



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145

WASHINGTON, WEDNESDAY, NOVEMBER 10, 1999

No. 158

Senate

REVISED NOTICE

If the 106th Congress, 1st Session, adjourns sine die on or before November 17, 1999, a final issue of the Congressional Record for the 106th Congress, 1st Session, will be published on December 2, 1999, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through December 1. The final issue will be dated December 2, 1999, and will be delivered on Friday, December 3, 1999.

If the 106th Congress does not adjourn until a later date in 1999, the final issue will be printed at a date to be announced.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Records@Reporters".

Members of the House of Representatives' statements may also be submitted electronically by e-mail or disk, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerkhouse.house.gov>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements (and template formatted disks, in lieu of e-mail) to the Official Reporters in Room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman*.

NOTICE

Effective January 1, 2000, the subscription price of the Congressional Record will be \$357 per year, or \$179 for 6 months. Individual issues may be purchased for \$3.00 per copy. The cost for the microfiche edition will remain \$141 per year; single copies will remain \$1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

MICHAEL F. DiMARIO, *Public Printer*.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S14479

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the clerk will report the continuing resolution.

A joint resolution (H. J. Res. 78) making further continuing appropriations for the fiscal year 2000, and for other purposes.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized for 15 minutes.

Mr. EDWARDS. Mr. President, we are about to pass a resolution to keep the Government operating for approximately a week. The question I ask is, What are we doing for the victims of Hurricane Floyd? Keeping this Government open is not important unless it does the things it should and needs to do for its citizens.

We keep telling the people of this country that this is their Government, it belongs to them. Every week they get their paycheck, and they have a huge deduction for Federal taxes. They wonder every time they get their paycheck and their paycheck stub where that money is going.

The truth is, now is the time, in the wake of the devastation of Hurricane Floyd, when they are entitled to expect their Government will respond and respond in a responsible way to what has been done to them.

The people of eastern North Carolina—I know because I have been there over and over, including this past weekend—are wondering how they are going to make it through the winter. They are completely and totally innocent. These are people who had a hurricane drop inches and inches of water on them. It devastated their homes and, thereby, devastated their lives. In many cases, it devastated their workplaces.

What they are saying to us now is: What is my Government to which I have been paying taxes for all these years going to do? The reality is, if the Government does not respond to this disaster and this terrible situation, the Government serves no purpose.

We had 50 people die in North Carolina as a result of this hurricane and 5 people are still missing. We have 3,000 people who are still in temporary housing. More than 30,000 homes have been damaged and approximately 20,000 have been completely destroyed. The damage estimate for housing alone is approximately \$400 million, and that number will grow. We have eight counties that still have damaged water systems where people are required to boil their water to use it.

Over 2 months after this hurricane ravaged eastern North Carolina, our people are still struggling and suffering and will continue to struggle as we go forward.

I ask my colleagues these questions:

No. 1, do they take for granted the roof over their heads?

No. 2, do they assume when they turn the tap on that they will be able to drink the water that comes out of that tap?

And No. 3, do they assume their children will be able to go to school?

Let me tell my friends and colleagues in the Senate that there are tens of thousands of North Carolinians who no longer take those things for granted and no longer assume they are going to be able to do those things because they know they cannot. The question they ask me and, more important, the question they ask us as their representatives in this Government is, What are we going to do to respond to what has happened to them?

We have kids in eastern North Carolina who are going to school in small trailers in a gravel parking lot of the National Guard grounds in Tarboro. In order to go to the restroom, they have to leave these small trailers and travel to the one small trailer that has a restroom. They are already going to school in little trailers on a gravel parking lot, and there is not even a restroom in the trailer they are using for a classroom. In order to use the restroom, they have to leave their trailer and go down the parking lot to another small trailer.

The water rose in this area, for example, 88 inches in an elementary school in Tarboro. The school was completely destroyed.

Transportation—we have more than 90 sections of State roads and 12 bridges still washed out.

Agriculture—our farmers are hurting as they have never hurt before. Before this hurricane went through eastern North Carolina, our farmers were teetering on the edge from low crop prices and many years of having a very difficult time financially.

What is the effect of a hurricane coming through? This is the time of year when many of our farmers in eastern North Carolina would be doing the bulk of their work. They would be harvesting their crops. Not this year. Many of our farmers have lost all of their crops. The current crop loss estimate is \$543 million—over \$½ billion. The livestock loss is estimated at about \$2 million. We have more than \$200 million in damage to structures on farms, the structures that are necessary for these farmers to operate their farms day to day. Many of these structures have been destroyed.

In addition, they have lost the machinery that is necessary to operate their farms on a daily basis. In almost all cases, the structures are not covered by insurance, and, in many cases, the machinery is not covered by insurance.

The bottom line is we have many farmers in eastern North Carolina who have lost their crops. They have lost the buildings from which they operate and they have lost the machinery they use to farm. They are out of business. What they say to us in Washington is: What is my Government going to do to

respond? I have paid my taxes. I have been a good, law-abiding citizen all these years, and I have always been told this is my Government. So my question to Washington now is, What is my Government going to do to respond?

The reality is, nobody in North Carolina is asking for a handout. Our people have responded heroically to this situation. Our businesses have been extraordinary.

They have made millions and millions of dollars worth of donations to help the people who have been devastated by Hurricane Floyd. Our individual citizens have made contributions. They have not only made contributions with funds to help the victims of Hurricane Floyd, they have taken time off from work, with their employers' permission; they are taking their weekends and their time off to go to eastern North Carolina to work to try to help the folks who have been devastated. They have done everything they can. Every person in North Carolina is doing what they can to help our people who have been damaged by this storm.

That is not enough. We need this Government to respond in a way that addresses the needs.

No. 1, we need housing relief. We have thousands of families who have lost their homes as a result of this storm. They have no way to rebuild their homes and rebuild their lives without our assistance. It is assistance to which they are entitled. They have paid their taxes all these years, never knowing this disaster, this devastation was coming. Now that it has hit them, it is time for this Government to respond and to get them back into houses.

They do not need help 6 months from now or a year from now; they need help right now. Right now is the time they are living in small trailers, on gravel parking lots. They want to get back into a home, a real home, the kind of home they had before Hurricane Floyd came. We have a responsibility to do everything we can to put them in those homes.

Agriculture: We have over 25,000 farmers who desperately need help just to make it through the winter. I am talking about an intense and immediate financial crisis that our farmers are confronted with.

So we have two things we must do before we go home. We have to address the housing needs in North Carolina, people who are not going to be able to get through the winter unless we do something for them; and, secondly, we have to help our farmers who are already in trouble and have been completely devastated.

I want us to compare the needs and the devastation in eastern North Carolina to some of the things on which we spend money. While I am strongly in support of spending funds for the defense of this country, we have spent

billions of dollars on projects the Pentagon did not ever suggest they wanted. We have spent hundreds of millions of dollars on relocating bureaucrats and renovating or restoring Federal buildings, millions on debt forgiveness for foreign governments, tens of millions on foreign cultural exchange programs, and on top of all that, a congressional pay raise.

Surely these folks in North Carolina, whose lives have been devastated—totally innocent victims of Hurricane Floyd—are entitled to at least that level of priority. Those are things we have already done. And we ought to do things for these Third World countries. We ought to do things to help other countries that are in need. But the reality is, we have North Carolinians and Americans who are in desperate straits. They do not have anyplace to live. We have farmers who are literally out of business. Their families have, for generations, farmed the land of eastern North Carolina, and they are now out of business.

It is time for their Government to step to the plate and do the responsible thing, to give them the help they need to put our folks in eastern North Carolina back into houses, to put our farmers back on their feet and back in business.

If we cannot do that, what function do we serve as a Government? For all those people who, for all these years, we have been saying, this is your Government; this is not some foreign thing up in Washington that has nothing to do with your lives, now they are asking us to make good on that promise and to make good on our responsibility to them for all their years—year in and year out—of doing the responsible thing: Paying their taxes and being good Americans.

So I close by saying, I understand that we are nearing the end of this session. I understand the needs and priorities on which we are all focused: Education, health care, responsible fixes for the BBA, and hospitals and health care providers around this country. We have many needs that need to be addressed.

But I want to make clear that when it comes to Hurricane Floyd and my people in North Carolina who do not have a place to live and are worried about getting through this winter, and our farmers who are literally out of business, that I intend to use absolutely everything at my disposal and to take whatever action is necessary to assure that our people in North Carolina are taken care of.

Thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order, the clerk will read the joint resolution for the third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution is passed, and the motion to reconsider is laid upon the table.

The joint resolution (H.J. Res. 78) was passed.

BANKRUPTCY REFORM ACT OF 1999—Continued

AMENDMENT NO. 2516, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Kohl amendment No. 2516 is modified with the text of the amendment No. 2518.

The amendment, as modified, is as follows:

At the appropriate place in title III, insert the following:

SEC. 3. LIMITATION.

(a) EXEMPTIONS.—Section 522 of title 11, United States Code, as amended by sections 224 and 307 of this Act, is amended—

(1) in subsection (b)(3)(A), by inserting “subject to subsection (n),” before “any property”; and

(2) by adding at the end the following:

“(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate \$100,000 in value in—

“(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

“(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

“(C) a burial plot for the debtor or a dependent of the debtor.

“(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.”.

(b) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking “522(d),” and inserting “522 (d) or (n),”; and

(2) in paragraph (3), by striking “522(d),” and inserting “522 (d) or (n),”.

The PRESIDING OFFICER. Under the previous order, the amendment No. 2516, as modified, is now pending.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2778 TO AMENDMENT NO. 2516, AS MODIFIED

(Purpose: To allow States to opt-out of any homestead exemption cap)

Mrs. HUTCHISON. Mr. President, I offer a second-degree amendment to the pending amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. BROWBACK, and Mr. GRAHAM, proposes an amendment numbered 2778 to amendment No. 2516, as modified.

Strike the period at the end and insert the following: “The provisions of this section shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act.”

Mrs. HUTCHISON. Mr. President, if I could take a moment to explain the amendment. We have agreed to 30 minutes equally divided. I would then turn it over to Senator KOHL to explain the underlying amendment.

Basically, Senator KOHL and Senator SESSIONS are going to try to put a cap on the homestead exemption that would apply uniformly to every State.

I think that is a mistake because every State is different. The valuation of property is different in every State. This does not make any allowance for those variations in property.

The Kohl-Sessions amendment has a \$100,000 cap in bankruptcy proceedings on homestead exemptions, but the median value of a home in California is over \$215,000; in Oklahoma it is \$92,500. So right there you can see there are differences in America.

Secondly, 11 homestead exemptions around the country would be immediately overturned if we have a Federal standard for a homestead exemption. The States of Florida, Iowa, Kansas, South Dakota, Texas, Minnesota, Nevada, Oklahoma, California, Massachusetts, and Rhode Island would all have their caps lifted in favor of a Federal rule that would attempt to be one size fits all.

In my home State of Texas, it is actually a constitutional provision; it is not a statute. It does not refer to money at all. It refers to acreage. There is the urban acreage and there is the rural acreage. So I think it is very important that we have the ability to address this by every individual State.

For 130 years in our country, the Federal Government has allowed the States the ability to set its own laws in this area. The homestead exemption does differ State to State. For 130 years, the Federal Government has said the States may do this.

The Kohl-Sessions amendment would overturn the 130 years of precedence and have a national standard, a one-size-fits-all approach. That reminds me of a lot of other Federal Government programs. I am sure it rings true with other Americans because that is the Federal approach: One size fits all. We do not need one size fits all. For 130 years, we have not had it.

In this country the States have done very well in setting their own homestead exemptions—what works for them, what works for the elderly in their States, what works for families in my State of Texas—and they do not want to take homes away from the elderly who are most susceptible to having health crises. That would take away their savings. That might put them into financial difficulty. They do not want to throw the elderly people out of their homes, even if their homestead might be valued at over \$100,000, the median value.

Secondly, what if it is a young family where the wage earner gets into financial difficulty? Do we want to put a family out on the streets? This has been sacrosanct in my State and in many other States; that whatever we were doing to try to make people pay their debts—and we do want people to pay their debts—we don't want to make them wards of the State. We want their families to be able to continue to have a roof over their heads while they are working out of their financial difficulties.