

The letter further says:

Well-counseled debtors will have no problem timing their bankruptcies or tying up court in litigation to skirt the intent of [this bill's two-year look-back] provision.

The fact is, it will be very difficult for a debtor to plan 2 years ahead to place large amounts of cash into a homestead. Such planning, however, could establish a record of the debtor's intent to hinder or delay his creditors. If you can show they maneuvered over a 2-year period to establish a new homestead in a different State, or put extra money in there, then you have a remedy under this bill. If so, our legislation contains a 7-year look-back provision to bring any amount added to a homestead to defraud, hinder, or delay creditors back into the bankruptcy estate, used to pay off debtors of the estate.

So in conclusion, Mr. President, I reject the assertions in the October 30 letter by the anti-reform professors. This bankruptcy bill will place women and children in a better position than ever before. That is a major reason why an overwhelming bi-partisan majority of the House and the Senate supported this bill last year. And that is why we should pass it again this year, and the President should sign it.

I know there is a lot of talk about this bill being harsh and somehow unfair to poor people. But all debtors—all poor people filing bankruptcy—if the claimants are for child support or alimony, will be much advantaged.

The alimony and child support people will have much greater power under this bill to collect their money than under current law. Second, anybody making below median income for their State will not be affected by the means test and will not be converted to Chapter 7. And I do not know how many that is, but I would be willing to guess that at least 80 percent of the individual bankruptcy filings in this country are by people who make below median income. It is only a few at which we are looking. The same people who are concerned about those abusing the homestead law to defraud their creditors ought to also be concerned about doctors and other rich people who have run up a bunch of debts, bankrupt against them, and then the next year make \$100,000 to \$150,000 a year. By doing that, these people have effectively gotten out of their legitimate debts that could easily have been repaid by them. Make no mistake, that is the truth. You can go into bankruptcy court today, file under chapter 7 and if your income is \$250,000 a year, wipe away the debt that you owe and, effectively, never pay your creditors. That is not right. It's an abuse. If you can pay part of your debts, you ought to.

We have come up with a bright line rule. If you make above median income for your State and you can pay the lesser of 25 percent or \$10,000 of your debts over 5 years, you are required to pay at least a portion of those debts you can pay; in other words, you must

file in Chapter 13. The judge will decide how much you pay and will set up a repayment schedule. In short, people should try to repay the debts that they owe. We don't need to create a bankruptcy system that is running out of control where lawyers are advertising night and day on the TV and in the free shopping guides in the grocery stores about how you can wipe out your debts and you don't have to pay what you owe.

When somebody fails to pay what they owe, whether it is to a hospital, whether it is to a doctor, whether it is to a bank, whether it is to a credit card company, what happens? It drives up the cost of those people's business. They have to raise the charges on the honest people who pay them.

There is no free lunch in this country. That is basic economics. There is no free lunch. If you don't pay your debt, then somebody else is going to pick up the burden.

We need to have a law that enhances our capacity to ensure people don't abuse bankruptcy; that if you are capable of repaying a portion of your debts, you do. That is fundamental and what most Americans do.

When I think about those families sitting around their kitchen tables right now worrying about their budgets, trying to decide whether or not they can afford to take vacation, and who ultimately decide that they can't because they have bills to pay - those are the people we ought to honor. Those are the people who demonstrate the kind of character and discipline that ought to be affirmed. We ought not to affirm people who make above the median income in America and who can easily pay back part of their debts, but who decide not to do so.

I don't believe you can assert one fact in this bill that is not fair and just. We have fought over this bill for 4 years. It has passed this body at least three times by overwhelming numbers. Unfortunately, it is not yet the law. I plan to listen carefully to the complaints about this bill that will surely be made on this floor, but frankly I don't believe that anybody's complaints will hold water.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS pertaining to the submission of S. 455 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

#### A WEEK FOR WORKING PEOPLE

Mr. WELLSTONE. Mr. President, first of all, I haven't had a chance to review Senator COLLINS' legislation, but I will tell you that anything and everything that we can do that really nurtures and encourages small business we should do. The small businesspeople are a lot like family farmers. Every-

body loves them in the abstract, but when it comes to access to capital and to the opportunities for them to grow, I think we can do much better.

I will tell you that in Minnesota—and I am sure it is the case in Maine—people are always more comfortable when the actual capital decisions are made by people who live in the community. They own the businesses there. I would put my emphasis on education and entrepreneurship at the community level. I thank my colleague for her work.

I am going to be quite brief because I have a feeling that over the next couple of weeks I won't be brief at all. This is going to be quite a week for working families, working people, in Minnesota and around the country. We start out tomorrow with a bang. We are going to have a resolution on the floor of the Senate that would summarily and permanently overturn OSHA standards that were designed to protect workers from serious and debilitating ergonomic injuries. We are talking about repetitive stress injuries and about 1.8 million workers who suffer from these disorders, 600,000 injuries so severe that people are forced to take off from work.

The terms of these injuries, such as carpal tunnel syndrome, tendonitis, and back injuries, sound familiar. I will give you one example, although there are many, and then I will make my larger point.

Kita Ortiz, a sewing machine operator in New York City, was 52 when her whole life came crashing down on her. She ended up with cramps in her hands so severe that she woke up with them frozen like claws. She had to soak her hands in hot water just to be able to move her fingers. This went on for 5 years. Terrified of losing her job, she suffered through agony beyond anything that any Senator can imagine. Finally, she had to give up her job. It took 2 years to get her first workers comp check. She lost her and her family's health insurance, and she tries to get by now on \$120 a week on workers comp payments.

I will tell you something. This resolution is all about overturning our accountability as legislators, as Senators, to working people in this country, our accountability for their safety. I would bet that of the 1.6 million, 1.8 million workers who suffer from these injuries, well over 50 percent are women. I will just tell you that I believe part of the reason that Kita Ortiz is not so prominent in this effort is because to many people these workers and these injuries are just out of site, out of mind. But this is the most serious health and safety problem in the workplace.

We had OSHA spend 10 years to promulgate this rule and now we have this rush to judgment, where we are going to have 10 hours of debate, no amendments permissible—10 hours of debate to overturn a rule that was 10 years in the making based upon the heartfelt

testimony of men and women who have gone through this living hell of repetitive stress injury.

Why the rush to judgment? Some Senators can be very generous with the suffering of others. It is so interesting to me that we are going to pass a resolution that is going to not just say to OSHA there are problems, fix them, but basically its scorched earth approach on the floor of the Senate—10 hours, limited debate, no amendments, and basically OSHA's hands are tied for the future. We have to come back and go through a process all over again.

By the way, time is not neutral for a whole lot of people who suffer these injuries. I don't think most of them are our sons and daughters, to be blunt about it. This is a class thing. I don't know whether others want to say it on the floor, but it should be said. I will say it a lot over tomorrow. These aren't really our sons and daughters. These aren't our brothers and sisters, our husbands and wives. For most of us, I don't think these are people we know very well. These are working class people. It is interesting to me that we are so willing to have standards for schools, but we don't want to have standards for workplace safety.

It is going to be interesting to see how colleagues vote on this. I think this Federal testing that President Bush is talking about is probably the largest intrusion of the Federal Government on State and local school districts we have seen for a long time, which basically says, hey, for any of you who receive any title I money, you will do annual testing from third grade on—I think all the way to eighth grade. You do it. That is what we are telling them. We are not clear exactly whether or not or how this gets funded.

We are certainly not going to give the schools and teachers and the children the tools to be able to do well, but we are going to pound our chests and talk about how low-income children, and children in inner-city schools, and in schools that don't have good lab facilities and don't have the technology, and children who didn't come to kindergarten ready to learn, and kids who come to school hungry, and kids who live in a family that moves two, three times a year because of the lack of affordable housing, and we are set up for failure. We are willing to jam those tests down the throats of States and school districts, big Federal intrusion in education. So we are going to have the standards for schools, but we are not going to have the standards for workplace safety.

Tomorrow we are going to abolish standards for workplace safety. At least that is the effort. I hope it is not successful. This is quite a week for working families. We start out going after the ergonomics rule, which is so important to people who have gone through such a living hell with such pain from repetitive stress injury. It is a horrible injury. And you have some parts of the business community broad-

ly defined—not all, thank goodness—coming in and saying we cannot afford it. It is terrible. How generous again some people are with other people's suffering. If it was you or if it was your loved one who was struggling, who was basically disabled for life, who was in unbelievable pain, you would want to see some kind of standard put into effect. That is what this debate is going to be about.

This is a class issue. That is what this is about, make no bones about it, and the question is, Where do working people fit into the deliberations of the Senate? We will see.

Then we go from there to the bankruptcy bill. I ask unanimous consent to print in the RECORD a letter from a variety of women's and children's organizations—American Association of University Women, Children's Defense Fund, Center for Law and Social Policy, National Center for Youth Law, National Organization of Women Legal Defense and Education Fund, National Women's Law Center, YWCA of the United States—that are in opposition to the bankruptcy bill.

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

MARCH 2, 2000.

Re Women and children's groups oppose S. 420, Bankruptcy Reform Act

DEAR SENATOR: The undersigned organizations write to urge you to stand with America's women, children, and working families and oppose S. 420, the Bankruptcy Reform Act of 2001.

If it becomes law, this bill will inflict greater pain on the hundreds of thousands of economically vulnerable women and families who are affected by the bankruptcy system each year. Over 150,000 women owed child support or alimony by men who file for bankruptcy become bankruptcy creditors. An even larger number of women owed child support or alimony—over 200,000—will be forced into bankruptcy themselves. Indeed, women are the largest and fastest growing group in bankruptcy.

S. 420 puts both women and children owned support who are bankruptcy creditors and those who must file for bankruptcy at greater risk. By increasing the rights of many other creditors, including credit card companies, finance companies, auto lenders and others, the bill would set up a competition for scarce resources between parents and children owed child support and these commercial creditors both during and after bankruptcy. And single parents facing financial crises—often caused by divorce, non-payment of support, loss of a job, uninsured medical expenses, or domestic violence—would find it harder to regain their economic stability through the bankruptcy process. The bill would make it harder for these parents to meet the filing requirements; harder, if they got there, to save their homes, cars, and essential household items; and harder to meet their children's needs after bankruptcy because many more debts would survive.

Contrary to the claims of some, the domestic support provisions included in the bill would not solve these problems. The provisions only relate to the collection of support during bankruptcy from a bankruptcy filer: they do nothing to alleviate the additional hardships the bill would create for the hundreds of thousands of women forced into bankruptcy themselves. And even for women

who are owed support by men who file for bankruptcy, the domestic support provisions fail to ensure that, in this intensified competition for the debtor's limited resources before and after bankruptcy, parents and children owed support will prevail over the sophisticated collection departments of these powerful interests.

We urge you to support amendments to ameliorate the bill's harsh effects on women and their families, insist on bankruptcy reform that is truly fair and balanced, and vote against S. 420.

Very truly yours,  
American Association of University Women.

Children NOW.  
Children's Defense Fund.  
Center for Law and Social Policy (CLASP).  
Feminist Majority Foundation.  
National Association of Commissions for Women (NACW).  
National Center for Youth Law.  
National Organization for Women.  
National Partnership for Women & Families.

National Youth Law Center.  
National Women's Conference.  
National Women's Law Center.  
NOW Legal Defense and Education Fund.  
OWL.  
The Women Activist Fund, Inc..  
Wider Opportunities for Women.  
Women Employed.  
Women Work!  
Women's Law Center of Maryland, Inc.  
YWCA of the U.S.A.

Mr. WELLSTONE. Mr. President, my colleague, Senator SESSIONS, was saying: What this bill says is if these men owe child support to their former wives, they are going to have to pay; therefore, the whole bill is a good bill for women and children.

All these organizations are opposed to it, and they are opposed to it for good reason. First of all, what my colleague and friend from Alabama did not tell us was, yes, these men are going to have to pay child support to women. It also says he is going to have to pay the credit card companies and other people who are all making claim on what little he has left.

That is not the main reason these major women's and children's organizations, civil rights organizations, consumer organizations, and labor organizations are opposed to this bill. The main reason is that it is going to be very difficult now for women and for other families who find themselves in difficult economic circumstances, through no fault of their own—50 percent of the bankruptcy cases in this country are because of a major medical bill. It is going to make it impossible for them to file for chapter 7 and rebuild their lives. That is what is so harsh about this piece of legislation.

I will not go into the details today because there is going to be a lot of opportunity for debate. I will make two very quick points.

One is, the first effort in the 107th Congress—and I hope people get a good look at this—is a resolution to overturn a rule 10 years in the making, a rule that is important to protecting people at the workplace.

Then the first major piece of legislation we get in the 107th Congress is an

unjust and unbalanced bankruptcy bill which is great for the big banks and the credit card companies and says nothing about their predatory lending practices. It requires no balance and no accountability on their part and says nothing about the way in which they continually push their credit cards on our children.

This legislation basically tears up the major safety net for middle-class—not just low-income—families to protect families from being put totally under and in economic bondage for the rest of their lives. That is what this bill does by setting up an onerous means test that will make it impossible for families to rebuild their lives.

I think my colleagues want to bring this up because they want to point to the differences between President George W. Bush and President Clinton because President Clinton vetoed this bill. I hope we can stop this bill, and, believe me, I will have many amendments and we will have much debate.

If, in fact, my colleagues want to point out the difference, I am glad to do so. I have been plenty critical of President Clinton in the last several weeks—there has been much to be critical of—but I want to point out to President Clinton: It is an honor to defend you on your veto of this bill.

President Clinton stood up for consumers. He stood up for low- and moderate-income families without a lot of clout in America; he stood up for working people; he stood up for civil rights; he stood up for communities of color. He basically stood up for them and ignored all of the lobbying, the political and economic clout of this financial services industry.

I will have a lot to say in this debate about their contributions and their role. He did the right thing. I am pleased to talk about the differences.

This bill comes to the floor negotiated by a relatively small number of Members. Until this year, this bankruptcy bill has never been on the floor of the Senate in an amendable fashion. I need to make that point tonight because we are going to go on this bill probably Wednesday afternoon.

The third point I want to make is, until the hearing was held by the Judiciary Committee on February 8, there had been no hearings on this legislation. In fact, the Senate has not conducted its own hearing on bankruptcy since 1998.

Here is my point: The first time in amendable form, harsh and unbalanced, unjust, and the financial services industry trying to jam this through.

I see no reason why we should not have extended debate on the Senate floor. Believe me, coming on the heels of this effort to undo 10 years of work on an ergonomics standard to protect people in the workplace, I, as a Senator from Minnesota, will be more than ready to have amendments and have debate.

One of the amendments on which I look forward to a vote will basically

say: Before you say to people it is going to be impossible for you to file for chapter 7 and rebuild your lives, before you basically put people economically under for the rest of their lives with this very harsh and one-sided piece of legislation, at least in the case where people have had to file for bankruptcy because of a major medical bill, do not present them with this harsh means test. At least give people who went under because of a medical bill the opportunity to file chapter 7 the way they could before.

We will have a vote on that and a vote on many other amendments as well. That debate will start I suppose Wednesday afternoon.

What a week—it is not just this week; the debate will go on to next week. We have 2 weeks coming up that I think represent what the majority party is about, and I am sorry to say, because I like the Presiding Officer so much and it is not a personal argument, it is an institutional argument. I really believe this President and the majority party are going to do a great job representing the wealthy in America, a great job representing the financial services industry, a great job representing the insurance industry, a great job representing the oil companies, a great job representing the well-heeled, the well-financed, and the economically powerful.

The question most ordinary citizens in the country are asking is: Who will represent us? My hope is that the Democratic Party will do so.

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. FRIST. 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. FRIST. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

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

#### FAREWELL TO GIGI LOPATTO

Mr. HATCH. Mr. President, one of our dear staffers is present who has given a great deal of effort to the Judiciary Committee, and I want to pay her my respects for a few moments.

Today is Jeanne Lopatto's last day working in the Senate. She has worked on the Senate Judiciary Committee, and for me in particular, for the last 18 years and is currently press secretary for the full Judiciary Committee. It is with mixed emotions that I rise to thank her for all the good work she has performed in the past. I give her my best wishes for her future.

Gigi is a Capitol Hill success story. She began her career with me as an entry-level assistant, and she has moved up to spearhead the Judiciary Committee press operation, which is a big job and a very important one. As a result of her hard work and dedication, Gigi has earned the respect, admiration, and trust of all of us who have worked with her. Thus, it is with a certain degree of both sadness and pride that I am bidding her farewell.

Gigi will be joining our dear friend and former colleague, Spencer Abraham, at the Department of Energy as his spokesperson. In other words, she is going to be speaking for a Cabinet-level official. I think that is a great thing. Our loss—mine in particular—will be unquestionably Secretary Abraham's gain. I know she will have her hands full over there, but she is up to the challenge. If I might be so bold, I want to say that I share the pride of Gigi's great success with her wonderful family.

Gigi will be greatly missed here in the Senate, and certainly by me. I think she is going to be missed by the reporters and the press officials who have relied on her on a daily basis. Senate staff on both sides of the aisle are going to miss her, her friends and colleagues on the committee and on my personal staff, and, of course, most of all, I am going to miss her. So let me just say that I am very grateful to Gigi for the service she has given to the Senate and to our country at large and for working with us on the Judiciary Committee, as an essential part of the committee, as somebody who always acted with integrity, decency, honesty, love, and affection for all of us on the committee, regardless how cantankerous that committee is from time to time. She has had a steady hand on the tiller during a lot of really acrimonious debate at times, and she has really done this job as well as it could have been done. We love her, and we are going to miss her. We also wish her well as she proceeds on to even greater and better things, as she views it and as I view it.

So, Gigi, we are going to miss you. We all love you and appreciate you and want you to be successful in your next job, which I know you will be.

I yield the floor.

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

Mr. LEAHY. Mr. President, I join the Senator from Utah. We will now know anytime the Democrats are told they are not doing their job it will be coming straight from the Senator from Utah.

Senator Abraham is very fortunate to have her there. Senator Abraham is a good friend to all of us here, and she has been a good friend to all of us here. He is fortunate. I will do my best to fill in and help the chairman on some of these issues, especially as I know we can finish this bill in 2, 2½ days, so long as the leadership does not interrupt us for anything else.