

meanwhile, I hope we can go ahead and go forward with bankruptcy, bankruptcy amendments. We have a list that we agreed to, amendments that are not subject to second-degree.

There was a misunderstanding about one of them, and the sponsor of that amendment has very graciously agreed to not offer that amendment, Senator HATCH, on the intellectual properties issue. And there are some other controversial issues that we are going to work together on in a bipartisan way.

So I hope we would try to make some progress on that. Senator DURBIN is here, one of the sponsors of the bankruptcy reform bill. Senator GRASSLEY is right here ready to go. So as soon as we can get a confirmation that we were able to get together on that, we will make that announcement to Members.

I might say, we should expect votes on amendments throughout the day. And, from 2 to 6 this afternoon, we will have the debate on the partial-birth abortion ban veto override. And then we hope to come back to the bankruptcy after that, and then have a couple of votes tonight on amendments—one or two or three, whatever—that we can stack, so that Members will know when those votes would occur.

Let me read here now the unanimous consent that we have worked out.

UNANIMOUS CONSENT AGREEMENT—S. 1301 AND THE VETO MESSAGE TO ACCOMPANY THE PARTIAL-BIRTH ABORTION BILL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to S. 1301 under the provisions of the consent agreement of September 11. I further ask that at 2 p.m., the bill be laid aside and there be 4 hours for debate, equally divided, on the veto message to accompany the partial-birth abortion bill, with speakers alternating between the proponents and opponents.

I further ask that at 6 p.m. the Senate resume consideration of S. 1301.

Finally, I ask unanimous consent that at 8:30 a.m. on Friday, September 18, there be 1 hour for debate, equally divided, on the abortion veto message and a vote occur at 9:30 a.m. on the question: Shall the bill pass, the objections of the President to the contrary notwithstanding?

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

Mr. LOTT. Mr. President, I appreciate the cooperation getting this time agreed to.

Mr. President, before I yield the floor to the managers of the legislation, I do want to take just a moment of leader time to make a plea for Senators, once again, to consider very carefully how they will vote this afternoon on the partial-birth abortion ban issue.

The vote will be close. We need 67 Senators to override that veto. I believe there is no more important issue that we will vote on this entire year. I don't see how any Senator can defend this procedure.

I took the time while I was home, about a year ago, to talk to Dr. Julius Bosco, the OB/GYN who delivered both of my own children. Originally from Brooklyn, NY, he was in the Air Force as a doctor, came to Keesler Air Force Base, married a local girl, and we couldn't get rid of him—he stayed. He is a great doctor and a great man. I asked him, Dr. Bosco, are there any circumstances at any time, any justification for this procedure being used? And he said, "Never."

Three Senators hold the results of this veto override in their hands, and it will weigh on their conscience. I hope that the Senate will override this veto. I yield the floor.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The PRESIDING OFFICER (Mr. DEWINE). The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

Pending:

Lott (for Grassley/Hatch) amendment No. 3559, in the nature of a substitute.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3595 TO AMENDMENT NO. 3559

(Purpose: To provide for dismissal of a case when a debtor abuses the provisions of the Bankruptcy Code)

Mr. GRASSLEY. Mr. President, I send a managers' amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. DURBIN, proposes an amendment numbered 3595 to amendment No. 3559.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GRASSLEY. Mr. President, our procedure today is we have the managers' amendment pending. We will lay this amendment aside from time to time as Members come over to offer amendments. I am going to visit with Senator DURBIN on procedure. So, in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

Mr. WELLSTONE. I thank the Chair. (The remarks of Mr. WELLSTONE pertaining to the introduction of S. 2489 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. We hope very much that Members on both sides of the aisle will come to the floor and offer amendments on the bankruptcy bill. Both sides have reached an agreement on the number of amendments to be offered. All we have to have is time agreements on those amendments, and if a vote is necessary on those amendments, have a vote.

Senator DURBIN has worked very hard with me for his part, for the Democratic Members, as I have for the Republican Members, to get a very good bankruptcy bill before this body. It was hard work for the last year putting a bill together. I really appreciate his cooperation, including getting it through the Judiciary Committee by a vote of 16-2, then additionally accommodating some other Members who are not on the Judiciary Committee, the committee of jurisdiction over bankruptcy.

We accommodated several Members, both on the Judiciary Committee and not on the Judiciary Committee, through the consideration of their amendments in some negotiating sessions we had last week to limit the number of amendments, also to accept, as I have indicated, in the managers' amendment many of the ideas that people have.

So since Senator DURBIN and I have worked together in a cooperative and very much bipartisan way on this legislation, we hope that at these almost midnight hours of this session, as well as midnight hours of the consideration of this legislation through the process of a year and a half, that we would not have Members stalling by not coming to the floor and offering their amendments.

So we hope very much that people will come over and do that. We are ready for those considerations. The floor leaders of both parties very much want to see this legislation pass. And we ought to do that because, as Senator DURBIN and I have described for the Members of this body, there is very much a need for this legislation, and particularly since we have this tradition of bipartisanship on the issue of bankruptcy, not only between Senator DURBIN and myself but historically over the last decade and a half between his predecessor, Senator Heflin, now retired from the Senate, and myself. We want to keep that tradition going. There is just now the one simple process of Members coming over here and offering amendments that we have all agreed should be considered.

There is no controversy at this point, except should an amendment be adopted or not. There is no controversy of whether or not this bill should eventually come to a vote. There is no controversy about what amendments should be offered. Hopefully, there is no controversy over how long we should discuss these amendments—a thorough discussion but with time limits—and eventually get this bill passed and get it to the conference committee. There Senator DURBIN and I are going to need a lot of time.

There is a tremendous difference between our bill and the House bill. Senator DURBIN and I need the rest of this session. And we hope that the rest of this session that we are talking about isn't October 1. We hope it is from this date of September 17 to the end of the session to work out the differences between the House and Senate. So that is why we want Members to come.

In the meantime, I say to Senator DURBIN, I thought I would—yes, let me yield to Senator DURBIN.

Mr. DURBIN. I note September 17 is an important date in the history of the world, because it is the birthday of the Senator from Iowa, and I think it is appropriate that we acknowledge that on the floor of the Senate, and also give him a great birthday gift by moving this bill along in an efficient manner.

Mr. GRASSLEY. Thank you.

Mr. DURBIN. I have called the Democratic Senators who have told me they have pending amendments and asked them to come to the floor as soon as possible so that we can start the amendment consideration. There is one amendment which the Senator from Massachusetts, Senator KENNEDY, would like to offer relative to the minimum wage which does not relate directly to this bill, but there has been an agreement that he will have that opportunity. I think he will be here within an hour, and we can discuss exactly when that amendment might come up.

I just say, as I have said before on the floor, it has been a pleasure to work with Senator GRASSLEY and his staff. I think the way that we resolved over 30 amendments on this might be a good way to legislate. Because literally Senator GRASSLEY and I, with our able staff members, and people from the administration, sat in a room and worked through some 30 different amendments.

We now have pending about a dozen that were unresolved that we think should be the subject of floor votes. Once those have been voted on, we are prepared, I hope, with a good work product to move forward, to pass a bill, and move to conference to consider a very complicated and complex area of the law but one so critically important to over a million Americans each year who file for bankruptcy in the United States.

We want to make certain that we keep those bankruptcy courts available for those who have truly reached the end of the rope and have absolutely no-

where to turn; and that, I think, describes the vast majority of people who come to the bankruptcy court. But we also hope to tighten the procedures to eliminate those abuses, petitioners who come to court who should not, those who were in court and engaged in tactics that, frankly, we do not think should be acceptable.

We are also going to try to address in the course of the amendments to this bill questions relative to the whole offering of credit cards to Americans. I think virtually everyone here today can tell me that when they go home tonight and open up the mail, they are going to find another credit card solicitation—I see heads nodding in the gallery—if you are a normal American. And I am sure they are nodding at home as well.

We want to make sure that the credit that is offered in America is credit available to everyone. The democratization of credit in this country has been a positive thing. But we also want to say to those who offer credit: Do it in a responsible way. Be honest in terms of describing the credit arrangement that you are seeking. Be certain that the people you are dealing with are truly capable of incurring more debt and can get involved in this process with a clear understanding of their obligation. Make your monthly statements intelligible so people who pay a minimum monthly amount have some idea when it might come to an end. Disclose some peculiarities of credit. Am I taking a security interest every time I use my credit card—for the toaster I just purchased? All of these things, I think, are relevant and will be raised during the course of this.

One of the Senators is going to offer an amendment which basically says we can declare "time out." If we are tired of credit card solicitations, we ought to be able to call a number and tell them to cease and desist, stop bothering us with all these solicitations. I think there is a right in America to be left alone. One of the amendments that will be offered will address that particular issue.

I thank the Senator from Iowa. I am going to make some phone calls and encourage our colleagues to come to the floor quickly.

Mr. GRASSLEY. Mr. President, we probably have fewer Republican Members with amendments to offer, but I have also been on the phone to talk to those people, as well, to come to the floor to expedite this process. The Senate majority leader and Senator minority leader really want this bill to be passed.

As I said, we need a long time to conference—our bill is quite a bit different from the House bill—to work out the differences and get a bill to the President before we adjourn.

Mr. President, I would like to discuss several provisions of the consumer bankruptcy reform act which will greatly enhance the ability to collect child support from people who owe

child support. When the Judiciary Committee marked-up the Consumer Bankruptcy Reform Act, I joined with Senators HATCH and KYL to add an amendment to the bill which would protect and enhance the status of child support claimants during bankruptcy proceedings.

The bill, which were reported out of the committee on a bipartisan vote of 16-2 now provides that child support obligations must be the first obligation paid during any bankruptcy proceeding. Under current law, child support is paid 7th so that often there just aren't funds available to pay to ex-spouses and children. I think that this bill will be tremendously helpful for those who are owed child support.

And the National district Attorneys Association agrees with me. This organization represents more than 7,000 local prosecutors throughout the United States, many of whom must enforce child support obligations under title IV-D of the Federal Social Security Act.

On September 2d, 1998, NDAA President John R. Justice wrote me to express the association's belief that this legislation will "substantially assist" efforts to collect child support for the children and spouses of debtors who have filed for bankruptcy. This letter went on to note that association supports the act because S. 1301 contains "enormous enhancements to support collection remedies" and represents a "major improvement to the problems facing child support creditors in bankruptcy proceedings."

The reason it's important to put child support claimants at the top of the list during a bankruptcy proceeding is that most bankrupts don't have enough money to fully pay all their creditors. So, somebody's not going to be paid. This bill makes it more certain that child support will be paid in full before other creditors can collect a penny. That's real progress in making sure that children and former spouses are treated fairly.

Also, the amendment accepted by the committee provided that someone owed child support can enforce their obligations even against the exempt property of a bankruptcy. This means that wealthy bankrupts can't hide their assets in expensive homes or in pension funds as a way of stiffing their children or ex-spouse. This is another example of how this legislation will help, not hurt, child support claimants.

Outside the bankruptcy context, when there are delinquent child or spousal support obligations, State government agencies step in and try to collect the child support. S. 1301 exempts these collection efforts from the automatic stay. The "automatic stay" is a court injunction which automatically arises when anyone declares bankruptcy and it prevents creditors from collecting on their debts.

But, now, if this legislation passes, State agencies would be in a much better position to collect past due child

support. In practical terms, this means State government agencies attempting to collect child support can garnish wages and suspend drivers licenses and professional licenses. Mr. President, clearly, this bill will help State governments catch deadbeats who want to use the bankruptcy system to get out of paying child support.

Taken together, these changes will significantly advance protection for child support claimants in the context of bankruptcy proceedings. This is why the National District Attorneys Association, an organization which represents many of the prosecutors who must enforce child support obligations, supports this bill. And these changes provide yet another compelling reason to support S. 1301.

Mr. GRAMM. Mr. President, I requested some morning business time. It is my understanding that our colleague from Minnesota came over and asked unanimous consent to speak as in morning business. I also had checked with our dear friend, the Senator from Iowa, about the possibility of doing the same. If I wouldn't be delaying the important business of the Senate, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

#### EMERGENCY APPROPRIATIONS AND THE SURPLUS

Mr. GRAMM. Mr. President, I wanted to express some concern about what is happening in terms of Federal spending this year; about the fact that now, for two weeks, we have not passed an appropriations bill; about the fact that it is clear from watching the process now that the minority, operating strictly within its rights, has held up the passage of any of the remaining appropriations bills by simply drowning these bills in riders and amendments.

We are beginning to hear talk, both in the administration and the Congress, about the need for a massive expansion in spending.

I decided earlier this week to sit down and look at all the proposals that have been made under the name of "emergency spending." That is important because, as my colleagues know—the public may not fully understand—while we have a binding budget, there is a gigantic loophole in that budget. That gigantic loophole is, if the President and the Congress agree to designate an expenditure "an emergency," it doesn't count.

Since President Clinton has been in office, we have had \$31.5 billion worth of emergency spending. During election years, that level of emergency spending has ballooned to a whopping \$8.6 billion per election year.

Now, in looking at where we are and in looking at the threats of vetoing appropriations bills if we don't appropriate as much money as the President has called for, I put together the fol-

lowing list of emergency requests that have been made by the President or have been discussed in the Congress.

The first is \$2.9 billion for natural disasters. I remind my colleagues that we know at the beginning of every year that we are going to have disasters.

Now, we don't know exactly where they are going to be. We don't know whether they are going to be earthquakes in California, or hurricanes in Texas and South Carolina and North Carolina, or floods in the Dakotas. But we know, based on experience, that every year we are spending about \$5 billion on disaster relief. But instead of putting the money in the budget so that it is there, instead of setting priorities, as any family would, what we do is wait until a disaster occurs and then we designate it as an emergency, so we can spend beyond our budget. In the President's own words as he stood before the Congress in the State of the Union Address, he said: "Save Social Security first, don't spend one penny of the surplus, and don't give any of it back in tax cuts."

But what we declare spending to be an emergency, it means that we are, in fact, spending the surplus and taking money away from Social Security.

Let me go over this list of what is now being called "emergencies." The next item on the list is the fact that we are about to enter a new century and a new millennium and, in the process, we are going to incur a computer problem called the "Y2K problem." In other words, the year 2000 is coming and we are entering a new millennium. Now, is that a surprise? Is anybody shocked that every day we get closer to the year 2000? Is it news to anybody that we have a potential computer problem in the Federal Government? Yet, while we have known about this—in fact, we have known from the beginning of the calendar of Julius Caesar that we were going to reach the year 2000. We have known it since the ancient Greeks. We certainly have known that we had this problem for the last 5 or 6 years. Yet, suddenly, we have a proposal saying that there is an emergency, the year 2000 is coming and there is going to be a new millennium, so the Federal Government needs an additional \$3.25 billion to \$5.4 billion. How can anybody say that that is an emergency if it is obviously a problem we knew we would have to face? It is something that we are going to have to face in the year 2000. But why should it not be dealt with within the context of the ordinary budget?

Now we hear talk of emergency funding for the census. We are required by the Constitution to do a census every 10 years. Surely it doesn't come as a shock to anybody that we have known since 1787 that we are going to make preparations for doing a census in the year 2000. Yet, there it is, as if somehow there is an emergency in that suddenly we have realized that we have been grossly underfunding the census in order to fund other programs, and

now we have a funding problem in the census. But is that a shock or an emergency? I would say no.

Suddenly it has been realized that all these cuts we have made in defense are having a detrimental impact on defense. That hardly comes as a shock to me, since I and others have spoken out for the last 10 years about the level of cuts in defense readiness. But now we are looking at a potential emergency supplemental appropriation for defense readiness of between \$3 billion and \$4 billion this year.

Now the shock of all shocks: We have troops in Bosnia. You would think that as long as we have had troops in Bosnia, the President would have put in his budget this year funding for the troops in Bosnia. But what is going to happen in the next 3 weeks is that we are suddenly going to be awakened to the fact that we have troops in Bosnia and the President wants an additional \$1.9 billion of funding that will be designated as an "emergency." I submit that it is no emergency that we have troops in Bosnia. I submit that it is not a shock that we have troops in Bosnia. Everybody knows we have troops in Bosnia, and everyone has known we have troops in Bosnia. Yet, we are looking at an emergency supplemental to fund it.

We are also seeing requests—our Democrat colleagues have proposed busting the budget by \$7 billion to help agriculture. Others on my side of the aisle are talking about \$2.7 billion to \$3 billion or more. The bottom line is this. When you add it all up, we now have serious discussion at the White House and in the Congress about raising the total level of spending this year by almost \$20 billion. That is \$20 billion that we may spend over the level of the budget that we set out just last year.

I simply want to make several points. First of all, I have, because of the work I have done on Social Security, concluded that we would be well advised not to create any new spending and not adopt a tax cut until we have taken action to fix Social Security. And it is my hope that we can fix Social Security early next year, and the funds that are not required in the surplus to fix Social Security could be given back to the taxpayer in the form of substantial tax cuts.

My problem is that, having concluded that it would be best to hold the money in the surplus to fix Social Security first, I now see the specter of the Congress and the President spending that money. I want to remind my colleagues that for the \$20 billion of "emergency spending" that we are looking at this year, we could repeal the marriage penalty; we could give full deductibility for health insurance to all Americans who either don't get it provided by their employer or are self-employed; we could provide a change in the Tax Code so that farmers could income average and better shield themselves against the kinds of fluctuations in agriculture income that we have; we