being injured by unfairly traded steel imports. In its most recent decision, involving a different taconite producer, a determination was made that low grade iron ore is not ''like or directly competitive with'' semi-finished steel slabs. I remain hopeful that a new Administration, taking a fresh look at this issue, will resolve the issue differently. Meanwhile, however, I was offering this amendment to make it explicit that taconite workers will be eligible to receive the trade adjustment assistance they so clearly need.

Mr. BAUCUS. Mr. President, I want to begin by saying that I am very sympathetic to the plight of taconite workers described by Senator WELLSTONE. Unfortunately, the situation is not at all unusual. Taconite workers are an example, and unfortunately not an isolated example, of the fate of workers who supply critical inputs to American industries that face stiff import competition.

When American workers lose their jobs because their production is replaced by imports of ''like or directly competitive articles,'' we help those workers through the Trade Adjustment Assistance Program. TAA provides extended unemployment benefits, retraining benefits, and job search and relocation benefits to workers who lose their jobs through the effects of trade. I am and have been a strong supporter of the Trade Adjustment Assistance Program for many years. But the present TAA program helps only the workers whom the Department of Labor determines produce the same product that is being imported.

This year presents an opportunity to consider how the TAA program can be more effective in meeting the needs of all workers who lose their jobs as a result of import competition. That means recognizing that trade-related job losses and dislocation are devastating for all workers, no matter where they are in the overall production process.

The TAA program comes up for reauthorization this year. I think that is the right context for addressing the problem raised today. I want to assure my colleague Senator WELLSTONE that I would look favorably on expanding the TAA program to cover workers, whenever imports from any country lead to job loss. In fact, we are already working on legislation in the Finance Committee which would do just that. I invite Senator WELLSTONE to work with the Finance Committee in this effort and to testify before the Committee when we hold hearings on TAA later this year. It is certainly my hope that we will be able to address the trade adjustment needs of taconite and other similarly situated workers, as we work to reauthorize and expand the TAA program this year.

Mr. DAYTON. Mr. President and my colleagues, the Senior Senator from Minnesota, Senator WELLSTONE and Senator BAUCUS from Montana, I appreciate Senator BAUCUS' candor in recognizing that taconite workers have been inconsistently treated in the Department of Labor's definition of workers, eligible for Trade Adjustment Assistance. The efforts of taconite workers, from the Iron Range of Minnesota, to obtain relief from reduced production of semi-finished steel slab and steel plant closings, have been frustrated by how the Department of Labor considers the taconite industry. This is the reason Senator WELLSTONE and I introduced the Taconite Workers Relief Act. This bill underscores what I believe is certain: that taconite production is an essential part of an integrated steel-making process. Steel, no matter where it is made, is produced by a process initiated by iron ore or taconite pellets. Taconite pellets are melted in blast furnaces and then blown with oxygen to make steel. Every ton of imported semifinished steel displaces 1.3 tons of iron ore in basic domestic steel production.

In Minnesota, in the mid-1990's, seven operating taconite mines and 6,000 workers produced 45 million tons of taconite, which is 70 percent of the nation's supply. Today, the painful reality is that production cutbacks have ravaged the United States' iron ore industry. Northshore Mining Company announced that it would cut 700,000 tons of production; U.S. Steel's Minntac plant is cutting 450,000 tons; and the Hibbing Taconite Company is cutting 1.3 million tons of production.

On December 29, 2000 LTV, the third largest steel producer in the United States, filed for bankruptcy, bringing the number of steel producing companies under Chapter 11 protection to nine. The closing of LTV permanently eliminates 8 million tons of production and 1,400 jobs in Minnesota. I am sure that the pain of unemployed steelworkers in Minnesota, and the fear of those who face an uncertain future, is mirrored among steelworkers in northern Michigan. This is the reason why Senators LEVIN and STABENOW are also cosponsors of the Taconite Workers Relief Act.

The men and women of the Iron Range, who have worked for generations in the iron ore mines of northeastern Minnesota, are members of long standing in the union of the United Steelworkers of America. These are hard working people who believe that America's steel industry is a basic industry, essential to the economic and national security of our country. These are people, with an unwavering work ethic, who understand that the steel industry is highly integrated, and who believe they are part of that industry. This is the reason I want to work to ensure the Department of Labor clearly recognizes the eligibility of taconite workers for TAA, and I also believe that eligibility should be retroactive to include workers permanently laid off in the past year.

I commend the leadership of Senator BAUCUS in offering to support the expansion of TAA to cover taconite workers. I stand firmly on the principle that taconite workers must be treated equally at the trade table, and in the definition of eligibility for trade adjustment assistance. The opportunity the Senator has offered within the context of reauthorizing TAA is a wise strategy. I will join the Senator in working hard to eliminate any question there may be about the importance of taconite as part of an integrated steel industry.

Mr. BAUCUS. I thank Senator WELLSTONE and Senator DAYTON for their detailed and thoughtful presentation of the situation of taconite workers in Minnesota and Michigan. I also welcome their willingness to work with me and the Finance Committee on the reauthorization and expansion of the TAA program.

Mr. GRASSLEY. Mr. President, I concur with my colleagues that the Trade Adjustment Assistance Act needs a thorough review to protect workers who lose their jobs or income as a result of import competition. I am committed to a top to bottom review of the Act this year and to work with members to make the necessary changes.

The amendment (No. 37) was withdrawn.

Mr. WELLSTONE. I thank the Chair.

Mr. LEAHY. Mr. President, I thank the Senator from Minnesota.

Mr. President, the Senator from Utah and I have been working together on a managers' package. We might be able to move that forward. We are not right at that spot yet.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to speak as in morning business.

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

Mr. REID. If the Senator would just withhold, how long does the Senator wish to speak? We are about to do a unanimous consent request.

Mr. KERRY. I don't know exactly. About 10 minutes or so.

Mr. REID. Fine. It will take us that long to get things in order.

Mr. WELLSTONE. If I could say to my colleague, with his indulgence, I certainly will not object, but I want to make it clear, because we are also in the middle of something else, that I have an amendment out here. I have been debating it. I am ready to hear somebody else debate it. I am ready to

have a vote. I am not holding anything up. Democrats have a number of amendments to this bill that should be offered, debated, and voted on.

I question what is going on here.

Mr. KERRY. Mr. President, I am not sure which dog I have in this fight at the moment. I appreciate what the Senator from Minnesota is trying to accomplish. I gather that various people are trying to work on that. I certainly don't want to interrupt the flow. I will speak. If at some moment the Senate needs to move back to business, I will obviously be happy to do so.

(The remarks of Mr. KERRY are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I want to accommodate two colleagues who are on the floor, Senator LEVIN and Senator BIDEN, but I want to just be clear about what is going on here. It is 2:30. I have been asking for a vote on the amendment. Eight other Democrats have amendments on which they would like to have votes.

The strategy on the other side is to not have votes and basically shut this down with a cloture vote. I want to be clear about this.

I ask unanimous consent that my amendment be voted on within the next 30 minutes—first of all, voted on within the next 30 minutes, with no second-degree amendments.

Mr. HATCH. Mr. President, I have to object to that unless we can work out some matters that have to be worked out.

Mr. WELLSTONE. If I may go on, I was going to go on and ask unanimous consent that the managers' package be dealt with—I would not think that would require a rollcall vote—and that the pending Durbin amendment No. 93 be dealt with. But I would like to say to Democrats—and this is not aimed at my colleague from Utah—this is a violation of an agreement that we had.

Last week, the majority leader came out here on a motion to proceed. I blocked it. We talked about it and said we would have substantive debate. We were given the assurance that before any cloture vote, we would have the opportunity to have our amendments down here and voted on. I have come out here with an amendment. I have not delayed at all. I still can't get a vote on this amendment after 3 days. You have someone such as Senator DURBIN, who has been working as hard on bankruptcy as anybody, who can't get a vote on his amendment. This cloture motion should not have been filed. It is in violation of the agreement that was made. Any number of us are not having the opportunity to have up-or-down votes.

Frankly, I would not want a vote on behalf of these payday lenders, these sleazeball shark lenders, myself. We ought to have a vote.

Mr. HATCH. If the Senator will yield, Mr. President, as the Senator knows, we have been here for almost 2 weeks on this bill. This is a bill that has been modified. Some of the amendments of the other side have been agreed to. Some have been on the floor.

This bill passed 70–28 last December. Frankly, there appears to us to be an effort to have amendment after amendment, and some of these amendments are not even germane. In fact, quite a few of them are not germane. Our side exercised a prerogative of the rules to file cloture, to end what really is a debate that is going out of bounds.

Mr. REID. Will the Senator yield?

Mr. HATCH. Excuse me, if I may finish. I would have preferred not to have filed cloture. I would have preferred to agree to a small number of amendments and we go forward on those amendments and then have a vote on final passage, but we were not able to get that agreement, or at least have not been able to up to now. As far as I know, there is only one Senator stopping that agreement.

I say this to my distinguished friend from Minnesota: As far as I am concerned, I have no real objection to the Senator proceeding on his amendment and having a vote prior to the cloture vote. I prefer to vitiate the cloture vote. If the Senator feels aggrieved, I am going to try to accommodate him, but I hope our colleagues on both sides will be willing to work with us to get this bill completed because it is an important bill.

Yes, there are a variety of viewpoints in this bill, but this is a very important bill. We believe we have bent over backwards to try to work it out with both sides in this matter.

I ask unanimous consent—I hope the distinguished Senator from Minnesota will listen—that a vote occur in relation to the pending Wellstone amendment No. 36, as I understand it, as modified, at 3:40 p.m. today, and the time between now and then be equally divided and no second-degree amendments be in order prior to the vote, and at some point it be in order to lay aside the amendment for up to 5 minutes for consideration of a managers' amendment.

Mr. REID. Reserving the right to object, I appreciate the Republicans allowing a vote on the amendment of the Senator from Minnesota. We have now approximately 1 hour 5 minutes. I am told the Senator from Minnesota wishes to speak an additional period of time on his amendment. The Senator from Delaware, who is the ranking member on the Foreign Relations Committee——

Mr. BIDEN. If the Senator will yield, that is fine.

Mr. REID. The Senator from Michigan is here to talk about something he worked out with the chairman and ranking member. I wonder if we can make sure they all have an opportunity to speak. I ask the Senator from Minnesota how he feels about that.

Mr. WELLSTONE. I am sorry, I did not hear.

Mr. REID. Does the Senator have a problem with Senator LEVIN having 5 minutes and the Senator from Delaware 15 minutes prior to the vote at 4 p.m. because there are no another amendments being offered prior to that time?

Mr. WELLSTONE. Reserving the right to object, I ask my colleague from Utah whether I may amend his unanimous consent request to assure that the managers' package be accepted or voted on and that the Durbin amendment be out here. If I may—I have the floor, if I may finish for a moment. I want to let my colleagues speak. It is an outrageous proposition here. I am not just speaking about my own amendment. I want a vote on my own amendment.

Mr. HATCH. Will the Senator yield?

Mr. WELLSTONE. If I may finish, and then I will take a question. I want to know why, No. 1—maybe there is something I do not know—I want to know whether or not there is a commitment that the managers' amendment will be accepted before we get a cloture vote and it gets clotured out, and I want to know why Senator DURBIN, who has worked on this bill long before I understood the issue, cannot bring it out. I want a vote. I have been trying to have a vote on it for days. I am ready to have Senator BIDEN and Senator LEVIN speak and have a vote on my amendment right away. I want to know why.

I ask unanimous consent that my amendment be disposed of at 3:40 p.m. and also Senator DURBIN be allowed to come to the floor and debate his amendment and have a vote on the Durbin amendment as well after 3:40 p.m. and that we either have a voice vote or recorded vote on the managers' package before the cloture vote.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Will the Senator yield for a comment?

Mr. WELLSTONE. I am not going to yield the floor, but I——

Mr. HATCH. You already yielded the floor.

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

Mr. HATCH. Let me accommodate my colleague.

I am trying to accommodate the Senator. I am trying to be reasonable, and I am trying to make this matter acceptable. We have a cloture vote at 4. I am willing to accommodate the Senator so he can have a debate on his amendment equally divided until 3:40 when we vote on the amendment.

Mr. WELLSTONE. Mr. President, will——

Mr. HATCH. Let me finish. Then we will vote on that amendment, as modified. As I understand it, Senator LEVIN wants to speak—is that correct?—for 5 minutes, and Senator BIDEN wants to speak for how much time?

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. I will be happy to without losing my right to the floor.

Mr. BIDEN. I am not standing here seeking recognition to speak, although I would like to do that at whatever time is convenient, but I ask the question: Isn't it fair that the request—and I strongly disagree with Senator WELLSTONE's characterization of this bill, and I strongly disagree with Senator DURBIN's characterization of this bill, but are they not entitled to have a vote? I am standing here to support their right to have a vote before cloture. I thought that was the general understanding, that we would have the ability to vote on both those amendments before cloture.

I do not understand why they are not being given that right. Again, I strongly disagree with both of them. I think there has even been a little bit of demagoguery on the bill. I resent some of the ways they have characterized the positions of some of us who support the bill, but I think they have a right to have a vote on their amendments. I thought there was an understanding.

My question is: Was there not an understanding that we would be voting today prior to cloture on some of these amendments that would be kicked out by cloture if cloture were invoked?

Mr. WELLSTONE. Will the Senator yield?

Mr. BIDEN. I cannot yield. The Senator from Utah has the floor. I asked a question so I cannot yield. That is my question.

Does it also not make sense for the legitimacy of the cloture vote to let them have their votes on both those amendments?

Mr. HATCH. I am not aware of the promise to Senator DURBIN, but I am trying to accommodate the distinguished Senator. We have a limited time prior to the cloture vote.

Mr. BIDEN. I ask unanimous consent——

Mr. HATCH. Will the Senator withhold?

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

Mr. HATCH. Will the Senator withhold before I ask unanimous consent myself? I am trying to accommodate the distinguished Senator from Minnesota. If Senator DURBIN wants to come to the floor and do his amendment, personally I do not have any objection to that. Let me check with our side and make sure we can do that, as long as we have an opportunity to amend the Durbin amendment.

Would it be possible to cut down the time so we could accommodate both amendments before the vote?

Mr. WELLSTONE. Absolutely. That has been my point.

Mr. HATCH. If you will be willing to take less time, we can allow 5 minutes for Senator LEVIN; and how much time does the Senator from Delaware need?

Mr. BIDEN. If the Senator will yield, I am not asking for any time to speak on NATO—that is what I want to speak on—because I thought this was a dead period. It is kind of a dead period for different reasons.

I ask the Senator to consider the request. If the Senator from Minnesota is willing to knock down his time—the Senator can speak for himself—the staff of the Senator from Illinois tells me he will be willing to cut down his time as well so they both can get a vote on their amendments prior to 4 o'clock.

What I am asking the Senator from Utah, whom I support on this bill, is to give them a chance, if they will cut down their time, to have a vote on both of their amendments. That is my request of the Senator from Utah. They are both here and can speak for themselves, obviously, better than I can.

Mr. HATCH. Let me suggest the absence of a quorum, and I will immediately see if I can get this done.

Mr. LEVIN. Will the Senator withhold so I may speak?

Mr. HATCH. I ask unanimous consent that the Senator from Michigan be given 5 minutes and then the floor come back to me at the conclusion of his remarks.

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

Mr. LEVIN. Mr. President, I thank my good friend from Utah. I was going to offer an amendment on behalf of Senator FEINSTEIN and myself. It is amendment No. 91 at the desk. It is similar to an amendment adopted last Congress during debate of the bankruptcy bill, which was deleted during negotiations with the House of Representatives. I am not going to offer this as an amendment to this year's bankruptcy bill but, rather, introduce it as a freestanding bill because of the agreement of Senator GRAMM, who is the chairman of the Banking Committee, to hold a hearing on our bill when it is filed as a freestanding bill.

When it is introduced, it will be referred to his committee. However, I want to spend 1 or 2 minutes explaining what this amendment is all about.

What credit card companies do now is charge interest to people, even though they pay part of their indebtedness on time.

It would be fine if they were just charging interest on part of the indebtedness which was outstanding and not paid on time. That is perfectly appropriate. But if somebody, for instance, starts with a zero balance, charges $1,000 on their credit card, pays $900 on time by the due date, then that person is not only charged interest on the $100 owed, that person is charged interest on the full $1000, even the part of his bill that is paid by the due date.

I don't know any other situation where somebody who pays an obligation on time is nonetheless charged interest on the part that is paid.

Again, our bill will address this by addressing the imposition of interest for on-time payments during the so-called "grace period." Currently, credit card lenders use complicated definitions of "grace period" to allow interest charges for payments even if they are made on time. Credit card lenders define "grace period" as applicable only if the balance is paid in full. Mastercard, for example, defines their "grace period" as "a minimum of 25 days without a finance charge on new purchases if the New Balance if paid in full each month by the payment due date." That means that even if a person pays 90 percent of his balance, he is still charged interest on money which is timely paid.

This is an overreach by the credit card companies. It should be corrected by the credit card companies. Most credit card customers, when they send in a check to pay their credit card on time, fairly assume they will not be charged interest on the money paid. But in fact they are, unless they happen to pay off the entire amount of their obligation. It is unfair. It is an overreach. It ought to be corrected by the credit card companies themselves. If it isn't, our bill will correct it for them.

Credit card companies are adding new and higher fees all the time in the small print of their lending terms. According to Credit Card Management, late fees, balance transfer fees, overlimit fees, and other penalty fees were a source of $5.5 billion in revenue for credit card companies in 1999, up from $3.1 billion in 1995.

Hopefully, the credit card companies will correct this overreach themselves, and this bill will not be necessary, but the chairman of the Banking Committee has indicated he is willing to hold a hearing on this bill and on similar practices by the credit card companies that might be brought to the attention of the Banking Committee, and based on that agreement by the Senator from Texas, I will not be offering this amendment on the bankruptcy bill but instead will be offering a freestanding bill on behalf of Senator FEINSTEIN and myself.

I thank the Chair. I thank the Senator from Utah for yielding me this time. I will not offer the amendment, and I withdraw the amendment at this time.

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

Mr. HATCH. Mr. President, I ask unanimous consent that the time prior to the vote in relation to the pending Wellstone amendment numbered 36, as modified, be limited to 10 minutes equally divided and no second-degree amendments be in order prior to the vote, and following that time, the amendment be laid aside and Senator DURBIN be recognized to call up his amendment No. 93, and following the reporting, Senator HATCH be recognized to offer a second degree, and time on both amendments be limited to 30 minutes equally divided.

Further, then, these votes occur first in relation to the second degree to Durbin, then in relation to the Durbin amendment, as amended, if amended,

and finally in relation to the Wellstone amendment, with 2 minutes between each vote for explanation, and the votes to begin no later than 3:20, and Senator WELLSTONE's time as previously ordered be limited to 5 minutes, and the majority leader be recognized for 5 minutes just prior to cloture.

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

The Senator from Illinois.

Mr. DURBIN. If I understood the unanimous consent, I can call up my amendment numbered 93 at this time. At some point, Senator HATCH may offer a second degree.

Mr. HATCH. I ask unanimous consent the Wellstone time be reserved to follow the 30 minutes equally divided between Senator DURBIN and myself.

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

AMENDMENT NO. 93

Mr. DURBIN. Mr. President, I don't know the sequence, but I want to make certain we are considering amendment No. 93 that I have offered. Senator WELLSTONE has a pending amendment as well. I am prepared to argue my amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. DURBIN. The amendment has been filed.

The PRESIDING OFFICER. The amendment was called up earlier. It is pending.

AMENDMENT NO. 96 TO AMENDMENT NO. 93

Mr. HATCH. I send an amendment to the desk and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 96 to amendment No. 93.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

Mr. DURBIN. Mr. President, I object, unless a copy is provided. We have no idea what is in the amendment.

Mr. HATCH. It is on your desk.

Mr. DURBIN. I do not object.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it took a few minutes to sort out what we are doing, and this is what it has come down to. I am offering an amendment to the bill before us with a bankruptcy reform bill which was considered 2½ years ago in the Senate and passed by a vote of 97–1.

Senator HATCH has come back and said, instead, it is a take it or leave it deal. We have this bill that is presently before us—take it or leave it. That is what the choice will be for my colleagues in the Senate. But I encourage them to take a close look at the differences between the substitute I am offering and what is being considered today in this Chamber.

This bankruptcy debate has gone on for over 4 years. A very small percentage of Americans will never set foot in bankruptcy court, thank the Lord, but those who do hope they will have a new day in their lives. Because of their income situations they cannot repay their debts. Many of these people would love to repay their debts but, unfortunately, they have been faced with medical bills far beyond what any family could take care of. They might have gone through a divorce and found themselves with little or no income to raise a family and all the bills finally stacked up and pushed them over the edge. They could face a situation where they have lost a job that they had for a lifetime and then they find themselves in bankruptcy court.

My colleague, Senator GRASSLEY of Iowa, spoke eloquently, when I offered my bill, about the need for us to change the process so the Senate could have bankruptcy reform. Let me read a little bit of what Senator GRASSLEY said in the CONGRESSIONAL RECORD of September 23, 1998. He said:

Mr. President, first of all I want to thank everyone in this body for the overwhelming vote of confidence on the work that Senator DURBIN and I have done on this bankruptcy bill. Getting to this point has been a very tough process involving a lot of compromise and a lot of refinement.

Senator GRASSLEY went on to say:

You heard me say on the first day of debate that for the entire time that I have been in the Senate that on the subject of bankruptcy—maybe not on every subject, but the subject of bankruptcy—there has been a great deal of bipartisan cooperation . . . this legislation has always passed with that sort of tradition.

About the amendment I am offering now, Senator GRASSLEY went on to say:

So I want to say to all of my colleagues that I not only thank them for their support but, more importantly . . . that tradition has continued. . . . I don't think we would have had the vote that we had today if it had not been for the bipartisanship that has been expressed. . . .

The vote was 97–1. The Grassley-Durbin bankruptcy reform had overwhelming bipartisan support. But, on two successive occasions, that bankruptcy bill went into a conference committee and, frankly, never emerged. What came back from the conference committee was a slam dunk, unbalanced, one-sided bankruptcy reform that favored credit card companies and financial institutions, and, frankly, did little or nothing for consumers and families across America.

I am pleased we have had this debate before us. But I tell you in the spirit that Senator GRASSLEY spoke to the Members of the Senate on the floor, I have offered the very bill which he and I worked on for so long, the bill that passed so overwhelmingly. We already have before us a thoroughly researched and broadly considered bill which was found acceptable to virtually every Member of this body in 1998. The bill before the Senate now, the Bankruptcy Reform Bill, is not a balanced bill. The bill we have before us today is one that is tipped decidedly in favor of credit card companies and banks.

There have been efforts made over the span of this debate to amend this bill to give consumers a fighting chance. Those efforts have failed. I have tried to offer an amendment, for example, which would require more complete disclosure on the monthly statements on credit cards. The credit card industry has refused. Why send a message to America of how divided we are in bankruptcy reform instead of coming up with a bipartisan bill that addresses the issue? The Senate can speak in a united, bipartisan voice, making clear we have reached a broad-based consensus on bankruptcy reform.

Let me review a few of the major differences between the bills and point out why I believe the bill I offer as a substitute is a much more balanced approach, a decision made by 96 of my colleagues and myself when we last voted on this.

The Durbin amendment uses a means test that requires every debtor, regardless of income, who files for chapter 7 bankruptcy to be scrutinize by the U.S. Trustee to determine whether the filing is abusive. We want to stop abusive filings and those who would exploit the bankruptcy court. The bill creates a presumption that a case is abusive if the debtor, the person who owes the debt, is able to pay a fixed percentage of unsecured nonpriority claims or a fixed dollar amount.

In my home State of Illinois, the average annual income for bankruptcy filers in the Central District where I live in Springfield, in 1998, was $20,448. Yet the average amount of debt which people brought into bankruptcy court was more than $22,000. It is clear that these people were over the edge. You can't get blood out of a turnip. When the credit industry wants to keep pushing and pushing and pushing for more and more money, they have lost sight of the reason for bankruptcy court. When people have reached the end of the road, it is time to give them a fresh start.

This figure shows these filers were hopelessly insolvent. They owed more money on debt than they had in collateral and their total income for the entire year. They don't even come close to meeting the standards where they would go through the scrutiny of this bill.

My amendment gives the courts discretion to dismiss or convert a chapter 7 bankruptcy case if the debtor can fund a chapter 13 repayment plan. What it means in simple language is this: If the court takes a look at the person in bankruptcy court and says, ''You can pay back a substantial part of this debt, we are not going to let you off the hook entirely,'' the Durbin

amendment says: Yes, the court can reach that decision. And that is an appropriate decision. Everybody should try in good faith to pay their bills.

But let us also concede there are some people who will never be able to repay these bills. Unfortunately, the amendment offered by Senator HATCH is one that doesn't give that kind of latitude and flexibility.

My approach is cheaper, it is more flexible, it is more sensible, and it is more fair. What is the sense of applying a complicated means test to every bankruptcy filing when studies have clearly shown the types of means tests envisioned in the amendment of Senator HATCH would only apply to a small fraction, far less than 10 percent of the people filing bankruptcy? A study by the American Bankruptcy Institute put the figure at 3 percent. That means that 100 percent of the people filing in bankruptcy court would have to go through a process that only applies to 3 percent of them.

Beyond the administrative costs, there is a lot of stress on poor families in this approach. Let me tell you why I think this bill is also balanced. I don't believe we should ration credit in America, but I believe as consumers and families across America you have a right to be informed, well informed about what you are getting into with a credit card. My amendment was more balanced in its approach. This bill before us, Senator HATCH's bill, does not approach credit card disclosure in a meaningful way. This should be a primary objective of bankruptcy reform: Reform the bankruptcy court, but also end some of the abuses of the credit card industry.

When you go home tonight and open the mail, you know what you are going to find—another credit card solicitation. If you happen to be a college student, you are a prime target for these credit card companies. They want to get students with limited or no income with credit cards in hand, charging debts across the campus and around the town, many of them finding themselves in over their head in no time at all.

If I want to take out a large loan at a reasonable interest rate, a few thousand dollars, or $100,000 as the mortgage on my home, I have to go through all kinds of scrutiny. The banks want to see my income tax forms, my bank statements, my pay stubs, and the like. But many of you know when you want to apply for a credit card the same tests don't apply.

We have heard a lot about the democratization of credit. On the one hand, it is a good thing; credit should be broadly available. The marketplace should work in a way so everyone who needs credit has access. But the pendulum has swung too far in the wrong direction. According to BAI Global, a market research firm in Tarrytown, NY, in 1999 Americans received 3 billion mailings advertising credit cards. That is more than three times the 900 million mailings in 1992, and those are only the ones that go through the mail. We know there are Internet solicitations and television and radio solicitations and magazine solicitations as well.

Let me tell you a little bit about the college students. At American University here in Washington, DC, every time a student purchases something from the bookstore at American U, he or she gets this bag. At the bottom of this bag are four—not one, but four—credit card solicitations for these students every time they go into the bookstore.

Another college has a phone-in system for registering for class. That sounds pretty convenient. I can remember standing in long lines when I had to register. But when the students come in, the first thing they hear from the university is a credit card solicitation. There is no avoiding it. If they want to register for class, the first thing they have to find out is whether they need a credit card. That is the most important question.

When I go to a University of Illinois football game, they wave a T-shirt at me: Do you want a free T-shirt? Sure. Well, all you have to do is sign up for a credit card.

Students are signing up. The dean of students tells us the No. 1 reason kids leave school—not because of academic failure—is because they are in over their heads when it comes to credit cards.

That sort of thing is absolutely indefensible. When you consider the fact the median family income for chapter 7 bankruptcy filers has been declining, it tells us that more and more people of limited means are taking out too many credit cards and getting in too far.

This bill that is being offered by the credit industry says several things:

First, if you get in over your head and want to file for bankruptcy, it is going to be tough.

Think about this for a minute.

There was an interesting article which appeared today in the Washington Post that said, ''Bad timing on the bankruptcy bill.'' If we are worried about confidence, and if people are worried about making purchases, are we going to pass the Hatch-Grassley bankruptcy bill to tell people if they purchase something and get in over their heads they are not going to be able to get out of their debt in bankruptcy court? Is that supposed to restore consumer confidence? Just the opposite is going to be true.

I think the writer of this, Robert Samuelson, makes a very good point.

One of the provisions I think we should consider is that consumers have more information on their monthly bill they receive from a credit card company—something that is clear and understandable and not ambiguous. The credit industry that wrote the bill before us said they will say to consumers across America that they will give them an 800 telephone number so they can call if they have any questions about the credit card.

When you go home tired at night and are fighting all the phone calls coming in, you don't want anyone to say they will give you an 800 telephone number.

What I suggested is something very simple, and it is a part of my amendment. I have a little show and tell. Let me demonstrate it.

This is a credit card statement that came to one of the people in my office. As you can see, it is pretty familiar to you. It has a second page with all of the things we read so carefully each month to figure out what the terms of the credit card are.

The concern I have is this whole question of the minimum monthly payment. I said to the credit card companies: When it comes to the minimum monthly payments on these monthly statements, could you be so kind as to say to the people who are being billed, if they make the minimum monthly payment and they don't increase their balance, how many months it will take for them to pay off the balance and how much will they have paid in principal and interest.

I don't think that is an outrageous idea.

This is an example of what it might look like. This says, if you make the minimum monthly payment, it will take you 8 months to pay off your current balance, and the total cost to you will be approximately $9,407 instead of the remainder of $5,435.

Do you know what the credit card companies told me when I suggested they put this information on the monthly statement? ''Impossible.'' It is impossible for us to calculate if they made the minimum monthly payment how long it would take them to pay the principal and interest.

You know better and I know better. The technology and the computers are such that they can provide this in an instant. But they do not want people to know this. Make the minimum monthly payment, and things are going to be just fine. When you get in too far, why don't you ''consolidate your debt'' and get another credit card, and pretty soon you are in over your head.

Pretty soon, if this bankruptcy bill passes, they will find when they walk into bankruptcy court they will be stuck with these debts. They cannot get away from them.

This is the greatest boon to the credit industry that has ever been passed by the Senate. And we are about to do it today, if we don't adopt the Durbin amendment.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. DURBIN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I admire our colleague. He is very articulate. He is a very effective Member of this body.

We have filed an amendment to his amendment that basically, if we vote for it, would enact the bill we passed

last year 72–28 in the Senate, which I think would be a fitting conclusion to what has gone on here over the last number of weeks. But I know it causes heartburn for our colleague from Illinois. So, as a courtesy to him, I am going to withdraw my amendment at this time.

I ask unanimous consent that my amendment be withdrawn. And we will have a vote. I will move to table the Senator's amendment at the appropriate time, and I will also, if he needs more time for his amendment, grant him some of my time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 96) was withdrawn.

Mr. HATCH. Mr. President, let's understand the Senator's amendment. His amendment does not have the Schumer language in it that was passed yesterday. It doesn't have the Schumer language on abortion in it that we worked out very meticulously with the distinguished Senator from New York. That is very important language.

It doesn't have the privacy language that Senator LEAHY and the distinguished Senator from Vermont and I worked out over a long period of time. That is very critical language. Frankly, it is just an amendment that would substitute the current legislation with the bankruptcy reform bill that passed the Senate in the 105th Congress.

This amendment by the distinguished Senator from Illinois is a transparent attempt to kill bankruptcy reform. It was hastily produced and does not even include the amendments to keep it current; that is, some of the bankruptcy judgeship provisions that have been overtaken by them.

The Durbin amendment throws away 4 years of revision, compromise, and improvement.

The Durbin amendment is lacking in several important areas:

The amendment has no enforceable means test;

The amendment does not include the improved child support provisions requested by the child support community;

The amendment does not include the Leahy-Hatch ''Toysmart'' consumer privacy amendment;

The amendment does not have the reaffirmation provisions in the current bill which substantially improved consumer protections;

The amendment lacks the important consumer protections such as the ''Debtors' Bill of Rights'';

The amendment does not include 4 years of improvements for the financial netting provision;

The amendment does not address the abuse of the bankruptcy system by those who wish to discharge debts arising from violence; that is, the Schumer-Hatch compromise. That is a very important part of what we hope will be the final bill.

The amendment has much weaker anti-fraud provisions, such as weakened audit provisions and being more tolerant of repeated abusive filings.

The amendment deletes current law provisions allowing the court to consider charitable contributions when making a determination as to whether the debtor's filing is an abuse.

The amendment does not provide for retroactive enactment of Chapter 12 filings—farmers—from July 1, 2000 through the date of enactment.

The amendment would create an immediate effective date, which, given the scope of the legislation, is wholly inappropriate.

The amendment lacks improvements to the small business bankruptcy provisions in the bill.

This is a blatant effort to turn back the clock and force considerable renegotiation of provisions that have been negotiated in good faith by literally hundreds of Senators and Congresspeople over the last 4 years.

Make no mistake. A vote for this substitute is a vote to kill bankruptcy reform.

We oppose the Durbin amendment. I hope my colleagues on the other side will oppose it as well because basically it will upset everything we have tried to do and tried to accommodate Democrats on and Republicans on over the last 4 years.

A vote for this amendment is a vote against meaningful bankruptcy reform. I appreciate the fact the distinguished Senator believes deeply and he doesn't like this bill. He is one of a few who does not like this bill. He is one of the 28 who voted against the bill when it passed last year. If anything, the bill from last year has been modified with amendments from the other side.

The bill we ultimately, hopefully, will vote on and vote to invoke cloture on has been modified to please Members on the other side in a wide variety of ways.

We have tried to accommodate our friends on the other side. I certainly believe I have been fair as the manager of the bill; and I intend to continue to be. But this amendment would work against almost everything we have tried to accomplish over the last 4 years.

With that, does the distinguished Senator need some time?

Mr. DURBIN. Yes, I do.

Mr. HATCH. Mr. President, how much time?

Mr. DURBIN. I do not know how much time is remaining, but if I could have 10 minutes.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 9 minutes remaining.

Mr. HATCH. Could I give the Senator 5 minutes, and I will take 4?

Mr. DURBIN. That would be fine. I thank the Senator from Utah for his courtesy.

We have locked horns many times, but we are friends. I respect him very much.

Every time Senator HATCH tells you there is a provision in the bill before us that is not included in the Durbin bill—believe me, every time the credit industry gave us a morsel, they took away a beef steak. And that is what happened when it was all over.

The bill before us today is much worse on consumers in America than the bill this Senate passed by a vote of 97–1. And though the Senator from Utah tells me how terrible my bill is, he voted for it. He voted for it, as did most of the Senators who are here today.

Let me read to you some comments from people I think are worth repeating. This first comment comes from David Broder. We know him. He is a respected journalist and is published in the Washington Post, and other newspapers. This is what he says about this bankruptcy bill I am trying to replace:

> As for the bankruptcy bill, it deserves the veto Clinton gave it. Despite some useful provisions, it is an unbalanced measure, which does nothing to curb the mass marketing of credit cards to young and low-income people who perpetually pay the exorbitant interest on their monthly balances. It will squeeze money out of people who have been clobbered by job losses, divorce or medical disasters, yet allow some millionaires to plead bankruptcy while turning their assets into mansions in states with unlimited homestead exemptions.
>
> In both cases, money interests prevailed over the public interest.

That was David Broder in this morning's Washington Post.

Lawrence King is a law professor at New York University. I quote him:

> I fear this [bill] will end up creating an underground economy. People will go off the books. They'll ask to be paid in cash. They'll get a false Social Security number. They'll move.
>
> In my 40 years of dealing with Congress on bankruptcy legislation, this is the worst I've ever seen. It's the kind of bill that makes you want to point your fingers at individual congressmen and say, ''Shame on you.''

This bill before us today is not balanced. If that credit industry will not even include a provision on your monthly statement so you can make an informed decision about the kind of debt which you and your family can face, it tells the whole story, as far as I am concerned.

What we have offered in this substitute is a carefully crafted and balanced bill. It says the credit card companies have to end some of their abuses and that we believe that abuses in the bankruptcy court have to end.

I salute my colleague and friend from New York, Senator SCHUMER. It is true that his language yesterday on predatory lending is a good addition to the bill. But I will tell him that the bill I am offering—the one that passed 97–1—has my provision which directly attacks predatory lending.

Who are these predatory lenders? They are people who want a second mortgage on your grandmother's home, that turns into a balloon payment, that turns into a foreclosure, that turns into a trip to bankruptcy court,

where the home she saved for for a lifetime is lost to these people, these loan sharks, who take advantage of the system. Sadly, the financial and credit card industry came to the rescue of these loan sharks at the expense of elderly Americans who are being exploited by them.

Senator SCHUMER's amendment has helped immeasurably. I assure those who are listening to this debate that the Durbin amendment I have offered today has equally powerful language when it comes to ending predatory lending in the United States.

The credit industry and the financial industry oppose both measures. That ought to tell you the whole story about what is before us.

We have precious few opportunities in the Congress—certainly on the floor of this Senate—to consider any legislation to help consumers and families across America. Passing the Durbin amendment will help them. It will provide some balance to the bill. If we should defeat this amendment and go back to the original bill—which is now before us—as David Broder and others have said, the net losers will be families across America facing a slowdown in this economy, who fall behind in their debts and end up in bankruptcy court as the targets and as the victims of the credit industry. That is a wrong move.

I hope my colleagues in the Senate will join me in supporting this amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I will yield to the distinguished Senator from Wisconsin, without losing my right to the floor, for the purpose of modifying his amendment.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be permitted to modify amendment No. 51 with the modification I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The submitted amendment (No. 51), as modified, is as follows:

(Purpose: To strike section 1310, relating to barring certain foreign judgments)

On page 439, strike line 19 and all that follows through page 440, line 12.

Mr. FEINGOLD. Mr. President, I thank the chairman for his courtesy and assistance.

Mr. HATCH. Thank you.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 93

Mr. HATCH. As I said before, the Durbin amendment would upset 4 solid years of negotiations between both sides of the aisle on both sides of Capitol Hill. It is lacking in all kinds of areas. There is no enforceable means test. It does not include the improved child support provisions that have been requested and desired by the child support community. It does not have the Leahy-Hatch privacy language. It does not have the reaffirmation provisions.

It lacks the Debtors' Bill of Rights. It lacks 4 years of improvements in the financial netting provisions. It does not address the abuse of the bankruptcy system by those who wish to discharge debts arising from violence, the Schumer-Hatch compromise. It has much weaker antifraud provisions, such as weakened audit provisions. You can just go on and on.

It deletes current law provisions in allowing the courts to consider charitable contributions when making a determination as to whether the debtor's filing is an abuse. It does not provide for retroactive enactment of chapter 12 filings that benefits our farmers from July 1, 2000, to the date of enactment.

The amendment would create an immediate effective date which, given the scope of the legislation, is wholly inappropriate, and it lacks improvements to the small business bankruptcy provisions that are in the bill currently before the Senate.

In my opinion, it is an attempt to turn back the clock and force considerable renegotiation of all of these provisions, and many other provisions, that we have worked so hard to put together over the last 4 years.

The bankruptcy bill is a bipartisan bill. It is not a Republican bill; it is not a Democrat bill. It is a bipartisan bill. We worked very strongly all these years to bring it about. I have to say, there are certain Senators in this body who have a right to do this but who have never wanted a change in the bankruptcy laws, at least the way the bill has been negotiated by the vast majority of people in both Houses of Congress. But a vote for this substitute is a vote to kill the bankruptcy bill.

I hope, after all of these years, and all of these months, and all of the time we have spent on the floor on this bill, that my colleagues will vote to table the amendment.

Mr. President, I yield back the remainder of my time and move to table the amendment, and ask for the yeas and nays. And I ask unanimous consent that the votes occur as we had in the original unanimous consent.

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

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATCH. No. We have to wait until the Wellstone—my motion to table has been approved?

The PRESIDING OFFICER. The Chair was in error. The unanimous consent agreement was that we now debate the Wellstone amendment.

Mr. HATCH. Right, before the motion to table.

The PRESIDING OFFICER. The motion to table has been made, and the rollcall vote will be ordered at the appropriate time.

The Senator from Minnesota.

AMENDMENT NO. 36, AS MODIFIED

Mr. WELLSTONE. Mr. President, I have spoken about this amendment for some time. I have just a few minutes to summarize again. This is already in the RECORD. In addition to the Broder piece that my colleague, Senator DURBIN, mentioned, I have the New York Times, Tuesday, March 13, ''Lobbying on Debtor Bill Pays Dividend''; two pieces by Tom Hamburger in the Wall Street Journal—''Auto Firms See Profit in Bankruptcy-Reform Bill Provision'' and ''Influence Market: Industries That Backed Bush Are Now Seeking Return on Investment,'' including in bankruptcy. Also, another piece by Robert Samuelson, ''Bad Timing on the Bankruptcy Bill.''

Mr. President, I have an amendment that I think is a real test case. It simply says, if you charge over 100 percent interest on a loan, and the borrower goes bankrupt, you cannot make a claim on that loan or the fees from that loan. In other words, the borrower's slate is wiped clean of the usurious loan, and he gets a fresh start.

This amendment is a commonsense solution to the problem I have talked about all afternoon. It allows the Senate to send a message to these loan sharks: If you charge an outrageous interest rate, if you profit from the misery and misfortune of others, if you stack the deck against the customer so that they become virtual slaves to your indebtedness, you will get no protection in bankruptcy court for your claims.

In talking about these payday loans, I say to my colleagues, these are poor people, low- and moderate-income people. They don't have other sources of credit. They get charged on these loans as they roll over every several weeks up to 2,000 percent interest per year. Is it too much to say that if you charge over 100 percent per year, you are not going to get the protection in bankruptcy? Is it too much for the Senate to be on the side of consumers, to be on the side of poor people?

This amendment is simple: Are we on the side of poor people? Do we provide some protection—for a single woman who is raising her family, for communities of color, senior citizens, working-income people who were put under by these interest rates—or are we on the side of some of the sleaziest loan sharks?

I hope Senators will support this amendment. It certainly will make this bill less harsh. It doesn't change the overall equation. This is a great bill for the credit card industry, a great bill for the financial services industry. I congratulate them. What a lobbying force; how much money and how much lobbying and how much power. A whole lot of vulnerable people have been left out; a whole lot of middle-income families have been left out.

I believe my colleagues will regret voting for this bill, but at the very minimum, they could vote for this amendment that goes after these loan sharks, that goes after these payday loans. It is such is deplorable practice. It is so outrageous, making such exorbitant profit off the misery of people.

We ought to be on the side of vulnerable consumers. We ought to be on the side of low- and moderate-income families. We ought not be on the side of these loan sharks. This amendment should receive 100 votes.

I say to my colleague from Illinois, for all the hours I have been out here, so far I have not heard one Senator come to the floor and debate this amendment. That is unbelievable to me.

Mr. DURBIN. Will the Senator yield?

Mr. WELLSTONE. I yield.

Mr. DURBIN. What the Senator is saying is that no one has come to the floor defending the payday loans and the loan sharks?

Mr. WELLSTONE. No one has come to the floor to defend the payday loans and the loan sharks. I have had this amendment on the floor for 3 or 4 days.

Mr. DURBIN. They have had ample opportunity. The Senator should get a unanimous vote.

Mr. WELLSTONE. I say to my colleague from Illinois, I think this may be the first amendment I have introduced that is going to get 100 votes.

Mr. DURBIN. I look forward to it.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, lest there be a failure to talk about the other side, I might just do that.

Although the amendment is described as only attacking ''payday loans,'' it imposes new and burdensome regulation on virtually any company that offers consumer loans, including automobile or truck loans, or that cashes personal checks and charges a fee. It represents an attempt to use Federal law to in effect abolish ''payday loans'', intruding into an area traditionally reserved to the States.

Although lenders who provide ''payday loans'' are an easy target because the credit they offer is expensive, they in fact provide access to legitimate, short term credit for many poor families who otherwise would be forced to borrow from loan sharks to cover short term emergencies. Some borrowers, particularly poor borrowers, cannot qualify with conventional lenders. For that reason, some States permit ''payday'' lenders to operate.

This amendment would in effect drive payday lenders out of business.

It also is vastly overbroad, imposing new, burdensome regulation on many legitimate businesses.

The amendment amends the Bankruptcy Code to deny the claim of any creditor who charged more than a new, Federal maximum price ceiling for any type of automobile or consumer credit.

The amendment also imposes a maximum Federal price limit of 100 percent annual percentage rate on what any consumer creditor, automobile dealer, or check casher could charge in fees or interest for a loan or check cashing service, possibly preempting State regulation setting a lower or higher price limit. Violations of the maximum Federal price limit would result in denial in bankruptcy proceedings of the claim of the creditor, auto dealer or check casher.

This amendment strikes at any lender or merchant who charges flat fees permitted by State law in a lending transaction. For example, a $10 cash advance fee or a $15 Federal Express fee permitted by State law for quickly sending a check back to the borrower could exceed the limit if the credit was short term.

This amendment intrudes into an area traditionally regulated by the states. Some States permit ''payday'' loans, but this regulation would initiate federal regulation of the service.

Oppose this unwise and overbroad attempt to federally regulate an area traditionally regulated by the States.

This could hurt the very poor people who have to have these instant loans the Senator is trying to help. In fact, he hurts them.

I yield the remainder of my time to the distinguished Senator from Texas.

Mr. WELLSTONE. May I ask the Chair if I have any time left?

The PRESIDING OFFICER. The Senator has 51 seconds remaining. The Senator from Texas has 2 minutes 30 seconds.

Mr. GRAMM. Mr. President, this amendment is really a usury limit amendment. Our distinguished colleague from Minnesota simply objects to people lending at high interest rates.

I am sure there are some people who believe that if contracts are entered into at terms they find objectionable, the terms should not be enforced. But that is not the way the American commercial code works. What this amendment would do, in essence, is say that if I borrowed $100 for a week and I paid a $2 service charge on that loan, if the borrower went bankrupt, I wouldn't have to pay the loan because the Senator from Minnesota has judged that interest rate to be too high.

That is great when you are making $146,000 a year. That is great when every bank in your State would love to lend you money. But the plain truth is, there are a lot of Americans who need to borrow money, a lot of Americans who would like to borrow money for a week to get over a temporary credit problem they have. The terrible impact of this amendment is that it would destroy the ability of those people to use legitimate lenders and, in the process, would force them in many cases to borrow elsewhere and pay many times as much in interest.

Not only is this Government simply imposing its will on the marketplace, but it also has real unintended consequences. Let me give an example. Let's say you have a debit card and you pay a fee in case you have an overcharge from your balance. If you write a check for $100, that fee is going to exceed the amount prohibited under the Wellstone amendment and, as a consequence, you wouldn't have to pay that charge if something happened to the company and it went into bankruptcy.

Here is the problem: The kinds of interest rates that are being talked about sound high, and they are high when they are calculated on an annualized basis. But when you borrow for a week, the carrying charges and the finance charges, which aren't necessarily high for that period of time, by their very nature, produce a high annual rate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. WELLSTONE. Mr. President, I would not object, although I would like to have, and ask unanimous consent for, 1 additional minute to respond.

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

Mr. GRAMM. Let me give another example: If you took a cab in the District of Columbia and were driven to the airport, you would not consider the rate to be usurious. But if you took that same cab and were driven to Los Angeles, CA, and you were charged $50,000, you would likely consider that charge to be usurious. Do we have a law that tries to say that a rate going to California, which would be considered usurious, not be charged for traveling a much shorter local distance in the District of Columbia? The point is, when you are borrowing money for a week, you pay high annual interest rates.

So, the net result of this amendment is to deny people access to credit. If the amendment were adopted, it is true that borrowers would no longer be paying high rates, but it is equally, and more significantly, true they wouldn't be getting any loans at all for which they were willing to pay. They will be driven into the black market, and they will pay a higher rate.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, no legitimate lender charges over 100 percent interest on an annual basis. We have usury laws that deal with banks at the State level, and we should do so. But these payday lenders have carved out an exemption for themselves. These loan sharks have carved out an exemption for themselves.

If Senators are concerned about poor people, we should be thinking about other ways they can have access to credit. We are not doing that at all. But we now have an opportunity to make it clear that we are not going to let these loan sharks continue to feed off of the misery of poor people. We are not going to let them engage in this kind of exploitation.

To my colleagues who say, oh, no, 100 percent, or 300 percent, or 2,000 percent interest rates on an annual basis are just what poor people need, so please don't have an amendment, Senator WELLSTONE, that will hurt poor people; they need to be able to pay over 100 percent per year—your arguments are

absurd, as much as I like you. They are absurd.

Frankly, you can't get out of this vote. You are either for vulnerable citizens and families and you are against this kind of loan shark practices or you are on the side of these loan sharks. Senators, step up to the plate and vote.

I yield the floor.

Mr. HATCH. Mr. President, I move to table the amendment of the Senator from Minnesota, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 93

Mr. FEINGOLD. Mr. President, I rise to support Mr. DURBIN's amendment that is a complete substitute for the pending bankruptcy reform bill. This amendment is essentially the bill that passed the Senate in 1998 by a vote of 97–1. This near unanimous vote in favor of a bill shows that it is possible to have bankruptcy reform that the whole Senate can support if it is balanced and fair.

Unfortunately, I have said before, S. 420 is not balanced and fair. I have outlined in detail my concerns with this bill. Mr. DURBIN's amendment goes a long way to addressing those concerns and I will vote for it if we are permitted to vote on it.

One of the most significant improvements that the Durbin amendment accomplishes is that it contains much stronger credit card disclosure requirements.

Literally billions of credit card solicitations flood consumers' mailboxes each year. Not millions but billions.

Even though the number of bankruptcies is now on the way down, most experts agree that the rise in bankruptcy filings that occurred in the past decade was due in significant part to the irresponsible extending of credit by credit card companies and banks to people who have already shown that they cannot handle additional debt.

Just to give a single tangible example of the blizzard of solicitations that credit card issuers are now sending out, one member of my staff has collected solicitations he received by mail since this bill was marked up in the last Congress. In the last 20 months, he has received 95 mail offers for a new credit card. Now I am sure my staffer is a very creditworthy individual, but 95 offers for a new credit card? I am sure that my colleagues have received at least as many solicitations, even if they did not count them all up. And of course, these direct mail offers don't include the constant invitations for credit cards that people see every day on TV and on the Internet.

This is an industry whose sales pitches are out of control. The credit card companies are making bad decisions every day. People receive new cards with thousands of dollars of new credit when they have maxed out on 2, 5, or even 10 other cards.

And now the credit card companies have come before Congress asking for our help. And boy, are we about to give it to them. This bill is a bailout for the credit card industry. It is going to make it easier for credit card companies to collect more on the bad decisions they have made, the credit they have extended to people who are demonstrably poor credit risks. And make no mistake, giving the credit card companies more power will work to the detriment of women trying to collect alimony and child support from ex-husbands who have filed for bankruptcy.

Last December, the Wisconsin State Journal, a very middle-of-the-road paper in my home State, summarized well my concern about the extent to which this bill gives the credit card industry what it wants. The Journal wrote:

> When the credit card industry came to Congress to ask for help in collecting debts from deadbeats, Congress should have said: It's not government's job to bail you out. Why don't you tighten up your own lending practices? Instead, Congress let the industry turn a bankruptcy reform bill into a debt collection assistance plan.

The editorial continues:

> The House and Senate had before them 172 recommendations from the National Bankruptcy Reform Commission, which was led by Madison attorney Brady Williamson. The commission had stressed that bankruptcy law must remain balanced: It must work for creditors and debtors.
>
> But the congressmen also had before them lobbyists for the credit card industry and similar lenders. Quickly, bankruptcy reform legislation became a campaign fund-raising bonanza for the politicians, with the lending industry ''investing'' $20 million in contributions. Just as quickly, bankruptcy reform turned into the credit card industry's bill.

My colleagues are well aware of my concern about the influence of campaign money on politics and policy. As I have said a number of times, the bankruptcy bill is a poster child for the need for campaign finance reform. You only have to look at what the credit card industry gets in this bill, and just as importantly, the disclosure that consumers do not get, to understand that.

A full discussion of this amendment, or the larger bankruptcy issue, is impossible without a Calling of the Bankroll. Money and influence are at the very core of this debate.

I would like to call my colleagues' attention to an article from the February 26th issue of Business Week magazine. It's called ''Tougher Bankruptcy Laws—Compliments of MBNA?'' The article points out the extraordinary largesse of this one credit card company, which is, of course, a significant leader of the coalition supporting this bill.

The contributions of MBNA were also noted in an article in the New York Times entitled, ''Hard Lobbying on Debtor Bill Pays Dividend.''

Most of the $1.2 million in soft money that MBNA gave to the parties in the last cycle was given in the second half of 2000, when a ''shadow conference'' determined what the final bankruptcy bill would look like, and the bill was brought back to the House and the Senate in an extraordinary procedural maneuver. In particular, MBNA gave $100,000 in soft money to the National Republican Senatorial Committee on October 12, 2000, the very same day that the House gave final approval to the bill. MBNA has a habit of making well-timed contributions. On the very day that the House passed a bankruptcy conference report in 1998 and sent it to the Senate, MBNA gave a $200,000 soft money contribution to the NRSC.

To give my colleagues and the public an idea of just how generous MBNA has been, the corporation's Chairman & CEO, Alfred J. Lerner, and his wife, Norma, each made contributions of a quarter of a million dollars to the Republican National Committee in the last cycle.

And the generosity didn't stop there. According to an article in the Wall Street Journal from March 6th, MBNA President Charles M. Cawley is also an active political donor and fundraiser who gave $100,000 to the Bush-Cheney Inaugural Committee.

Of course, MBNA is not the only wealthy interest fighting against this bill, on the contrary, they have plenty of company. According to the Center for Responsive Politics, the nine members of the National Consumer Bankruptcy Coalition contributed more than $5 million in soft money, PAC money and individual contributions during the 2000 election cycle. The Coalition's members include Visa USA, Mastercard International and several financial industry trade groups, including the American Bankers Association and the American Financial Services Association.

This is the fourth time I have Called the Bankroll on the bankruptcy issue from this floor. You might wonder how I manage to come up with new information, bankroll after bankroll after bankroll. Well, the answer is simple: the industry keeps giving more and more money.

Huge sums, like quarter million dollar contributions, and six figure donations that just happen to be delivered on key days when legislation is up for a vote. This industry is not subtle. They want this legislation to become law, and they aren't shy about using the campaign finance system to get their way.

That is the context in which we consider this amendment. And that is all the more reason why sensible protections like that proposed in this amendment need to be adopted.

I urge my colleagues to support the Durbin amendment.

I ask unanimous consent that the articles from Business Week and The New York Times be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Business Week, Feb. 26, 2001]

TOUGHER BANKRUPTCY LAWS—COMPLIMENTS OF MBNA?

(By Christopher H. Schmitt)

Last December, as Congress struggled to wrap up a lame-duck session, it sent President Clinton an overhaul of bankruptcy laws. The bill, the most sweeping change in bankruptcy policy in two decades, had handily passed both houses. But Clinton, complaining that it was unfair to those who fall on hard times, let it die. That was a big disappointment to credit-card issuer MBNA Corp., which has spent several years lobbying for a bankruptcy rewrite and stands to be the biggest beneficiary of an overhaul.

Now, MBNA is about to hit pay dirt. New bankruptcy legislation is on a fast track. Judiciary panels in the House and Senate have held perfunctory hearings, and a bill could be on the House and Senate floors as early as late February. A White House spokesman has indicated that George W. Bush will sign it.

The bill—a carbon copy of last year's version—is aimed at stopping consumers from dissolving debts they can afford to repay. It would establish a ''needs-based'' formula that would determine whether debtors can pay off part of their debt under court supervision. Those earning at or above the median for their state would have to make good on at least part of their obligations. LARGESSE. While this would help all lenders, it especially benefits MBNA, the world's largest credit-card issuer. The credit that MBNA and its fellow plastic-issuers extend is typically unsecured, so they have less recourse than other creditors when a customer can't pay. Morgan Stanley Dean Witter analyst Kenneth A. Posner estimates that the overhaul could boost credit-card issuers' earnings by 5% this year. For MBNA, that could mean some $75 million more in profit, based on third-quarter earnings.

With the kind of payoff, the company has been pushing hard for the bill—and the election of a President who will sign it. In Campaign 2000, MBNA employees contributed $237,675 to Bush, making them the candidate's single biggest source of cash, according to the Center for Responsive Politics, a campaign-finance think tank in Washington. On the soft-money side, MBNA chipped in nearly $600,000, with about two-thirds going to the GOP. (Most of the rest went to a Democratic Party committee.) On top of that, MBNA Chairman and CEO Alfred Lerner and his wife, Norma, each kicked in $250,00 to the Republicans. Charles M. Cawley, CEO of MBNA's bank unit and a friend of Bush Sr., organized fund-raisers and gave $18,660 to Bush and the GOP.

Much of the money flowed in the second half of last year, when the bankruptcy bill was moving on Capitol Hill. One example: On the same day the House gave final approval, MBNA ponied up $100,000 for the Republican Party. ''This is just a real good illustration of the way things work in Washington: Money is given, money is given strategically, [and] money is given by industries for a particular purpose,'' says Celia Viggo Wexler, author of a Common Cause report on consumer-credit companies' political giving. Adds Edmund Mierzwinski, consumer director for the U.S. Public Interest Research Group: MBNA's largesse is ''clearly money well spent.'' Lerner, Cawley, and an MBNA spokesman did not return calls seeking comment.

Consumer groups say they'll continue to fight the bill, which they contend is especially ill-advised in the slowing economy. After falling 12% from a high of 1.44 million in 1998, bankruptcy filings are ticking up again. One early report shows cases in January rose 15% over a year ago. A handful of Democrats will seek to soften the bill's impact on indebted consumers, but quick approval seems guaranteed. ''This legislation is on a downward ski slope, never to be stopped.'' said Representative Sheila Jackson Lee (D-Tex.) at a recent hearing. And smoothing the way is MBNA.

[From the New York Times, Mar. 13, 2001]

HARD LOBBYING ON DEBTOR BILL PAYS DIVIDEND

(By Philip Shenon)

WASHINGTON, Mar. 12.—A lobbying campaign led by credit card companies and banks that gave millions of dollars in political donations to members of Congress and contributed generously to President Bush's 2000 campaign is close to its long-sought goal of overwhelming the nation's bankruptcy system.

Legislation that would make it harder for people to wipe out their debts could be passed by the Senate as early as this week. The bill has already been approved by the House, and Mr. Bush has pledged to sign it.

Sponsors of the bill acknowledge that lawyers and lobbyists for the banks and credit card companies were involved in drafting it. The bill gives those industries most of what they have wanted since they began lobbying in earnest in the late 1990's, when the number of personal bankruptcies rose to record levels.

In his final weeks in office, President Bill Clinton vetoed an identical bill, describing it as too tough on debtors. But with the election of Mr. Bush and other candidates who received their financial support, the banks and credit card industries saw an opportunity to quickly resurrect the measure.

In recent weeks, their lawyers and lobbyists have jammed Congressional hearing rooms to overflowing as the bill was redebated and reapproved. During breaks, there was a common, almost comical pattern. The pinstriped lobbyists ran into the hallway, grabbed tiny cell phones from their pockets or briefcases and reported back to their clients, almost always with the news they wanted to hear.

''Where money goes, sometimes you see results,'' acknowledged Representative George W. Gekas, a Pennsylvania Republican who was a sponsor of the bill in the House. But Mr. Gekas said that political contributions did not explain why most members of Congress and Mr. Bush appeared ready to overhaul the bankruptcy system.

''People are gaming this system,'' Mr. Gekas said, describing the bill as an effort to end abuses by people who are declaring bankruptcy to wipe out their debts even though they have the money to pay them. ''We need bankruptcy reform.''

Among the biggest beneficiaries of the measure would be MBNA Corporation of Delaware, which describes itself as the world's biggest independent credit card company. Ranked by employee donations, MBNA was the largest corporate contributor to the Bush campaign, according to a study by the Center for Responsive Politics, an election research group.

MBNA's employees and their families contributed about $240,000 to Mr. Bush, and the chairman of the company's bank unit, Charles M. Cawley, was a significant fundraiser for Mr. Bush and gave a $1,000 a-plate dinner in his honor, the center said. After Mr. Bush's election, MBNA pledged $100,000 to help pay for inaugural festivities.

MBNA was obviously less enthusiastic about the candidacy of former Vice President Al Gore, Mr. Bush's Democratic rival; according to the center, only three of the company's employees gave money to the Gore campaign, and their donations totaled $1,500.

The center found that of MBNA's overall political contributions of $3.5 million in the last election, 86 percent went to Republicans, 14 percent to Democrats. The company, which did not return phone calls for comments, made large donations to the Senate campaign committees of both political parties—$310,000 to the Republicans, $200,000 to the Democrats.

MBNA's donations were part of a larger trend within the finance and credit card industries, which have widely expanded their contributions to federal candidates as they stepped up their lobbying efforts for a bankruptcy overhaul.

According to the Center for Responsive Politics, the industries' political donations more than quadrupled over the last eight years, rising from $1.9 million in 1992 to $9.2 million last year, two-thirds of it to Republicans.

Kenneth A. Posner, an analyst for Morgan Stanley Dean Witter, said that the bankruptcy bill would mean billions of dollars in additional profits to creditors, and that it would raise the profits of credit card companies by as much as 5 percent next year. In the case of MBNA, that would mean nearly $75 million in extra profits in 2002, based on its recent financial performance.

The bill's most important provision would bar many people from getting a fresh start from credit card bills and other forms of debt when they enter bankruptcy. Depending on their income, it would bar them from filing under Chapter 7 of the bankruptcy code, which forgives most debts.

Under the legislation, they would have to file under Chapter 13, which would require repayment, even if that meant balancing overdue credit card bills with alimony and child- support payments.

Consumer groups describe the bill as a gift to credit card companies and banks in exchange for their political largess, and they complain that the bill does nothing to stop abuses by creditors who flood the mail with solicitations for high-interest credit cards and loans, which in turn help drive many vulnerable people into bankruptcy.

''This bill is the credit card industry's wish list,'' said Elizabeth Warren, a Harvard law professor who is a bankruptcy specialist. ''They've hired every lobbying firm in Washington. They've decided that it's time to lock the doors to the bankruptcy courthouse.''

The bill's passage would be evidence of the heightened power of corporate lobbyists in Washington in the aftermath of last year's elections, which left the White House and both houses of Congress in the hands of business-friendly Republicans.

Last week, corporate lobbyists had another important victory when both the Senate and the House voted to overturn regulations imposed during the Clinton administration to protect workers from repetitive-stress injuries.

Credit card companies and banks would not be the only interests served by the bankruptcy bill. Wealthy American investors in Lloyd's of London, the insurance concern, have managed through their lobbyists to insert a provision in the bill that would block Lloyd's from collecting millions of dollars that the company says it is owed by the Americans.

Lloyd's has hired its own powerful lobbyist, Bob Dole, to help plead its case on Capitol Hill. Last week, the chief executive of Lloyd's was in Washington to plot strategy.

The issue involves liabilities incurred by Lloyd's in the 1980's and 1990's when it was forced to pay off claims on several disasters,

like the Exxon Valdez oil spill. Investors in Lloyd's are expected to share both its profits and its losses, but the American have refused to settle the debts, claiming they were misled by Lloyd's.

As he watched consumer-protection amendments to the bankruptcy bill fail by lopsided margins last week, Senator Patrick J. Leahy of Vermont, the ranking Democrat on the Judiciary Committee and a leading critic of the bill, said that colleagues had told him privately that they were ''committed to the banks and credit card companies—and they are not going to change.

''Some of them do this because they think it's the right thing to do,'' Mr. Leahy said.

But he said other senators were voting for the bill because they know that the banks and credit card companies ''are a very good source'' of political contributions. ''I always assume senators are doing things for the purest of motives,'' he added, his voice thick with sarcasm. ''But I have never had credit card companies show up at my fund-raisers, and I don't think they ever will.''

Mr. Gekas said the implication that money was buying support for the bankruptcy bill was insulting, and that the bill did most consumers a favor by ending practices by some debtors that had forced up interest rates for everybody else. ''Bankruptcies are costly to all of us who don't go bankrupt,'' Mr. Gekas said.

In the late 1990's, banks, credit card industries and others with an interest in overhauling the bankruptcy system formed a lobbying group, the National Consumer Bankruptcy Coalition, for the purpose of pushing a bankruptcy-overhaul bill through Congress.

They said they needed to act to deal with what was then a record number of personal bankruptcy filings. According to court records, the number of personal bankruptcies hit nearly 1.4 million in 1998, a record, up from 718,000 in 1990. The number fell to just under 1.3 million last year, although it is expected to rise again if the economy continues to sour.

The coalition's founders included Visa and Mastercard, as well as the American Financial Services Association, which represents the credit card industry, and the American Bankers Association.

The Center for Responsive Politics found that the coalition's members contributed more than $5 million to federal parties and candidates during the 1999–2000 election campaign, a 40 percent increase over the last presidential election.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Illinois, Mr. DURBIN.

Mr. LEAHY. I ask unanimous consent that I be able to continue for 1 minute, with the same amount of time for the Senator from Utah, before we go to a vote.

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

Mr. LEAHY. Mr. President, I wish to take the time to simply ask the Senator from Utah where we stand on the managers' package? Are we getting close to that time? We have a number of items being cleared or have been cleared. I would like to get that taken care of. I would like to be able to present the managers' package prior to the cloture vote.

Mr. HATCH. We are working on that, but we don't have it put together yet. I don't know if we can do that before the cloture vote, but we will continue to work on it.

Mr. LEAHY. Mr. President, I further ask of the Senator from Utah, if they are unable to complete the ones we have agreed on—the paperwork—it would fall, if cloture was voted, on the basis of germaneness.

The PRESIDING OFFICER. The time has expired.

Mr. HATCH. We are going to try to work with the Senator. It may take a unanimous consent postcloture.

Mr. LEAHY. Mr. President, I ask unanimous consent that when the managers' package is brought forward, and it is agreed on by the Senator from Utah and the Senator from Vermont, the items in it be considered germane.

Mr. HATCH. I cannot agree to that at this time, but I will certainly run that by the appropriate people.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the motion to table the amendment of the Senator from Illinois. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—64

Allard	Domenici	Miller
Allen	Ensign	Murkowski
Baucus	Enzi	Nelson (NE)
Bayh	Frist	Nickles
Bennett	Graham	Roberts
Biden	Gramm	Santorum
Bingaman	Grassley	Sessions
Bond	Gregg	Shelby
Breaux	Hagel	Smith (NH)
Brownback	Hatch	Smith (OR)
Bunning	Helms	Snowe
Burns	Hutchinson	Specter
Campbell	Hutchison	Stabenow
Carnahan	Inhofe	Stevens
Carper	Jeffords	Thomas
Chafee	Johnson	Thompson
Cleland	Kyl	Thurmond
Cochran	Lieberman	Torricelli
Collins	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	
DeWine	McConnell	

NAYS—35

Akaka	Edwards	Lincoln
Boxer	Feingold	Mikulski
Byrd	Feinstein	Murray
Cantwell	Harkin	Nelson (FL)
Clinton	Hollings	Reed
Conrad	Inouye	Reid
Corzine	Kennedy	Rockefeller
Daschle	Kerry	Sarbanes
Dayton	Kohl	Schumer
Dodd	Landrieu	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

ANSWERED ''PRESENT''—1

Fitzgerald

The motion was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 36, AS MODIFIED

Mr. GRASSLEY. Mr. President, I oppose the amendment of Senator WELLSTONE dealing with payday loans. For people who aren't familiar with this kind of loan, payday loans occur when a borrower gives a personal check to someone else, and that person gives the borrower cash in an amount less than the amount of the personal check. The check isn't cashed if the borrower redeems the check for its full value within 2 weeks.

At the onset, I would like to point out the fact that payday loans are completely legal transactions in many states. If a financial transaction is perfectly legal under state law, I don't think that it is wise policy to use the bankruptcy code to try and undo that legal state transaction.

Using the Bankruptcy Code for this purpose leads to perverse results because the only people who will receive any benefit or relief will be those who file for bankruptcy. The amendment would deny payday lenders the right to sit at the bankruptcy bargaining table. So other people who use payday loans who never file for bankruptcy will not benefit from this amendment. These people who have taken out loans but don't take the easy way out in bankruptcy court will still have to pay back their loan. Therefore, you have the perverse result of people who do not have the money to file for bankruptcy who will have to pay the loan as agreed. Even if you share Senator WELLSTONE's distaste for payday loans, this amendment won't benefit the poorest of the poor because most of them do not seek bankruptcy relief.

I also think that the Wellstone amendment would have the effect of making it harder for the poor and those with bad credit histories to gain access to cash—the very people that Senator WELLSTONE is concerned about. People who use payday loans simply cannot get loans through traditional sources because they are too risky, so a payday loan may be the only way they can get quick cash to pay for family emergencies or essential home and auto repairs.

I know that the intentions of my friend from Minnesota are honorable, but the effect of this amendment would be to make it harder for poor people to get the help they need when they need it. So I urge my colleagues to reject the Wellstone payday amendment.

The PRESIDING OFFICER (Mr. BROWNBACK). The question is on agreeing to the motion to table amendment No. 36, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—58

Allard	Carper	Enzi
Allen	Chafee	Frist
Bennett	Cochran	Gramm
Bond	Collins	Grassley
Breaux	Craig	Gregg
Brownback	Crapo	Hagel
Bunning	DeWine	Hatch
Burns	Domenici	Helms
Campbell	Ensign	Hutchinson

Hutchison	Miller	Snowe
Inhofe	Murkowski	Specter
Jeffords	Nelson (NE)	Stabenow
Johnson	Nickles	Stevens
Kyl	Reid	Thomas
Landrieu	Roberts	Thompson
Lincoln	Santorum	Thurmond
Lott	Sessions	Voinovich
Lugar	Shelby	Warner
McCain	Smith (NH)	
McConnell	Smith (OR)	

NAYS—41

Akaka	Dayton	Leahy
Baucus	Dodd	Levin
Bayh	Dorgan	Lieberman
Biden	Durbin	Mikulski
Bingaman	Edwards	Murray
Boxer	Feingold	Nelson (FL)
Byrd	Feinstein	Reed
Cantwell	Graham	Rockefeller
Carnahan	Harkin	Sarbanes
Cleland	Hollings	Schumer
Clinton	Inouye	Torricelli
Conrad	Kennedy	Wellstone
Corzine	Kerry	Wyden
Daschle	Kohl	

ANSWERED ''PRESENT''—1

Fitzgerald

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. BIDEN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Would it be appropriate at this time to be able to ask unanimous consent to change my vote on the last tabling motion? It will not affect the outcome of the vote. I intended to vote with Senator WELLSTONE. I did not realize it was a tabling motion. I voted ''aye.'' I would like to change my vote to ''no.'' I ask unanimous consent to do that.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I will not object.

Mr. BIDEN. I thank my friend.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. HATCH. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for up to 5 minutes.

The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

First of all, I think this vote on the—

The PRESIDING OFFICER. The Senator will suspend for a moment.

We will have order in the body.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, we really do need order.

The PRESIDING OFFICER. We will please have order in the body. Please take your conversations off the floor. We cannot proceed until we have order.

Mr. WELLSTONE. I thank the Chair and thank my colleagues for their courtesy.

Mr. President, we just had a vote that dealt with payday loans, whether or not we were going to provide some protections to the most vulnerable consumers. That amendment failed.

My colleague, Senator DURBIN, and other colleagues, have come out on the floor with amendments that have gone after predatory practices. They have said: Look, let's give consumers some protection. Those amendments—or most of those amendments—have failed.

I had an amendment earlier which said, look, if you want to go after those people who are gaming this system, fine, but for goodness' sake, for the 50 percent of the people who are going under because of medical bills and who find themselves in these difficult circumstances, carve out an exemption. Do not make it so difficult for them to file for chapter 7. Do not make it so difficult for them to go through this procedure, this procedure, and this procedure. Do not put so many hurdles in their way.

Bankruptcy is a safety net not just for low-income people but for middle-income people.

There was a front page story the other day in the New York Times. The headline was: ''Lobbying On Debtor Bill Pays Dividend.''

I do not want to get myself in trouble with people in whom I believe. I do not make a one-to-one correlation such as, for example, the Senator from Utah and the Senator from Iowa; they have a different viewpoint. That is why they have argued for this bill, period. Let's just make that argument and stop there.

But I will tell you, at an institutional level, there is a serious problem with this bill. And it is this: When it comes to the financial services industry, the credit card industry, broadly defined, big givers, heavy hitters, a huge and powerful lobbying coalition, they have way too much access, and they have way too much say.

It is an institutional problem because the people filing for chapter 7, trying to rebuild their lives because of a major medical bill or because they have lost their job on the Iron Range or because there has been a divorce, they do not have the same clout. They do not have the same economic resources.

Quite frankly, I think this bill is too harsh, it is not balanced, it is not just, it is not fair, and there are a whole lot of families in this country who are going to pay the price.

I call on my colleagues to vote against cloture. I know the vast majority of Senators will not do so, but I will tell you, I do not believe by voting for cloture and then going forward and passing this bankruptcy bill we have done the right thing. I think this is good for the credit card industry. It is good for the financial services industry. But I think we have left out consumers.

We have left out a lot of low- and moderate- and middle-income people. We have left out a lot of women who are single and the heads of their households. We have left out a whole lot of people of color and a whole lot of people who are disproportionately among the ranks of working-income and low-income people.

So I say to Senators, I hope you will vote against cloture. This bill does not deserve to go forward. This bill represents the power of the financial services industry that has marched on Washington every single day for the last 3 years. And it leaves out ordinary citizens in a very profound and very harsh way. Senators, please vote against cloture.

The PRESIDING OFFICER. Under the previous order, the majority leader or his designee is recognized for up to 5 minutes.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I hate to disagree with my friend and colleague from Minnesota, but he could not be more wrong. This bill actually will do an awful lot of good for people in our society. I will not go into all the details on that. All I have to say is that a vote at this stage against cloture is a vote against bankruptcy reform.

The bill we are voting on is the same bill that got 70 votes last year, plus it includes the Schumer-Hatch violence amendment among a number of other Democratic Party amendments. Let me remind my colleagues, and everyone else who wants bankruptcy reform, that many of those who voted against this bill that passed 70–28 last December said if the Schumer violence language had been included, they would have voted for it. Well, it is included. We have worked that language out. It is a shame we have been forced to file cloture after all of the accommodations we have made. I would have preferred not to file cloture, but I believed that was the way we needed to proceed.

We have been very fair on this bill. I hope our colleagues will realize this is a very important bill. It makes very important changes that are needed in the bankruptcy laws of this country. We have accommodated both sides in virtually every way we possibly could. I hope everybody will vote for cloture, and let's get this bill passed and get it enacted into law.

Is there any time remaining?

The PRESIDING OFFICER. The Senator has 3 and a half minutes remaining.

Mr. HATCH. Is that all the time that is remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 28 seconds remaining.

Mr. HATCH. We are prepared to yield back.

CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the clerk will report the motion to invoke cloture.

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 S. 420, an original bill to amend title 11, United States Code, and for other purposes:

Trent Lott, Robert F. Bennett, Chuck Grassley, Orrin G. Hatch, Susan Collins, Pat Roberts, Lincoln Chafee, Strom Thurmond, Frank H. Murkowski, Mitch McConnell, Rick Santorum, Jeff Sessions, Richard G. Lugar, Gordon Smith, George Voinovich, and Bill Frist.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 420, a bill to amend title 11, United States Code, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The yeas and nays resulted—yeas 80, nays 19, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—80

Akaka	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feinstein	Murray
Biden	Frist	Nelson (NE)
Bingaman	Graham	Nickles
Bond	Gramm	Reid
Breaux	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Byrd	Helms	Shelby
Campbell	Hollings	Smith (NH)
Cantwell	Hutchinson	Smith (OR)
Carnahan	Hutchison	Snowe
Carper	Inhofe	Specter
Chafee	Inouye	Stabenow
Cleland	Jeffords	Stevens
Cochran	Johnson	Thomas
Collins	Kohl	Thompson
Conrad	Kyl	Thurmond
Craig	Lieberman	Torricelli
Crapo	Lincoln	Voinovich
Daschle	Lott	Warner
DeWine	Lugar	

NAYS—19

Boxer	Harkin	Reed
Clinton	Kennedy	Sarbanes
Corzine	Kerry	Schumer
Dayton	Landrieu	Wellstone
Dodd	Leahy	Wyden
Durbin	Levin	
Feingold	Nelson (FL)	

ANSWERED ''PRESENT''—1

Fitzgerald

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 19, and one voted ''present.'' Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

AMENDMENT NO. 19

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

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 19 is pending.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on amendment No. 19?

The PRESIDING OFFICER. No.

Mr. LEAHY. Is amendment No. 19 germane?

The PRESIDING OFFICER. It appears to be.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I know the Senator from Alaska wishes to speak on his time. I am going to yield to him in just a second.

Is my understanding from the Senator from Iowa correct that it is now in order—I realize we are not about to vote right now—to get the yeas and nays on this amendment?

Mr. GRASSLEY. Sure.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I seek time under the time allocated to me under the current procedure in the Senate.

The PRESIDING OFFICER. The Senator is recognized.

PORK

Mr. STEVENS. Mr. President, today the Citizens Against Government Waste issued their 2001 Pork List. I am here to discuss that briefly.

Five items on the first page of this list were requested in the President's budget as part of the Corps of Engineers regular program, but they are charged to be pork. Those were requested by President Clinton and his administration, not by me. Also, $11 million listed as pork in the Interior Department budget was also requested by the President, not me, to manage fish and game in Alaska. It shows the accuracy of this list.

Other items listed on this ''waste'' list include runway lights. It so happens that 80 villages in Alaska have no roads or hospitals. They depend on medical evacuation by aircraft when people have babies, suffer a heart attack, or have to have medical assistance. Those same villages have no runway lights at all.

North of the Arctic Circle, the Sun doesn't even rise beginning in mid-December until the end of the following January, making it impossible for an evacuation plane to land without lights. In fact, this is a persistent problem for us all winter throughout Alaska. After a Native man in Hoonah, AK, suffered a heart attack and sat on the tarmac for 3 days waiting for medical evacuation, the mayor wrote to me and asked for runway lights. We looked into it and found that it was true. I really did not realize there were so many of these small airports that had no lights.

I not only am proud that the Senate acceded to my request for runway lights in last year's appropriations bills, I want to put the Senate on notice that this year I am going to seek funds so that every village in Alaska has runway lights. Under the current procedure for allocation aid for improvement of airports, they are not eligible.

I believe if it is wasteful to make sure a woman in hard labor can deliver her baby in a hospital with a doctor attending, instead of in an airplane hangar with the help of a mechanic, then I am guilty of asking the Senate for pork and proud of the Senate for giving it to me.

The Citizens Against Government Waste listed funding to aid in the recovery of the endangered stellar sea lion as pork. The Senate and the whole Congress remember the battle over the sea lion at the end of the last session. That issue threatened to shut down the pollack fishery in Alaska, which supplies most of the fish for fast food and frozen products nationwide. The Office of Management and Budget estimated the closure of that fishery would cost the national economy as much as a half billion dollars annually. By making a Federal investment to assure sound science to protect the sea lions, we will avoid that loss in our fisheries, families will not lose their jobs, and the Federal Government will continue to collect corporate and personal income taxes far in excess of the money we put up to assure sound science is used in addressing that problem.

Likewise, the list includes transportation vouchers so welfare mothers can get to their jobs and get off welfare. By making another small investment in public transportation—$60,000 in this case—women, particularly in the Matanuska-Susitna Borough in our State, can work, pay taxes, and save

the Government thousands and thousands—hundreds of thousands of dollars in welfare benefits. If that is pork, again I am guilty.

Alaska has the highest rate of alcoholism in the Nation. Alaska is No. 1 in child abuse, No. 1 in domestic violence, and No. 1 in suicide, particularly among young men in the Native villages. Working with our Governor and State legislature, and faith-based institutions such as Catholic Charities that utilize volunteers, and an enormous number of volunteers, some of this pork brought the Federal Government in as a partner to address these problems that are persistent in our State. Those projects, along with homeless shelters, are listed as shameful pork in this list. For me, not addressing these crying human needs would be what would be shameful, and I am ashamed of the people who made the list.

Alaska has the highest unemployment rate in our Nation. Some communities have unemployment rates four times the national unemployment rate during the Great Depression. We have unemployment as high as 80 percent in some of our cities and villages. I addressed that issue with job training programs to help get people off welfare rolls and into productive employment where they will pay taxes. That, too, is listed as pork.

Despite the nationwide shortages of nurses, teachers, and pilots, those training programs which we instituted in our State are listed as pork. In a State where only a handful of communities have doctors, let alone nurses, our health needs are tremendous. By utilizing cost-effective telemedicine for our veterans and Native people, we offer basic health care services using community health aides in areas that have no doctors, no clinics, and no hospitals. Those programs, again, are listed as wasteful, even though they are the most cost-effective programs in the country, delivering health care service to people who are literally hundreds of miles from the doctors who provide the care through telemedicine.

Alaska, also unfortunately, is failing in educational achievement. In some of our school districts, not only will the schools receive a failing grade, but not one of the students in those schools can pass the State exit exam in order to graduate. But summer reading programs that we put in place to address those needs, and similar programs to address the problems of education in a State that is one-fifth the size of the United States and has such a small population, all of these things are listed as pork. The criterion seems to be if President Clinton requested it, it was not pork. If I requested it or a member of our committee requested it, it is pork.

Our State has 70 percent of the lands in national parks, 85 percent of the lands in national wildlife refuges, over one-third of the national forest lands, and receives less money for improvements and utilization of those lands than any other State that has such parks or wildlife refuges or forests. We have 50 percent of the coastline of the United States, and we harvest over 50 percent of the fish that are consumed in the United States. We have more than half of the Indian tribes in the United States. I challenge anyone to look at the dismal record of the executive branch in stewardship of either the Natives or these lands or fisheries areas, and compare that to what we have done here in the Congress.

My amendments last year were not pork. Not one of them will enrich any person or any community. They meet needs in my State. We don't build tunnels under rivers for $8 billion. We don't build sports stadiums with tax advantages. We are a sovereign State, and so long as I am here, we will receive a fair share of Federal spending in order to meet our needs.

I criticize those who made this list. I wish they would come out and face us. I will have a hearing, let them come and face us. It is high time these people who are issuing these lists have some responsibility. They issue the lists in order to get contributions from our citizens to try to prevent so-called pork. It is not pork at all. It is meeting the needs of the people in my State, and I for one am pleased, pleased, very pleased that my colleagues have supported my request to meet those needs.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. I will be happy to yield.

Mr. BYRD. Let me thank the Senator from Alaska for being a good servant of his people. He was selected as the Alaskan of the Century—I believe that was the title, the Alaskan of the Century—last year.

Mr. STEVENS. That is correct.

Mr. BYRD. He knows the needs of its people. He knows who sends him here.

I welcome the Senator to the club. I have been in the same boat with the Senator in many ways, and I have no apologies to make for serving my people. I know who sends me here. I grew up in West Virginia when we had only 4 miles of divide four-lane highway in the whole State. There were only 4 miles in the whole State when I was starting out in the West Virginia Legislature.

I know West Virginia, and what is one man's pork is another man's job.

I hope the Senator will just turn the back of his hand to those who criticize him for helping his people. His people recognize that he deserves the kind of award they gave him. I join them.

As long as I am here I am going to remember the people who sent me here. This money isn't going overseas. The money—so-called pork—doesn't go overseas. It goes to help people in West Virginia—their schools, their highways. People need highways on which to get to work or just to go to the grocery store or go to the schools or to the doctor or to the hospital. Those highways I helped to build with that kind of ''pork'' have saved a lot of lives. It is much safer to drive on those four-lane highways in West Virginia than down through the curves and hollows, and along the deep ravines where one can't see up ahead beyond that next curve.

Let me pay my respect to the Senator for doing a good job, being a good Alaskan, and a good representative of the people of Alaska.

Mr. STEVENS. I thank the Senator.

Mr. LEAHY. Will the Senator yield to the Senator from Vermont?

Mr. STEVENS. I am happy to yield.

Mr. LEAHY. Mr. President, the Senator from Alaska and the Senator from Vermont represent, population-wise, two of the smallest States in the Union. There are differences, of course, as the Senator from Alaska represents a State greater than much of the continental United States.

I have always thought the genius of the founders of this country, as the Senator from West Virginia has pointed out on many occasions, was when they set up the Senate and they said every State will have equal representation. Vermont has two Senators—not determined by landmass, because if Alaska had two Senators based on landmass no other State would have any Senators. California, larger than many countries, has two Senators. The Senate is one place where States are equal.

Frankly, I have never heard the Senator from Alaska—I have served with him for 26 years, and I served with him on the Appropriations Committee during that time—ask for something for himself, never. I have heard him fight for his own State, the same way I hope I fight for my State, or the Senator from West Virginia fights for his State, or the Senator from Nevada for his.

I point out to those who may be critical of the Senator from Alaska fighting for Alaska that never has the senior Senator from Alaska gone in there and sought anything for himself. But he has fought for the needs of his State. Those needs are great. Nobody—I visited Alaska on several occasions—can possibly conceive of the enormous needs of a State such as Alaska because of its size and diversity. I think of the horrendous winters we sometimes get in Vermont. They cannot begin to match what they have in Alaska.

Frankly, I have always been proud to serve with the Senator from Alaska. We are of different parties. We are in many areas of different political philosophies. But I consider him one of the closest friends I have in the Senate. I have been proud to serve with him on the Appropriations Committee.

Mr. STEVENS. Mr. President, I thank each of the Senators for their comments. The other night someone asked me how big Alaska really is. We got out the statistics book and examined it. I will bet no one present realizes that my State is larger than Spain, plus France, plus Germany, plus Italy.

I would be willing to bet that we send more money to those areas than we spend in Alaska to meet the needs of the Americans who live there.

BANKRUPTCY REFORM ACT OF 2001—Continued

Mr. STEVENS. Mr. President, under the provisions of rule XXII, I yield the remainder of my hour to the bill's manager.

The PRESIDING OFFICER. The Senator has that right.

AMENDMENT NO. 20, AS MODIFIED

The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand we have amendment No. 19, the amendment of the Senator from Vermont, pending. I ask unanimous consent that amendment No. 20 be modified by an amendment by myself and Mr. HATCH.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I withhold that for a moment.

While we are waiting on that matter—I am surely going to make the request again—we have my amendment with the yeas and nays on it. And I understand that the leader would prefer that votes begin in the morning. I have no objection to the leader stacking that with other votes to occur in the morning. We have the yeas and nays on it.

I urge, however, that those who have germane amendments on our side come to the floor and offer them, seek the yeas and nays, if they wish, and speak on them tonight. There is no reason why we cannot finish this bill sometime during the day tomorrow.

Mr. President, there appears to be some difficulty. I was of the understanding that Senator HATCH wanted this modified. I was going to offer that modification as a courtesy to Senator HATCH. I will not offer the modification and am perfectly happy to have them go ahead and vote on my original amendment.

I yield the floor.

Mr. President, I ask unanimous consent to modify amendment No. 20 on behalf of myself and Mr. HATCH. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 20), as modified, is as follows:

(Purpose: To protect the identity of minor children in bankruptcy proceedings)

On page 124, between lines 10 and 11, insert the following:

SEC. 233. PROHIBITION ON DISCLOSURE OF IDENTITY OF MINOR CHILDREN.

(a) PROHIBITION.—Chapter 1 of title 11, United States Code, is amended by adding after section 111, as added by this Act, the following:

"§ 112. Prohibition on disclosure of identity of minor children

''In a case under this title, the debtor may be required to provide information regarding a minor child involved in matters under this title, but may not be required to disclose in the public records in the case the name of such minor child. Notwithstanding section 107(a), the debtor may be required to disclose the name of such minor child in a nonpublic record maintained by the court. Such nonpublic record shall be available for inspection by the judge, United States Trustee, the trustee, or an auditor under section 603 of the Bankruptcy Reform Act of 2001. Each such judge, United States Trustee, trustee, or auditor shall maintain the confidentiality of the identity of such minor child in the nonpublic record.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''112. Prohibition on disclosure of identity of minor children.''.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on that amendment?

The PRESIDING OFFICER. The yeas and nays have not been called for.

Mr. LEAHY. I ask unanimous consent that it be in order at this point to ask for the yeas and nays on amendment No. 20, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

VITIATION OF MODIFICATION

Mr. LEAHY. Mr. President, I ask unanimous consent to vitiate the action on amendment No. 20.

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

AMENDMENT NO. 41, AS MODIFIED

Mr. LEAHY. Mr. President, I ask unanimous consent that similar action be now done in relation to amendment No. 41; that is, that amendment No. 41 be modified on behalf of myself and Senator HATCH.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 41), as modified, is as follows:

(Purpose: To protect the identify of minor children in bankruptcy proceedings)

On page 124, between lines 10 and 11, insert the following:

SEC. 233. PROHIBITION ON DISCLOSURE OF IDENTITY OF MINOR CHILDREN.

(a) PROHIBITION.—Chapter 1 of title 11, United States Code, is amended by adding after section 111, as added by this Act, the following:

"§ 112. Prohibition on disclosure of identity of minor children

''In a case under this title, the debtor may be required to provide information regarding a minor child involved in matters under this title, but may not be required to disclose in the public records in the case the name of such minor child. Notwithstanding section 107(a), the debtor may be required to disclose the name of such minor child in a nonpublic record maintained by the court. Such nonpublic record shall be available for inspection by the judge, United States Trustee, the trustee, or an auditor under section 603 of the Bankruptcy Reform Act of 2001. Each such judge, United States Trustee, trustee, or auditor shall maintain the confidentiality of the identity of such minor child in the nonpublic record.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''112. Prohibition on disclosure of identity of minor children.''.

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays, instead, on amendment No. 41, as modified.

The PRESIDING OFFICER. Apparently, the yeas and nays have already been ordered.

Mr. LEAHY. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent, notwithstanding rule XXII, that at 12 o'clock noon on Thursday, the Senate proceed to vote in relation to the pending amendment No. 19; that upon disposition of amendment No. 19, the Senate vote in relation to amendment No. 41, as modified; that the amendments now be laid aside; and that there be 2 minutes prior to each vote for explanation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. 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. GRASSLEY. 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. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 420 at 9:30 on Thursday, there be 10 hours remaining under the provisions of rule XXII.

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

Mr. GRASSLEY. Mr. President, I further ask unanimous consent that at 9:30 on Thursday, Senator WELLSTONE be recognized to offer any of his germane amendments, Nos. 69, 70, 71, 72, 73, and 74, and time consumed be considered Senator WELLSTONE's time under the provisions of rule XXII.

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

Mr. GRASSLEY. I further ask unanimous consent that at 10:30 a.m. on Thursday, Senator KOHL be recognized in order to call up a filed amendment, No. 68, regarding the homestead provision. Further, I ask that there be 90 minutes for debate equally divided in the usual form, and that following the debate, the Kohl amendment be temporarily set aside with a vote to occur in relation to the amendment at a time determined by the two managers; further, that there be no amendments to

the Kohl amendment in order prior to the vote.

Mr. REID. No objection.

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

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

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

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

CLEAN AIR AND GLOBAL WARMING

Mr. KERRY. Mr. President, I rise to make a few remarks about the rather stunning announcement we read this morning on the front page of a number of newspapers about President Bush's reversal of a campaign promise he made with great clarity in the course of the last year. That is the reversal of a very clear promise by the President to support efforts to reduce pollution, particularly carbon dioxide emissions from powerplants in this country.

On the campaign trail last year, then-candidate Bush made clear his support for legislation to reduce nitrogen oxide, sulfur dioxide, mercury, and carbon dioxide from powerplants, the so-called four pollutants. There has been a great deal of science, a great deal of research done over these last years with respect to the impact of these pollutants on the quality of our life on this planet.

On September 29, 2000, President Bush could not have been more clear. He said:

> With the help of Congress, environmental groups and industry, we will require all powerplants to meet clean air standards in order to reduce emissions of sulfur dioxide, nitrogen oxide, mercury and carbon dioxide within a reasonable period of time.

Only 10 days ago, EPA Administrator Christie Whitman reaffirmed the President's position that he would support and seek legislation to cut global warming pollution from powerplants.

This is the second time in 2 weeks that a policy announcement by a Secretary in the Bush administration has been reversed by the White House only a few days after that policy announcement was made. I am referring to the prior policy announcement made by Secretary Powell with respect to the efforts to renew negotiations left off by the Clinton administration with North Korea. Two days after Secretary Powell said, indeed, that is what the administration would do, the President and the White House announced they would not, and the rug was essentially pulled out from under Secretary Powell. Now we see the same thing with Secretary Whitman. She announces that, indeed, she intends to enforce the President's campaign promise, and many groups around the country welcomed having a President of the United States who was prepared to offer leadership and to move us in the right direction.

Yesterday it became clear, all of a sudden, that the President was no longer interested in doing what he said, helping Congress and environmental groups and industry and, apparently, even his own EPA Administrator in that effort. It turns out that the President not only does not support it but he opposes it.

A lot of Americans will have their own judgments about what happens when people run for office and within a few months of running for office renege on the promises they make to the American people about why it is they ought to be elected. In a letter to Senator HAGEL and others, the President said:

> I do not believe that the government should impose on power plants mandatory emissions reductions for carbon dioxide, which is not a pollutant under the Clean Air Act.

The White House has offered explanations for the President's flipflop by saying that the President did not understand that carbon dioxide emissions from powerplants is currently not regulated. Therefore, his pledge was misinformed, and the mistake.

With all due respect, I find that statement to be an inadequate explanation, not so much because the President didn't know the current implementation requirements of the Clean Air Act but because, despite that lack of awareness, he proceeded to make such a sweeping promise to the American people and to allow his EPA Administrator to continue that promise for a few weeks while in office.

The second reason for the President's reversal, the White House claims, is a ''new'' study by the Department of Energy that concludes that the cost of environmental protections is too great. Let me underscore that: The cost of environmental protections is too great.

I don't think that analysis properly balances the many different variables in how you arrive at the true cost because that cost has to be balanced, not just based on the exact cost of putting in the implementing technology, you also have to measure the downside cost to the United States of America, indeed to the globe, for not taking the kinds of steps we need to take.

Our country, I regret to say, has been the largest emitter in the world, growing at the fastest rate in the world in terms of energy use, and the least responsive in terms of the steps we should be taking to deal with this. This country has to come to grips at sometime with the realities of the profligate energy policies we are pursuing that wind up using extraordinary amounts of resources relative to our population without the kind of balance necessary to create what is called a sustainable energy policy, a sustainable environmental policy.

I find it also troubling that this one study, called ''Analysis of Strategies for Reducing Multiple Emissions from Power Plants,'' is deemed to be somehow a new revelation. The study was a request of the Department of Energy by former Congressman David McIntosh who, it happens, has been one of the harshest critics of environmental protections who has served in the Congress. The study is a classic case of bad information in, bad information out. Some would call it, with respect to the technology world, computers: Garbage in, garbage out. It purposefully restricts market mechanisms, and it assumes highest cost generation. As a result, its conclusions are entirely prefixed, preordained to come out with an expense factor that does not reflect where the technology is, where the state of the art is, or where the realities are economically.

I recommend that the President review a series of other economic analyses that embrace market mechanisms, that reflect real costs, and other kinds of environmental protections. This includes a different and more recent study by the Department of Energy that concludes that a multipollutant approach can reduce pollutions from large generators with net savings to the consumer.

I am not someone who comes to the floor as an environmentalist and suggests that the environmental movement has not on occasion pressed for a solution that may, in fact, demand too much too quickly, or sometimes, I agree, we have environmental rules that are not even thoughtfully applied. There are times when we require of small businesses the same meeting of standards as we require for large businesses. It obviously does not make sense to the economies of scale or the gains or the capacities of those businesses to perform.

I readily accept the notion that there are some places that we can do better, there are some ways in which we can harness the energy of the marketplace and use market forces to find solutions. I believe Republican and Democrat alike in past administrations have been negligent in being creative about reaching out to the private sector and putting the private sector at the table and asking the private sector for ways in which we could do things with least cost, least regulation, least intrusiveness from Washington, and harness the energy of the marketplace in finding some of these solutions.

Regrettably, even when that has happened, when companies have stepped forward and shown that there are cheaper ways of doing things, we now

see the President embracing a study that reflects none of that creativity and none of that capacity on the part of the private sector.

Let me be very specific about that. A number of companies have stepped forward to embrace the four pollutant approach I am talking about. They include Consolidated Edison, PG&E, Northeast Utilities, PECO, and others. These companies have found a way to embrace a four pollutant reduction strategy and do so in a way that benefits their company's bottom line and also benefit the consumers at the same time.

I want to put this in a context, if I may. Why is this so important to our country and to the concerns we have about global warming and about pollutants in the air and the quality of life? I don't know a thoughtful Republican or Democrat who doesn't understand the linkage of some of the things we emit into the air and water in various forms of pollution, which have a terrible impact on the lives of our fellow citizens.

The country has been treated to a couple of movies recently that showed what happens when you have that kind of pollution taking place—the impact of it on the lives of our fellow citizens. I had the privilege of attending, as an official observer for the Senate, the discussions in Rio when President Bush's father was President in 1992—the Earth Summit, when the United States said we would try to hold ourselves to the emissions baseline of 1990 levels. We never took the steps necessary to live up to that voluntarily agreed-upon goal. Since then, I have been to Kyoto, to The Hague, and Buenos Aires, in each place where global negotiations were taking place, where Presidents and prime ministers and environmental ministers and financial ministers were all struggling together to find a way to reduce emissions. In every one of those discussions, all of the less developed countries, and our European partners, looked at the United States of America as a culprit, as the problem, because we weren't willing to embrace some of the steps they were taking, or were prepared to take, in order to enter a global solution that has an impact on all of us.

I say to my colleagues, I am not talking about politics, I am talking about facts—scientific facts. Just recently, 2,500-plus scientists at the United Nations, through the IPCC, released increased data regarding our status with respect to global warming.

The decade of the 1990s was the hottest decade in all of human history. The glaciers on five continents are receding at record rates. One thousand square miles of the Larsen ice shelf in Antarctic has collapsed into the ocean. Arctic sea ice has thinned by 40 percent in only 20 years.

For the first time, boats are traversing the Canadian Arctic without hitting ice pack. What used to take 2 years as a journey has now taken only 2 months. Permafrost in Alaska and Siberia is defying its name by thawing. Ocean temperatures throughout the world are rising, and a quarter of the world's reefs have been bleached.

The scientific evidence that pollution is dangerously altering the atmosphere is becoming more compelling as each year passes. This is peer-reviewed, hard science—reviewed science from the best researchers in the world. I believe it is compelling and it demands action.

In January of 2000, the Intergovernmental Panel on Climate Change released its third assessment report. The IPCC involves thousands of scientists from around the world and many of the very best American scientists. It was organized in the early nineties by President Bush to assist governments in assessing the state of the global climate and what threat pollution may or may not pose to it.

This January, the IPCC released its strongest, most conclusive and most alarming assessment of the global climate. It warned that rising temperatures are attributable to human activities; that temperatures may rise at a far faster rate than previously expected—as high as 10.4 degrees over the next 100 years—and that the consequences will be adverse and far reaching. The potential consequences include droughts, floods, rising seas, the displacement of tens of millions of people living in coastal areas, and the massive die of plant and animal species.

The chair of IPCC, Dr. Robert Watson, put it his way:

> We see changes in climate, we believe we humans are involved, and we're projecting future climate changes more significant over the next 100 years than the last 100 years.

And the IPCC report is only the latest in a body of science that demands action.

October 2000, ''Coral Reefs Dying; Most May Be Dead In 20 Years.''

> Addressing the International the Coral Reef Symposium on the island of Bali, researchers warn that more than a quarter of the world's coral reefs have been destroyed and remaining reefs could be dead in 20 years. The most serious threat to the reefs is global warming. Coral reefs are crucial anchors for marine ecosystems, and more than a half billion people depend on reefs for their livelihood, researchers at the conference say.

March 2000, ''NOAA Finds Oceans Warming.''

> Scientists at the National Oceanographic Data Center find that the world's oceans have soaked up much of the warming of the last four decades, delaying its full effect on air temperatures. Scientists speculate that perhaps half of human-caused climate change is not yet in evidence in the form of higher air temperatures, because of the delay caused by oceans.

January 2000, ''NAS Concludes Warming Is 'Undoubtedly Real.' ''

> A study by the National Research Council of the National Academy of Sciences concludes that the warming of the Earth's surface is ''undoubtedly real'' and that surface temperatures in the last two decades have risen at a rate substantially greater than the average for the past 100 years. This study put to rest charges that satellite data contradicted land-based data.

December 1999, ''Arctic Melting Almost Certainly The Result of Pollution.''

> A computer-based study by the University of Maryland and NASA's Goddard Space Flight Center finds less than a 2 percent chance that observed melting of Arctic sea ice is the result of normal climatic variations—and less than a 0.1 percent chance that melting over the last 46 years is the result of normal variations. Arctic sea ice is melting at a rate of 14,000 square miles per year, an area larger than Maryland and Delaware combined. Melting of arctic ice accelerates global warming, since ice reflects 80 percent of solar energy back into space and water absorbs solar energy. Meanwhile, the melting of arctic ice could disrupt ocean currents and salinity levels.

June 1999, ''Greenhouse Gases Higher Now Than Any Time In 420,000 Years.''

> A two-mile-long ice core drilled out of an Antarctic ice sheet shows that levels of heat-trapping greenhouse gases are higher now than at any time in the past 420,000 years. Scientists with the National Center for Scientific Research in Grenoble, France, find that carbon dioxide levels rose from about 180 parts per million during ice ages to 280–300 parts per million in warm periods—far below the current CO_2 concentration of 360 parts per million. Methane levels, meanwhile, rose from 320–350 parts per billion during ice ages to 650–770 parts per billion during the warm spells. The current methane concentration is about 1,700 parts per billion.

April 1998, ''20th Century Was The Warmest In 600 Years.''

> Based on annual growth rings in trees and chemical evidence contained in marine fossils, corals and ancient ice, scientists at the University of Massachusetts at Amherst find that the 20th century was the warmest in 600 years, and that 1990, 1995 and 1997 were the warmest years in all of the 600-year period. Scientist conclude that the warming ''appears to be closely tied to emission of greenhouse gases by humans and not any of the natural factors,'' such as solar radiation and volcanic haze.

January 1998, ''Changes May Happen Quickly With A Climate Shock.''

> A University of Rhode Island study of ice cores from Greenland shows that when the last ice age ended, the change was sudden. In Greenland, a 9 to 18 degree F increase in temperatures probably took place in less than a decade. The finding challenges the widespread assumption that climate changes are in all cases gradual, and suggests that human-induced climate change could occur rapidly rather than slowly.

I could go on; the science is compelling.

I committed to finding a solution to the problem of global warming. Some of my colleagues—and now the President—have charged that dealing with this problem will bankrupt the American economy. I disagree. I believe that America can have a strong economy and a healthy environment. Fortunately, more and more companies are stepping forward to solve this problem and lead the way where government won't. BP will reduce its emission to 10 percent below its 1990 levels by 2010. Polaroid will cut its emissions to 20 percent below 1994 levels by 2005. Johnson & Johnson will reduce its emissions to 7 percent below 1990 levels by

2010. IBM will cut emissions by 4 percent each year till 2004 based on 1994 emissions. And, Shell International, DuPont, Suncor Energy Inc., Ontario Power Generation have all made similar commitments.

All the dire predictions of economic calamity from entrenched polluters just is not credible when leading companies are doing exactly what they say cannot be done. We know the power of technology to transform an industry—just look at the impact of technology on information and medicine—and technology and innovation can transform how we produce and use energy.

President Bush's reversal will also weigh heavily on the international talks to fight global warming. As a Senate observer to the talks, I have seen firsthand how America's inaction has prevented progress. In 1992 the U.S. pledged to reduce its greenhouse gas emissions to 1990 levels by 2000 through the strictly voluntary Framework Convention on Climate Change. We will miss that goal and end the year with emissions 13 percent above 1990 levels.

Our failure goes beyond numbers alone. In the past eight years, we have not taken a single meaningful step toward our commitment. We have not seized opportunities to increase efficiency and reduce pollution from automobiles, appliances, electric utilities, housing, commercial buildings, industry or transportation. Nor have we provided sufficient economic incentives for the development and proliferation of solar, wind, hydrogen and other clean energy technologies. A range of sound proposals have been floated in Congress, but almost all have been relegated to the legislative scrap heap.

Instead, Congress has enacted budget riders to keep us mired in the unsustainable status quo. An unwise mix of politics and special interests has produced laws prohibiting the government from even studying the efficacy of strengthening efficiency standards for cars and light trucks, laws blocking stronger efficiency standards for appliances, and laws hampering energy and environmental programs because, their sponsors mistakenly argue, these programs represent an unconstitutional implementation of the unratified Kyoto Protocol.

This regressive record is fatal to the international effort. It heightens distrust, undermines the credibility essential to success, and gives opening to our sharpest critics to seek advantage. For example, the U.S. has insisted that unrestricted, international emissions trading be part of the global warming pact. Trading is a proven method to achieve greater environmental benefits at lower costs; it has halved the cost and accelerated the environmental gains of Clean Air Act. But European nations—led by Germany and France—charge the trading program must be severely restricted or it will become a loophole by which the U.S. will avoid domestic action. They make that charge as much for reasons of economic and political self-interest as they do for environmental concerns, but, nonetheless, our paltry environmental record at home lends dangerous credibility to their charge, and that makes the work of our negotiators all more difficult. Moreover our inaction has an equally dangerous practical effect. Every year we fail to act, our environmental goals become more difficult to achieve.

Mr. President, it is early in this Congress and even earlier in President Bush's new administration. I remain hopeful, but being hopeful is becoming increasingly difficult, particularly today. President Bush has rejected a policy that can work, that can benefit the environment and the nation. He did it really before the debate even started. And he broke the most important campaign pledge he made regarding the environment. And it took him less than two months to do it.

Let me just say that I wanted to review for my colleagues—and I hope some will perhaps take an interest in reviewing these other assessments—a number of major assessments of the negative impact on crops, on quality of health, on sea life, on major areas that should be of enormous concern to all of us, not as Republicans and Democrats, but as thinking U.S. Senators. I don't want to approach this in a doctrinaire way, but I know that we have a responsibility to contribute our part to a major solution and reduction in global greenhouse gases, as well as to contribute to the better quality and health of our citizens.

This decision by the President which, once again, gives increased power to the large energy interests of the country is the wrong decision for our Nation and the wrong decision in the long run for creating the sustainable environmental approach. My hope is that my colleagues and the administration itself will review and come up with an approach that will better serve the interests of our Nation.

ERWIN MITCHELL AND THE GEORGIA PROJECT

Mr. CLELAND. Mr. President, on March 7, 2001, the Washington Post reported that the recent census indicates a 60-percent growth in our Nation's Hispanic population, which now totals 35.3 million. Georgia has also been witness to this growth. In 1991 the Hispanic student population in Dalton, GA, was only 4 percent and now 10 years later, Hispanic enrollment in Dalton public schools has skyrocketed to 51 percent. The data from the 1999–2000 school year show that 45 percent of students in Dalton and 13 percent in Whitfield County are Spanish speaking. There are children of hard-working families who are an important part of the Dalton community. Accordingly, business and community leaders in that north Georgia community recognize the need for innovative and comprehensive solutions to address the recent influx of immigrants. Recent studies show that where quality education programs are joined with community-based services, immigrants have an increased opportunity to become an integral part of their community and their children are better prepared to achieve success in school.

The Georgia Project has provided an innovative solution to the needs of northwest Georgia. This is a teacher exchange program which brings bilingual teachers from Mexico to provide language instruction to all Dalton/Whitfield students. In addition, the program also sponsors a Summer Institute which provides Dalton/Whitfield teachers with the opportunity to study Mexican culture and history and the Spanish language in Monterrey, Mexico.

The driving force behind this endeavor has been the creative efforts of Erwin Mitchell. His dedication to public service and fairness was evident during his days as a Member of the House of Representatives. This same dedication and spirit of duty were the guiding forces behind the award-winning Georgia Project. As the mastermind behind the Georgia Project, Erwin Mitchell's efforts have been confirmed by the rising test scores of Dalton/Whitfield students on the Iowa Test of Basic Skills. His work has recently been recognized by both the National Education Association, NEA, and the National Association for Bilingual Education, NABE. The NEA has selected him to receive the NEA's 2001 George I. Sanchez Memorial Award for his ''exemplary contributions in the area of human and civil rights.'' NABE has named him the 2001 Citizen of the Year for his ''efforts in shaping a successful future for America's students.''

This wave of immigration is not limited to Georgia alone. For example, the Waterloo, IA, school system is being challenged to teach 400 Bosnian refugee children who came here without knowing our language, culture or customs. Schools in Wausau, WI, are filled with Asian children wanting to achieve success in the United States. In Wayne County, MI, 34 percent of the student population are Arabic-speaking and receive special help. According to the U.S. Census Bureau, the recently arrived immigrant and refugee population living here today will account for 75 percent of the total U.S. population growth over the next 50 years. This growth is occurring in places like New York, Los Angeles, and Miami, but also in nontraditional immigrant communities like Gainesville, GA, and Fremont County, ID. Innovative programs are being offered across the country to help accommodate these populations, which is why I have once again introduced the Immigrants to New Americans Act. This legislation will create a competitive grant program within the Department of Education that funds model programs, which, one, help immigrant children to succeed in America's classrooms and,

two, help their families access community services such as job training, transportation, counseling, and child care.

Our country's diversity is growing and it is vital for us to support successful programs like the Georgia Project that address the needs of changing communities.

ADDITIONAL STATEMENTS

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

• Mr. LUGAR, Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 2000–2001 Eighth Grade Youth Essay Contest which I sponsored in association with the Indiana Farm Bureau and Bank One of Indiana. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, ''Eating Around the World From Hoosier Farms.'' I would like to submit for the RECORD the winning essays of John Leer of Hamilton County, and Michelle Kennedy of Jasper County. As State winners of the Youth Essay Contest, these two outstanding students are being recognized on Friday, March 16, 2001 during a visit to our Nation's Capitol.

The essays are as follows:

EATING AROUND THE WORLD FROM HOOSIER FARMS

(By John Leer, Hamilton County)

Jean woke up on a crisp, Canadian morning to the smell of moist hot cakes baking on the skillet; to accent the hot cakes, Jean's mother had prepared apple compote with sweet brown sugar. Fresh sausage patties were succulently sizzling in their own oils and grease. On this particular morning, Jean thought to himself of the rich Canadian culture this meal represented. To his own dismay, however, his mother told him most of the ingredients used had come from the farms of Indiana.

After looking deeper into the issue, Jean too realized that most of his food had originated in the Midwest and especially in Indiana. If something were to happen to the farms of Indiana, he would be devastated. He would miss the grain used in the bread, all of the pork and beef, and even the chilled glass of milk used to wash down a chocolate chip cookie.

Then, Jean went outside to accomplish his daily, morning chores of feeding the oxen and cleaning their stalls; he noticed that in bold letters the sack said the feed was made in Indiana. The idea that his entire daily routine depended on a successful yield from Hoosier farms scared him; if a long drought began or a downfall of water occurred, he would not be eating hot cakes or drinking milk very much longer. The Hoosier farmer was invaluable to him.

Throughout the day he noticed more foods of his daily diet grown in Indiana: melons, tomatoes, pumpkins, corn, and more. During geography class, Jean learned that Indiana is a leading importer to Canada and that Canada depends on the Hoosier fields. After getting off the school bus, he raced towards the television only to turn on the weather station; he had finally realized that Indiana food and weather played a critical role in his daily life.

EATING AROUND THE WORLD FROM HOOSIER FARMS

(By Michelle Kennedy, Jasper County)

As an eighth grade student from the country of Japan, I enjoy many American products. My day starts early in the morning. As I prepare for my school day I usually have breakfast which might include eggs and sausage from Indiana farms. Grains from Indiana farms are imported so we might enjoy cereals, breads, and pastries.

Japan does not have the space available for farmground or livestock operations. What we have are very small farms. Indiana grains and livestock products are very important to us. We grow much rice but, other products such as pork, beef, and poultry are needed to compliment our rice industry.

After a day of school I might stroll through the open markets in our city. These market places have fruits and vegetables from the Hoosier farms. In Japan we are always studying new technology. We are very interested in by-products of Indiana farmers.

Many things I use at school are by-products of American farms. Soy ink and soy crayons are by-products of Indiana soybeans. It is important for countries in the world to be able to trade with one another. We are all dependant upon each other.

Japan buys 8.9 billion dollars of United States Agriculture products each year. Indiana agriculture plays a big part in this.

2000–2001 DISTRICT ESSAY WINNERS

District 1: Christoper Wacnik (Lake County) and Megan Spillman (St. Joseph County).

District 2: Andrew Pasquali (Noble County) and Natalie Rummel (Elkhart County).

District 3: Mitchell Swan (Jasper County) and Michelle Kennedy (Jasper County).

District 4: Jacob Little (Jay County) and Janna Rines (Jay County).

District 5: Tyler Smith (Hendricks County) and Laura Trust (Morgan County).

District 6: John Leer (Hamilton County) and Jeri Boone (Hamilton County).

District 7: Kegan Knust (Clay County) and Nicole Dike (Knox County).

District 8: Carson Ritz (Franklin County) and Erin Rauch (Franklin County).

District 9: John Michel (Warrick County) and Michelle Jochim (Gibson County).

District 10: Max Muhoray (Jefferson County) and Jennifer Prickel (Ripley County).

2000–2001 COUNTY ESSAY WINNERS

Benton: Jesse Becker and Carolyn Jenkinson; Cass: John Workman and Julie Richardson; Clay: Kegan Knust and Nicole Hayes; Delaware: Cais Hasan and Aleisha Fetters; Elkhart: Natalie Rummel; Fayette: Sarah King; Franklin: Carson Ritz and Erin Rauch; Fulton: Thomas Landis and Alicia Long; Gibson: Michelle Jochim; Greene: Alex Weathers and Jessica Chaney; Hamilton: John Leer and Jeri Boone.

Hendricks: Tyler Smith; Jackson: Kim Meier; Jasper: Mitchell Swan and Michelle Kennedy; Jay: Jacob Little and Janna Rines; Jefferson: Max Muhoray and Amanda Simmons; Jennings: Wayne Carmickle and Andrea Webster; Knox: Josh Anthis and Nicole Dike; Lake: Christopher Wacnik and Aubrette Marie Biegel; Marion: Ben Campbell and Fatima Patino; Martin: Nicole Lengacher; Morgan: Laura Trusty.

Noble: Andrew Pasquali; Posey: Tracie Johnson; Ripley: Jennifer Prickel and Jeremy Borgman; St. Joseph: Daniel Seitz and Megan Spillman; Starke: John Gibson and Sonya Crouch; Vanderburgh: Mark Turpin; Vermillion: Marvin Woolwine and Kelli Knight; Wabash: Matt Street and Mandy Renbarger; Warrick: John Michel and Erika Downey; Washington: Ryan Satterfield and Ashley Ingram; Wayne: Nick Kerschner and Anne Hamilton.•

NORTH GEORGIA COLLEGE AND STATE UNIVERSITY

• Mr. MILLER. Mr. President, I would like to take this opportunity to recognize the achievements of the Blue Ridge Rifles and Color Guard of North Georgia College and State University, who recently placed first overall at the 29th annual Tulane Naval ROTC Mardi Gras Invitational Drill Meet in New Orleans, LA.

The North Georgia College and State University is one of six 4-year military colleges in the United States. Since its inception in 1873, NGCSU's military college has been renowned for its ability to produce exceptional officers in all service branches. This skill has resulted in many performance championships, including 12 titles from the Mardi Gras Drill Meet.

The Mardi Gras Invitational Drill Meet draws teams representing the service academies, senior and junior military colleges, and reserve officer training corps programs at civilian colleges and universities. The Blue Ridge Rifles and the Color Guard of NGCSU have exhibited consistently excellent performances at the Mardi Gras Invitational. This tradition continued with the most recent Mardi Gras Invitation Drill Meet, held on February 23, 2001, where the NGCSU cadets competed against 42 military drill teams from colleges and universities throughout the United States. The Blue Ridge Rifles, under the command of Cadet Captain Phillip Pelphry and Cadet Master Sergeant Zachary Poole, received first place in platoon basic drill, second place in squad drill, and first place in platoon exhibition drill. The North Georgia College and State University Color Guard, under the command of Cadet Captain Chris Rivers, received first place in the color guard competition.

I would like to recognize the following cadets for their fine representation of North Georgia College and State University and of the entire state of Georgia.

The Blue Ridge Rifle Team: Joseph Byerly; Gregg Carey; Joshua Carvalho; Josh Clemmons; Byron Davison; John Filiatreau; Kurt Fricton; Jason Howard; Joseph Marty; Phillip Pelphry; Jason Pon; Zachary Poole; Jason Ryncarz; Jonathan Sellars; Benjamin Sisk; Jeffrey Wagner; Zachary Zeis; and The Color Guard Team: Colin Arms; Peter Bender; Kyle Harvey; Ernesto Johnson and Chris Rivers.•

TRIBUTE TO ELIZABETH ROBERT

• Mr. LEAHY. Mr. President, I want to congratulate Elizabeth Robert, a graduate of Middlebury College and the University of Vermont, for her success in transforming the struggling Vermont Teddy Bear Company into a highly profitable e-business.

Ms. Robert joined the Vermont Teddy Bear Company as its Chief Financial Officer in 1995 and only two years later rose to the position of Chief Executive Officer. In 1997, profits at Vermont Teddy Bear Company were way down and the future was bleak. Now, only three years later, sales are up 50 percent and the company boasts more than $22 million in annual sales. This spectacular turnaround was spearheaded by Elizabeth Robert, who harnessed the power of the Internet to transform the Teddy Bear Company into a successful Bear-Gram gift delivery service. The company's website is http://store.yahoo.com/vtbear/.

Recently, The Rutland Herald and The Times Argus, featured Ms. Robert as a ''captain of industry.'' I ask that the full text of the Rutland Herald/Times Argus article of March 11, 2001, titled ''Elizabeth Robert: A 'captain of industry' bears watching'' be printed in the RECORD.

Liz's success is a shining example for all Vermonter business leaders to follow. By taking advantage of the new markets offered by the Internet and developing a sharply focused business plan, the Vermont Teddy Bear Company has doubled its sales and significantly expanded its customer base.

Last year, I invited Liz Robert to be the keynote speaker at my annual Women's Economic Opportunity Conference in Vermont. Ms. Robert shared her personal story with hundreds of women who attended the conference and encouraged each of them to follow their dreams. As an incredibly successful businesswoman and the mother of two teen-aged daughters, she is an inspiration for all of us. My wife, Marcelle, and I were proud to be there with her.

ELIZABETH ROBERT: A ''CAPTAIN OF INDUSTRY'' BEARS WATCHING

(By Sally West Johnson)

Elizabeth Robert is nothing like her product. This woman, who took over the floundering Vermont Teddy Bear Co. and returned it to solvency, exudes a cool, angular self-confidence that is not a bit like the warm and cuddly personae of her stuffed bears.

A wiry, athletic 45-year-old, Robert has been with Vermont Teddy Bear since 1995, when she signed on as chief financial officer in what was already a financially troubled time. The charm of founder John Sortino's bear-peddling pushcart operation on Church Street in Burlington had long since worn thin; his successor, Patrick Burns, ''took us on a trip down teddy-bear lane,'' says Robert, explaining that Burns had a vision of turning the company into a Disney-like conglomerate that sold all things ursine. But that idea tanked, and when Burns left town, Robert took over as chief executive officer in October 1997.

In truth, taking on a top job had been in her game plan for a long time. It's part of who she is, and she knew it. She comes from several generations of highly accomplished women. Her grandmother emigrated from Armenia to Paris, where she worked in the laboratory of Mme. Marie Curie and later, according to Robert, became the first female pediatrician in Geneva. In the early 1940s, Robert's mother was working as a photo editor at Time-Life Inc. ''I grew up in a household where everything was possible,'' she says.

A Middlebury College alumna, class of 1978, she married English professor Bob Hill in 1980, then had her first child 10 days before entering graduate school at the University of Vermont. They have since divorced. With an MBA in hand, she worked at all sorts of jobs for the next few years: at Vermont Gas Systems, as a financial consultant, and as campaign manager for Louise McCarren's 1990 run for lieutenant governor. It was McCarren, now president of Verizon in Vermont, who pointed out the obvious to her.

''She told me that I wanted to be a captain of industry . . . and she was exactly right,'' says Robert of her mentor. ''I had been learning, accumulating a skill set with undefined purpose. Now I knew what the purpose was.''

She leapt into her future by signing on as chief financial officer with a high-tech start-up in Williston, Air Mouse Remote Controls. ''We were constantly groveling for money, constantly short of cash,'' she recalls. If it didn't seem to be a blessing at the time, ''all that experience would be relevant to me when I got to Vermont Teddy Bear.''

Robert's success at VTB has made her much in demand as a speaker, especially when the subject is business strategizing. Invited to address a UVM graduate class last fall, she immediately turns the tables on her students. ''What business is Vermont Teddy Bear in?'' she asks them. (Hint: The correct answer is not ''selling teddy bears.'')

''We are in the Bear-Gram gift delivery service,'' she informs them after a few proffer hesitant guesses. ''We are delivering a highly personalized message, and one that can be changed right up to the last minute.''

Are Vermont Teddy Bears expensive? Yes, partly because they are exclusively made in America, which costs more than making them overseas. But then VTB isn't selling toys for kids. ''You can't sell the Lover Boy bear off the retail shelf for $65 or $75 even on Madison Avenue,'' explains Robert, ''but you can sell them for $85 if you guarantee delivery the next day and sell them with an embroidered shirt and a personal message transcribed by a bear counselor.''

She settles into the story of VTB's decline into—and resurrection from—bankruptcy with the confidence born of success. It is a classic tale of a company getting too big, too fast. ''We went from revenues of $300,000 in 1990 to $20 million in 1994,'' she recounts. But after an IPO in late 1993, ''the company hit the wall. We were spending huge amounts of money: We were advertising on Rush Limbaugh for $1 million a year; we spent $8.1 million on the new building (in Shelburne).''

In some ways, the financial crisis was relatively easy to manage: ''When there is no money,'' she notes, ''the answer is always 'no.'" With Robert's modified, and sharply focused, sales strategies, the company began to come back. A hugely successful Valentine's Day in 1998 liquidated the old inventory and brought in a huge pile of cash. The company picked up corporate-gift clients such as Seagrams, Nabisco and Triaminic, the cold-medicine people. It also focused on direct marketing of Bear-Grams through radio advertising to a clientele Robert calls generically ''Late Jack''—a guy between 18 and 54 years old who has forgotten the holiday, whatever it is. They can bail him out at the last minute with a gift that costs about the same as a nice bouquet of flowers but lasts a lot longer and is more personal.

In fiscal 1998, VTB reported a net loss of $2 million. Thanks to ''Late Jack,'' in fiscal 2000 company books showed sales of $33 million, with a profit of $3.7 million. At the moment, Elizabeth Robert is pretty much where she wanted to be.

''I am now a captain of industry,'' she says. The remark is candid, not boastful. ''I'm not at the end of my career by any means, but I don't see the need to move on at this point.''•

TRIBUTE TO GENE CONNOLLY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Gene Connolly of Windham, NH, for being recognized as the ''2001 Principal of the Year'' by the New Hampshire Association of Principals.

Gene has been the principal of Gilbert H. Hood Middle School in Derry, NH, for the past six years and has focused on the needs of the students as his most important priority. He is an inspirational leader whose vision offers a focus for the child-centered curriculum which provides opportunities for everyone. The teachers who work with Gene feel valued and challenged by his leadership.

A graduate of Springfield College, Gene received a Bachelor of Science degree in Physical Education. He later earned a Masters of Education degree from Notre Dame College and is a Doctoral candidate in Leadership at the University of Massachusetts.

Gene is a school district negotiator and member of the negotiating team for Derry, NH. In service to his community, Gene also coached AAU Youth Basketball and the Windham Youth Basketball League.

Gene is a tribute to his community and profession. It is an honor and a privilege to represent him in the United States Senate.•

TRIBUTE TO PAMELA ILG

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Pamela Ilg of New Boston, NH, for being recognized as the ''2001 Assistant Principal of the Year'' by the New Hampshire Association of Principals.

Pamela serves as Assistant Principal and Vocational Director at Concord High School in Concord, NH. She has created a caring, supportive and accountable environment with high expectations for students and staff. A strong leader, Pamela possesses an exceptional ability working with people.

A graduate of the University of Lowell, Pamela earned Bachelor of Arts degrees in English and Social Studies. She later earned a Masters of Education degree in Counseling, attended a Principal's Academy on Learning at Dartmouth College and earned a C.A.G.S. in Administration and Supervision at the University of New Hampshire.

As an educator, Pamela has been an integral part of the school community working with staff, students, parents and the community in the total education process.

Pamela's commitment to serving the education community in New Hampshire has set an example that is admirable. It is an honor to represent her in the United States Senate.●

TRIBUTE TO TOM THOMSON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Tom Thomson of Orford, NH, for being recognized with the ''Outstanding Achievements in Sustainable Forestry'' award by the American Forest Foundation.

As a young man, Tom purchased his first wood lot of 125 acres with his two older brothers near Orford, NH. He continued to purchase more land and managed its resources adhering to the principles of sound forestry.

Tom's family tree farm is certified by the American Tree Farm System as being a productive, sustainable forest that provides outstanding wildlife habitat and recreational opportunities, and contributes to soil conservation and water quality. The tree farm has now expanded to over 2,600 acres in New Hampshire and Vermont.

Tom has been a tireless promoter of sustainable forestry for both New England and national woodland owners. A contributor to his community, he takes every opportunity to share information about tree farming. The Thomson Family Tree Farm is open year-round to school groups and individuals who want to learn more about sound, long-term forest management.

His wise management of forest land and his commitment to promoting good forestry practices to others has earned Tom many honors throughout the years. Tom has accomplished a great deal for New Hampshire and the people of this State look upon him with tremendous gratitude and admiration for all that he has done.

I am honored to call Tom a friend and a fellow Granite Stater. It is an honor and a privilege to represent Tom Thomson in the United States Senate.●

MESSAGE FROM THE HOUSE

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 223. An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act.

H.R. 308. An act to establish the Guam War Claims Review Commission.

H.R. 834. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

H.R. 880. An act to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 57. Concurrent resolution condemning the heinous atrocities that occurred on March 5, 2001, at Santana High School in Santee, California.

The message further announced that pursuant to Public Law 106–292 (36 U.S.C. 2301), the Speaker appoints the following Members of the House of Representatives to the United States Holocaust Memorial Council: Mr. LANTOS and Mr. FROST.

The message also announced that pursuant to section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), the Speaker appoints the following member on the part of the House of Representatives to the Coordinating Council on Juvenile Justice and Delinquency Prevention: Mr. Michael J. Mahoney of Chicago, Illinois, to a 1-year term.

The message further announced that pursuant to section 5(a) of the James Madison Commemoration Commission Act (Public Law 106–550), the Minority Leader appoints the following Members of the House of Representatives to the James Madison Commemoration Commission: Mr. BOUCHER and Mr. MORAN of Virginia.

The message also announced that pursuant to section 5(b) of the James Madison Commemoration Commission Act (Public Law 106–550), the Minority Leader appoints the following individuals on the part of the House to the James Madison Commemoration Advisory Committee: Dr. James Billington of Virginia and the Honorable Theodore A. McKee of Pennsylvania.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 223. An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act; to the Committee on Energy and Natural Resources.

H.R. 308. An act to establish the Guam War Claims Review Commission; to the Committee on Energy and Natural Resources.

H.R. 834. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 880. An act to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 57. Concurrent resolution condemning the heinous atrocities that occurred on March 5, 2001, at Santana High School in Santee, California; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–989. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2001–20) received on March 12, 2001; to the Committee on Finance.

EC–990. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2001 Census Count'' (Notice 2001–21) received on March 12, 2001; to the Committee on Finance.

EC–991. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Class Life of Floating Gaming Facilities'' (UIL168.20–07) received on March 12, 2001; to the Committee on Finance.

EC–992. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Form 7004—Research Credit Suspension Period'' ((Notice 2001–29)(OGI110763–01)) received on March 13, 2001; to the Committee on Finance.

EC–993. A communication from the Chief of the Regulatory Policy Office, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''T.D. ATF–444; Puerto Rican Tobacco Products and Cigarette Papers and Tubes Shipped from Puerto Rico to the United States'' (RIN1512–AC24) received on March 13, 2001; to the Committee on Finance.

EC–994. A communication from the General Counsel of the General Accounting Office, transmitting, a report concerning the scope of congressional authority in election administration; to the Committee on Rules and Administration.

EC–995. A communication from the Director of Finance of the United States Capitol Historical Society, transmitting, the report of audited financial statements from January 31, 1998, 1999, and 2000; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 143: A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes (Rept. No. 107–3).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 527. A bill to amend the Internal Revenue Code of 1986 to exempt State and local political committees from duplicative notification and reporting requirements made applicable to political organizations by Public Law 106–230; to the Committee on Finance.

By Mr. BOND:

S. 528. A bill to amend the National Voter Registration Act of 1993 to modify the requirements for voter mail registration and for other purposes; to the Committee on Rules and Administration.

By Mr. CLELAND (for himself and Mr. MILLER):

S. 529. A bill to provide wage parity for certain Department of Defense prevailing rate employees in Georgia; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. JEFFORDS, Mr. LEAHY, Mr. MURKOWSKI, Mr. BREAUX, Mr. SMITH of Oregon, Mr. DORGAN, Mrs. FEINSTEIN, Mr. CRAIG, Mrs. MURRAY , Mr. JOHNSON, Mr. SCHUMER, and Mr. CONRAD):

S. 530. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. CLELAND, and Mr. DORGAN):

S. 531. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BURNS, Mr. DASCHLE, Mr. JOHNSON, and Mr. CONRAD):

S. 532. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 533. A bill to provide for the equitable settlement of certain Indian land disputes regarding land in Illinois; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 534. A bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as ''mad cow disease'') and foot-and-mouth disease in the United States; to the Committee on Governmental Affairs.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. BAUCUS, Mrs. CLINTON, Mr. DOMENICI, Mr. FEINGOLD, Mr. KENNEDY, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, and Mr. WELLSTONE):

S. 535. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000; to the Committee on Indian Affairs.

By Mr. SHELBY:

S. 536. A bill to amend the Gramm-Leach-Bliley Act to provide for a limitation on sharing of marketing and behavioral profiling information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 537. A bill to direct the Secretary of Transportation to require the use of dredged material in the construction of federally funded transportation projects; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH of Oregon:

S. Res. 60. A resolution urging the immediate release of Kosovar Albanians wrongfully imprisoned in Serbia, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 16, a bill to improve law enforcement, crime prevention, and victim assistance in the 21st century.

S. 27

At the request of Mr. MCCAIN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 41

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 124

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 124, a bill to exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws, and for other purposes.

S. 148

At the request of Mr. CRAIG, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Wisconsin (Mr. KOHL), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 148, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

S. 244

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 244, a bill to provide for United States policy toward Libya.

S. 275

At the request of Mr. KYL, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 275, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to preserve a step up in basis of certain property acquired from a decedent, and for other purposes.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 304

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 304, a bill to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 349

At the request of Mr. HUTCHINSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 388

At the request of Mr. MURKOWSKI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 388, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 409

At the request of Mrs. HUTCHISON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 409, a bill to

amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 466

At the request of Mr. HAGEL, the names of the Senator from Montana (Mr. BAUCUS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Georgia (Mr. CLELAND), the Senator from Minnesota (Mr. DAYTON), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Ms. STABENOW), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 509

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 509, a bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

S. 525

At the request of Mr. GRAHAM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 525, a bill to expand trade benefits to certain Andean countries, and for other purposes.

S. CON. RES. 23

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 23, a concurrent resolution expressing the sense of Congress with respect to the involvement of the Government in Libya in the terrorist bombing of Pan Am Flight 103, and for other purposes.

S. RES. 21

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 21, a resolution directing the Sergeant-at-Arms to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

S. RES. 24

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 24, a resolution honoring the contributions of Catholic schools.

S. RES. 25

At the request of Mr. CRAIG, the names of the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. KOHL), the Senator from Utah (Mr. HATCH), the Senator from California (Mrs. BOXER), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 25, a resolution designating the week beginning March 18, 2001 as ''National Safe Place Week.''

S. RES. 43

At the request of Mr. MURKOWSKI, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Virginia (Mr. ALLEN), the Senator from Idaho (Mr. CRAPO), the Senator from Idaho (Mr. CRAIG), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. HELMS), the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. THOMAS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. ENSIGN), the Senator from Tennessee (Mr. FRIST), the Senator from Virginia (Mr. WARNER), the Senator from Montana (Mr. BURNS), the Senator from Oklahoma (Mr. NICKLES), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Res. 43, a resolution expressing the sense of the Senate that the President should designate the week of March 18 through March 24, 2001, as ''National Inhalants and Poisons Awareness Week.''

AMENDMENT NO. 94

At the request of Mrs. LINCOLN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of Amendment No. 94 proposed to S. 420, an original bill to amend title II, United States Code, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 528. A bill to amend the National Voter Registration Act of 1993 to modify the requirements for voter mail registration and for other purposes; to the Committee on Rules and Administration.

Mr. BOND. Mr. President, today I rise to introduce a commonsense election reform bill which we have entitled the Safeguard the Vote Act. I realize other reform issues have received a lot of media attention, but I think it is vital to focus on the fundamental issue of casting and counting votes honestly and fairly as well.

Over the past months, many Americans saw for the first time how actual vote counting is done or not done. We have had a real-life civics lesson that was as unexpected as it was frustrating. Those of us in positions of responsibility need to fix what needs fixing, reform what needs reforming, and prosecute where actual wrongdoing has occurred.

Voting is the most important civic duty and responsibility for citizens in our form of government. It should not be diluted by fraud, false filings in lawsuits, judges who do not follow the law, politicians who try to profit from confusion, and people who just abuse the system.

Let me be clear, at the same time voters must not be unduly confused by complicated ballots or confounded by inadequate phone lines or voting booths. These barriers to voting are absolutely unacceptable, and we need to make sure they do not exist.

Having said that—and I believe very strongly in it—I also say to some who want to hide the other abuses, do not try to use general confusion as an excuse or a justification for fraud.

I want to make one simple point as I begin. Vote fraud is not about partisanship. It is not about Democrats versus Republicans. It is not about the north side of St. Louis versus the south side of St. Louis. It is not about somebody getting a partisan advantage. It is about justice.

Vote fraud is a criminal not a political act. Illegal votes dilute the value of votes cast legally. When people try to stuff the ballot box, what they are really doing is trying to steal political power from those who follow election laws.

On election night in November of 2000, I was exercised and somewhat upset, one might say, as we learned about what was going on in St. Louis city where orders had been issued to keep the voting booths open in certain areas for an extended period of time. Lawyers appealed that decision, and the Missouri Court of Appeals shut them down. They wrote:

> (E)qual vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted.

Unfortunately, what we have seen in St. Louis these past months has been nothing short of breathtaking. Some might say that we have even become a national laughingstock. We have dead people registering by mail.

This city alderman died more than 10 years ago. He was registered to vote on cards turned in just before the March 6 mayoral primary. We had people registering from vacant lots. The media in St. Louis was very aggressive, and they checked on some of the voter addresses. There was no building there. They did not even see the tents in which people were living.

Voter rolls in St. Louis had more names on the registered active and inactive list than there were people in St. Louis city. It begins to raise suspicions.

A city judge exceeded the law by providing extended voting hours for only selected polling places. Then there is the strange story of a plaintiff in that case who claimed he ''has not been able to vote and fears he will not be able to vote because of long lines at the polling places and machine breakdowns.'' It was discovered he had two problems. He was dead, in which case long lines should not have been a problem because he was not going anywhere anyway.

The lawyer then came up with somebody else: Oh, what we really meant to say was a guy whose name is similar to that, so they tracked him out. The

problem was he had already voted when the lawyers filed the sworn statement saying that he was worried about not being able to vote, which, I guess, we can only conclude meant he was worried about casting a second illegal ballot.

We have had felons voting, people not even registered voting. Just when you think we have seen it all—this is my favorite—here is the voting registration card that was sent in in October of 1994 by one Ritzy Mekler. The interesting thing about Ritzy Mekler is that Ritzy is a dog. We do not know how many times Ritzy may have voted, but this seems to be an unwarranted extension of the voting franchise. Much as I love dogs, I don't really think they should be voting. This is certainly a new avenue for those who like pets. But that is the kind of thing with which we need to deal.

The end result of all these revelations is that a city grand jury in St. Louis is now investigating fraudulent voter registration, and the lawyers involved have sent the U.S. attorney a 250-page report. People are beginning to take it seriously. You don't have to take my word for it. Local St. Louis city Democrats have had a few things to say.

St. Louis' current mayor, Clarence Harmon, said:

> I think there is ample, longstanding evidence of voter fraud in our community.

State representative Quincy Troupe said:

> There is no doubt in any black elected official's mind that the whole process has discouraged honest elections in the city of St. Louis for some time. We know that we have people who cheat in every election. The only way you can win a close election in this town, you have to beat the cheat.

From another side, 11th ward alderman, Matt Villa, said:

> Who knows who did it. But it is apparent they are trying to cheat and steal this election.

The St. Louis Post-Dispatch, which has been aggressively covering this story, noted on its editorial page:

> St. Louis appears to have a full-blown election scandal that grows with each newly discovered box of bogus registration cards.

As I noted earlier, I believe it is our duty to fix what needs to be fixed, reform what needs to be reformed, and prosecute where there has been wrongdoing. In St. Louis, I believe criminal prosecutions are being considered. Coupled with the bill I am introducing today, this should go a long way toward cleaning up what has gone wrong in St. Louis.

I might add, just the threat of criminal prosecutions appear to have made a difference in the mayoral primary in St. Louis last week. It was a lot more honest than it has been in a long time. There is nothing like the healthy atmosphere of possible criminal prosecutions to make people think maybe we should not try to steal this election.

Well, let me go through the list of things we found out are contributing to fraud.

The first obvious problem is the blatant fraud of the bogus voter registrations. With dead people reregistering, fake names, phony addresses, and dogs being registered, it is clear the system is being abused.

Nearly all of these fraudulent registrations were the mail-in forms. Our plan begins by addressing this type of fraud with a few simple reforms. These are changing Federal law, which in some instances, has actually facilitated voter fraud.

1. First-time voters who register by mail would be required to vote in person and present a photo ID the first time after registration. We trust that the local officials would recognize the dog if she came in—even with a photo registration.

2. If the follow-up registration card is returned to the election office as undeliverable by the post office, States would be allowed immediately to remove those names from the rolls, provided they made a good-faith effort to ensure that eligible voters would not be removed from the rolls.

3. Finally, the bill would give the States the authority to include on the mail registration form a place for notarization or other form of authentication. Under current Federal law, States are actually prohibited from including this safeguard.

I believe the incentives for the bogus addresses and fake names would be virtually eliminated by these simple safeguards, while all the legitimate efforts to encourage new voters to register could, should, and must continue.

The second major problem we have seen in St. Louis is that the voter rolls are so clogged up with incorrect or fraudulent data that legal voters are shortchanged. St. Louis city actually, as I said earlier, has more voters listed on its active plus inactive rolls than the voting age population of the city. That is not surprising if they are registering dead people, dogs, and people from vacant lots.

Even more amazing is the fact that the Secretary of State said in a recent report that 5,000 of the names on the inactive list are actually duplicates of other names on the inactive list. There are numerous other examples of names on both the active and inactive lists at the same time. These inactive lists are what is being used for election day registration and voting. They just go in and say my name is on the inactive list. Hundreds were allowed to vote in that instance.

Thus, it is painfully clear that something must be done to keep the voter rolls clean and accurate.

The bill I introduce includes two basic reforms to assist in the cleanup of voter rolls. First, it would require States to conduct a program of cleaning up lists wherever the voter roll list of eligible voters is larger than the number of people of voting age in that county or city. That seems to make only common sense. I can't imagine anyone opposing that if you have more people registered than you have people, something is wrong.

Second, my proposal adopts the commonsense approach just used by the St. Louis election board in their March primary. For those voters whose names have been moved to the inactive list, it would require that a photo ID be presented by the voter as part of their oral or written affirmation of their address when they seek to vote again. The board of elections just required this in last week's election, and that election seemed to go off without a hitch.

I believe these straightforward reforms will go a long way toward restoring the confidence in the voter registration and balloting process. But for those who insist on continuing their fraudulent activities, this bill strengthens criminal penalties for those who commit fraud or conspire to commit voter fraud.

Finally, given the dimensions of the vote fraud scandal in St. Louis, this legislation creates a national pilot project to clean up voter lists in St. Louis in order to assist in ending election day corruption across the Nation.

I have proposed that the Federal Election Commission run the project in St. Louis city and St. Louis County to develop a method we can use nationally to maintain accurate voter rolls and ensure that all properly registered voters are permitted to vote without wrongfully being disenfranchised by failure of their registration to be effective, or by allowing others who are not qualified and registered to vote, diluting their votes. The FEC would also coordinate records of voters registered to vote at places authorized under the National Voter Registration Act of 1993, along with State death and felony conviction records and the official voter registered for each polling place.

As the Missouri Court of Appeals wrote when they shut down the improper efforts to keep only certain polling places open:

> . . . (C)ommendable zeal to protect voting rights must be tempered by the corresponding duty to protect the integrity of the voting process. . . . (E)qual vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted.

With these new tools, and some real leadership, the election boards of St. Louis City, and St. Louis County could get the big broom—and start cleaning up the mess. Criminal investigations are ongoing, I hope that anyone responsible for cheating will be caught and punished. But we must get a handle on the voter rolls. People who register and follow the rules shouldn't be frustrated by inadequate polling places and phone lines or confused by out-of-date lists. At the same time, we must require voter lists to be scrubbed and reviewed in a much more timely manner—so the cheaters cannot use confusion as their friend.

I certainly don't want St. Louis to have the lasting reputation described by my old friend Quincy Troupe:

The only way you can win a close election in this town, you have to beat the cheat.

By Mr. GRASSLEY (for himself, Mr. JEFFORDS, Mr. LEAHY, Mr. MURKOWSKI, Mr. BREAUX, Mr. SMITH of Oregon, Mr. DORGAN, Mrs. FEINSTEIN, Mr. CRAIG, Mrs. MURRAY, Mr. JOHNSON, Mr. SCHUMER, and Mr. CONRAD):

S. 530. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce important tax legislation for myself and Senators JEFFORDS, LEAHY, MURKOWSKI, BREAUX, SMITH of Oregon, DORGAN, FEINSTEIN, CRAIG, MURRAY, JOHNSON, SCHUMER, and CONRAD.

This legislation, entitled the ''Bipartisan Renewable Efficient Energy with Zero Effluent, (BREEZE) Act'', extends the production tax credit for energy generated by wind for five years. The current tax credit is set to expire on January 1, 2002.

As author of the Wind Energy Incentives Act of 1993, I sought to give this alternative energy source the ability to compete against traditional, finite energy sources. I strongly believe that the expansion and development of wind energy must be facilitated by this production tax credit.

Wind, unlike most energy sources, is an efficient and environmentally safe form of energy production. Wind energy makes valuable contributions to maintaining cleaner air and a cleaner environment. Every 10,000 megawatts of wind energy produced in the United States can reduce carbon monoxide emissions by 33 million metric tons by replacing the combustion of fossil fuels.

Since the inception of the wind energy production tax credit in 1993, more than 1,128 megawatts of generating capacity have been put online. This generating capacity powers nearly 300,000 homes, or 750,000 people.

Over 900 megawatts of new wind energy capacity was added just last year, bringing wind energy generating capacity in the U.S. to more than 2,500 megawatts. This new wind energy will power the equivalent of over 240,000 American homes, while displacing over 1.8 million tons of carbon dioxide.

Equally important, wind energy increases our energy independence, thereby providing the United States with insulation from an oil supply dominated by the Middle East. Our national security is currently threatened by a heavy reliance on oil from abroad.

The price of wind energy has been reduced more than 80 percent in the past two decades, making it the most affordable type of renewable energy. In order to continue this investment in America's energy future, we must extend the production tax credit.

Currently, my own State of Iowa has 4 new wind power projects ready to go online just this year. These 4 projects, with the megawatt capacity of over 240, will join the already existing 20 facilities in Iowa. Even large petroleum producing States like Texas are recognizing the growing potential of wind energy. Texas has the third largest wind farm in the world, and plans to add 5 new facilities this year, adding to the 7 already online.

Moreover, wind energy has vast potential to contribute to California's electricity supply. As we all know, California is currently suffering because of an energy market with insufficient energy generation and production that is overly dependent on natural gas.

Just in the past few weeks, plans have been unveiled to develop what will be the world's two largest wind power plants in the Northwest. One will be installed on the Oregon-Washington boundary and the other at the U.S. Department of Energy's Nevada Test Site. Together, the two plants will have a capacity of 560 megawatts and will generate enough power annually to serve more than half a million people. In addition, a number of other new projects coming online this year in the West will also bring much-needed additional generating capacity to the region.

Wind energy also produces substantial economic benefits. For each wind turbine, a farmer or rancher can receive more than $2,000 per year for 20 years in direct lease payments. Iowa's major wind farms already pay more than $640,000 per year to landowners. In California, the development of 1,000 megawatts would mean annual payments of approximately $2 million to farm and forest landowners.

Extending the wind energy tax credit would allow for even greater expansion in the wind energy field. Wind is a domestically produced natural resource, found abundantly across the country. Because wind energy is homegrown, it cannot be controlled by any foreign power.

Wind energy can be harnessed without injury to our environment. Wind is a reliable form of power that is renewable and inextinguishable. This legislation ensures that wind energy does not fall by the wayside as a productive alternative energy source.

The Senate needs to extend this important legislation and I encourage my colleagues to join us in this effort.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bipartisan Renewable, Efficient Energy with Zero Effluent (BREEZE) Act''.

SEC. 2. 5–YEAR EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM WIND.

Section 45(c)(3)(A) of the Internal Revenue Code of 1986 (relating to wind facility) is amended by striking ''January 1, 2002'' and inserting ''January 1, 2007''.

By Mrs. LINCOLN (for herself, Mr. CLELAND, and Mr. DORGAN):

S. 531. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. LINCOLN. Mr. President, I rise today to introduce the National Recreation Lakes Act of 2001—a bill that will recognize the benefits and value of recreation at federal lakes and give recreation a seat at the table in the management decisions of all our federal lakes. I am proud to be joined in this effort today by Senator CLELAND of Georgia and Senator DORGAN of North Dakota.

Recreation on our federal lakes has become a powerful tourist magnet, attracting some 900 million visitors annually and generating an estimated $44 billion in economic activity—mostly spent on privately-provided goods and services. And by the middle of this century, our federal lakes are expected to host nearly 2 billion visitors per year.

Yet, even with the millions of visitors each year to our lakes and reservoirs, recreation has suffered from a lack of unifying policy direction and leadership, as well as insufficient interagency and intergovernmental planning and coordination. Most federal agencies are focused on the traditional functions of man-made lakes and reservoirs: flood control, hydroelectric power, water supply, irrigation, and navigation. And often recreation is left out of the decision process.

This legislation will reaffirm that recreation is also an authorized purpose at almost all federal lakes and direct the agencies managing these projects to take action to reemphasize recreation programs in their management plans. This legislation will emphasize partnerships between the Federal Government, local governments, and private groups to promote responsible recreation on all our federal lakes.

It will establish a National Recreation Lakes Demonstration Program comprised of up to 25 lakes across the nation. At each of these federal lakes, the managing agency will be empowered to develop creative agreements with private sector recreation providers as well as state land agencies to enhance recreation opportunities. Rather than just building new federal campgrounds with tax dollars, we need to create new partnerships to provide support for building recreation infrastructure that is in line with visitor and tourist desires for recreation. The National Recreation Lakes Demonstration Program will be a pilot project to test these creative agreements and management techniques on a small scale to demonstrate their effectiveness at promoting recreation on federal lakes.

Second, this legislation will establish a Federal Recreation Lakes Leadership Council to coordinate the National Recreation Lakes Demonstration Program and coordinate efforts among federal agencies to promote recreation on federal lakes.

It also will include the Bureau of Reclamation and the U.S. Army Corps of Engineers in the Recreation Fee Demonstration Program. The Fee Demo Program has had wide successes in Arkansas and across the country in allowing individual parks and recreation areas to keep more of their fee revenues on-site to reduce the often overwhelming maintenance backlog.

The legislation will also provide for periodic review of the management of recreation at federal water projects—something long overdue. A great deal has changed since many of the water projects were authorized, yet the initial legislative direction from over 70 years ago continues to be the basis for the management practices now in the year 2001—and that is not right.

Finally, the legislation will provide new opportunities to link the national recreation lakes initiative with other federal recreation assistance efforts, including the Wallop-Breaux program for boating and fishing.

Let me give you a little background on how this legislation was developed. In 1996, the U.S. Senate recognized that recreation was becoming more important on federal lakes and conceived the National Recreation Lakes Study Commission to review the current and anticipated demand for recreational opportunities on federally managed lakes and reservoirs. The National Recreation Lakes Study Commission were charged to ''review the current and anticipated demand for recreational opportunities at federally managed man-made lakes and reservoirs'' and ''to develop alternatives for enhanced recreational use of such facilities.''

The Commission released its long-awaited report confirming the impact of recreation on federally-managed, man-made lakes in June of last year. The Commission also recognized that we are far from realizing their full potential. The study documented that these lakes are powerful tourist magnets, attracting some 900 million visitors annually and generating an estimated $44 billion dollars in economic activity—mostly spent on privately-provided goods and services.

During the Energy and Natural Resources Committee's hearing in 1999 on the Recreation Lakes Study, the chairman and I spent some time discussing how children today do not take full advantage of the outdoor opportunities that are available to them. It is so important that we encourage our children to enjoy the great outdoors that often times is less than an hour's drive away.

As the mother of twin 4-year-old boys, I feel we need to encourage our children to be children, not to become adults too quickly, to learn how to enjoy the outdoors. The only way we can do that is by exposing them to it early and often.

In this Nation, we have nearly 1,800 federally managed lakes and reservoirs. There are 38 in my home state of Arkansas. With so many federal lakes throughout the country, there's no reason why we shouldn't do all we can to promote recreation. I know that in Arkansas, we don't think twice about getting away to the lake for the weekend to go boating or fishing, or to just get away from the day-to-day grind. And that doesn't even begin to get into the tremendous economic impact from recreation on our federal lakes.

Last August, I conducted a tour of two of our Corps of Engineers managed lakes in Arkansas—Lake Ouachita and Greers Ferry Lake—to observe how our lakes are managed and to see where recreation falls on the priority list. I saw many opportunities where the Corps of Engineers, working with local officials and private citizens, could, through innovative management techniques, better provide for the recreation needs of the thousands of Arkansans that visit Arkansas' lakes each year. This bill will enable our federal lakes in Arkansas and around the country to invest in and manage for recreation so we all can enjoy a day out on the lake.

This bill is not an attempt to completely rewrite how federal lakes in this country are managed or to put recreation in front of all other authorized purposes at federal lakes. The National Recreation Lakes Act of 2001 will work with all current laws and regulations to ensure that recreation is given a seat at the table when the management decisions are made for our federal lakes.

This is a good bill. In everything from the creation of jobs to the money that tourists like myself spend at the marinas and local stores surrounding the lake—our Federal lakes and reservoirs have an immense recreational value that can and does bring revenues into our local economies. The best way to encourage and expand this aspect is to ensure that recreation is given a higher priority in the management of our federal lakes.

I encourage my colleagues to support this legislation and look forward to the debate on how we can promote recreation on our federal lakes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Recreation Lakes Act of 2001''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) recreation is an authorized purpose at almost all Federal lakes;

(2) lakes created by Federal dam projects have become powerful magnets for diverse recreation activities, drawing hundreds of millions of visits annually and generating tens of billions of dollars in economic benefits;

(3) recreational opportunities are provided at such lakes, on surrounding land, and on downstream tailwaters by Federal agencies and through partnerships among Federal, State, and local government agencies and private persons; and

(4) the quality of recreational opportunities at and around Federal lakes depends on clean air and water and attractive viewsheds.

(b) PURPOSES.—The purposes of this Act are—

(1) to require Federal agencies responsible for management of lakes created by Federal dam projects to pursue strategies for enhancing recreational experiences at the lakes; and

(2) to direct Federal agencies to investigate the possibilities for the use of, and to use, creative management of the project lakes that optimizes both recreational opportunities and other purposes of the project lakes, including—

(A) provision of agricultural and municipal water supplies;

(B) provision of flood control and navigation benefits;

(C) production of hydroelectric power; and

(D) protection of water quality.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term ''Council'' means the Federal Lakes Recreation Leadership Council established by section 5.

(2) NATIONAL RECREATION DEMONSTRATION LAKE.—The term ''national recreation demonstration lake'' means a project lake that is designated as a national recreation demonstration lake under section 4.

(3) PARTICIPATING AGENCY.—The term ''participating agency'' means—

(A) the Bureau of Indian Affairs;

(B) the Bureau of Land Management;

(C) the Bureau of Reclamation;

(D) the National Park Service;

(E) the United States Fish and Wildlife Service;

(F) the Forest Service;

(G) the Army Corps of Engineers;

(H) the Tennessee Valley Authority; and

(I) any other project lake management agency that participates in the Program at the request of the Council.

(4) PROGRAM.—The term ''Program'' means the national recreation lakes demonstration program established by section 4.

(5) PROJECT LAKE.—The term ''project lake'' means an impoundment of water that—

(A) is part of a water resources project operated, maintained, or constructed by or with the participation of any Federal agency;

(B) has a maximum storage capacity of 200 acre feet or more; and

(C) includes recreation as an authorized purpose.

(6) PROJECT LAKE MANAGEMENT AGENCY.—The term ''project lake management agency'' means a Federal agency that manages a project lake.

(7) RECREATION.—

(A) IN GENERAL.—The term ''recreation'' means—

(i) a water-related recreational activity that takes place on, adjacent to, or in a project lake or tailwater; and

(ii) a recreational activity or wildlife-related activity that takes place on federally managed land in the vicinity of a project

lake that is permitted under a land management plan in effect on the date of enactment of this Act.

(B) INCLUSIONS.—The term ''recreation'' includes—

(i) boating (including power boating, sailing, rafting, kayaking, and canoeing), diving, swimming, camping, trail-based activities, and picnicking; and

(ii) fishing and other wildlife-related activity.

SEC. 4. NATIONAL RECREATION LAKES DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—There is established the National Recreation Lakes Demonstration Program consisting of the 25 national recreation demonstration lakes to be established under this Act.

(b) CRITERIA.—

(1) IN GENERAL.—The Council shall develop and establish criteria for use in selecting project lakes managed by participating agencies for designation as national recreation demonstration lakes.

(2) REQUIREMENTS.—The criteria shall—

(A) include lake size, diversity of current and potential recreational uses, opportunities for partnerships with private and public entities, and present and projected regional recreation demand; and

(B) require a strong showing of local support from the area of the lake, including support from State and local governments, private citizens, and businesses.

(3) CONSULTATION.—In developing the criteria, the Council shall consult with participating agencies to encourage the nomination of project lakes for the Program so as to include project lakes in all regions of the country and project lakes that will provide a variety of recreational experiences.

(c) NOMINATION OF NATIONAL RECREATION DEMONSTRATION LAKES.—A participating agency or an interest group located in the immediate vicinity of a project lake may nominate the project lake to become a national recreation demonstration lake by submitting to the Council a nomination in accordance with such procedures as the Council may establish.

(d) DESIGNATION OF NATIONAL RECREATION DEMONSTRATION LAKES.—

(1) IN GENERAL.—On receiving the nominations from participating agencies and local interest groups, the Council shall designate 25 project lakes to be national recreation demonstration lakes.

(2) SELECTION CRITERIA.—In selecting project lakes for designation as national recreation demonstration lakes, the Council shall endeavor to include project lakes in all regions of the country and project lakes that will provide a variety of recreational experiences.

(3) EFFECTIVE PERIOD.—A designation of a project lake as a national recreation demonstration lake shall be effective for a period not to exceed 10 years.

(e) AUTHORIZED ACTIVITIES AT NATIONAL RECREATION DEMONSTRATION LAKES.—

(1) ENHANCEMENT OF RECREATION ACTIVITIES.—Each participating agency shall use authorities under this Act to enhance opportunities for recreation activities on, in, and in the vicinity of national recreation demonstration lakes.

(2) NEW AUTHORITIES.—In accordance with the Act of October 22, 1986 (16.U.S.C 497b) and the Act of November 13, 1998 (16 U.S.C. 5951 et seq.), the head of any participating agency except the National Park Service may conduct any activity to experiment with permits, fees, concession agreements, and innovative management structures at a national recreation demonstration lake under the jurisdiction of the participating agency.

(3) ASSISTANCE TO UNITS OF LOCAL GOVERNMENT IN THE VICINITY OF A NATIONAL RECREATION DEMONSTRATION LAKE.—The head of any participating agency that manages a national recreation demonstration lake may carry out activities (including planning and marketing activities, the establishment of advisory boards, and other activities) to improve communications and cooperation between the agency and local community interests in the vicinity of the lake with respect to management of the national recreation demonstration lake.

(f) LOCAL ADVISORY COMMITTEES.—

(1) ESTABLISHMENT AND PURPOSE.—Under guidelines developed by the Council, the head of a participating agency shall establish, for each national recreation demonstration lake managed by the agency, a local advisory committee comprised of State and local government and private sector representatives.

(2) DUTIES.—The duties of a local advisory committee shall be to recommend and coordinate with project lake managers on projects proposed to be completed by the participating agency under the Program.

(3) OTHER AUTHORITIES AND REQUIREMENTS.—

(A) MEETINGS.—All meetings of a local advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

(B) RECORDS.—A local advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

(C) COMPENSATION.—Members of a local advisory committee shall not receive any compensation.

(D) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a local advisory committee established under paragraph (1).

SEC. 5. FEDERAL LAKES RECREATION LEADERSHIP COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the ''Federal Lakes Recreation Leadership Council'' as contemplated by the memorandum of agreement among the Secretary of the Interior, Secretary of Agriculture, Secretary of the Army, and Chairman of the Tennessee Valley Authority dated October 27, 1999.

(b) MEMBERSHIP.—The Council shall be composed of—

(1) the Secretary of the Interior (or designee), who shall serve as the Chairperson of the Council;

(2) the Secretary of the Army (or designee);

(3) the Secretary of Agriculture (or designee);

(4) the Director of the Tennessee Valley Authority (or designee);

(5) a representative of the recreation industry, appointed by the President;

(6) a representative of the National Association of State Park Directors, appointed by the President; and

(7) a director of a State Fish and Wildlife Agency, appointed by the President.

(c) TERMS; VACANCIES.—

(1) TERM.—

(A) IN GENERAL.—Except as provided under subparagraph (B), a member shall be appointed for the life of the Council.

(B) PRESIDENTIAL APPOINTEE.—A member of the Council appointed under paragraphs (5), (6), or (7) of subsection (b) shall be appointed for a term of 5 years.

(2) VACANCIES.—A vacancy on the Council—

(A) shall not affect the powers of the Council; and

(B) shall be filled in the same manner as the original appointment was made.

(d) PURPOSE.—The purpose of the Council shall be to—

(1) increase the awareness of the social and economic values associated with project lake recreation among project lake management agencies and other stakeholders with an interest in recreation at project lakes;

(2) develop policies that provide an environment for success that emphasizes the role of recreation at project lakes;

(3) protect and manage recreation and other resources to optimize all resource benefits; and

(4) promote a process that will involve Federal, State, tribal, and local units of government and field managers in the planning, development, and management of recreation uses at project lakes.

(e) DUTIES.—The Council shall—

(1)(A) work to implement the goals and recommendations of the National Recreation Lakes Study Commission as detailed in the Commission's 1999 report entitled ''Reservoirs of Opportunity''; and

(B) use the report as a guide for all Council actions;

(2) solicit each project lake management agency to become a participating agency;

(3) respond to requests for assistance from Members of Congress in drafting legislation, including new authorization and funding requirements, to best achieve the purposes of this Act;

(4) promote collaboration among agencies to provide training opportunities, interagency development assignments, and regular lake manager meetings;

(5) promote the development and consistency of—

(A) data collection at project lakes, including—

(i) making scientific assessments of watershed and natural resource conditions; and

(ii) making assessments of customer facility and infrastructure needs; and

(B) required maintenance schedules;

(6) promote agency policies that encourage construction, operation, and maintenance of high quality visitor and recreational services and facilities by concessioners and permittees at project lakes, including adequate opportunities for profitability and recovery of capital investments;

(7) develop consistent guidance to encourage construction, operation, and maintenance of commercial recreation facilities and other visitor amenities at project lakes;

(8) recognize and reward innovation and collaboration at project lakes;

(9) develop public information materials to identify the type and location of recreation facilities and programs at project lakes;

(10) promote cooperation and share new approaches from Federal and State managing agencies, Indian tribes, and the private sector to embrace a culture of innovation and entrepreneurship;

(11) develop training courses on business skills to close the recreation needs gap;

(12) support annual regional workshops with State, tribal, local, and private sector participants to seek feedback and assistance in achieving the goals of the Program;

(13) develop and establish an application and selection process to implement the Program;

(14) develop guidelines for the formation of local advisory committees to be established by project lake management agencies managing national recreation demonstration lakes; and

(15) develop and administer a competitive grant program for distributing available funds among national recreation demonstration lakes for purposes described in this Act under which—

(A) the total number of lakes improved under the program shall not exceed 25 lakes; and

(B) grants are provided in a manner that, to the maximum extent practicable, reflects the geographical diversity of the United States.

(f) PRINCIPLES.—In all its actions and recommendations, the Council shall consider the following principles:

(1) WATERSHED HEALTH.—The health of the watersheds associated with project lakes must be protected.

(2) NEIGHBORING COMMUNITIES.—Neighboring communities should be encouraged to participate in planning the recreation needs and other uses of project lakes to help to diversify the economic base of the community and promote sustainable practices to protect resources.

(3) FEDERAL RESPONSIBILITIES.—Federal responsibilities to enhance recreation at project lakes while operating projects to optimize water use for all beneficial purposes should be reaffirmed.

(4) MANAGEMENT FLEXIBILITY.—Management flexibility should be increased and support for management innovation should be demonstrated.

(5) SUPPORT.—Public and private support should be attracted to provide public outdoor recreation activities at project lakes.

(g) FACA.—The Council shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(h) TERMINATION OF COUNCIL.—The Council shall terminate 15 years after the date on which funds are first made available to carry out this section.

SEC. 6. PERIODIC REVIEW AND REVISION OF OPERATING POLICIES FOR PROJECT LAKES.

(a) REPORTS.—

(1) PROJECT LAKE MANAGEMENT AGENCIES.—Not later than 1 year after the date of enactment of this Act, the head of each project lake management agency shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Council a report that describes—

(A) actions taken by the agency to communicate to personnel of the agency the requirements of this Act and other laws relating to recreation use of project lakes; and

(B) actions to be taken by the agency to expand recreation opportunities at project lakes, including a schedule for taking the actions.

(2) COUNCIL.—Not later than 3 years after the date of enactment of this Act, and every 2 years thereafter, the Council shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives a report describing actions taken by participating agencies to expand recreation opportunities at project lakes.

(3) PARTICIPATING AGENCIES.—

(A) PERIODIC REPORTS.—The head of each participating agency shall periodically report to the Council regarding activities of the participating agency under this section.

(B) COMPREHENSIVE REVIEW.—Not later than 5 years after the date of enactment of this Act and at least once every 15 years thereafter, the head of each participating agency shall conduct a comprehensive review of operating policies for project lakes managed by the agency that describes—

(i) the actions taken by the agency to communicate to personnel of the agency the requirements of this Act and other laws relating to recreation use of project lakes; and

(ii) the actions to be taken by the agency to expand recreation opportunities at project lakes, including a schedule for taking the actions.

(b) POLICIES.—

(1) IN GENERAL.—The head of each project lake management agency shall—

(A) revise the policies of the agency as necessary to incorporate new information and ensure coordinated management of project lakes to produce high levels of benefits for recreation and all authorized purposes and designated uses of project lakes; and

(B) where recreation is consistent with the project lake purposes and designated uses of project lands and waters, give recreation appropriate attention in all agency decisions and policies relating to the project lake.

(2) TAILWATERS.—In conducting any activity relating to the tailwater of a project lake, the head of a project lake management agency shall—

(A) investigate ways to consider recreational uses dependent on water release schedules and release volumes;

(B) consider release schedules to enhance such opportunities and uses of the tailwater; and

(C) appropriately balance all of the purposes of the project.

SEC. 7. RECREATION FEE DEMONSTRATION PROGRAM.

Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601–6a note; Public Law 104–134), is amended—

(1) in subsection (a)—

(A) by inserting ", the Bureau of Reclamation," after "the National Park Service";

(B) by striking "Service) and" and inserting "Service),"; and

(C) by inserting before "shall each" the following: ", and the Secretary of the Army (acting through the Corps of Engineers)";

(2) in subsection (b), by striking "four agencies" and inserting "6 agencies"; and

(3) in subsection (e)—

(A) by striking "and" and inserting a comma; and

(B) by inserting ", and the Secretary of the Army" before "shall carry out".

SEC. 8. USE OF FEDERAL WATER PROJECT FUNDING FOR MATCHING REQUIREMENTS FOR RECREATION PROJECTS AT NATIONAL RECREATION DEMONSTRATION LAKES.

(a) FEDERAL WATER PROJECT RECREATION ACT.—The Federal Water Project Recreation Act is amended—

(1) in section 2 (16 U.S.C. 460l–13)—

(A) in subsection (a), by striking "it and to bear" and all that follows through "recreation," and inserting "the project,"; and

(B) in subsection (b)—

(i) by striking "recreation and"; and

(ii) by striking "recreation or";

(2) in section 3 (16 U.S.C. 460l–14)—

(A) in subsection (b)(1), by striking "it and will bear" the first place it appears and all that follows through "recreation," and inserting "the project,"; and

(B) in subsection (c), by striking paragraph (2); and

(3) in section 4 (16 U.S.C. 460l–15), by striking "recreation and" and all that follows through "those purposes" and inserting "fish and wildlife purposes".

(b) FEDERAL AID IN FISH RESTORATION ACT.—The Act of August 9, 1950 (16 U.S.C. 777 et seq.) is amended by striking the first section 13 (relating to effective date) and the second section 13 (relating to State use of contributions) and inserting the following:

"SEC. 13. APPLICATION OF FEDERAL WATER PROJECT SPENDING TO NON-FEDERAL SHARE OF COVERED RECREATION PROJECTS.

"(a) DEFINITIONS.—In this section:

"(1) COVERED RECREATION PROJECT.—The term 'covered recreation project' means construction or reconstruction of a facility for recreation at a national recreation demonstration lake that is carried out with assistance under this Act.

"(2) NATIONAL RECREATION DEMONSTRATION LAKE.—The term 'national recreation demonstration lake' has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.

"(3) RECREATION.—The term 'recreation' has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.

"(b) TREATMENT OF USE OF AMOUNTS APPROPRIATED FOR A FEDERAL WATER PROJECT.—The use for any covered recreation project of amounts appropriated for a Federal water project shall be treated as payment of the non-Federal share of costs required under this Act.".

(c) FEDERAL AID IN WILDLIFE RESTORATION ACT.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.) is amended—

(1) by redesignating section 10 as section 11; and

(2) by inserting after section 9 the following:

"SEC. 10. APPLICATION OF FEDERAL WATER PROJECT SPENDING TO NON-FEDERAL SHARE OF RECREATION PROJECTS.

"(a) DEFINITIONS.—In this section:

"(1) COVERED RECREATION PROJECT.—The term 'covered recreation project' means construction or reconstruction of a facility for recreation at a national recreation demonstration lake that is carried out with assistance under this Act.

"(2) NATIONAL RECREATION DEMONSTRATION LAKE.—The term 'national recreation demonstration lake' has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.

"(3) RECREATION.—The term 'recreation' has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.

"(b) TREATMENT OF USE OF AMOUNTS APPROPRIATED FOR A FEDERAL WATER PROJECT.—The use for any covered recreation project of amounts appropriated for a Federal water project shall be treated as payment of the non-Federal share of costs required under this Act.".

SEC. 9. COST-SHARE ASSISTANCE FOR RECONSTRUCTION OR REPLACEMENT OF RECREATION FACILITY.

(a) ASSISTANCE AUTHORIZED.—The head of each project lake management agency may provide financial assistance to a State or local agency to cover a portion of the total costs incurred for the reconstruction or replacement of a recreation facility operated under an agreement with the State or local agency at a project lake.

(b) COSTS INCLUDED.—The total costs of reconstruction or replacement of a recreation facility include the costs associated with all components of the reconstruction or replacement project, including—

(1) project administration;

(2) the provision of technical assistance; and

(3) contracting and construction costs.

(c) LIMITATION.—Assistance provided under subsection (a) shall not be used for costs incurred in maintaining or operating the recreation facility.

SEC. 10. RELATIONSHIP TO OTHER LAWS.

This Act does not affect—

(1) the purposes of any project lake authorized before the date of enactment of this Act;

(2) the authority of any State to manage fish and wildlife; or

(3) the authority of any State or the Federal Government to enter into any agreement relating to a project lake.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $10,000,000 for each of fiscal years 2002 through 2006, to remain available until expended.

(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available under

subsection (a) may be used to pay administrative costs incurred by the Secretary of the Interior in coordinating the activities of the Council and participating agencies under this Act.

Mr. DORGAN. Mr. President, I want to express my support for the National Recreation Lakes Act which is being introduced today by Senator BLANCHE LINCOLN and others. This bill will give recreation interests a seat at the table when decisions are made about the use of Federal lakes. I think that this bill in an important part of recognizing the great benefits that our Federal lakes provide to communities all across the country.

This bill creates a pilot program that will encompass 25 national recreation demonstration lakes. These lakes will ensure that recreational interests get a voice in the decision making process. We rely on these lakes for so many different things: irrigation, hydro-power, navigation. In many cases, recreational interests are an afterthought. This bill will give recreation the priority that it deserves.

Lake Sakakawea is located in my home state of North Dakota. I have worked with the community leaders there to try and make the importance of recreational interests a part of the discussion regarding the level of the lake and the use of the water in the lake. This is a perfect example of a lake that would benefit from this legislation.

I commend Senator LINCOLN for the hard work that she has done on this legislation and I look forward to working with her to move this bill through the legislative process.

By Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BURNS, Mr. DASCHLE, Mr. JOHNSON, and Mr. CONRAD):

S. 532. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Mr. President, today, along with Senators BAUCUS, BURNS, DASCHLE, JOHNSON, and CONRAD, I am introducing legislation that would provide equitable treatment for U.S. farmers in the pricing of agricultural pesticides. This legislation would allow a state, a person, or a farm organization or cooperative/farm supply company to serve as a registrant for a Canadian pesticide which is identical or substantially similar to a U.S. registered pesticide. This bill is identical to the legislation I introduced last September.

The need for this legislation is as great as ever. We are about to start spring planting, and U.S. farmers are once again going to be required to pay more—in some cases almost twice as much—than their Canadian counterparts for crop protection products that are virtually identical in substance.

I have pointed out in the past that when the U.S.-Canada Free Trade Agreement came into effect, part of the understanding on agriculture was that our two nations were going to move rapidly toward the harmonization of pesticide regulations. Howsever, we have entered a new decade, and century, no less, and relatively little progress in harmonization has been accomplished that is meaningful to family farmers.

Since this trade agreement took effect, the pace of Canadian spring and durum wheat, and barley exports to the United States have grown from a barely noticeable trickle into annual floods of imported grain into our markets. Over the years, I have described many factors that have produced this unfair trade relationship and un-level playing field between farmers of our two nations. The failure to achieve harmonization in pesticides between the United States and Canada compounds this ongoing trade problem.

Our farmers are concerned that agricultural pesticides that are not available in the United States are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities that are subsequently imported and consumed in the United States. They rightfully believe that it is unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. However, it is not just a difference of availability of agricultural pesticides between our two countries, but also in the pricing of these chemicals.

A year ago, our farmers were denied the right to bring a pesticide across the border that was cleared for use in our country, but was not available locally because the company who manufacturers this product chose not to sell it here. They were selling a more expensive version of the product here. The simple fact is, this company was using our environmental protection laws as a means to extract a higher price from our farmers. This simply is not right.

I have pointed out, time and time again, the fact that there are significant differences in prices being paid for essentially the same pesticide by farmers in our two countries. In fact, in a recent survey, farmers in the United States were paying between 117 percent and 193 percent higher prices than Canadian farmers for a number of pesticides. This was after adjusting for differences in currency exchange rates at that time.

The farmers in my state are simply fed up with what is going on. They see grain flooding across the border, while they are unable to access the more inexpensive production inputs available in our ''free trade'' environment. And I might add, this grain coming into our country has been treated with these products which our farmers are denied access to. This simply must end.

As I stated earlier, today, my colleagues and I are reintroducing legislation that would take an important step in providing equitable treatment for U.S. farmers in the pricing of agricultural pesticides. This bill would only deal with agricultural chemicals that are identical or substantially similar. It only deals with pesticides that have already undergone rigorous review processes and whose formulations have been registered and approved for use in both countries by the respective regulatory agencies.

The bill would establish a procedure by which states may apply for and receive an Environmental Protection Agency label for agricultural chemicals sold in Canada that are identical or substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States. The need for this bill is created by pesticide companies which use chemical labeling laws to protect their marketing and pricing structures, rather than the public interest. In their selective labeling of identical or substantially similar products across the border they are able to extract unjustified profits from farmers, and create un-level pricing fields between our two countries.

This bill is one legislative step in the process of full harmonization of pesticides between our two nations. It is designed specifically to address the problem of pricing differentials on chemicals that are currently available in both countries. We need to take this step, so that we can begin the process of creating a level playing field between farmers of our two countries. This bill would make harmonization a reality for those pesticides in which their actual selling price is the only real difference.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REGISTRATION OF CANADIAN PESTICIDES BY STATES.

(a) IN GENERAL.—Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is amended by adding at the end the following:

''(d) REGISTRATION OF CANADIAN PESTICIDES BY STATES.—

''(1) DEFINITIONS.—In this subsection:

''(A) CANADIAN PESTICIDE.—The term 'Canadian pesticide' means a pesticide that—

''(i) is registered for use as a pesticide in Canada;

''(ii) is identical or substantially similar in its composition to a comparable domestic pesticide registered under section 3; and

''(iii) is registered in Canada by the registrant of the comparable domestic pesticide or by an affiliated entity of the registrant.

''(B) COMPARABLE DOMESTIC PESTICIDE.—The term 'comparable domestic pesticide' means a pesticide—

''(i) that is registered under section 3;

''(ii) the registration of which is not under suspension;

''(iii) that is not subject to—

''(I) a notice of intent to cancel or suspend under any provision of this Act;

''(II) a notice for voluntary cancellation under section 6(f); or

''(III) an enforcement action under any provision of this Act;

''(iv) that is used as the basis for comparison for the determinations required under paragraph (4);

''(v) that is registered for use on each site of application for which registration is sought under this subsection;

''(vi) for which no use is the subject of a pending interim administrative review under section 3(c)(8);

''(vii) that is not subject to any limitation on production or sale agreed to by the Administrator and the registrant or imposed by the Administrator for risk mitigation purposes; and

''(viii) that is not classified as a restricted use pesticide under section 3(d).

''(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—A State may register a Canadian pesticide for distribution and use in the State if the registration—

''(i) complies with this subsection;

''(ii) is consistent with this Act; and

''(iii) has not previously been disapproved by the Administrator.

''(B) PRODUCTION OF ANOTHER PESTICIDE.—A pesticide registered under this subsection shall not be used to produce a pesticide registered under section 3 or subsection (c).

''(C) EFFECT OF REGISTRATION.—A registration of a Canadian pesticide by a State under this subsection—

''(i) shall be deemed to be a registration under section 3 for all purposes of this Act; and

''(ii) shall authorize distribution and use only within that State.

''(D) REGISTRANT.—

''(i) IN GENERAL.—A State may register a Canadian pesticide under this subsection on its own motion or on application of any person.

''(ii) STATE OR APPLICANT AS REGISTRANT.—

''(I) STATE.—If a State registers a Canadian pesticide under this subsection on its own motion, the State shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

''(II) APPLICANT.—If a State registers a Canadian pesticide under this subsection on application of any person, the person shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

''(3) REQUIREMENTS FOR REGISTRATION SOUGHT BY PERSON.—A person seeking registration by a State of a Canadian pesticide in a State under this subsection shall—

''(A) demonstrate to the State that the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide; and

''(B) submit to the State a copy of—

''(i) the label approved by the Pesticide Management Regulatory Agency for the Canadian pesticide; and

''(ii) the label approved by the Administrator for the comparable domestic pesticide.

''(4) STATE REQUIREMENTS FOR REGISTRATION.—A State may register a Canadian pesticide under this subsection if the State—

''(A) obtains the confidential statement of formula for the Canadian pesticide;

''(B) determines that the Canadian pesticide is identical or substantially similar in composition to a comparable domestic pesticide;

''(C) for each food or feed use authorized by the registration—

''(i) determines that there exists an adequate tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that permits the residues of the pesticide on the food or feed; and

''(ii) identifies the tolerances or exemptions in the notification submitted under subparagraph (E);

''(D) obtains a label approved by the Administrator that—

''(i)(I) includes all statements, other than the establishment number, from the approved labeling of the comparable domestic pesticide that are relevant to the uses registered by the State; and

''(II) excludes all labeling statements relating to uses that are not registered by the State;

''(ii) identifies the State in which the product may be used;

''(iii) prohibits sale and use outside the State identified under clause (ii);

''(iv) includes a statement indicating that it is unlawful to use the Canadian pesticide in the State in a manner that is inconsistent with the labeling approved by the Administrator under this subsection; and

''(v) identifies the establishment number of the establishment in which the labeling approved by the Administrator will be affixed to each container of the Canadian pesticide; and

''(E) not later than 10 business days after the issuance by the State of the registration, submit to the Administrator a written notification of the action of the State that includes—

''(i) a description of the determination made under this paragraph;

''(ii) a statement of the effective date of the registration;

''(iii) a confidential statement of the formula of the registered pesticide; and

''(iv) a final printed copy of the labeling approved by the Administrator.

''(5) DISAPPROVAL OF REGISTRATION BY ADMINISTRATOR.—

''(A) IN GENERAL.—The Administrator may disapprove the registration of a Canadian pesticide by a State under this subsection if the Administrator determines that the registration of the Canadian pesticide by the State—

''(i) does not comply with this subsection or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(ii) is inconsistent with this Act.

''(B) EFFECTIVE PERIOD.—If the Administrator disapproves a registration by a State under this subsection by the date that is 90 days after the date on which the State issues the registration, the registration shall be ineffective after the 90th day.

''(6) LABELING OF CANADIAN PESTICIDES.—

''(A) IN GENERAL.—Each container containing a Canadian pesticide registered by a State shall bear the label that is approved by the Administrator under this subsection.

''(B) DISPLAY OF LABEL.—The label shall be securely attached to the container and shall be the only label visible on the container.

''(C) ORIGINAL CANADIAN LABEL.—The original Canadian label on the container shall be preserved underneath the label approved by the Administrator.

''(D) PREPARATION AND USE OF LABELS.—After a Canadian pesticide is registered under this subsection, the registrant shall—

''(i) prepare labels approved by the Administrator for the Canadian pesticide; and

''(ii) conduct or supervise all labeling of the Canadian pesticide with the approved labeling.

''(E) REGISTERED ESTABLISHMENTS.—Labeling of a Canadian pesticide under this subsection shall be conducted at an establishment registered by the registrant under section 7.

''(F) ESTABLISHMENT REPORTING REQUIREMENTS.—An establishment registered for the sole purpose of labeling under this paragraph shall be exempt from the reporting requirements of section 7(c).

''(7) REVOCATION.—

''(A) IN GENERAL.—After the registration of a Canadian pesticide, if the Administrator finds that the Canadian pesticide is not identical or substantially similar in composition to a comparable domestic pesticide, the Administrator may issue an emergency order revoking the registration of the Canadian pesticide.

''(B) TERMS OF ORDER.—The order—

''(i) shall be effective immediately;

''(ii) may prohibit the sale, distribution, and use of the Canadian pesticide; and

''(iii) may require the registrant of the Canadian pesticide to purchase and dispose of any unopened product subject to the order.

''(C) REQUEST FOR HEARING.—Not later than 10 days after issuance of the order, the registrant of the Canadian pesticide subject to the order may request a hearing on the order.

''(D) FINAL ORDER.—If a hearing is not requested in accordance with subparagraph (C), the order shall become final and shall not be subject to judicial review.

''(E) JUDICIAL REVIEW.—If a hearing is requested on the order, judicial review may be sought only at the conclusion of the hearing on the order and following the issuance by the Administrator of a final revocation order.

''(F) PROCEDURE.—A final revocation order issued following a hearing shall be reviewable in accordance with section 16.

''(8) SUSPENSION OF STATE AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—If the Administrator finds that a State that has registered 1 or more Canadian pesticides under this subsection is not capable of exercising adequate controls to ensure that registration under this subsection is consistent with this subsection, other provisions of this Act, or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or has failed to exercise adequate controls of 1 or more Canadian pesticides registered under this subsection, the Administrator may suspend the authority of the State to register Canadian pesticides under this subsection until such time as the Administrator determines that the State can and will exercise adequate control of the Canadian pesticides.

''(B) NOTICE AND OPPORTUNITY TO RESPOND.—Before suspending the authority of a State to register a Canadian pesticide, the Administrator shall—

''(i) notify the State that the Administrator proposes to suspend the authority and the reasons for the proposed suspension; and

''(ii) before taking final action to suspend authority under this subsection, provide the State an opportunity to respond to the proposal to suspend within 30 calendar days after the State receives notice under clause (i).

''(9) LIMITS ON LIABILITY.—No action for monetary damages may be heard in any Federal court against—

''(A) a State acting as a registering agency under the authority of and consistent with this subsection for injury or damage resulting from the use of a product registered by the State under this subsection; or

''(B) a registrant for damages resulting from adulteration or compositional alteration of a Canadian pesticide registered under this subsection if the registrant did not have and could not reasonably have obtained knowledge of the adulteration or compositional alteration.

''(10) DISCLOSURE OF INFORMATION BY ADMINISTRATOR TO THE STATE.—The Administrator may disclose to a State that is seeking to register a Canadian pesticide in the State information that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the

Administrator that the State can and will maintain the confidentiality of any trade secrets and commercial or financial information provided by the Administrator to the State under this subsection to the same extent as is required under section 10.

''(11) PROVISION OF INFORMATION BY REGISTRANTS OF COMPARABLE DOMESTIC PESTICIDES.—

''(A) IN GENERAL.—On request by a State, the registrant of a comparable domestic pesticide shall provide to the State that is seeking to register a Canadian pesticide in the State under this subsection information that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the registrant that the State can and will maintain the confidentiality of any trade secrets and commercial and financial information provided by the registrant to the State under this subsection to the same extent as is required under section 10.

''(B) PENALTY FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant of a comparable domestic pesticide fails to provide to the State, not later than 15 days after receipt of a written request by the State, information possessed by or reasonably accessible to the registrant that is necessary to make the determinations required by paragraph (4), the Administrator may assess a penalty against the registrant of the comparable pesticide.

''(ii) AMOUNT.—The amount of the penalty shall be equal to the product obtained by multiplying—

''(I) the difference between the per-acre cost of the application of the comparable domestic pesticide and the application of the Canadian pesticide, as determined by the Administrator; and

''(II) the number of acres in the State devoted to the commodity for which the State registration is sought.

''(C) NOTICE AND OPPORTUNITY FOR HEARING.—No penalty under this paragraph shall be assessed unless the registrant is given notice and opportunity for a hearing in accordance with section 14(a)(3).

''(D) ISSUES AT HEARING.—The only issues for resolution at the hearing shall be—

''(i) whether the registrant of the comparable domestic pesticide failed to timely provide to the State the information possessed by or reasonably accessible to the registrant that was necessary to make the determinations required by paragraph (4); and

''(ii) the amount of the penalty.

''(12) PENALTY FOR DISCLOSURE BY STATE.—

''(A) IN GENERAL.—The State shall not make public information obtained under paragraph (10) or (11) that is privileged and confidential and contains or relates to trade secrets or commercial or financial information.

''(B) DISCLOSURE.—Any State employee who willfully discloses information described in subparagraph (A) shall be subject to penalties described in section 10(f).

''(13) DATA COMPENSATION.—A State or person registering a Canadian pesticide under this subsection shall not be liable for compensation for data supporting the registration if the registration of the Canadian pesticide in Canada and the registration of the comparable domestic pesticide are held by the same registrant or by affiliated entities.

''(14) FORMULATION CHANGES.—

''(A) IN GENERAL.—The registrant of a comparable domestic pesticide shall notify the Administrator of any change in the formulation of a comparable domestic pesticide or a Canadian pesticide registered by the registrant or an affiliated entity not later than 30 days before any sale or distribution of the pesticide containing the new formulation.

''(B) STATEMENT OF FORMULA.—The registrant of the comparable domestic pesticide shall submit, with the notice required under subparagraph (A), a confidential statement of the formula for the new formulation if the registrant has possession of or reasonable access to the information.

''(C) SUSPENSION OF REGISTRATION FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant fails to provide notice or submit a confidential statement of formula as required by this paragraph, the Administrator may issue a notice of intent to suspend the registration of the comparable domestic pesticide for a period of not less than 1 year.

''(ii) EFFECTIVE DATE.—The suspension shall become final not later than the end of the 30-day period beginning on the date of the issuance by the Administrator of the notice of intent to suspend the registration, unless during the period the registrant requests a hearing.

''(iii) HEARING PROCEDURE.—If a hearing is requested, the hearing shall be conducted in accordance with section 6(d).

''(iv) ISSUES.—The only issues for resolution at the hearing shall be whether the registrant has failed to provide notice or submit a confidential statement of formula as required by this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v(c)) is amended—

(A) in paragraph (1), by inserting ''IN GENERAL.—'' after ''(1)'';

(B) in paragraph (2), by inserting ''DISAPPROVAL.—'' after ''(2)'';

(C) in paragraph (3), by inserting ''CONSISTENCY WITH FEDERAL FOOD, DRUG, AND COSMETIC ACT.—'' after ''(3)''; and

(D) by striking ''(4) If the Administrator'' and inserting the following:

''(4) SUSPENSION OF AUTHORITY TO REGISTER PESTICIDES.—Except as provided in subsection (d)(8), if the Administrator''.

(2) The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the item relating to section 24(c) and inserting the following:

''(c) Additional uses.

''(1) In general.

''(2) Disapproval.

''(3) Consistency with Federal Food, Drug, and Cosmetic Act.

''(4) Suspension of authority to register pesticides.

''(d) Registration of Canadian pesticides by States.

''(1) Definitions.

''(2) Authority to register Canadian pesticides.

''(3) Requirements for registration sought by person.

''(4) State requirements for registration.

''(5) Disapproval of registration by Administrator.

''(6) Labeling of Canadian pesticides.

''(7) Revocation.

''(8) Suspension of State authority to register Canadian pesticides.

''(9) Limits on liability.

''(10) Disclosure of information by Administrator to the State.

''(11) Provision of information by registrants of comparable domestic pesticides.

''(12) Penalty for disclosure by State.

''(13) Data compensation.

''(14) Formulation changes.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.

Mr. BURNS. Mr. President, I rise today to express my support of the Pesticide Harmonization Act. Last year, Senator DORGAN attempted to address this problem in the VA/HUD Appropriations Conference. I committed myself to work with him and move this legislation this year. I am a cosponsor of this bill because of this commitment and to even out a serious trade imbalance facing the agriculture industry in our country.

In my home State of Montana and many other western and mid-western States, we have faced a number of trade disputes between Canada and the United States. One of the most glaring discrepancies deals with pesticides. Chemicals that are sold for one price just across the border in Canada are sold at a considerably higher cost to American producers. Why does this happen you may ask? The EPA places strong regulations on chemicals used in the United States and therefore, the chemical companies believe they should hike up the prices to pay for their trouble.

The chemicals in Canada and the United States, in most cases, have the exact same chemical make-up. The same company manufactures them, but often gives them a different name and nearly always prices the American chemicals higher. The crops treated with chemicals our farmers are not allowed to use are easily imported into the United States. These crops were developed at a lower production cost and are now competing with American products. I am a strong believer in fair trade, but for free trade to actually occur, this problem must be addressed.

Currently, American farmers are facing a serious economic recession. Prices are the lowest they have been in a number of years and there does not appear to be a light at the end of the tunnel. Additionally, the West is looking at yet another year of severe drought. Already, snow packs are considerably below normal. Also, fertilizer costs are sky-rocketing with the high cost of fuel and energy. Compounding their problem is being forced to pay twice as much for nearly the same chemicals as their foreign neighbors.

If enacted, this bill would eliminate current obstacles and even the playing field for our farmers. It would allow States or individual producers to seek a registration for a Canadian pesticide. This could only be done if, upon request by the State, the pesticide is found to be identical or substantially similar to the U.S. pesticide. The EPA still has final authority to disapprove the registrations within 90 days. Once the pesticide is found to be the same or similar and the EPA approves, the State or individual can travel to Canada and purchase the chemical.

Our farmers and ranchers have been paying too much for their pesticides and chemicals for too long. From my years as a football referee, I learned everyone needs to follow the same rules to play the game. We need to make sure Canadian farmers and U.S. farmers are playing under the same rules. I

believe this bill makes that happen. I look forward to working with my colleagues on this crucial issue to America's farmers and ranchers.

By Mr. CAMPBELL:

S. 534. A bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as ''mad cow disease'') and foot-and-mouth disease in the United States; to the Committee on Governmental Affairs.

Mr. CAMPBELL. Mr. President, today I introduce the Mad Cow Prevention Act of 2001 which would help ease the American consumer's growing concern about our food supply. We can no longer take for granted that our food supply will not be tainted by bovine spongiform encephalopathy, BSE, commonly known as Mad Cow Disease, which has infected over 175,000 cattle in Great Britain and Europe. We also should be concerned about the growing threat of foot-and-mouth disease and other associated diseases to America's meat supply.

The bill I introduce today establishes a Federal Interagency Task Force, to be chaired by the Secretary of Agriculture, for the purpose of coordinating actions to prevent the outbreak of Mad Cow Disease. The agencies will include the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health and Human Service, the Secretary of Treasury, the Commissioner of the Food and Drug Administration, the Director of the National Institutes of Health, the Director of the Centers for Disease Control, the Commissioner of Customs, and any other agencies the President deems appropriate.

No later than 60 days after the enactment of this legislation the task force will submit to Congress a report which will describe the actions the agencies are taking and plan to take to prevent the spread of BSE and make recommendations for the future prevention of the spread of this disease to the United Sates. The Task Force should also consider and report on foot-and-mouth disease, chronic wasting disease and other diseases associated with our meat industries.

Recently, a situation developed in Texas prompting the quarantine of over a 1000 head of cattle. The animals were quickly purchased and taken out of the food chain by Purina. But, this incident shows how easily a contamination may start. It also has raised questions on how this disease can be controlled.

In order to address this problem, on February 9, 2001, I wrote to Secretary Veneman and requested a report from the USDA regarding our government's response to mad cow disease specifically addressing: what USDA is doing to address this problem; what other federal agencies are doing; what any future plans are; and how USDA proposes to prevent the introduction and spread of mad cow disease in the United States.

However, since I sent my letter to the USDA Secretary, the situation in Europe has gone from bad to worse. Therefore, I believe a government-wide approach is now necessary and that is why I am introducing this bill today. We simply must act quickly.

Currently, our nation's farmers and ranchers are benefitting from profitable good cattle prices, and our meat supply is safe. But, as a Western Senator from a state with a significant cattle industry that trades in the international market, I share the growing fears of constituents about the potential devastating impact mad cow disease would have if it spreads to and within the United States. The emerging potential for mad cow disease in the United States would also raise devastating health implications for humans. We cannot, in good conscience, take a chance that would allow an outbreak to occur in the U.S. which would destroy America's cattle industry and devastate consumers' confidence in our food supply.

In my home state of Colorado alone there are more than 3.15 million head of cattle and more than 12,000 beef producers. Nationwide, Colorado ranks 4th in cattle on feed and 10th in overall cattle numbers. Nearly one-third of Colorado counties are classified as either economically dependent on the cattle industry or a vital role in their economies. It is critical that we in Congress do everything we can to protect this industry in Colorado and across the country.

Over the past two months, there has been a series of news reports which highlight the spread of Mad Cow in Europe. Newsweek ran a cover story, ABC aired a provocative story and countless other reports have shown the potential situation we could face. And, today, the crisis surrounding foot-and-mouth disease is on the front page of our major newspapers. With the focus shifting to the United States, consumers are becoming wary and growing more concerned about the potential of the spread of the disease to our shores.

The Mad Cow Prevention Act of 2001 I introduce today is a necessary step towards addressing the potential disaster of this disease in our country. I urge my colleagues to support its speedy passage.

I ask unanimous consent that recent news clips, and the text of the bill be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mad Cow Prevention Act of 2001''.

SEC. 2. INTERAGENCY TASK FORCE.

(a) IN GENERAL.—There is established a Federal interagency task force, to be chaired by the Secretary of Agriculture, for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as ''mad cow disease''), foot-and-mouth disease and related diseases in the United States.

(b) MEMBERSHIP.—The membership of the task force shall be composed of—

(1) the Secretary of Agriculture;

(2) the Secretary of Commerce;

(3) the Secretary of Health and Human Services;

(4) the Secretary of the Treasury;

(5) the Commissioner of Food and Drug;

(6) the Director of the National Institutes of Health;

(7) the Director of the Centers for Disease Control and Prevention;

(8) the Commissioner of Customs; and

(9) the heads of such other Federal departments and agencies as the President considers appropriate.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the task force shall submit to Congress a report that—

(1) describes actions that are being taken, and will be taken, to prevent the outbreak of bovine spongiform encephalopathy, foot-and-mouth disease and related diseases in the United States; and

(2) contains any recommendations for legislative and regulatory actions that should be taken to prevent the outbreak of bovine spongiform encephalopathy, foot-and-mouth disease and related diseases in the United States.

[From ABCNEW.com: ''20.20'' Feature, Mar. 3, 2001]

COULD MAD COW REACH AMERICA?

SOME SCIENTISTS WORRY THE U.S. IS NOT TAKING PROTECTIVE MEASURES

Across Europe, hundreds of thousands of cows and bulls suspected of having mad cow disease have been ground up and stored in huge mounds in airplane hangars—still infected and dangerous to humans. Others are being incinerated but the ashes themselves are contaminated.

Michael Hansen, of the consumer advocacy group the Consumers Union, says the infectious strain is ''virtually indestructible . . . it defies all of our thinking about what living things are and how they should act.''

No cases of mad cow disease have been found yet in the United States, but some say America is not in the clear.

POSSIBLE THREAT IN UNITED STATES

Professor Richard Lacey is one of the leading experts on mad cow disease and was one of the first to sound the alarm in Britain. He says America needs to be very much on the alert. ''It is just possible that there is no mad cow disease in the U.S.A., but I believe it's more likely there is, but not detected yet,'' he says.

Lacey, a microbiologist at Leeds University in England, was perhaps the most outspoken scientist to warn British authorities that human could contract bovine spongiform encephalopathy by eating infected beef. The warning was largely ignored and dismissed as scientifically impossible until five years ago when people began to die.

Victims of the degenerative brain disease lose their motor skills and slowly waste away. There is no vaccine and no treatment, which is why Lacey is concerned that the United States isn't doing all it could to protect itself.

The U.S. banned British beef and cattle products in 1989 and the American beef industry has taken additional precautions. The head of the National Cattleman's Beef Association, Chuck Shroeder, says that along

with federal regulators, his group has actually gone through mock drills to prepare for the discovery of mad cow disease. Containment procedures have been planned and a full-scale public relations campaign is ready to go. ''We're not just whistling on our way past the graveyard on this,'' he says.

Shroeder is confident that necessary measures have been taken and protections in place. ''If the disease were ever discovered here, we could number one, identify it, number two contain it, and number three, eliminate it as quickly as possible.'' The government reports that its inspectors have yet to find a single cow with mad cow disease in the U.S.

FEEDING CATTLE TO CATTLE

How was mad cow disease able to spread from cow to cow in England and elsewhere in Europe?

A key reason, Lacey says, was the practice of including group-up remnants of cattle in cattle feed. This practice was widespread in Europe and, to a lesser extent, the United States.

Lacey refers to this as a kind of forced animal cannibalism.

When mad cow disease broke out, the practice of feeding cattle back to cattle was stopped in England, but it continued in the United States until four years ago. And Hansen says other potentially dangerous feeding practices now banned in the U.K. continue in the United States today.

It remains legal in the United States, for example, to ''grind up cattle, feed them to pigs, and then grind up the pigs and feed them to the cows,'' says Hansen. Lacey calls this a ''real danger,'' that ''must be stopped immediately.''

But government and industry officials say there's no reason to follow Europe in banning the practice, because there's no evidence to date that the disease can spread between pigs and cattle.

Lacey says nevertheless the United States should adopt the same ban as a precaution: ''My advice to the U.S. authorities is to simply ban the incorporation of animal remains in animal feed.''

But Shroeder defends U.S. practices. ''We have been driven here by the best science that we can access, we have protected the U.S. beef supply very, very carefully,'' he says.

CHRONIC WASTING DISEASE: A DIFFERENT STRAIN?

There's another concern no so easily answered. There is growing concern about a possible American version of mad cow disease showing up in deer and elk in the West. It is called chronic wasting disease and some suspect it has already claimed human lives.

Hansen says this chronic wasting disease is dangerously similar to mad cow disease. ''It's a different strain of the disease and it appears to be spreading in the wild,'' he says.

Tracie McEwen believes her 30-year-old husband Doug, who ate elk all his life, may have been a victim. He died of a rare brain disorder normally only seen in people older than 55, with symptoms remarkably similar to those who died the slow, agonizing death of mad cow disease in England.

The death of Tracie McEwen's husband and that of two others under the age of 30 have raised questions for health officials concerned about the similarity to mad cow disease.

Lacey thinks the ''link between eating deer and getting a type of mad cow disease is very plausible,'' and it's one more reason that American authorities shouldn't think they have all the answers about the disease. He says, ''you have to act on the assumption that the disease may well be there, because if you wait until you know it's there, then it's too late.''

Meanwhile, some members of Congress have asked for an investigation into whether the government should be taking additional steps to protect against the spread of mad cow disease should it arrive in this country.

[From Newsweek, Mar. 12, 2001]

CANNIBALS TO COWS: THE PATH OF A DEADLY DISEASE

(By Geoffrey Cowley)

Health officials say they've got Mad Cow under control, but millions of unaware people may be infected. Why it could still turn into an epidemic.

Peter Stent was a seasoned dairyman, but he had never seen anything like this. Just before Christmas, in 1984, one of his cows at Pitsham Farm in South Downs, England, started shedding weight, losing its balance and acting as skittish as a cat.

When the vet came to investigate, the animal was acting completely crazy—drooling, arching its back, waving its head, threatening its peers. And by the time it died six weeks later, Stent was seeing the same symptoms in other cows. Nine were soon dead, and no one could explain why. The vet dubbed the strange malady Pitsham Farm syndrome, since it didn't seem to exist anywhere else. Little did he know.

Alison Williams was 20 years old at the time, and living in the coastal village of Caernarfon, in north Wales. She was bright and outgoing, a business student who loved to sail and swim in the nearby mountain lakes. but her personality changed suddenly when she was 22. She lost interest in other people, her father recalls, and quit school to live at home with her parents and her brother. She still enjoyed the outdoors, but she took to sitting alone on her bed, staring out the window for hours at a time. By 1992, Alison was having what her doctors diagnosed as nervous breakdowns, and by 1995 she had grown paranoid and incontinent. ''A month before she died, she went blind and lost use of her tongue,'' her dad recalls. ''She spent her last five days in a coma.''

SOMETHING BIGGER?

Anyone with a television has heard such stories, maybe even sussed out the connection between them. Mad-cow disease, or bovine spongiform encephalopathy (BSE), has killed nearly 200,000 British and European cattle since it cropped up on Pitsham Farm. The human variant that Alison Williams contracted has claimed 94 lives as well. What few of us realize is that these tolls could mark the beginning of something vastly bigger. No one knows just how BSE first emerged. But once a few cattle contracted it, 20th-century farming practices guaranteed that millions more would follow. For 11 years following the Pitsham Farm episode, British exporters shipped the remains of BSE-infected cows all over the world, as cattle feed. The potentially tainted gruel reached more than 80 countries. And millions of people—not only in Europe but throughout Russia and Southeast Asia—have eaten cattle that were raised on it.

It's possible, of course, that the worst is already behind us. After dithering for a decade, governments in the United Kingdom and Europe have lately taken bold steps to control BSE. The number of bovine cases is now falling in Britain—and the United States has yet to even report one. American officials banned British cattle feed in 1988, as soon as scientists implicated it in BSE, and later barred the recycling of domestic cows as well. The U.S. government, the cattle industry and many experts now voice confidence in the nation's fire wall and say the risk to consumers is slight. In truth, however, America's safeguards and surveillance efforts are far weaker than most people realize. And in many of the developing countries that now face the greatest risk, such efforts are nonexistent. How many of the world's cattle are now silently incubating BSE? How many people are contracting it? The truth is, we don't know. ''We have no idea how many deaths we're going to seek in the coming years,'' says Dr. Frederic Saldmann, a French physician who has recently seen both cows and people stricken in his country. ''We've been checkmated.''

Mad cow is the creepiest in a family of disorders that can make Ebola look like chickenpox. Scientists are only beginning to understand these afflictions. Known as transmissible spongiform encephalopathies, or TSEs, they arise spontaneously in species as varied as sheep, cattle, mink, deer and people. And once they take hold they can spread. Some TSEs stick to a single species, while others ignore such boundaries. But each of them is fatal and untreatable, and they all ravage the brain—usually after long latency periods—causing symptoms that can range from dementia to psychosis and paralysis. If the prevailing theory is right, they're caused not by germs but by ''prions''—normal protein molecules that become infectious when folded into abnormal shapes. Prions are invisible to the immune system, yet tough enough to survive harsh solvents and extreme temperatures. You can freeze them, boil them, soak them in formaldehyde or carbolic acid or chloroform, and most will emerge no less deadly than they were.

[From the Washington Post, Mar. 14, 2001]

U.S. ADDS TO BAN ON EUROPEAN MEATS—FOOT-AND-MOUTH EPIDEMIC IS CITED

(By David Brown)

The Agriculture Department yesterday banned importation of most pork and goat products from the 15 European Union countries to protect American livestock from an epidemic of foot-and-mouth disease causing panic overseas.

Canada instituted a similar ban yesterday in an effort to keep the highly contagious animal disease out of North America. Foot-and-mouth does not spread to human beings, but can kill or severely sicken animals. The disease was last seen in the United States in 1929, and in Canada in 1952.

An epidemic of the disease broke out in England last month and French officials confirmed yesterday that it had found foot-and-mouth in a herd of cattle in the nation's northwest region. It was the first detection of the viral infection in the country since 1981 and the first case on the continent since the British outbreak began.

While the economic impact of the U.S. ban is relatively small, the move illustrates the level of concern about this pathogen in particular, and the ease of spread of infectious diseases across national boundaries in general.

The ban will cover about $294 million worth of meat products and about $1 million in live animals. The vast majority of the meat is pork from Denmark and other Scandinavian countries.

Certain dairy products, such as hard cheeses and yogurt, will not be covered by the ban. Canned hams also will not be affected by the ban. Importation of horses will be permitted.

''This temporary ban is in place for USDA to take time to assess our exclusion efforts as a precaution to ensure that we do not get'' foot-and-mouth disease in the United States, said department spokeswoman Meghan Thomas.

A spokeswoman for the European Commission expressed surprise at yesterday's announcement, saying the organization learned

of it from reporters. ''We've had no formal prior notification,'' said Maeve O'Beirne. ''We don't know what the definitive list [of banned products] O'Beirne. ''We don't know what the definitive list [of banned products] will be. This is, hopefully, a temporary measure.''

The value of the products is small compared to total meat imports to the United States, although not trivial. Total pork imports from all countries last year totaled slightly more than $1 billion in value. Beef and veal imports from all sources in 1999 were worth $2.1 billion.

This latest move almost eliminates nonfish meat imports from Europe. Beef imports from Britain were banned in 1989 as protection against bovine spongiform encephalopathy, also known as ''mad cow disease.'' Beef and sheep products have also been banned from other European countries.

Nicholas D. Giordano, international trade specialist with the National Pork Producers Council, said the pork imported from Europe consists mostly of ribs produced in Denmark. The United States is a net exporter of pork, and European imports equal about 1 percent of U.S. pork production, he said.

Non-meat products covered by the new ban consist mostly of purebred pigs and pig seman, an Agriculture Department official said.

The ban was also praised by Sen. Tom Harkin (D–Iowa), a member of the Senate Agriculture Committee from a large pork-producing state.

''If [the disease] were to return to America, the results would be absolutely devastating,'' he said in a statement. ''USDA is taking the right step in temporarily banning imports . . . Right now we just don't know how far this disease has spread. It is common sense to take protective measures.''

Although horses can still be brought from Europe to the United States, they must be cleaned and disinfected, along with any equipment that accompanies them, said Thomas, the USDA spokeswoman. Straw and manure are burned.

Agriculture officials have alerted airports and ports of entry to more closely inspect travelers from Europe for products that might possibly carry the foot-and-mouth virus. Food-sniffing dogs are being used in some places. The virus can persist in feed and environmental surfaces for weeks, and people reporting visits to farms or contact with livestock must have any footwear disinfected.

French Agriculture Minister Jean Glavany yesterday announced that the disease had been found among cattle on a farm in Mayenne, between Paris and the Atlantic coast. The disease was evidently carried by sheep imported from Britain to a nearby farm, and then spread to the Mayenne cows.

In Britain, more than 120,000 carcasses have been burned because of the disease, the Agriculture Ministry said, with another 50,000 due for destruction. Separate cases have broken out at more than 200 farms and sluaghterhouses.

France has burned some 20,000 sheep that were imported from Britain before the outbreak was known, and another 30,000 homegrown animals that might have been exposed. Most other European countries have also burned animals imported from Britain. Now, they will presumably burn any recent imports from France as well—as some parts of Germany started doing yesterday.

The basic approach is to kill and burn any animal that may have been exposed to the disease. The animals are lined up, shot, and then piled around gasoline-stacked timbers for burning. Farms where even a single case was suspected now have no animals left—and thus no source of income. Governments are now gearing up large-scale compensation programs.

[From the New York Times, Mar. 14, 2001]

MEAT FROM EUROPE IS BANNED BY U.S. AS ILLNESS SPREADS

(By Christopher Marquis and Donald G. McNeil Jr.)

WASHINGTON, March 13.—The United States banned imports of animals and animal products from the European Union today after learning that foot-and-mouth disease had spread to France from Britain.

The Agriculture Department said it was taking the precaution to protect the domestic industry from a possible outbreak of the virus, which could cost the American industry billions of dollars in just one year.

The virus poses little danger to people, even if they eat the meat of infected animals. But it is virulently contagious and is devastating for cattle, swine, sheep, deer and other cloven-hoofed animals, which it generally debilitates and often leaves unable to grow or produce milk.

The ban, which applies to exports from all 15 countries of the European Union, prompted some European officials to complain that the Bush administration was overreacting.

But three members of the European Union—Belgium, Portugal and Spain—are closing their borders to French meat, as is Switzerland. Norway banned imports of French farm products, and Germany and Italy took protective measures. Canada also banned meat imports from the European Union, as well as from Argentina, which has found foot-and-mouth disease in the northwest. Argentina said it would voluntarily restrict beef exports.

Kimberley Smith, a spokeswoman for the Agriculture Department, said many items including most cheeses and cured or cooked meats, are not affected because they are heated in a way that kills the virus.

The ban is expected to hit pork producers the most. European beef is already banned by the United States because of mad cow disease, which can cause fatal Creutzfeldt-Jakob disease in humans.

The Agriculture Department is ''taking this time to assess our exclusion activities as a precaution to ensure that we don't get foot-and-mouth disease in the United States,'' Ms. Smith said. She said the department could not say how long the ban would last.

Department officials did not detail which European products would be subject to the ban. But they said it would prohibit the importation of live swine, pork and meat from sheep and goats, regardless of whether it is fresh or frozen. Yogurt and most cheeses would be permitted, they said, because those sold in the United States are made from pasteurized milk.

Canned ham or any other food products that have been heated above 175 degrees Fahrenheit are permitted because such processing inactivates the virus, the officials said.

The production of such favored items as French brie and Italian prosciutto is closely monitored to meet stringent export standards, she said, so they are not affected by today's ban. Brie entering the United States is made from pasteurized milk and is considered safe.

A spokesman for the European Commission in Washington, Gerry Kiely, said the ban would cost European exporters as much as $458 million a year in sales. The agriculture department put the cost at $400 million at most.

Earlier today French officials confirmed that foot-and-mouth disease was found among cattle at a dairy farm in Laval, in northwestern France. Officials said farmers in the area had imported sheep from Britain, which is at the center of the current outbreak and has already slaughtered about 170,000 animals to contain the disease.

The disease, which is so infectious that it can be spread by footwear and cars, appeared in France despite tight precautions. The infected dairy farm, near La Baroche-Gondouin in the Mayenne district, was inside an isolation zone.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. BAUCUS, Mrs. CLINTON, Mr. DOMENICI, Mr. FEINGOLD, Mr. KENNEDY, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, and Mr. WELLSTONE):

S. 535. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation with 11 original cosponsors, including Senators MCCAIN and DASCHLE, entitled the ''Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001.'' The legislation makes a simple, yet important, technical change to the ''Breast and Cervical Cancer Treatment and Prevention Act'' by correcting a provision of last year's bill to ensure the coverage of breast and cervical cancer treatment for Native American women.

The National Breast and Cervical Cancer Early Detection Program, funded through the Centers for Disease Control and Prevention, CDC, supports screening activities in all 50 states and through 15 American Indian/Alaska Native organizations. However, the CDC program provides funding only for screening services and not for treatment.

Last year's bill, which passed the Senate by unanimous consent and had 76 cosponsors, gives states the option to extend Medicaid treatment coverage to certain women who have been screened by programs operated under the National Breast and Cervical Cancer Early Detection Program and diagnosed as having breast or cervical cancer. Through passage of the ''Breast and Cervical Cancer Treatment and Prevention Act,'' for those women not otherwise eligible for Medicaid, States may elect to expand their Medicaid programs to provide breast and cervical cancer treatment as an optional benefit and receive an enhanced federal match to encourage participation.

Last year's legislation restricts Medicaid treatment coverage to those who have no ''creditable coverage'' or treatment options. Unfortunately, the term ''creditable coverage'' is defined under

the Act to include the Indian Health Service, IHS. In short, the reference to IHS in the law effectively excludes Indian women from receiving Medicaid breast and cervical cancer treatment, as provided for under last year's bill, regardless of whether a State chooses to provide that coverage. Not only does the definition deny coverage to Native American women, but the provision runs counter to the general Medicaid rule treating IHS facilities as full Medicaid providers. My legislation corrects these issues.

During 2001, almost 50,000 women are expected to die from breast or cervical cancer in the United States despite the fact that early detection and treatment of these diseases could substantially decrease this mortality. While passage of last year's bill makes significant strides to address this problem, it fails to do so for Native American women and that must be changed as soon as possible.

In support of Native American women across this country that are being diagnosed through CDC screening activities as having breast or cervical cancer, my legislation would assure that they can also access much needed treatment through the Medicaid program. I urge its immediate adoption.

I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001''.

SEC. 2. CLARIFICATION OF INCLUSION OF INDIAN WOMEN WITH BREAST OR CERVICAL CANCER IN OPTIONAL MEDICAID ELIGIBILITY CATEGORY.

(a) TECHNICAL AMENDMENT.—The subsection (aa) of section 1902 of the Social Security Act (42 U.S.C. 1396a) added by section 2(a)(2) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106–354; 114 Stat. 1381) is amended in paragraph (4) by inserting '', but applied without regard to paragraph (1)(F) of such section'' before the period at the end.

(b) BIPA TECHNICAL AMENDMENTS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 702(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), is amended by redesignating the subsection (aa) added by such section as subsection (bb).

(2) Section 1902(a)(15) of the Social Security Act (42 U.S.C. 1396a(a)(15)), as added by section 702(a)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as so enacted into law), is amended by striking ''subsection (aa)'' and inserting ''subsection (bb)''.

(3) Section 1915(b) of the Social Security Act (42 U.S.C. 1396n(b)), as amended by section 702(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as so enacted into law), is amended by striking ''1902(aa)'' and inserting ''1902(bb)''.

(c) EFFECTIVE DATES.—

(1) BCCPTA TECHNICAL AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106–354; 114 Stat. 1381).

(2) BIPA TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the enactment of section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554).

By Mr. SHELBY:

S. 536. A bill to amend the Gramm-Leach-Bliley Act to provide for a limitation on sharing of marketing and behavioral profiling information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to introduce the ''Freedom from Behavioral Profiling Act of 2001.'' This legislation would require financial institutions to provide proper notice and obtain permission from a consumer before they could buy, sell or otherwise share an individual's behavioral profile.

Everyone recognizes the importance of insuring the accuracy and security of credit and debit card transactions. Without basic safety features, consumers would avoid non-cash transactions and our economy would greatly suffer as a result. However, financial institutions have taken their data gathering efforts far beyond what is necessary to protect consumers from fraud, inaccurate billing and theft. Companies are using transactional records generated by debit and credit card use and are developing detailed consumer profiles. From these files they know the food you eat, the drugs you must take, the places you go, and the books you read, as well as every other thing about you that can be gleaned from your buying habits.

Troubling as it is that financial institutions are assembling such profiles, I find it even more worrisome that these companies are selling and trading these intimate details without consumer knowledge or consent. In as much, ''your'' sensitive personal information has become a commodity bought and sold like some latter day widget. I believe the American people have the right to be informed of these activities and should have the option to decide for themselves whether or not their personal information is shared or sold.

I find it quite ironic that the very institutions that work so hard to secure sensitive corporate information are the same companies that work so hard to exploit the personal information of consumers. Unfortunately, it would seem that corporate America has decided that the ''Golden Rule'' is not applicable in the Information Age.

The American people are only now becoming aware of the behavioral profiling practices of the industry. The more they find out, the more they do not like it. That is why I am offering this legislation, to give the consumer the ability to control his or her most personal behavioral profile. Where they go, who they see, what they buy and when they do it, all of these are personal decisions that the majority of Americans do not want monitored and recorded under the watchful eye of corporate America.

Colleagues in the Senate, I hope you will join me in an effort to give the people what they want, the ability to control the indiscriminate sharing of their own personal, and private, consumption habits.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 60—URGING THE IMMEDIATE RELEASE OF KOSOVAR ALBANIANS WRONGFULLY IMPRISONED IN SERBIA, AND FOR OTHER PURPOSES

Mr. SMITH of Oregon submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 60

Whereas the Military-Technical Agreement Between the International Security Force (''KFOR'') and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia (concluded June 9, 1999) ended the war in Kosovo;

Whereas in June 1999, the armed forces of the Federal Republic of Yugoslavia (Serbia and Montenegro) (in this resolution referred to as the ''FRY'') and the police units of Serbia, as they withdrew from Kosovo, transferred approximately 1,900 ethnic Albanians between the ages of 13 and 73 from prisons in Kosovo to Serbian prisons;

Whereas some ethnic Albanian prisoners that were tried in Serbia were convicted on false charges of terrorism, as in the case of Dr. Flora Brovina;

Whereas the Serbian prison directors at Pozarevac prison stated that of 600 ethnic Albanian prisoners that arrived in June 1999, 530 had no court documentation of any kind;

Whereas 640 of the imprisoned Kosovar Albanians were released after being formally indicted and sentenced to terms that matched the time already spent in prison;

Whereas representatives of the FRY government received thousands of dollars in ransom payments from Albanian families for the release of prisoners;

Whereas the payment for the release of a Kosovar Albanian from a Serbian prison varied from $4,300 to $24,000, depending on their social prestige;

Whereas Kosovar Albanian lawyers, including Husnija Bitice and Teki Bokshi, who are fighting for fair trials of the imprisoned have been severely beaten;

Whereas approximately 600 Kosovar Albanians remain imprisoned by government authorities in Serbia;

Whereas the Geneva Conventions of August 12, 1949, and their protocols give the international community legal authority to press for, in every way possible, the immediate release of political prisoners detained during a period of armed conflict;

Whereas, on July 16, 1999, the United Nations Mission in Kosovo (UNMIK) Special Representative to the Secretary General, Bernard Kouchner, formed an UNMIK commission on prisoners and missing persons for the purpose of advocating the immediate release of prisoners in four categories: sick, wounded, children, and women;

Whereas on March 15, 2000, the Kosovo Transition Council, a co-governing body with the Interim Administrative Council in Kosovo, repeated an appeal to the United Nations Security Council requesting the release of Kosovar Albanians imprisoned in Serbia;

Whereas on February 26, 2001, the FRY Assembly enacted an Amnesty Law under which only 108 of the 600 prisoners are eligible for amnesty; and

Whereas Vojislav Kostunica, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), is responsible for the policies of the FRY and of Serbia: Now, therefore, be it

Resolved,

SECTION 1. URGING THE IMMEDIATE RELEASE OF ALL KOSOVAR ALBANIAN PRISONERS WRONGFULLY IMPRISONED IN SERBIA.

The Senate hereby—

(1) calls on FRY and Serbian authorities to provide a complete and precise accounting of all Kosovar Albanians held in any Serbian prison or other detention facility;

(2) urges the immediate release of all Kosovar Albanians wrongfully held in Serbia, including the immediate release of all Kosovar Albanian prisoners in Serbian custody arrested in the course of the Kosovo conflict for their resistance to the repression of the Milosevic regime; and

(3) urges the European Union (EU) and all countries, including European countries that are not members of the EU, to act collectively with the United States in exerting pressure on the government of the FRY and of Serbia to release all prisoners described in paragraph (2).

AMENDMENTS SUBMITTED AND PROPOSED

SA 96. Mr. HATCH proposed an amendment to amendment SA 93 proposed by Mr. Reid to the bill (S. 420) to amend title II, United States Code, and for other purposes.

SA 97. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 82 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 98. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 58 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 99. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 100. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 85 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 101. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 59 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 102. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 45 submitted by Mr. Bond and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 103. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 96. Mr. HATCH proposed an amendment to amendment SA 93 proposed by Mr. REID to the bill (S. 420) to amend title II, United States Code, and for other purposes; as follows:

Strike all after the words ''Section 1'' and insert the following:

(The language of the amendment is the text of bill S. 420, as reported from the Committee on the Judiciary, beginning with the word ''SHORT'' on page 1, line 3.)

SA 97. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 82 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''**TREASURY**'' and all that follows through the end of the amendment and insert the following:

PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act or the amendments made by this Act, against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 98. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 58 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike ''**EXPEDITED**'' and all that follows through the end of the amendment and insert the following:

PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act or the amendments made by this Act, against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 99. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. SESIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, beginning on line 7, strike ''and the spouse of the debtor, combined'' and insert '', or in a joint case, the debtor and the debtor's spouse''.

SA 100. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 85 submitted by Mr. SESIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 20, and insert the following:

audit was filed.

SEC. ___. PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) may not assert any claim under this Act or any amendment made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 101. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 59 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike line 14, and insert the following:

the terms of clause (i).

SEC. ___. PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) may not assert any claim under this Act or any amendment made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 102. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 45 submitted by Mr. BOND and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 12, and insert the following:

fore the existing deadline expired.''.

SEC. ___. PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) may not assert any claim under this Act or any amendment made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 103. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''No'' and insert the following: ''A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act or the amendments made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements. No''.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on March 22, 2001, in SH–216 at 9 a.m. The purpose of this hearing will be to review the Food Safety and Inspection Service.

Mr. President, I would also like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on March 29, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to review Environmental Trading Opportunities for Agriculture.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 29, 2001, at 2:30 p.m., in room SD–124 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the Administration's National Fire Plan.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224–2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 14, 2001, at 9:30 a.m., on Internet tax.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 14, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 14, 2001, to hear testimony on Encouraging Charitable Giving.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 14, 2001, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting to consider the committee's views and estimates on the President's FY 2002 Budget Request for Indian Programs to be followed immediately by a hearing on S. 211, the Native American Education Improvement Act of 2001.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, March 14, 2001, at 10 a.m., in Dirksen 226.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 14, 2001, at 9:30 a.m., to receive testimony on election reform.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Disabled American Veterans. The hearing will be held on Wednesday, March 14, 2001, at 10 a.m., in room 345 of the Cannon House Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 14, 2001, at 2 p.m., to hold a closed hearing on intelligence matters.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the Democratic leader, pursuant to Public Law 106–286, appoints the following members to serve on the Congressional-Executive Commission on the People's Republic of China: The Senator from Montana (Mr. BAUCUS), the Senator from Michigan (Mr. LEVIN), the Senator from California (Mrs. FEINSTEIN), and the Senator from North Dakota (Mr. DORGAN).

ORDERS FOR THURSDAY, MARCH 15, 2001

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 15. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 420.

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

PROGRAM

Mr. GRASSLEY. Mr. President, for the information of all Senators, the Senate will immediately resume consideration of the bankruptcy legislation with 10 hours remaining for postcloture debate. Senator WELLSTONE will be recognized at 9:30 a.m. to offer any of his germane amendments. Following his time, Senator KOHL's amendment regarding the homestead issue will be debated for up to 90 minutes. Under the previous order, there will be two votes at 12 noon on Leahy amendment No. 19 and amendment No. 41. Further, amendments will be offered and debated during tomorrow's session, and therefore votes will occur throughout the day. It is hoped that we can complete action on the bill very early in the evening.

ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:07 p.m., adjourned until Thursday, March 15, 2001, at 9:30 a.m.