

(2) CONFORMING AMENDMENT.—Section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)) is amended by striking “803(6)” and inserting “808(a)(6)”.

Mr. WELLSTONE. Mr. President, there are a few of the truly onerous provisions of this bill affecting hard-pressed, working families.

Section 105—someone needs to focus on this—imposes mandatory credit counseling on debtors before they can seek bankruptcy relief, at the debtor's expense. This is regardless of whether the bankruptcy would be the result of simple overspending or something unavoidable such as a serious illness in your family and a medical expense.

Forty-four million people in our country do not have health insurance.

There is no waiver of this requirement if the debtor needs to make an emergency bankruptcy filing to stave off eviction or a utility shutoff. It is amazing. I can't believe this.

Again, you have a situation—I used to do a lot of work organizing with poor people—with a family, and these people are denied. They have to go through mandatory credit card counseling before they can seek bankruptcy relief, even when it is clear it isn't because they just overspent, that it is because something happened to them that was beyond their control, such as an illness in their family. And there isn't even a waiver of this requirement when the family has to get the emergency bankruptcy filing in order to stave off an eviction or a utilities shutoff.

It is cold outside today in Washington, DC. Do you know what a utility shutoff would mean to family?

Section 311 would end the practice under current law of stopping eviction proceedings against tenants who are behind on rent who file for bankruptcy. What we are saying is if a tenant is filing for bankruptcy right now, they have at least some protection. Section 311 will basically end this protection. You can go on with the eviction proceedings.

Section 312 will make a person ineligible to file for chapter 13 bankruptcy if he or she has successfully emerged from bankruptcy within the past 5 years, even if it was a successful chapter 13 reorganization where the debtor paid off all the creditors. If they have been through it successfully before and paid off all of the creditors, and there is an emergency medical bill or whatever happened—they lost their job—they are ineligible.

This is called reform?

I started out saying before the Chair came that you have this unbelievable practice right now that I am trying to go after with one amendment—these title car pawn loans and payday loans—car title pawn loans, again, where somebody needs \$100, or \$200, and basically they get the loan. The unscrupulous creditor says: We give you the loan. You pay us the high interest. In addition, we want the key to your car. We have a loan on your car.

If they do not pay it back at the end of the week, or after 2 weeks, they take the car key and sell it. Whatever money they make, they can keep, even if it is above and beyond what they owe the debtor. It is unbelievable. We ought to do something about that. This is a ludicrous business. These are hard-pressed people and this is the only place they can go right now.

I talked about these payday loans. In all due respect, again, these folks who do this ought not be covered by this bankruptcy. They ought not be able to collect these payday loans. It is unbelievable. It is the same thing. You need a loan of \$100 for a week or two. You are charged 15 percent interest. They roll over again and again. It can be as high as 300 or 400. There have been some cases where it has been as high as 2,000 percent interest.

We ought to say, in all due respect, if you folks want to be allowed to claim, we ought to put a limit, and if the limit is going to be at 100-percent interest, it seems to me that is pretty high—100 percent interest payments? Maybe we want to say then we prohibit the recovery of loans.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. WELLSTONE. I am sorry to say to my colleague that I have been yielding over and over again. I will try to finish by 12:30. Let me finish, and then I will yield.

Mr. President, on this piece of legislation, I started out citing that there are three or four national studies—three or four independent national studies, credible national studies. That is a matter of fact. What is supposed to be a crisis no longer exists, and the trend is that there are going to be fewer bankruptcies.

I then went on to say there are still too many. But the irony is that the reason a lot of people have to file for bankruptcy is because we haven't done a darned thing when people do not have health insurance. We haven't done a darned thing to make sure people find a job with decent wages. We haven't done a darned thing about affordable child care. We are doing nothing about the crisis in affordable housing, including in rural areas. All of this impinges on these families, but instead we have this piece of legislation.

I then went on to argue, and I cited a number of provisions which are draconian, this piece of legislation targets low-income people. The people who are going to be most harshly treated by this are poor people, senior citizens, women, and single parents.

I then went on, and I gave many instances to say that it does nothing about the unscrupulous creditors—nothing at all. There is no accountability there. There was not a call for responsibility on their part.

I will be back next week with two amendments. I will have an hour to argue my case. I hope at least on these two amendments I can receive majority support. I have tried to take some

time this morning and I will take more time next week to at least get people in the country, people who watch this debate or people who write about this debate, to understand there are a lot of punitive provisions in this piece of legislation. It hardly can be called “reform.”

There are many organizations—consumer organizations, senior organizations, children's organizations, labor organizations—that have raised important questions about this. I think rather than a step forward, this is a very harsh step backward.

I am pleased to yield for a question or comment from my colleague from Alabama.

The PRESIDING OFFICER. Is the Senator aware we are under a previous order to go to recess at 12:30?

Mr. WELLSTONE. I am pleased to debate this subject with my colleague next week.

Mr. SESSIONS. I had a question about the amendment but I don't think it is necessary to pursue it today at this time.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. HUTCHISON].

BANKRUPTCY REFORM ACT OF 1999—Continued

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Madam President, I rise today in strong support of S. 625, the Bankruptcy Reform Act. This legislation is urgently needed to address abuses of our bankruptcy laws and help make sure bankruptcy is reserved for those who truly need it.

We have had Federal bankruptcy laws for 100 years, and no one disputes that some people must file for bankruptcy. Some people fall on hard times and have financial problems that dwarf their financial means. They need to have the debts that they cannot pay forgiven, and they need a fresh start.

However, other people who file for bankruptcy have assets or have the ability to repay their debts over time. These people should reorganize their debts. Bankruptcy should not be an avenue for people to avoid paying their debts when they have the ability to do so. People should pay what they can.

The problem is becoming more serious because more and more people are filing for bankruptcy every year. The number of consumer bankruptcy filings has more than quadrupled in the last 20 years. More Americans filed for bankruptcy last year than ever before.

S. 625 addresses the issue by making it easier for judges to transfer cases

from Chapter 7 discharge to Chapter 13 reorganization, based on the income of the debtor and other factors. The bill permits creditors to be involved if they believe the debtor has the ability to repay. However, if a creditor abuses that power and brings such motions without substantial justification, the creditor is penalized. Also, the legislation places more responsibility on attorneys to steer individuals toward paying what they can.

The bill makes reforms without jeopardizing the truly needy. For example, the bill has special provisions to protect mothers who depend on child support by making these payments the top priority for payment in bankruptcy.

It is too easy to file for bankruptcy. It is too easy to get the slate wiped clean. We recognize that some people need a fresh start. But a fresh start should not mean a free ride. We must stop this type of abuse.

I urge my colleagues to support this important reform measure.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I ask unanimous consent to be permitted to speak for 15 minutes as in morning business.

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

Mr. BOND. I thank the Chair and my colleagues.

THE BENEFITS AND POLITICS OF BIOTECHNOLOGY

Mr. BOND. Madam President, as we move into this next century, we face a great opportunity and great challenge. We need only to look backward to help contemplate the immense change and innovation that is in front of us. While positive change is to the long-term benefit of all, it typically results in short-term difficulties, anxiety, and fear for some. How we cope with those difficulties defines our vision and tests our courage. In the last century we saw the industrial age and the computer age. We experienced fits of fear regarding everything from aviation, penicillin, industrialization, computerization and most recently, the non-calamity, fortunately, known as Y2K.

Remarkably, plant technology in this half-century has helped make it possible for the U.S. farmer, who in 1940 fed 19 people, to feed 129 today.

Meanwhile, worldwide population grows and farmland shrinks, Policymakers, farmers, doctors, business leaders, scientists, and others look ahead and search for critical tools to meet the increasing demands of a growing and changing world.

Nobel prizewinning chemist Robert F. Curl of Rice University said that "it is clear that the 21st will be the century of biology."

Scientists, medical doctors, Government officials, farmers, and others have testified before the Congress and elsewhere to the benefits of this new generation of technology, which may

offer the sustainable production of safer and more abundant food sources, new vaccines and medicines, as well as biodegradable plastics and cleaner energy alternatives.

Senator MACK hosted a hearing of the Joint Economic Committee in September entitled "Putting a Human Face on Biotechnology" where Tour de France winner Lance Armstrong testified about his personal experience using biotechnology and will to overcome cancer. Senators LUGAR and HARKIN held 2 days of hearings in October with a diverse number of distinguished witnesses to discuss the science and regulation of biotechnology.

Bipartisan members including Senators KERRY, DURBIN, HAGEL, CRAIG, FRIST, CONRAD, LUGAR, GORTON, GRASSLEY, ASHCROFT, ROBB, BURNS, GRAMS, GORDON SMITH, BAUCUS, HELMS, HUTCHISON, ROBERTS, BAYH, BROWNBACK, CRAPO, and COVERDELL have joined me in expressing to the President our bipartisan commitment to biotechnology.

We urge the administration and the State Department to be firm in their negotiations in Montreal, to say that the phyto sanitary agreements are adequate in all we need to regulate biotechnology.

As chairman of the Senate Appropriations Subcommittee which funds public research activities at the National Science Foundation, I have worked with my partner, Senator MIKULSKI, to win congressional approval of \$150 million in the last 3 years for the Plant Genome Initiative at the National Science Foundation to study the structure, organization, and function of genomes of significant plants important to improving human health and the environment.

Recently, I received a letter signed by over 500 scientists revealing the exceptionally strong scientific consensus endorsing biotechnology. These are public- and private-sector scientists, the majority of whom are from academic institutions representing nearly every State, a number of foreign countries, the National Academy of Sciences, private foundations, Federal research agencies, and our National Labs. Here is some of what they told me about biotechnology:

The ultimate beneficiaries of technological innovation have always been consumers, both in the United States and abroad. In developing countries, biotechnological advances will provide means to overcome vitamin deficiencies, to supply vaccines for killer diseases like cholera and malaria, to increase production and protect fragile natural resources, and to grow crops under normally unfavorable conditions.

They continued:

We recognize that no technology is without risks. At the same time, we have confidence in the current U.S. regulatory system provided by the USDA, EPA, and FDA. The U.S. system has worked well and continues to evolve as scientific advancements are achieved.

They strongly endorse the U.S. regulatory multiagency approval system, which they say works well.

The American Medical Association is supportive also. In policy H-480.985, "Biotechnology and the American Agricultural Industry" they say the following:

It is the policy of the AMA to (1) endorse or implement programs that will convince the public and government officials that genetic manipulation is not inherently hazardous and that the health and economic benefits of recombinant DNA technology greatly exceed any risk posed to society; (2) where necessary, urge Congress and federal regulatory agencies to develop appropriate guidelines which will not impede the progress of agricultural biotechnology, yet will ensure that adequate safety precautions are enforced; (3) encourage and assist state medical societies to coordinate programs which will educate physicians in recombinant DNA technology as it applies to public health, such that the physician may respond to patient query and concern; (4) encourage physicians, through their state medical societies, to be public spokespersons for those agricultural biotechnologies that will benefit public health; and (5) actively participate in the development of national programs to educate the public about the benefits of agricultural biotechnology.

Remarkably, however, we find ourselves at a crossroads as a strange mixture of forces endeavor not to ensure that biotechnology is safe—which is and should be our collective purpose—but to discredit and eliminate biotechnology. Opposition has been motivated variously by protectionist sentiment, by political intimidation, by competing business, and by scientifically unsubstantiated fear of technology. Activists and protectionists in Europe have conspired with a level of success that is stunning. Their goal is to stroke fear and use intimidation to frustrate and undermine biotechnology.

Just this week, it was reported by the Detroit News that:

A visiting Michigan State University associate professor whose office was the target of a fire set by radical environmentalists on New Year's Eve said Sunday that she heads a project aimed at increasing food production and making food more nutritious.

The purpose of her work was to ensure that we use agricultural knowledge and tools to address those problems.

Catherine Ives, director of the Agricultural Biotechnology for Sustainable Productivity, which is based at Michigan State University, said, "The whole point of the project is to make land more productive so we don't have to damage the environment." The paper reported, "The goal of the project is to develop long-term solutions for food security in the developing world, where undernourishment is an epidemic." "We know that there are 840 million people in the world who don't have enough to eat," Ives said. "The use of agricultural knowledge and tools will help in addressing that problem."

Dr. Martina McGlaughlin, Director of Biotechnology at the University of California at Davis, in a November 1, 1999, column in the Los Angeles Times reinforced the dilemma of population growth coupled with the finite quantity of arable land: