abused this. They have made recess appointments. In 1985, President Reagan made quite a few of them. The majority at that time, the Democrats, under the majority leadership of Senator BYRD from West Virginia, made the determination that he was making too many recess appointments.

He challenged the President to submit a letter that would outline future recess appointments during the Reagan administration. In 1985, a letter was sent from President Reagan to then-majority leader, Senator BYRD from West Virginia that stated no more recess appointments would take place unless the names of the individuals who were considered for recess appointment were submitted in writing in sufficient time in advance that the majority or minority leaders could take some type of action.

For example, if they were going to have someone recess appointed for the express purpose of avoiding the advice and consent of the Senate, then they would just not go into recess; they would go into pro forma, where they would have someone in the Chair all the time to make sure that did not happen. Also, it would be an opportunity to make sure they were not doing it for the express purpose of avoiding advice and consent.

Last May, there was an appointment during the recess of James Hormel to be Ambassador to Luxembourg. There were several people who were opposed to his appointment and had holds on his appointment. The major reason was not that he was a gay activist, but he had not submitted the appropriate financial information to the appropriate committee for consideration. The President went ahead and appointed him.

Consequently—that was already done, and there was no attempt to undo it even though it was contrary to the Constitution—I sent a letter to the President asking him if he would agree to the same thing Ronald Reagan agreed to back in 1985. Of course, I did not get a very favorable response. However, I said: In the event I do not do that, I will put a hold on every nondefense or nonmilitary appointment or nominee from the President. And I did so.

The weeks went by, and finally I got a letter from the President that said:

> I share your opinion that the understanding reached in 1985 between President Reagan and Senator Byrd cited in your letter remains a fair and constructive framework which my administration will follow.

I have been concerned because this President has a long history of doing things he says he is not going to do and not doing things he says he will do. Consequently, I sent a letter to the President which I submitted for the RECORD last Wednesday. The letter was dated November 10, signed by myself and 16 other Senators, that said: Make sure you comply with the spirit of this agreement, this letter you have sent; we are going to serve notice right now that in the event you have recess appointments that do not comply with the spirit of the letter, we will put holds for the remaining of the term of your Presidency on all of the judicial nominees. A very serious thing. I repeated this several times last Wednesday to make sure there was no misunderstanding.

Since that time, the White House has cooperated and submitted a list of 13 names. I will read these names and the positions for which they have been nominated: Cliff Stuart, EEOC; Delmond Won, Commissioner of the Federal Maritime Commission; Leonard Page, general counsel for the Labor Relations Board; Luis Laurado, Development Bank; Mark Schneider, Peace Corps; Frank Holleman, Deputy Secretary of Education; Mike Walter, Veterans Administration; Mr. Jeffers, whose first name I do not have, J-E-F-F-E-R-S; Bill Lann Lee, Assistant Attorney General for Civil Rights; Sally Katzen, Deputy Director of OMB; John Holum, Under Secretary for Arms Control and International Security of the Department of State; Carl Spielvogel, Ambassador to the Slovak Republic; and Jay Johnson—not to be confused with the military Jay Johnson—a nominee for the U.S. Mint.

Of this list of 13, there are 5 who either have holds on them or there are intended holds on these individuals. Consequently, I make the statement at this time—and I think it is very important the RECORD reflect this accurately and everyone understands it thoroughly—that anyone other than the names I will read off—Cliff Stuart, Delmond Won, Leonard Page, Luis Laurado, Mark Schneider, Frank Holleman, Mike Walker, Mr. Jeffers—if there are any names that are submitted and are sought to be appointed during this recess, recess appointments, we, who undersigned the letter on the 10th of this month, will put a hold on every judicial nominee who comes before the Senate during the entire remainder of the term of President Clinton.

I am going to repeat that because it is very important. Any name, other than these eight names I just read, who is recess appointed, if anyone other than these eight individuals is recess appointed, we will put a hold on every single judicial nominee of this President for the remainder of his term of office. That means specifically we will not agree to Bill Lann Lee, Sally Katzen, John Holum, Carl Spielvogel, and Jay Johnson.

I will conclude with that. I reemphasize, if there is some other interpretation as to the meaning of the letter, it does not make any difference, we are still going to put the holds on them. I want to make sure there is a very clear understanding, if these nominees come in, if he does violate the intent as we interpret it, then we will have holds on these nominees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, what is the pending business?

BANKRUPTCY REFORM ACT OF 1999—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Hatch/Torricelli amendment No. 1729, to provide for domestic support obligations.

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Feinstein amendment No. 1696, no limit the amount of credit extended under an open end consumer credit plan to persons under the age of 21.

Feinstein amendment No. 2755, to discourage indiscriminate extensions of credit and resulting consumer insolvency.

Schumer/Durbin amendment No. 2759, with respect to national standards and homeowner home maintenance costs.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Schumer amendment No. 2765, to include certain dislocated workers' expenses in the debtor's monthly expenses.

Dodd amendment No. 2531, to protect certain education savings.

Dodd amendment No. 2753, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Hatch/Dodd/Gregg amendment No. 2536, to protect certain education savings.

Feingold amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Feingold amendment No. 2779 (to Amendment No. 2748), to modify certain provisions providing for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Mr. LOTT. Mr. President, the Senate has been considering this bankruptcy bill as the main Senate business since November 4, 1999, after a failed cloture

vote in September. There have been dozen of votes conducted with respect to this issue, and yet there are still at least a dozen amendments pending to be offered, debated, and voted upon. It is with this in mind that I need to file this cloture motion on the bill in order to ensure we get a final vote, and that will be available when we come back after the first of the year.

A lot of good work has been done on this bill on both sides, by the managers of the legislation and a number of Senators who have worked on it—Senator GRASSLEY, Senator HATCH, Senator SESSIONS, on our side; Senator TORRICELLI, on the other side, has been involved; Senator LEAHY has worked on this. So there is a lot of work that has been done and a lot of relevant amendments that have been voted on.

I want to particularly note the good work of Senator REID because he began with, I don't know, probably over 100 amendments.

Mr. DASCHLE. Three hundred.

Mr. LEAHY. Three hundred.

Mr. LOTT. Three hundred amendments. I do not understand how the fertile minds of the Senate can be so productive to produce 300 amendments on a bill such as this that has been already marked up in committee. Then we got it down to 36, and it continued to be narrowed.

I hope when we come back after the first of the year something can be worked out where it will not be necessary to go forward with this. But I do believe there is a necessity to have this protection so that we will have this option of cloture so we can complete the bill, if there is no other way to do it when we come back after the first of the year.

CLOTURE MOTION

Mr. LOTT. So I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 109, S. 625, an act to amend title 11 of the United States Code, and for other purposes:

Trent Lott, Chuck Grassley, Paul Coverdell, Mike Crapo, Craig Thomas, Larry E. Craig, Orrin Hatch, Don Nickles, Conrad Burns, Rod Grams, Mitch McConnell, Pat Roberts, Fred Thompson, Slade Gorton, Phil Gramm, and Mike DeWine.

Mr. LOTT. Under rule XXII, this cloture vote will occur on Tuesday, January 25, 2000. I ask unanimous consent that the vote occur at 12 noon on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, and I certainly will not object, let me say the majority leader and I talked about this. I am appreciative of his position. I am disappointed he has filed cloture. I hope it isn't received in the wrong way by all of those who worked so hard to get to this point.

I had told my colleagues that if they continue to work and if they continue to cooperate, if they continue to allow time agreements, that we would not be in a position where we would have to file cloture and we would get to the final passage. That was my commitment. Senator LOTT did not make that. I made it to my colleagues. In this case, I am going to have to explain to my colleagues why what I said is not what we are going to do.

We are down now to a handful of amendments, with time agreements. So I am as convinced today as I was a couple of days ago, as I was before that, that cloture certainly isn't necessary. I am hopeful, with those tight time agreements, and with the opportunity to dispose of the amendments, we can come to final passage. But I will certainly work with the majority leader to see if we might find a way to make that happen.

I hope he will work with us to assure those who have relevant amendments will have an opportunity to have their votes and we can finish.

I do not object to the request.

Mr. LEAHY. Reserving the right to object, and I will not object, just so we know the numbers, we had 320 amendments and are now down to 14. I compliment Senators on both sides of the aisle. Senator REID deserves enormous credit. Senator GRASSLEY, Senator TORRICELLI, Senator HATCH, and I worked very hard on that. We are working very hard again on both sides of the aisle. I think most Senators want a bankruptcy bill. We know there has to be a change.

Mr. President, I am disappointed that the majority filed cloture on the Bankruptcy Reform Act.

This week we made bipartisan progress on the Bankruptcy Reform Act by disposing of amendments. On Wednesday, we were able to clear 9 more amendments and accepted another one by a roll call vote for a total of 10 amendments that were accepted to improve this bill.

During our debate on the bill, the managers have accepted 37 amendments to improve the Bankruptcy Reform Act, amendments offered by Democrats and Republicans.

Senator TORRICELLI, Senator REID and I worked in good faith with Senator GRASSLEY and Senator HATCH to clear amendments and set roll call votes on amendments that we could not clear.

From a total of 320 amendments that were filed by senators on both sides of the aisle on November 5th, Senator TORRICELLI and I, working with the Assistant Democratic Leader, have narrowed down the remaining Democratic amendments on this bill to a mere handful.

We are ready to debate and vote on these Democratic amendments. The remaining amendments from our list are all relevant to the issues of bankruptcy under our unanimous consent agreement.

It appears the majority is refusing to allow the Senate to consider two amendments. One by Senator LEVIN on firearm-related debts in bankruptcy and one by Senator SCHUMER on debts incurred through the commission of violence at health service clinics.

Both of these amendments are relevant to the issue of bankruptcy.

Senator LEVIN is willing to limit the time on his amendment to 70 minutes and Senator SCHUMER is willing to limit the time on his amendment to only 30 minutes. These are very reasonable time agreement offers.

I am a cosponsor of Senator SCHUMER's amendment, but I am not sure if I will support Senator LEVIN's amendment. But I am sure that both these Senators deserve to debate and vote on their relevant amendments. What is the majority afraid of? Vote on the amendments up or down?

Some of the other remaining amendments focus on adding credit industry reforms to the bill. The millions of credit card solicitations made to American consumers the past few years have caused, in part, the rise in consumer bankruptcy filings. The credit card industry should bear some of this responsibility and reform its lax lending practices. These amendments improve the Truth In Lending Act to provide for better disclosure of credit information so consumers may better manage their debts and avoid bankruptcy altogether.

Last year's Senate bankruptcy reform bill was fair and balanced because it included credit industry reforms. We should remember that last year's fair and balanced bill passed this chamber by a vote of 97–1.

We should strive to follow last year's Senate-passed bill as the model during the remainder of debate on this bill.

Democrats are also ready to offer short time agreements on our remaining amendments if we cannot agree with the majority on them. Many Democratic senators are willing to offer time agreements of a half hour or an hour on their amendments.

Democrats are prepared to debate this bill and vote on amendments. This is how the Senate works and how it should work.

I commend Senators for coming to the floor last week and this week to offer their amendments. Despite hours of debate on four non-germane, nonrelevant amendments and party caucuses and extended morning business hours last week and this week, Senators from both sides of the aisle offered 64 amendments to improve the Bankruptcy Reform Act.

Unfortunately, the Senate did not consider the Bankruptcy Reform Act yesterday or today. I do not understand why the majority is refusing to allow the Senate to debate this bill.

Next year, I hope we can have a full and fair debate on the few remaining

amendments to the Bankruptcy Reform Act and then proceed to a vote on final passage.

With that, I yield the floor.

Mr. HATCH. Mr. President, enough is enough. Hard-working American people are being denied common-sense legislation that they overwhelmingly support, because some on the Democratic side are insisting on votes relating to the politically charged issues of abortions and guns. At some point, I would hope that this will stop, and we can move ahead with the people's agenda, instead of trying to win political points.

We have been on the bankruptcy bill for two weeks now. The Democrats demanded the ability to have votes on other politically motivated, non-relevant issues. We debated and had a vote on minimum wage. We have agreed to or voted on 31 Democrat amendments. These are amendments in addition to the Grassley-Torricelli package amendment which included numerous other provisions insisted upon by the Democrats.

This is a fair, bipartisan bill, drafted jointly by Senators GRASSLEY, TORRICELLI, BIDEN and SESSIONS. This legislation was developed in a fair and inclusive manner. With the more than 31 amendments, plus additional amendments jointly developed by Republicans and Democrats, such as the Grassley-Torricelli healthcare amendment, the Hatch-Torricelli domestic and child support amendment, the Hatch-Dodd amendment on protecting educational savings accounts, among many others, this is a much improved bill that provides unprecedented consumer protections, while preserving the bankruptcy system for those who truly need it. What also is included in this bill are unprecedented consumer disclosures that are not even bankruptcy related, but are banking law amendments which Senators TORRICELLI and GRASSLEY have taken the leadership to develop, and I commend them for that.

Mr. President, throughout the process of consideration of this bill, at both the drafting stage, at the Committee level, and here on the floor, we have worked hard to address any concerns any member has with the bill. Senators GRASSLEY, LOTT and I have been more than patient and cooperative. It is apparent, however, that efforts were underway to defeat this important legislation this year by insisting on extraneous political agenda items, regardless of all the progress we made.

We are open to further debate. But this bill, which the Minority had said would only take two days to complete, was on the floor for two weeks. They did not agree to a time limit for debate, but it is now clear why that was.

I hope we can get the cooperation of the Minority to drop their remaining politically-motivated items and pass legislation early next year that provides meaningful and much-needed reform to the bankruptcy system. Rampant bankruptcy filings are a big problem, and last year over 1.4 million Americans filed for bankruptcy. In the same year, about $45 billion in consumer debt was erased in personal bankruptcies. Under current law, families who do not file for bankruptcy are unfairly having to subsidize those who do. This is our opportunity to do something about it. I would hope that my colleagues would take the time over these next few months and consider the desires of the American public. Let's do what is right and pass this important legislation early next year. Thank you.

Mr. LOTT. Mr. President, let me observe one of the problems we had in not being able to complete it even this week. While the sponsors of some of the amendments had indicated—or maybe all the amendments—indicated a willingness to have limited time agreements, we had, I know, at least a couple of Senators on this side who were not willing to agree to limit the time, therefore possibly tying up half a day or a day one a couple of these amendments.

We may still be able to work out something where we could have a short time agreed to on both sides and get a vote after the first of the year. But you reach a point, in the final days of a session, where motions are such that you just cannot get that kind of agreement.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, the second session of the 106th Congress will convene, then, at 12 noon on Monday, January 24. We do not yet have absolute certainty that there will be a State of the Union Address the next night, although it is preliminary indicated. I believe that is the date we would expect to have a State of the Union Address; that is, Tuesday, the 25th. That could be postponed upon a request from the White House, but we will need to be back and in business in order to be here for that date.

So there will be a need for a live quorum to establish the beginning of the second session on Monday. A period of morning business will commence for the remainder of that day. And this 12 noon cloture vote on Tuesday, January 25, would be the first vote of the second session of the 106th Congress.

Again, I thank my colleagues for their continued cooperation and wish everyone a safe and happy holiday season.

Let me say, too, we have a number of bills that are in conference now. I had an opportunity to discuss the schedule for next year, or some of the bills for next year, with the President. We have a number of bills that are in a position where we could get early agreement out of conference, including the trade bill on which we worked so hard. We spent 2 weeks getting that out for Africa and CBI. We could have maybe even done it this week but we had so many things we were working on we could not get that completed.

We have the FAA reauthorization bill that good work has been done on, and a series of bills, including the juvenile justice bill, which we hope we can get early in the session next year. So we will continue to work on that.

I understand we are about ready to do a series of energy bills.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, we have cleared a number of nominations on the Executive Calendar. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 228, 273, 292, 326, 327, 329, 331, 332, 333, 366, 377, 394, 404, 405, 406, and all nominations in the Coast Guard on the Secretary's desk.

I further ask consent that the HELP Committee be discharged from further consideration of the following nominations, and the Senate proceed to their consideration, en bloc: Magdalena Jacobsen, Francis Duggan, Ernest DuBester, and John Truesdale.

I further ask consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session, and that the Senator from Vermont be notified that Judge Linn is in this list for confirmation.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

Ivan Itkin, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

DEPARTMENT OF THE TREASURY

Neal S. Wolin, of Illinois, to be General Counsel for the Department of the Treasury.

THE JUDICIARY

Richard Linn, of Virginia, to be United States Circuit Judge for the Federal Circuit.

UNITED STATES INSTITUTE OF PEACE

Stephen Hadley, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Zalmay Khalilzad, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.