

but they put their shoulder to the wheel and we passed that very important legislation last night. Today, thanks to a lot of good effort by Senator DASCHLE and Senator REID, and working with Senators on our side, we were able to move the FSC legislation, which we had not been able to get done earlier. So at this very moment, we are continuing to work to get agreement on the bankruptcy vote. I agree that this is an indication of why we probably should take a time-out. We didn't pass that cloture today because of absentees. I believe when we get everybody here, cloture will be invoked, and we will go forward with that important legislation.

Again, I thank the Senator for his good work as always.

I yield the floor.

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UNANIMOUS-CONSENT REQUEST—  
S. 13

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 13, the Class Act. I further ask consent that the Senate proceed to its consideration, and an amendment at the desk submitted by Senator SESSIONS be agreed to, the bill be read the third time and passed, and that the motion to reconsider be laid upon the table. Further, I ask that the bill remain at the desk, and that when the Senate receives from the House H.R. 254, the Senate proceed to its consideration, all after the enacting clause be stricken and the text of S. 13, as amended, be inserted in lieu thereof. I further ask that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and all previous action on S. 13 be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, a member of the minority has requested that on his behalf I object to this action, and based upon that request, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, Senator GRAHAM of Florida and I have been working on this bill. This legislation, in sum, provides that families that are saving for college tuition under prepaid college tuition plans, which are growing in popularity in America, the money they save and the interest that accrues on those plans not be taxable by the Federal Government. That is what this law would do if passed.

What we are doing in America today is we have a public policy to encourage families, through loan subsidies and other forms of incentives and delays in payments of interest, to borrow money to pay for college. But people who are saving money, even under State prepaid college tuition plans, are taxed on the money they save. This is a dis-

incentive for the best way to pay for college tuition; that is, saving for college. Well over 40 States have these prepaid plans and the few States that don't are moving to develop them. It is working very well. The Federal tax policy ought to affirm what these States are doing and make this tax-free.

I just note that this is a middle class program. For example, 71 percent of the participating families in the Florida prepaid college program have annual incomes under \$50,000, and 25 percent have incomes of less than \$30,000; 81 percent of the contracts in Wyoming's savings plan have been purchased by families with annual incomes of less than \$34,000; 62 percent of the contracts in Pennsylvania have been purchased by families with annual incomes of less than \$35,000. The average monthly contribution to a family's college savings account in 1995 in Kentucky was \$43.

So what we are saying is let's have a good public policy. Let's encourage people to save and make sure it is a wise thing for them to do financially. If we can achieve that, I think it would be good. As far as I understand, there is only one person in this who has an objection. I would be delighted to know who that was. Senator GRAHAM and I would like to talk to them to see if the problem they have can be worked out. I think it is good public policy. Both Vice President GORE and Governor Bush have made statements that clearly indicate their support for this kind of public policy. I am working with Senator DASCHLE, the Democratic leader, and I thank him for his assistance on this legislation, dealing with an issue he thought important to his State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

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BANKRUPTCY REFORM

Mr. REID. Mr. President, I know my friend from Illinois wishes to speak at some length. First, I have a couple of comments. On the recently completed vote on cloture regarding bankruptcy, I think that is an example of why we need to follow Senate procedures the way we have for 200-plus years. Here is the bankruptcy bill brought up on a bill under the jurisdiction of the Foreign Relations Committee. Some Members who should have been weren't in that conference. I just think it is a very poor way to do business.

I think that we in the minority have been treated unfairly on a number of occasions this year. In an effort to show my displeasure—and that is a real soft, cool word because I feel more strongly than that—I voted against invoking cloture.

There comes a time when we have to work as legislators, and as Senators. If things don't change here, there are

going to be other unfortunate procedures such as this, even though there is support for the substance of the legislation.

Also, Senator SCHUMER had a very strong point in this legislation. He and I cosponsored an amendment that is very simple. It said that these people—these very, in my opinion, evil people, who go to clinics where women come to get advice—some people may not like the advice they get in these clinics because some of the advice results in obtaining an abortion. But we live in a free country; people have the right to go where they want to go and talk about what they want. What these women are doing is lawful, not illegal. People spray chemicals into those facilities, and they can't get rid of the stench for up to 1 year, and many times they have to simply tear the insides of the facility down so it can be reused. In this legislation, Senator SCHUMER and I said if you do that, you cannot discharge that debt in bankruptcy as a result of the damages incurred, whether to the facilities or those women who use those facilities.

That provision should be in this legislation. For it not to be is wrong, and I understand that the chief advocate of the legislation—I don't know this to be a fact—Senator GRASSLEY, was willing to accept the provision. However, it was not in there. This is wrong and, as a matter of procedure and as a result of the substantive issue that I just talked about, I am satisfied with my vote. I have no second thoughts. I did the right thing. Unless there is a different method of approaching this bankruptcy reform, which I agree is badly needed, there are going to be roadblocks all along the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

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IN MEMORY OF MARLENE  
CALDWELL CARLS

Mr. DURBIN. Mr. President, I rise today to pay tribute to Marlene Carls, a very special person who worked in my Springfield office for nearly 20 years. Marlene passed away on October 24.

My wife Loretta first introduced me to Marlene almost 20 years ago when I was running for a seat in the U.S. House of Representatives. Loretta told me Marlene was an excellent worker and she hoped that she would join my campaign. So I sat down with Marlene and offered her a deal she could not refuse. I offered her a beat-up old desk, a run-down office, and not much pay, if she was willing to work for a candidate who had lost three straight elections. In a moment of weakness, she accepted. Marlene was part of our family from that day forward.

Marlene was born to be a caseworker and she was the best. She had a heart