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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by the guest Chaplain, Levi Shemtov, Rabbi, Director of the Washington Office, American Friends of Lubavitch, Washington, DC. Glad to have you with us.

PRAYER

The guest Chaplain, Rabbi Levi Shemtov, Director of the Washington Office, American Friends of Lubavitch, offered the following prayer:

Almighty God, our Father in Heaven, bless and grace this august body, the United States Senate. Fill this Chamber and through it the Nation with the strength of Your sovereignty and the power of Your comfort. May the Members of this body and its officers strive always to glorify Your name and through their devotion to You and true service to the inhabitants of the Nation.

As the Jewish New Year (Rosh Hashanah) approaches, commemorating the anniversary of Your creation of man, we stand before You while You sit in judgment. May this feeling of our ultimate need for mercy pervade our lives, and may we judge each other at least as favorably as we would like to be judged ourselves.

As our Nation faces tremendous challenges, we also possess a deep, enormous faith and capacity for healing. The Senate, reflecting the Nation, comprises men and women from various political, cultural, and religious backgrounds. We are thankful for the freedom to bring various views, but as we debate the significant issues of the day, let us remember the words of the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, of blessed memory, who taught, "the only way to soothe the differences between two sides is to seek how we are ultimately all on the same side."

Three hundred years ago, the Great Baal Shem Tov, founder of Chassidism, taught us that in every experience lies Divine Providence, giving man the ability to find and develop divinity in seemingly everyday activities. As the officers and Members of the Senate and their staffs go about their noble task of legislating the path for our Nation, with the will of the people, please let them see in their work not just mere political activity but divine endeavor, nothing less than partnership with God in perfecting the world, bringing redemption to all of mankind.

A happy and a healthy new year.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

THE GUEST CHAPLAIN'S PRAYER

Mr. LOTT. Mr. President, on behalf of the Senate, I thank the rabbi for being with us this morning and for his prayer. We know this is a holy season for those of the Jewish faith, and we are pleased that you would join us and give us your prayer and ask for the Lord's blessings.

ORDERS FOR TODAY

Mr. LOTT. Mr. President, I ask unanimous consent the Journal of Proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved.

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

SCHEDULE

Mr. LOTT. Mr. President, we are still consulting with both sides to see if we

will be able to go forward this morning. It is Thursday morning and it seems to me this would be a good time to make some legislative progress on the people's business. We had great difficulty yesterday, trying to schedule votes around Senators' own interests which I thought, in many instances, were inappropriate. I urge my colleagues to not put their own conveniences over the interests of the people's business or their other 99 colleagues.

Also, while there are obviously distractions and disagreements on what should be the business of the Senate, there are some things that we can do and should do. Unfortunately, yesterday we were not able to even go forward with debate because we could not get an agreement as to how to proceed on the issues. We have a unanimous consent agreement that we reached last Thursday that seemed to be fair and satisfactory to one and all on how to proceed on the bankruptcy reform legislation, including, at the insistence of the Senator from Massachusetts, a vote on a minimum wage.

We agreed that we would have a vote as soon as we took up the bankruptcy bill, we would have 2 hours of debate on minimum wage and then a vote. The Senator indicated he had hoped we would do that in the morning, rather than late at night, and we have wanted to try to accommodate that. But when we said, OK, good, Thursday morning, we will start at 9:30, we will do the debate, have a vote at 11:30 on minimum wage, he indicated he didn't want to do that.

So I don't know. I understand maybe he has a press conference at the White House, but he has to make a decision here. You know, are we going to go for press conferences, or are we going to go for the vote on something he says is very important to him, the minimum wage issue? I assume he will be here later and we will get something worked out as to how to proceed on that. In the

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



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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.