

Wyoming (Mr. ENZI), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wyoming (Mr. THOMAS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) and the Senator from North Carolina (Mr. HELMS) would each vote "yea."

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. DORGAN) would vote "aye."

The result was announced—yeas 70, nays 1, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—70

Abraham	Feingold	Miller
Akaka	Fitzgerald	Moynihan
Allard	Frist	Murkowski
Baucus	Graham	Murray
Bayh	Gramm	Nickles
Bennett	Grassley	Reed
Bingaman	Gregg	Reid
Breaux	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Hollings	Rockefeller
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Johnson	Shelby
Cochran	Kerrey	Smith (NH)
Collins	Kerry	Smith (OR)
Conrad	Kyl	Snowe
Coverdell	Landrieu	Thompson
Daschle	Lautenberg	Thurmond
DeWine	Levin	Torricelli
Dodd	Lincoln	Voinovich
Domenici	Lott	Wellstone
Durbin	Lugar	Wyden
Edwards	Mikulski	

NAYS—1

Stevens

NOT VOTING—29

Ashcroft	Feinstein	Lieberman
Biden	Gorton	Mack
Bond	Grams	McCain
Boxer	Hagel	McConnell
Brownback	Helms	Roth
Burns	Inhofe	Santorum
Craig	Jeffords	Specter
Crapo	Kennedy	Thomas
Dorgan	Kohl	Warner
Enzi	Leahy	

The joint resolution (H.J. Res. 120) was passed.

Mr. REID. 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.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. 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. 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.

ORDERS FOR TUESDAY, OCTOBER 31, 2000

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. Tuesday, and that the time between 2 p.m. and 6 p.m. be for a period of morning business with the time between 2 p.m. and 4 p.m. under the control of Senators REID and WELLSTONE and from 4 p.m. to 6 p.m. under the control of the majority leader.

I ask unanimous consent that following the recess of the Senate on Tuesday, October 31, 2000, the Senate be authorized to receive a continuing resolution funding the Government for one day, and that upon receipt the continuing resolution be considered passed.

I further ask unanimous consent that if the Senate receives a continuing resolution containing anything other than a one day provision, the Senate be authorized to receive that continuing resolution, and that at 8:30 p.m. on Tuesday, October 31, 2000, the Senate reconvene and immediately proceed to the consideration of that continuing resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, let me announce to the Members exactly what this consent would provide.

The Senate will reconvene at 2 p.m. on Tuesday and basically spend the day conducting morning business.

Assuming the House passes a clean 1-day continuing resolution, that would be done without a vote and, therefore, there would be no votes during Tuesday's session of the Senate.

All Senators are reminded that a cloture vote on the bankruptcy bill will occur during the day on Wednesday. All Senators will be notified as to the exact time of that vote on Wednesday.

ORDER FOR RECESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it recess until the hour of 2 p.m. on Tuesday, October 31.

I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 6 p.m., with Senators speaking for up to 10 minutes each as under the previous order.

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

PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, the Senate will convene tomorrow at 2 p.m. with up to 4 hours for morning business, with Senators REID and WELLSTONE and LOTT in control of the time.

Under the previous order, the continuing resolution will be passed by unanimous consent.

As a reminder, cloture was filed on the bankruptcy bill today. That cloture vote will occur during the day on Wednesday, as well as a vote on a continuing resolution. Senators will be notified as those votes are scheduled.

On behalf of the leader, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order following the remarks for up to 5 minutes each for Senators WELLSTONE, SCHUMER, and SESSIONS.

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

BANKRUPTCY

Mr. WELLSTONE. Mr. President, I don't think I will even need to take 5 minutes tonight. There will be time tomorrow to discuss this conference report. Then, if there should be cloture, we will see. There is also up to 30 minutes for postcloture debate. There are a number of Senators who will have a lot to say about this bill.

I make one point tonight for colleagues because there will be plenty of opportunity to talk about it substantively later. This piece of legislation that comes before the Senate is what I call the invasion of the body snatchers. This was a State Department authorization bill that has been completely gutted. There is not one word about the State Department in this bill. The only thing that is left is the bill number. Instead of the bankruptcy bill, it was put into this conference report. This is hardly the way to legislate.

Mr. SCHUMER. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. SCHUMER. As I understand it, the conferees who were originally appointed to the foreign aid bill were not

even informed of the conference. Not every conferee was informed of the new conference; am I correct in assuming that?

Mr. WELLSTONE. I say to the Senator from New York that is my understanding.

Mr. SCHUMER. I thought that was an important point that our own conferees were not told there was a conference to move this along.

Mr. WELLSTONE. This conference report is worse than the bill that passed the Senate. The Schumer provision was taken out. The Kohl provision was taken out. It is absolutely amazing to me that we would try to jam through a bill, which I believe is very harsh toward the most vulnerable citizens, which purports to deal with the abuse—the American Bankruptcy Institute states, at best, a 3-percent abuse—but, at the same time, enables people who have millions of dollars to buy luxurious homes in some States in the United States of America and shield all their assets from bankruptcy.

We do great for people who have millions of dollars to buy luxury homes and shield themselves from any liability, but we are going to pass a piece of legislation—and I will have the documentation tomorrow from bankruptcy professors, law professors, and judges across the country that have roundly condemned a piece of legislation that is one-sided—that doesn't call for the credit card companies to be accountable at all, is harsh in its impact on the most vulnerable citizens, is opposed by the civil rights community broadly defined, women's organizations, consumer organizations, labor organizations, and a good part of the religious community because of its one-sidedness. It is so harsh in its impacts on the most vulnerable citizens. I will lay this case out because it claims to deal with the problem of widespread abuse. The American Bankruptcy Institute tells us at best we are talking 3 percent. I have seen no high figures presented by anybody.

The bill now is worse than what Senators voted on on the floor of the Senate. Again, the process is absolutely outrageous. A State Department bill, on which hardly anybody was consulted, was completely gutted, and a bankruptcy report put in instead.

I hope my colleagues will defeat this piece of legislation. I come to the floor tonight to let Senators know there are a number of Senators ready to debate. We will have much to say tomorrow. If there should be cloture—we will see—we will have much to say after that cloture vote as well. The more people in this country know the substance of this piece of legislation and the outrageous way this is being done, I think the angrier people will become. It is important people in this country know what this piece of legislation is about and the harsh impact it will have on so

many citizens—women, low-income people, moderate-income people, working income people.

On this conference report, Senators who decided to do this, dared not do anything about a family being able to take millions of dollars and shielding themselves from liability.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Mr. President, I augment what my friend from Minnesota said about the bill. Aside from the procedural problems, I have never seen anything like this in the 20 years I have been in this Congress. Aside from the other provisions, I want to talk about the amendment I have added to this bill. Let's not forget, Senators, 80 Members voted for that provision. I think 17 voted against the provision.

The bill that comes back is a different bill. The provision that I wrote into the bill which is so important deals with the use of bankruptcy as a way to violate the laws of this country.

Very simply, we passed a law a while ago called a face law. It gave women who sought to have abortions the ability to actually have what their lawful rights are. Blockaders started blockading the place. Then they actually used violence to stop the right to choose, a constitutionally given right.

The face law simply said the clinic could sue those who used violence or threat of violence against them—not people peacefully protesting; that is their American right. I defend that no matter how much I disagree with their position. All of a sudden, the right to choose was restored. It had not been available in 80 percent of the counties in this country because of the blockaders who believed, since they were getting their message from God, they superseded the rest of us. That, of course, is dangerous thinking. Any one could believe if we have a message from God we ought to impose it on someone else, and we all have different views of what God is telling us.

In any case, now they have found a new way to violate the law. That is to declare bankruptcy. Let me inform my colleagues of one case, the so-called Nuremberg files. The group put together on the Internet names and addresses of doctors, of their wives, of their children. When a doctor was killed, as Dr. Slepian, in my home State of New York, near Buffalo, NY, they put an "X" next to his name. If a doctor was injured, his name was shaded.

Those people were sued under the face law. Of course, the Oregon court in which they had the trial ruled they had violated the law. To not pay judgment, each of them went back to their own States and declared bankruptcy. Whether the bankruptcy issue is held or not, this little clinic does not have

the ability to go back to 12 or 13 different States and pursue the same litigation all over again.

All our provision says is that you can't use bankruptcy for this. It was never intended for this, just as you couldn't use it as a shield if you were sued because of drunk driving. It is not pro-life or pro-choice.

My lead cosponsor is HARRY REID, my friend and colleague, who believes as strongly in the pro-life movement as I believe in the pro-choice movement. It is not partisan. Immediately, Senators SNOWE, JEFFORDS, and COLLINS joined us in cosponsoring the amendment. It passed in this body, supported by both pro-choice and pro-life Senators, 80-17.

This new little provision—it was taken out. To me, it is the most important provision in this bankruptcy bill. Yes, we need to change our bankruptcy laws for the better. I do not disagree with that. But to do it and do it in this way and not give the Senate its voice says to me: Let's go back to the drawing board and scrap it.

This is an issue that relates to the Constitution of the United States itself, the rule of law. This is an issue that says if the Constitution grants you a right, we are not going to let cowards use the bankruptcy law to hide behind, avoiding their just civil punishment. As the Senator from Minnesota said, you will hear from us on this. If the people who were managing this bill cared so much about passing it, they should have kept the so-called Schumer amendment in there. It would have been a lot easier to get things done. But that did not happen, they could not and would not.

Because the amendment I have added addresses head-on this fundamental use of the bankruptcy system, I will not rest until we do everything procedurally possible to make sure that a bankruptcy reform package without it fails.

I yield the floor and yield back my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am disheartened to hear the Senator from New York would take such a strong position on this bill since he had been an original promoter of it. It passed this body by 90 votes, at least twice, I think three different times—88 or 90 votes. It is good to see Senator GRASSLEY here, who was the prime sponsor of the legislation. To have it die over this one issue is really unbelievable, particularly since Senator GRASSLEY and others have offered several different ways we could meet the objections on the abortion clinic language, which I consider to be awfully insignificant in the line of the legislation except for the important philosophical and legal points. I think it will be a tragedy if we do not.

This bill passed this body by around 90 votes, over 90 votes one time—three

different times. It has been debated in committee. If I am not mistaken, the vote was 18–2 in committee, the Judiciary Committee, on which Senator GRASSLEY and I served and brought that bill out. It is a bipartisan bill.

I, along with Senator REID, got involved with working with the White House not long ago on reaffirmations, the one issue they said was left to settle, and we settled that issue to the satisfaction of the White House.

Now what do we have? A move to kill, once again, good bipartisan legislation that has been overwhelmingly supported in this Senate. It is a shame and a disgrace. It is outrageous that somehow, some way, we passed this with veto-proof majorities and we are not able to get it up for a last vote or get it passed.

I feel strongly about that. Maybe now we can get it out of here and the President will see fit to sign it. The homestead language Senator WELLSTONE mentioned, I agree with him. I think we ought to make bigger changes in the provisions that say people can put all the money they want to in a homestead and not have it taken from them in bankruptcy. You could put \$10 million in 160 acres and a mansion and you would not have to give it up to pay your just debts to your doctor, to the gas station down the street, to the friends from whom you borrowed money. That is not right.

We made, though, for the first time, over the vigorous objections of several key States that have those kinds of provisions in their State Constitutions—Texas, Florida, Kansas—they fought tenaciously for that, but we made historic progress in limiting the ability of a debtor to hide his assets in a multimillion-dollar mansion. That was a great step forward. To say we ought to keep current law, which has no controls whatsoever, and not pass this bill, that has the first historic steps to control debt abuse, is really cutting off your nose to spite your face. That is the kind of thing we are hearing.

Let me tell you what this bill fundamentally does. It says if you are of median income—that is, \$44,000 for a family of four—if you are a family of four and you are making below that \$44,000, you can be bankrupt and not pay any of your debts, just as the current law says. But if you are making above that and the judge concludes you can pay a part of your debts—10 percent or more—then he can order you to go into chapter 13 and pay back some of the debts that you can pay back.

What is wrong with that? We have had a doubling of filings in bankruptcy over the last 10 years. We have over a million bankruptcies filed per year. It is being done primarily because lawyers are advertising. Turn on your TV anytime at night and you will see they are there: “Solve your debt problems,

call Old John, 1–800. We will take care of your debts.”

Do you know, if you owe \$60,000 and you really don't want to pay that \$60,000 debt, and today you are making \$80,000, you can go down to a bankruptcy lawyer, file chapter 7, and wipe out that debt and not pay one dime of it? You can do that. There is no control. It is being done all over America today and it is not right. What does that say to a good, hard-working family who sits down around the kitchen table, pray tell, and tries to figure out how they can pay their debts? This family does not buy a new car, does not go on a vacation, does everything right, they pay their debts, and clever John goes down to the bankruptcy lawyer and doesn't pay his debt. Something is wrong in America when we allow that kind of abuse to occur time and time again.

It is true—I do not believe it is 3 percent—the majority of people who file bankruptcy will not be affected by this bill. But those who are abusing it will be. If you are a doctor and you are making \$150,000 a year and you owe \$300,000 in student loans and other debts, and you can pay \$50,000 of that, shouldn't you be required to pay it? We have examples of physicians declaring bankruptcy against all their debts when they could have easily paid a substantial number of them. Why shouldn't they pay what they can pay?

In America, we believe if you are hopelessly in debt and you cannot pay out, we give people—and we always have—the right to file bankruptcy. It is just that it has become so common, the process of advertising and filings. The numbers are going up. While the economy is hitting records we have never had before, filings in bankruptcy keep going up. What is going to happen when we have a serious problem in this country?

We have worked hard. I put in a provision that says before you file bankruptcy, you ought to talk to a credit counseling agency. Credit counseling agencies actually help people who are in debt. They help them set up budgets, they advise them whether or not they can pay off their debts. If not, they will go to a lawyer and file bankruptcy. But if they could pay it off, pay down the high interest notes first, negotiate with creditors, set up a payment plan, get the whole family in—if there is a drug problem, gain treatment; if there is a mental health problem, get treatment. Gamblers Anonymous can be used for people who have these problems. A lot of these things are driving bankruptcy.

None of that is occurring in bankruptcy court. Lawyers come in, they claim a \$1,000 fee, or \$2,000, or whatever, and their secretaries fill out the forms. They don't even meet the client until they get to court. The judge declares all their debts wiped out, and

they walk out of court. That is not helping treat the root cause. But credit counseling does. It says: We respect you, American men and women. We want to help you get your financial house in order, and if you can avoid bankruptcy, we will show you how and help you do that. That is a good step in the right direction.

There are a lot of other things in this bankruptcy bill that improve the law. It has not been changed in over 25 years. We have new experience with the law. We have seen a host of abuses of the law, loopholes through which people are driving trucks. We closed those loopholes.

For the most part, it has been overwhelmingly received by everybody in this body. Over 90 Senators in this Senate have voted for it, Democrats and Republicans. The White House has approved all of these.

We have a problem with bankruptcy. We can do better. This bill is fair. It raises protections for women and children far above anything before.

Before, lawyers and other debts were paid before child support. In this bill, alimony and child support are raised to the highest level. The first money paid goes to pay child support. That is a big, positive change. By killing this bill, that will not happen. The old rules will be in effect and children and women will not get that preferential treatment.

We can do better. This is a good bill. I think the President will reconsider. He has been involved in this process for well over 3 years, as we have been wrestling with it, having hearings and debates on this floor and in the House. To say this is sneaking the bill in is really unbelievable. It has been a source of regular debate and bipartisan agreement, and now we get to the very last of this session and see an effort to derail it over this odd idea that out of all the activities in America, if you get sued by an abortion clinic, you cannot file for bankruptcy.

One of the suggestions I made and others have made is, what about a union group that tears down a business? What about a group of environmental activists that tears up and protests and illegally does business? Do they get to claim bankruptcy against their debts, but not those who go to an abortion clinic because they are religious, I suppose?

Why should we have such a double standard, a political law in bankruptcy? That is a political act, not something that ought to be in the bankruptcy court of America.

I said if you either take it out or draw it broadly and it covers similar acts by other groups, then I will support it, but I am not going to vote for a law that simply targets one group that one Senator does not like. What is right about that? How is that good law? Some Senators and the President

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do not like abortion protesters. I guess he thinks they are too religious, so they do not get to claim bankruptcy, but everybody else does. People who put metal spikes in trees that injure people in the forest business, I guess they do not count.

That is where we are on this. That is such an infinitesimal problem which we can overcome, unless the real agenda is to see bankruptcy does not pass. I hope that is not so. We have gone too

far. We have worked too hard. We have a bill that has bipartisan support. I am hopeful yet that the President will sign it, and it will be good for America.

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. 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.

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RECESS UNTIL 2 P.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. tomorrow.

Thereupon, the Senate, at 8:04 p.m., recessed until 2 p.m., Tuesday, October 31, 2000, at 2 p.m.