

**SENATE—Tuesday, March 8, 2005**

The Senate met at 9:45 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Lord and Ruler, Your Name is wonderful. We see Your glory in the heavens above and in the beauties of the Earth. Give us this day our marching orders. We seek Your wisdom. Guide our priorities so that we glorify Your Name. May even our thoughts be acceptable to You. Help our words and actions to be strengthened by Your precepts. Give us enough humility to acknowledge our dependence on You, for even our heartbeats are borrowed.

Strengthen our Senators for today's journey. Listen to their longings and give them Your peace. Protect and sustain their loved ones. We pray in Your strong Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable LISA MURKOWSKI, a Senator from the State of Alaska, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 8, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Ms. MURKOWSKI thereupon assumed the Chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. FRIST. Madam President, this morning the Senate will resume debate on the bankruptcy legislation. Under the order, at 10:15 this morning we will begin 2 hours of debate on Senator SCHUMER's amendment related to abortion clinics. That vote will, therefore, occur at 12:15 today. Following that vote, the Senate will recess until 2:15 for our weekly policy luncheons to meet. When we return to session at 2:15, the Senate will proceed to vote on invoking cloture on the underlying bankruptcy bill. I hope and expect the Senate will be able to invoke cloture this afternoon so that we will be able to vote on passage this week. We will have germane amendments to consider postcloture and, therefore, additional votes can be expected.

**BANKRUPTCY REFORM**

Mr. FRIST. Madam President, we have made tremendous progress on the bankruptcy bill over the last 2 weeks. Republicans and Democrats have stood together to support a bankruptcy reform package that the House will pass and the President will sign into law. The Senate has resisted attempts to renegotiate hard-fought compromises and legislate on unrelated issues. I do thank my colleagues, our colleagues, for staying focused on the bankruptcy bill.

There have been many attempts to sidetrack the Senate on this bill. But let me just take a moment to reiterate why we need bankruptcy reform and what this bill really does.

The bill before us establishes a means test based on a simple, fair principle: those who have the means should repay their debts. Personal bankruptcies are skyrocketing, and wealthy debtors are walking away from debts that they had the ability to repay. Opportunistic debtors who have the means to repay use the law to evade personal responsibility.

This abuse does not hurt the creditor only, it hurts all who pay higher fees and prices as a result. Every bill that you and I pay, that our families pay, includes a "bankruptcy tax" of about \$400 a year per household. That tax is figured into every bill, every phone bill, every electric bill, every mortgage payment, every furniture purchase or car loan we pay. Interest rates are higher, downpayment requirements are larger, grace periods become shorter, late payment penalties become astronomical—all because some people are shirking their debt obligations.

This legislation is targeted to ensure that wealthy debtors who can pay their

debts do so. It specifically exempts anyone who earns less than the median income in their State, and it also allows every consumer to show special circumstances if they cannot handle a repayment plan.

We know that one reason people file for bankruptcy is because of unexpected medical emergencies. Consequently, this legislation allows every filer to deduct 100 percent of their medical costs. We also know that education is a big outlay for many families. Under bankruptcy reform, parents can deduct private school tuition to protect their children's educational opportunities.

In addition, the bankruptcy bill strengthens protections for child support and alimony payments. It protects patient privacy and care during bankruptcy proceedings that involve health care facilities. It protects consumers from deceptive credit practice that can lead to financial distress, and it protects the system that allows America to be one of the most generous countries when it comes to bankruptcy.

There remain, however, some misconceptions about this bill that should be dispelled. The first regards our protections for Active-Duty military personnel and veterans. Some opponents of the bill charge that we do not adequately address the needs of our combat men and women who suffer financially.

Madam President, it should go without saying that the Senate and the American people deeply honor our men and women in uniform. Every day, these young soldiers sacrifice to protect us and to defend the freedom we enjoy. We are indebted to them for the dangers they face on the field, and we are indebted to their families they leave in order to fight for that freedom.

That is why last Tuesday we passed the Sessions amendment to help clarify protections for our military and others under a safe harbor in the bill. This provision, which passed with 63 votes, makes explicitly clear that Active-Duty military and low-income veterans are protected by the safe harbor. In addition, it also protects debtors with serious medical conditions.

On this issue, the other side has created a red herring designed to score political points and shift the debate away from bankruptcy abuse. Another red herring is the charge that the bankruptcy bill sacrifices consumers to benefit credit card companies. The truth is that the bill before us includes several carefully negotiated amendments that expressly protect credit card holders.