November 19, 1999

CONGRESSIONAL RECORD—SENATE

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nominated: Cliff Stuart, EEOC; Delmond Won, Commissioner of the Federal Maritime Commission; Leonard Page, Under Secretary for Arms Control and International Security of the Department of State; Carl Spielvogel, Ambassador to the Slovak Republic; and Jay Johnson—not to be confused with the military Jay Johnson—a nominee for the U.S. Mint.

Of this list of 13, there are 5 who either hold on them or there are intended holds on these individuals. Consequently, I make the statement at this time—and I think it is very important the record reflect this accurately and everybody understands it thoroughly—that anyone other than the names I will read off—Cliff Stuart, Delmond Won, Leonard Page, Luis Laurado, Mark Schneider, Frank Holleman, Mike Walker, Mr. Jeffers—if there are any names that are submitted and are sought to be appointed during this recess, recess appointments, we, who undersigned the letter on the 10th of this month, will put a hold on every judicial nominee who comes before the Senate during the entire remainder of the term of President Clinton.

I am going to repeat that because it is very important. Any name, other than those eight individuals is recess appointed, if any other than these eight individuals is recess appointed, we will put a hold on every single judicial nominee of this President for the remainder of his term of office. It means specifically we will not agree to Bill Lann Lee, Sally Katzen, John Holum, Carl Spielvogel, and Jay Johnson.

I will conclude with that. I reemphasize, if there is some other interpretation as to the meaning of the letter, it does not make any difference, we are still going to put the holds on them. I want to make sure there is a very clear understanding, if these nominees come in, if he does violate the intent as we interpret it, then we will have holds on these nominees.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. LOTT. Mr. President, what is the pending business?

BANKRUPTCY REFORM ACT OF 1999—Resumed

The PRESIDING OFFICER. The clerk will report the pending business. The legislation as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Hatch/Torricelli amendment No. 1729, to provide for domestic support obligations.

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to credit card balance payment terms and conditions, and to prohibit certain coercive debt collection practices.

Feinstein amendment No. 1696, no limit the amount of credit extended under an open end consumer credit plan to persons under the age of 21.

Feinstein amendment No. 2755, to discontinue indiscriminate extensions of credit and resulting consumer insolvency.

Schumer/Durban amendment No. 2763, with respect to nationally and homeowner maintenance costs.

Schumer/Durban amendment No. 2762, to modify the means test relating to self-liquidating credits.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargable.

Schumer amendment No. 2765, to include certain dislocated workers’ expenses in the debtor’s monthly expenses.

Dodd amendment No. 2531, to protect certain education savings.

Dodd amendment No. 2753, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Hatch/Dodd/Gregg amendment No. 2373, to protect certain education savings.

Feingold amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum amendment No. 2761, to impose disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Feingold amendment No. 2779 (to Amend- ment No. 2748), to modify certain provisions providing for an exception to a limitation on an automatic stay under section 362 (b) of title 11, United States Code, relating to evictions and similar proceedings for the payment of rent that becomes due after the petition of a debtor is filed.

Mr. LOTT. Mr. President, the Senate has been considering this bankruptcy bill as the main Senate business since November 4, 1999, after a failed cloture vote in September. There have been dozens of votes conducted with respect to this issue, and yet there are still at least a dozen amendments pending to be offered, debated, and voted upon. It is with this fact that I need to file this cloture motion on the bill in order to ensure we get a final vote, and that will be available when we come back after the first of the year.

A lot of good work has been done on this bill on both sides, by the managers of the legislation and a number of Senators who have worked on it—Senator GRASSLEY, Senator HATCH, Senator SESSIONS, on our side; Senator Torricelli, on the other side, has been involved; Senator LEAHY has worked on this. So there is a lot of work that has been done and a lot of relevant amendments that have been voted on.

I want to particularly note the good work of Senator Reid because he began with, I don’t know, probably over 100 amendments.

Mr. DASCHLE. Three hundred.

Mr. LEAHY. Three hundred.

Mr. LOTT. Three hundred amendments. I do not understand how the fertile minds of the Senate can be so productive to produce 300 amendments on a bill.

I ask unanimous consent that the order of the day and the mandatory quorum under the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 109, S. 625, an act to amend title 11 of the United States Code, and for other purposes.

Test Lott, Chuck Grassley, Paul Coverdell, Mike Crapo, Craig Thomas, Larry E. Craig, Orrin Hatch, Don Nickles, Conrad Burns, Rod Graham, Mitch McConnell, Pat Roberts, Fred Thompson, Slade Gorton, Phil Gramm, and Mike DeWine.

Mr. LOTT. Under rule XXII, this cloture vote will occur on Tuesday, January 25, 2000. I ask unanimous consent that the vote occur at 12 noon on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, and I certainly will not object, let me say the majority leader and I talked about this. I am appreciative of his position. I am disappointed he has filed cloture. I hope it isn’t placed the wrong way by all of those who worked so hard to get to this point.

I had told my colleagues that if they continue to work and if they continue
to cooperate, if they continue to allow time agreements, that we would not be in a position where we would have to file cloture and we would get to the final passage. That was my commitment. Senator LOTT did not make that. I made it to my colleagues. In this case, I am going to have to explain to my colleagues why what I said is not what we are going to do.

We are down now to a handful of amendments, with time agreements. So I am as convinced today as I was a couple of days ago, as I was before that, that cloture certainly isn’t necessary. I am hopeful, with those tight time agreements, and with the opportunity to dispose of the amendments, we can come to final passage. But I will certainly work with the majority leader to see if we might find a way to make that happen.

I hope he will work with us to assure those who have relevant amendments will have an opportunity to have their votes heard. I do not object to the request.

Mr. LEAHY. Reserving the right to object, and I will not object, just so we know the numbers, we had 320 amendments and are down now to 14. I compliment Senators on both sides of the aisle. Senator REID deserves enormous credit. Senator GRASSLEY, Senator TORRICELLI, Senator HATCH, and I worked very hard on that. We are working very hard again on both sides of the aisle. I think many Senators want a bankruptcy bill. We know there has to be a change.

Mr. President, I am disappointed that the majority filed cloture on the Bankruptcy Reform Act. This week we made bipartisan progress on the Bankruptcy Reform Act by disposing of amendments. On Wednesday, we were able to clear 9 more amendments and accepted another, so we will vote for a total of 10 amendments that were accepted to improve this bill.

During our debate on the bill, the managers have accepted 37 amendments to improve the Bankruptcy Reform Act. Amendments offered by Democrats and Republicans.

Senator TORRICELLI, Senator REID, and I worked in good faith with Senator GRASSLEY and Senator HATCH to clear amendments and set roll call votes on amendments that we could not clear.

From a total of 320 amendments that were filed by senators on both sides of the aisle on November 5th, Senator GRASSLEY, working with the Assistant Democratic Leader, have narrowed down the remaining Democratic amendments on this bill to a mere handful.

We are ready to debate and vote on these Democratic amendments. The remaining amendments from our list are all relevant to the issues of bankruptcy under our unanimous consent agreement.

It appears the majority is refusing to allow the Senate to consider two amendments, one by Senator LEVIN on firearm-related debts in bankruptcy and one by Senator SCHUMER on debts incurred through the commission of violence at health service clinics.

Both of these amendments are relevant to the issue of bankruptcy.

Senator LOTT is willing to limit the time on his amendment to 70 minutes and Senator SCHUMER is willing to limit the time on his amendment to only 30 minutes. These are very reasonable time agreement offers.

I am a cosponsor of Senator SCHUMER’s amendment, but I am not sure if I will support Senator LEVIN’s amendment. But I am sure that both these Senators deserve to debate and vote on their relevant amendments. What is the majority afraid of? Vote on the amendments up or down?

Some of the other remaining amendments focus on adding credit industry reforms to the bill. The millions of credit card solicitations made to American consumers the past few years have caused, in part, the rise in consumer bankruptcy filings. The credit card industry should bear some of this responsibility and reform its lax lending practices. These amendments improve the Truth In Lending Act to provide for better disclosure of credit information so consumers may better manage their debts and avoid bankruptcy altogether.

Last year’s Senate bankruptcy reform bill was fair and balanced because it included credit industry reforms. We should remember that last year’s fair and balanced bill passed this chamber by a vote of 97–1.

We should strive to follow last year’s Senate-passed bill as the model during the remainder of debate on this bill. A Democrat only offered short time agreements on our remaining amendments if we cannot agree with the majority on them. Many Democratic senators are willing to offer time agreements of a half hour or an hour on their amendments.

Democrats are prepared to debate this bill and vote on amendments. This is how the Senate works and how it should work.

I commend Senators for coming to the floor last week and this week to offer their amendments. Despite hours of debate on four non-germane, nonrelevant amendments and party caucuses and extended morning business hours last week and this week, Senators from both sides of the aisle offered 64 amendments to improve the Bankruptcy Reform Act.

Unfortunately, the Senate did not consider the Bankruptcy Reform Act yesterday or today. I do not understand why they oppose the Senate to allow the Senate to debate this bill.

Next year, I hope we can have a full and fair debate on the few remaining amendments to the Bankruptcy Reform Act and then proceed to a vote on final passage.

With that, I yield the floor.

Mr. KUCHIN. Mr. President, enough is enough. Hard-working American people are being denied common-sense legislation that they overwhelmingly support, because some on the Democratic side are insisting on votes relating to the politically charged issues of abortion and gun control. I hope that this will stop, and we can move ahead with the people’s agenda, instead of trying to win political points.

We have been on the bankruptcy bill for two weeks now. The Democrats demanded the ability to have votes on other politically motivated, non-relevant issues. We debated and had a vote on minimum wage. We have agreed to or voted on 31 Democrat amendments. These amendments in addition to the Grassley-Torricelli package amendment which included numerous other provisions insisted upon by the Democrats.

This is a fair, bipartisan bill, drafted jointly by Senators GRASSLEY, TORRICELLI, BIDEN and SESSIONS. This legislation was developed in a fair and inclusive manner. With the more than 31 amendments, plus additional amendments jointly developed by Republicans and Democrats, such as the Grassley-Torricelli healthcare amendment, the Hatch-Torricelli domestic and child support amendment, the Hatch-Dodd amendment on protecting educational savings accounts, among many others, this is a much improved bill that provides unprecedented consumer protections, while preserving the bankruptcy system for those who truly need it. What also is included in this bill are unprecedented consumer disclosures that are not even bankruptcy related, but are banking law amendments, which Senators TORRICELLI and GRASSLEY have taken the leadership to develop, and I commend them for that.

Mr. President, throughout the process of consideration of this bill, at both the drafting stage, at the Committee level, and here on the floor, we have worked hard to address any concerns any member has with the bill. Senators GRASSLEY, LOTT and I have been more than patient and cooperative. It is apparent, however, that efforts were underway to defeat this important legislation this year by insisting on extraneous political agenda items, regardless of all the progress we made.

We are open to further debate. But this bill, which the Minority had said would only take two days to complete, was on the floor for two weeks. They did not agree to a time limit for debate, but it is now clear why that was.

I hope we can get the cooperation of the Minority to drop their remaining politically-motivated items and pass
legislation early next year that provides meaningful and much-needed reform to the bankruptcy system. Rampant bankruptcy, which does not file for bankruptcy problems, and last year over 1.4 million Americans filed for bankruptcy. In the same year, about $45 billion in consumer debt was erased in personal bankruptcies. Under current law, families who do not file for bankruptcy are unfairly having to subsidize those who do. This is our opportunity to do something about it. I would hope that my colleagues would take the time over these next few months and consider the desires of the American public. Let’s do what is right and pass this important legislation early next year. Thank you.

Mr. LOTT. Mr. President, let me observe one of the problems we had in not being able to complete it even this week. The bill as a whole could not have been reconciled for the amendments had indicated—or maybe all the amendments—indicated a willingness to have limited time agreements, we had, I know, at least a couple of Senators on this side who were not willing to agree to limit the time, therefore possibly tying up half a day or a day one a couple of these amendments.

We may still be able to work out something where we could have a short time agreed to on both sides and get a vote after the first of the year. But you reach a point, in the final days of a session, where motions are such that you just cannot get that kind of agreement.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, the second session of the 106th Congress will convene, then, at 12 noon on Monday, January 24. We do not yet have absolute certainty that there will be a State of the Union Address the next night, although it is preliminary indicated. I believe that is the date we would expect to have a State of the Union Address; that is, Tuesday, the 25th. That could be postponed upon a request from the White House, but we will need to be back and in business in order to be here for that date.

So there will be a need for a live quorum to establish the beginning of the second session on Monday. A period of more than a couple of hours for the remainder of that day. And this 12 noon cloture vote on Tuesday, January 25, would be the first vote of the second session of the 106th Congress.

Again, I thank my colleagues for their continued cooperation and wish everyone a safe and happy holiday season.

Let me say, too, we have a number of bills that are in conference now. I had an opportunity to discuss the schedule for next year, or some of the bills for next year, with the President. We have a number of bills that are in a position where we could get early agreement out of conference, including the trade bill on which we worked so hard. We spent 2 weeks getting that out for Africa and Cuba. We could have maybe done it if the Senate had done many things we were working on we could not get that completed.

We have the FAA reauthorization bill that good work has been done on, and a series of bills, including the criminal justice bill, which we hope we can get early in the session next year. So we will continue to work on that.

I understand we are about ready to do a series of energy bills. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, we have cleared a number of nominations on the Executive Calendar. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 228, 273, 292, 326, 327, 329, 331, 332, 333, 366, 377, 384, 404, 405, 406, and all nominations in the Coast Guard on the Secretary’s desk.

I further ask consent that the HELP Committee be discharged from further consideration of the following nominations, and the Senate proceed to their consideration, en bloc: Magdalena Jacobsen, Francis Duggan, Ernest DuBester, and John Truesdale.

I further ask consent that the nominations be considered one at a time to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session, and that the Senator from Vermont be notified that Judge Linn is in this list for confirmation.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY
Ivan Itkin, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

DEPARTMENT OF THE TREASURY
Neal S. Wolin, of Illinois, to be General Counsel for the Department of the Treasury.

THE JUDICIARY
Richard Linn, of Virginia, to be United States Circuit Judge for the Federal Circuit.

UNITED STATES INSTITUTE OF PEACE
Stephen Hadley, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2004.

Zalmay Khalilzad, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2004.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Paul Steven Miller, of California, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2004. (Resigned March 10, 2004.)

DEPARTMENT OF LABOR
Irasema Garza, of Maryland, to be Director of the Women’s Bureau, Department of Labor.

T. Michael Kerr, of the District of Columbia, to be Administrator of the Wage and Hour Division, Department of Labor.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
Anthony Musick, of Virginia, to be Chief Financial Officer, Corporation for National and Community Service.

DEPARTMENT OF STATE
Alan Phillip Larson, of Iowa, to be Under Secretary of State (Economic, Business and Agricultural Affairs.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
Joseph R. Cresa, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Susan M. Wachter, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF COMMERCE
Linda J. Bilmes, of California, to be an Assistant Secretary of Commerce.

Linda J. Bilmes, of California, to be Chief Financial Officer, Department of Commerce.

UNITED STATES INTERNATIONAL TRADE SERVICE
Deanna Tanner Okun, of Idaho, to be a Member of the United States International Trade Commission for a term expiring June 16, 2008.

NOMINATIONS PLACED ON THE SECRETARY’S DESK
IN THE COAST GUARD
Coast Guard nomination of Richard B. Gaines, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on October 12, 1999.

Coast Guard nominations beginning Peter K. Oittinen, and ending Joseph P. Sargent, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 27, 1999.

NATIONAL LABOR RELATIONS BOARD
John C. Truesdale, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2003.

NATIONAL MEDIATION BOARD
Magdalena G. Jacobsen, of Oregon, to be a Member of the National Mediation Board for a term expiring July 1, 2002.

Francis J. Duggan, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2002.

Ernest W. DuBester, of New Jersey, to be a Member of the National Mediation Board for a term expiring July 1, 2002.

DEPARTMENT OF THE NAVY
Mr. President, today is a uniquely historic day. One hundred and thirty six years ago, Abraham Lincoln gave the Gettysburg Address; 80 years ago today, the United States...