

The legislative clerk called the roll. Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAPO), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. McCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—89

Abraham	Enzi	Mikulski
Akaka	Feingold	Miller
Allard	Frist	Moynihan
Ashcroft	Gorton	Murkowski
Baucus	Graham	Nickles
Bayh	Gramm	Reed
Bennett	Grassley	Reid
Biden	Gregg	Robb
Bingaman	Hagel	Roberts
Bond	Harkin	Rockefeller
Boxer	Hatch	Roth
Breaux	Hollings	Santorum
Brownback	Hutchinson	Sarbanes
Bryan	Hutchison	Schumer
Bunning	Inhofe	Sessions
Byrd	Jeffords	Shelby
Campbell	Johnson	Smith (NH)
Chafee, L.	Kennedy	Smith (OR)
Cleland	Kerrey	Snowe
Cochran	Kohl	Specter
Collins	Kyl	Stevens
Conrad	Landrieu	Thomas
Craig	Lautenberg	Thompson
Daschle	Leahy	Thurmond
DeWine	Levin	Torricelli
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	Wellstone
Durbin	Mack	Wyden
Edwards	McConnell	

ANSWERED “PRESENT”—1

Fitzgerald

NOT VOTING—10

Burns	Helms	McCain
Crapo	Inouye	Murray
Feinstein	Kerry	
Grams	Lieberman	

The motion was agreed to.

#### BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2415, an Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

#### NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I now move to proceed to S. 2557, regarding America's dependence on oil.

The PRESIDING OFFICER. The motion is debatable.

#### UNANIMOUS CONSENT AGREEMENT—H.J. RES. 114

Mr. LOTT. I ask unanimous consent when the Senate receives from the House the continuing resolution, the resolution be immediately considered, advanced to third reading and passed, and the motion to reconsider be laid upon the table, all without intervening action, motion, or debate.

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

#### PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, then, the Senate will have conducted its last vote for the day. We will adjourn shortly, although I understand there is one bill that is going to be taken up with some brief debate, and also there will be some debate on the bankruptcy issue. The Senate will not be in session on Friday, but the appropriations negotiators and others who are negotiating some policy decisions will be meeting tomorrow and throughout the weekend, if necessary.

The Senate will be in session on Monday, and I expect that there will be a period for morning business. Unless some procedural step is necessary regarding the bankruptcy bill, I do not expect any further announcements with regard to the schedule.

The Senate will next be in session after that on Tuesday. Therefore, votes could occur on Tuesday in an effort to wrap up the session of Congress. We do have four appropriations bills that need to be completed, and, one way or another, we also are looking at a tax package and, of course, bankruptcy, with a vote on cloture if necessary.

Later on, either tomorrow or Monday, we will notify Members jointly as to exactly when votes could be expected, but it will depend on when agreements are reached, when the conference reports are filed, and when the House acts because I think in each of these four instances the House would have to act first. We will move on the bankruptcy, depending on what is happening on these appropriations bills and the tax package.

#### MORNING BUSINESS

I now ask unanimous consent the Senate proceed to a period for morning

business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, my understanding is we are on the bankruptcy bill, is that correct?

The PRESIDING OFFICER. No. We are on a motion to proceed to S. 2557.

Mr. WELLSTONE. Mr. President, I withdraw my objection.

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

Several Senators addressed the Chair.

Mr. REID. Mr. President, if the Senator from Minnesota will withhold for a moment?

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. I wanted to ask the majority leader a couple of questions. I say to my friend, as he knows, there is some angst over here as to whether or not the people, especially from the West, have to travel back here on Tuesday.

We will have to know Monday night; otherwise, Senators have to catch planes early Tuesday morning to get back on time.

Mr. LOTT. Mr. President, I say to Senator REID, we had to make a decision last Monday. Unfortunately, we did not immediately communicate with both sides of the aisle because it was late in the afternoon. We need to be in close touch. I will be here Monday. I know the Senator from Nevada will be. Once we see when the reports are filed and when these votes will be ready, we will be prepared to notify everybody as to when they can expect a vote.

It appears to me it is possible we could have one or more of these conference reports ready late Tuesday, but if it becomes apparent the House is not going to get it until late Tuesday or even late in the afternoon, we may want to make a conscious decision to go ahead and announce Monday those votes may not occur until Wednesday.

I think we need another day or perhaps the weekend to see if these agreements can be worked out between the House and Senate Republicans and Democrats and the White House and get the reports filed. It is impossible to say right now. I assume all Senators would like to get this work completed as soon as possible. If we can do it Tuesday and Wednesday, I presume that is preferable, but if it is going to be Wednesday or Wednesday/Thursday, then obviously Senators want to know that. I will stay in close touch with Senator REID, and we will make those decisions and those announcements jointly, not later than Monday afternoon.

Mr. REID. Mr. President, I say to my friend, if we knew sometime late Monday afternoon, 4, 5, even 6 o'clock, we could

Mr. LOTT. I will be out here. I will see the Senator from Nevada on the floor. We will make those calls at that time and notify everybody so they at least have 24 hours' notice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### BANKRUPTCY REFORM

Mr. WELLSTONE. Mr. President, I am going to take a few moments. I know Senator KENNEDY is here on the floor, and I believe Senator FEINGOLD may be coming down as well. In any case, I want colleagues to know next week when we do get back to the bankruptcy bill, whenever it is, there are a number of Senators who are ready to speak on this bill and go into its substance.

I think the 100-0 vote is an indication that we do not mind going forward with the bill, but we do intend to speak about this legislation because the more people know about this legislation, the more likely Senators will vote against it. We certainly intend to have the debate, and if there is a cloture vote next week—there may or may not be—we intend to do everything we can to defeat this legislation. We have time to debate this legislation next week. If it goes to beyond cloture, we will have more hours then to debate this legislation. Let's take one step at a time.

I will point out to Senators the process first, and then we will go to substance. I do not know whether or not this is an argument that wins with the public. The argument about this bankruptcy bill on substance wins with the public. We have had some discussion about the scope of the conference and rule XXVIII.

This was a State Department authorization bill. We had an "invasion of the body snatchers" where all of the content dealing with State Department reauthorization has been taken out and bankruptcy has been put in. It is a clear abuse of the legislative process. I doubt whether any Senator who views himself as a legislator can be comfortable with the way we are proceeding.

I believe there are many Senators who are going to want to speak about this outrageous process. I do not know if I have ever seen anything like this where we have a State Department reauthorization bill conference report that is hollowed out, gutted completely, and replaced by the bankruptcy reform bill conference report. It is unbelievable. It is beyond anything I ever imagined could go wrong in the Senate. It is a way to jam something through, but in one way I can understand why the majority leader and others would try to jam this through because the content, the actual legislation itself, is so egregious.

I simply point out to Senators that there is not one word, not one aspect of this legislation—next week I will have a chance to talk a lot about it; we will

talk a lot about this legislation—there is not one word, not one provision, not one sentence, not one section which holds credit card companies or large banks accountable for their predatory practices. There is no accountability whatsoever.

We have nothing in this legislation that holds them accountable, but what we do have is legislation that, first of all, rests on a faulty premise. The bill addresses a crisis that does not exist. We keep hearing these scare statistics, which, by the way, do not jibe with the empirical evidence that there has been all these increased bankruptcy filings. In fact, bankruptcy filings have fallen dramatically over the last 2 years.

We have heard about the abuse. The American Bankruptcy Institute points out that, at best, we are talking about 3 percent of the people who file chapter 7 who actually could pay back their debts; 3-percent abuse, and for 3-percent abuse, what we are doing is tearing up a safety net for middle-income people, for working-income people, for low-income people who are trying to rebuild their lives.

Do we do anything about health care costs? No. Is the No. 1 cause of bankruptcy medical bills? Yes. Do we do anything about raising the minimum wage? No. Do we do anything about affordable housing? No. Do we do anything about affordable prescription drugs for elderly people? No. But the banking industry and the credit card industry get a free ride, and we pass a piece of legislation which is so harsh that it will make it difficult for middle-income people, much less low-income people, to rebuild their lives.

Hardly anybody abuses this. No one wants to go through bankruptcy. People are doing it because there is a major illness in their family. They are doing it because somebody lost their job. They are doing it because of some financial catastrophe. When people today try to rebuild their lives, we come to the floor of the Senate with a piece of legislation basically written by the credit card industry, written by the big financial institutions. They are the ones with all the clout. They are the ones with all the say.

I say to my colleagues, it is not coincidental that every civil rights organization opposes this; that every labor organization opposes this; that almost every single women's and children's organization opposes this; that the vast majority of the religious communities and organizations oppose this.

Today we had a vote to proceed, but next week there will be an all-out debate and we will focus on the harshness of this legislation, the one-sidedness of this legislation. By the way, this legislation in this hollowed out sham conference report is worse than the legislation that passed the Senate.

Now we have a bill that says to women, single women, children, low- and moderate-income families: You are not going to be able to rebuild your lives; we are going to pass a piece of

legislation that is going to make it impossible for you to rebuild your lives even when you have been put under because of a huge medical bill, no fault of your own. At the same time, for those folks who have lots of money, if they want to go to one of the five States where they can put all their money into a \$1 million or \$2 million home, they are exempt; they are OK.

This is what the majority party brings before the Senate. It is unbelievable. No wonder they have to do it through this "invasion of the body snatchers" conference report. They take a State Department conference report, gut it, take out every provision that deals with the State Department reauthorization, and put in a bankruptcy bill that is even more harsh than the one that passed the Senate that is anticonsumer, antiwomen, antichildren, antworking people and I think anti some basic values about fairness and justice.

I hope next week—I do not hope, I know—there will be a sharp debate, and we are prepared to debate this; we are prepared to use every single privilege we have as Senators to fight this tooth and nail.

And next week there will be a long, spirited discussion about this piece of legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to, first of all, thank my friend and colleague, the Senator from Minnesota, for his very eloquent statement, and most of all for all of his good work in protecting working families in this country on this extremely important piece of legislation.

I, too, am troubled, as I mentioned earlier today, by the fact that with all the unfinished business we have in the Senate that now with the final hours coming up next week, we are being asked to have an abbreviated debate and discussion on the whole issue of bankruptcy without the opportunity for amendments. Effectively, we are being asked to take it or leave it on legislation which is going to affect millions of our fellow citizens.

I had wished that we had scheduled other legislation, as I mentioned earlier today. I wish we were willing to come on back to the Elementary and Secondary Education Act or in terms of a Patients' Bill of Rights or a prescription drug program for our seniors in our country.

As someone who has been traveling around my own State, this is what I hear from families all over Massachusetts: Why isn't the Senate doing its business? Why didn't it do its business reauthorizing the Elementary and Secondary Education Act? This is the first time in 34 years that it has not done so. Why is it 3 weeks late in terms of appropriating funding for education, of which we hear a great deal in the Presidential debates? And in the Congress,