

CLOUTURE 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 S. 420, an original bill to amend title 11, United States Code, and for other purposes:

Trent Lott, Robert F. Bennett, Chuck Grassley, Orrin G. Hatch, Susan Collins, Pat Roberts, Lincoln Chafee, Strom Thurmond, Frank H. Murkowski, Mitch McConnell, Rick Santorum, Jeff Sessions, Richard G. Lugar, Gordon Smith, George Voinovich, and Bill Frist.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 420, a bill to amend title 11, United States Code, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The yeas and nays resulted—yeas 80, nays 19, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—80

Akaka	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feinstein	Murray
Biden	Frist	Nelson (NE)
Bingaman	Graham	Nickles
Bond	Gramm	Reid
Breaux	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Byrd	Helms	Shelby
Campbell	Hollings	Smith (NH)
Cantwell	Hutchinson	Smith (OR)
Carnahan	Hutchison	Snowe
Carper	Inhofe	Specter
Chafee	Inouye	Stabenow
Cleland	Jeffords	Stevens
Cochran	Johnson	Thomas
Collins	Kohl	Thompson
Conrad	Kyl	Thurmond
Craig	Lieberman	Torricelli
Crapo	Lincoln	Voinovich
Daschle	Lott	Warner
DeWine	Lugar	

NAYS—19

Boxer	Harkin	Reed
Clinton	Kennedy	Sarbanes
Corzine	Kerry	Schumer
Dayton	Landrieu	Wellstone
Dodd	Leahy	Wyden
Durbin	Levin	
Feingold	Nelson (FL)	

ANSWERED “PRESENT”—1

Fitzgerald

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 19, and one voted “present.” Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. 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.

AMENDMENT NO. 19

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

The PRESIDING OFFICER. Amendment No. 19 is pending.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on amendment No. 19?

The PRESIDING OFFICER. No.

Mr. LEAHY. Is amendment No. 19 germane?

The PRESIDING OFFICER. It appears to be.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. GRASSLEY. 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. LEAHY. 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. LEAHY. Mr. President, I know the Senator from Alaska wishes to speak on his time. I am going to yield to him in just a second.

Is my understanding from the Senator from Iowa correct that it is now in order—I realize we are not about to vote right now—to get the yeas and nays on this amendment?

Mr. GRASSLEY. Sure.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I seek time under the time allocated to me under the current procedure in the Senate.

The PRESIDING OFFICER. The Senator is recognized.

PORK

Mr. STEVENS. Mr. President, today the Citizens Against Government Waste issued their 2001 Pork List. I am here to discuss that briefly.

Five items on the first page of this list were requested in the President's budget as part of the Corps of Engineers regular program, but they are charged to be pork. Those were requested by President Clinton and his administration, not by me. Also, \$11 million listed as pork in the Interior Department budget was also requested by the President, not me, to manage

fish and game in Alaska. It shows the accuracy of this list.

Other items listed on this “waste” list include runway lights. It so happens that 80 villages in Alaska have no roads or hospitals. They depend on medical evacuation by aircraft when people have babies, suffer a heart attack, or have to have medical assistance. Those same villages have no runway lights at all.

North of the Arctic Circle, the Sun doesn't even rise beginning in mid-December until the end of the following January, making it impossible for an evacuation plane to land without lights. In fact, this is a persistent problem for us all winter throughout Alaska. After a Native man in Hoonah, AK, suffered a heart attack and sat on the tarmac for 3 days waiting for medical evacuation, the mayor wrote to me and asked for runway lights. We looked into it and found that it was true. I really did not realize there were so many of these small airports that had no lights.

I not only am proud that the Senate acceded to my request for runway lights in last year's appropriations bills, I want to put the Senate on notice that this year I am going to seek funds so that every village in Alaska has runway lights. Under the current procedure for allocation aid for improvement of airports, they are not eligible.

I believe if it is wasteful to make sure a woman in hard labor can deliver her baby in a hospital with a doctor attending, instead of in an airplane hangar with the help of a mechanic, then I am guilty of asking the Senate for pork and proud of the Senate for giving it to me.

The Citizens Against Government Waste listed funding to aid in the recovery of the endangered stellar sea lion as pork. The Senate and the whole Congress remember the battle over the sea lion at the end of the last session. That issue threatened to shut down the pollack fishery in Alaska, which supplies most of the fish for fast food and frozen products nationwide. The Office of Management and Budget estimated the closure of that fishery would cost the national economy as much as a half billion dollars annually. By making a Federal investment to assure sound science to protect the sea lions, we will avoid that loss in our fisheries, families will not lose their jobs, and the Federal Government will continue to collect corporate and personal income taxes far in excess of the money we put up to assure sound science is used in addressing that problem.

Likewise, the list includes transportation vouchers so welfare mothers can get to their jobs and get off welfare. By making another small investment in public transportation—\$60,000 in this case—women, particularly in the Matanuska-Susitna Borough in our State, can work, pay taxes, and save

the Government thousands and thousands—hundreds of thousands of dollars in welfare benefits. If that is pork, again I am guilty.

Alaska has the highest rate of alcoholism in the Nation. Alaska is No. 1 in child abuse, No. 1 in domestic violence, and No. 1 in suicide, particularly among young men in the Native villages. Working with our Governor and State legislature, and faith-based institutions such as Catholic Charities that utilize volunteers, and an enormous number of volunteers, some of this pork brought the Federal Government in as a partner to address these problems that are persistent in our State. Those projects, along with homeless shelters, are listed as shameful pork in this list. For me, not addressing these crying human needs would be what would be shameful, and I am ashamed of the people who made the list.

Alaska has the highest unemployment rate in our Nation. Some communities have unemployment rates four times the national unemployment rate during the Great Depression. We have unemployment as high as 80 percent in some of our cities and villages. I addressed that issue with job training programs to help get people off welfare rolls and into productive employment where they will pay taxes. That, too, is listed as pork.

Despite the nationwide shortages of nurses, teachers, and pilots, those training programs which we instituted in our State are listed as pork. In a State where only a handful of communities have doctors, let alone nurses, our health needs are tremendous. By utilizing cost-effective telemedicine for our veterans and Native people, we offer basic health care services using community health aides in areas that have no doctors, no clinics, and no hospitals. Those programs, again, are listed as wasteful, even though they are the most cost-effective programs in the country, delivering health care service to people who are literally hundreds of miles from the doctors who provide the care through telemedicine.

Alaska, also unfortunately, is failing in educational achievement. In some of our school districts, not only will the schools receive a failing grade, but not one of the students in those schools can pass the State exit exam in order to graduate. But summer reading programs that we put in place to address those needs, and similar programs to address the problems of education in a State that is one-fifth the size of the United States and has such a small population, all of these things are listed as pork. The criterion seems to be if President Clinton requested it, it was not pork. If I requested it or a member of our committee requested it, it is pork.

Our State has 70 percent of the lands in national parks, 85 percent of the lands in national wildlife refuges, over one-third of the national forest lands, and receives less money for improvements and utilization of those lands

than any other State that has such parks or wildlife refuges or forests. We have 50 percent of the coastline of the United States, and we harvest over 50 percent of the fish that are consumed in the United States. We have more than half of the Indian tribes in the United States. I challenge anyone to look at the dismal record of the executive branch in stewardship of either the Natives or these lands or fisheries areas, and compare that to what we have done here in the Congress.

My amendments last year were not pork. Not one of them will enrich any person or any community. They meet needs in my State. We don't build tunnels under rivers for \$8 billion. We don't build sports stadiums with tax advantages. We are a sovereign State, and so long as I am here, we will receive a fair share of Federal spending in order to meet our needs.

I criticize those who made this list. I wish they would come out and face us. I will have a hearing, let them come and face us. It is high time these people who are issuing these lists have some responsibility. They issue the lists in order to get contributions from our citizens to try to prevent so-called pork. It is not pork at all. It is meeting the needs of the people in my State, and I for one am pleased, pleased, very pleased that my colleagues have supported my request to meet those needs.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. I will be happy to yield.

Mr. BYRD. Let me thank the Senator from Alaska for being a good servant of his people. He was selected as the Alaskan of the Century—I believe that was the title, the Alaskan of the Century—last year.

Mr. STEVENS. That is correct.

Mr. BYRD. He knows the needs of its people. He knows who sends him here.

I welcome the Senator to the club. I have been in the same boat with the Senator in many ways, and I have no apologies to make for serving my people. I know who sends me here. I grew up in West Virginia when we had only 4 miles of divide four-lane highway in the whole State. There were only 4 miles in the whole State when I was starting out in the West Virginia Legislature.

I know West Virginia, and what is one man's pork is another man's job.

I hope the Senator will just turn the back of his hand to those who criticize him for helping his people. His people recognize that he deserves the kind of award they gave him. I join them.

As long as I am here I am going to remember the people who sent me here. This money isn't going overseas. The money—so-called pork—doesn't go overseas. It goes to help people in West Virginia—their schools, their highways. People need highways on which to get to work or just to go to the grocery store or go to the schools or to the doctor or to the hospital. Those highways I helped to build with that kind of "pork" have saved a lot of lives. It

is much safer to drive on those four-lane highways in West Virginia than down through the curves and hollows, and along the deep ravines where one can't see up ahead beyond that next curve.

Let me pay my respect to the Senator for doing a good job, being a good Alaskan, and a good representative of the people of Alaska.

Mr. STEVENS. I thank the Senator.

Mr. LEAHY. Will the Senator yield to the Senator from Vermont?

Mr. STEVENS. I am happy to yield.

Mr. LEAHY. Mr. President, the Senator from Alaska and the Senator from Vermont represent, population-wise, two of the smallest States in the Union. There are differences, of course, as the Senator from Alaska represents a State greater than much of the continental United States.

I have always thought the genius of the founders of this country, as the Senator from West Virginia has pointed out on many occasions, was when they set up the Senate and they said every State will have equal representation. Vermont has two Senators—not determined by landmass, because if Alaska had two Senators based on landmass no other State would have any Senators. California, larger than many countries, has two Senators. The Senate is one place where States are equal.

Frankly, I have never heard the Senator from Alaska—I have served with him for 26 years, and I served with him on the Appropriations Committee during that time—ask for something for himself, never. I have heard him fight for his own State, the same way I hope I fight for my State, or the Senator from West Virginia fights for his State, or the Senator from Nevada for his.

I point out to those who may be critical of the Senator from Alaska fighting for Alaska that never has the senior Senator from Alaska gone in there and sought anything for himself. But he has fought for the needs of his State. Those needs are great. Nobody—I visited Alaska on several occasions—can possibly conceive of the enormous needs of a State such as Alaska because of its size and diversity. I think of the horrendous winters we sometimes get in Vermont. They cannot begin to match what they have in Alaska.

Frankly, I have always been proud to serve with the Senator from Alaska. We are of different parties. We are in many areas of different political philosophies. But I consider him one of the closest friends I have in the Senate. I have been proud to serve with him on the Appropriations Committee.

Mr. STEVENS. Mr. President, I thank each of the Senators for their comments. The other night someone asked me how big Alaska really is. We got out the statistics book and examined it. I will bet no one present realizes that my State is larger than Spain, plus France, plus Germany, plus Italy.

I would be willing to bet that we send more money to those areas than we spend in Alaska to meet the needs of the Americans who live there.

BANKRUPTCY REFORM ACT OF 2001—Continued

Mr. STEVENS. Mr. President, under the provisions of rule XXII, I yield the remainder of my hour to the bill's manager.

The PRESIDING OFFICER. The Senator has that right.

AMENDMENT NO. 20, AS MODIFIED

The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand we have amendment No. 19, the amendment of the Senator from Vermont, pending. I ask unanimous consent that amendment No. 20 be modified by an amendment by myself and Mr. HATCH.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I withhold that for a moment.

While we are waiting on that matter—I am surely going to make the request again—we have my amendment with the yeas and nays on it. And I understand that the leader would prefer that votes begin in the morning. I have no objection to the leader stacking that with other votes to occur in the morning. We have the yeas and nays on it.

I urge, however, that those who have germane amendments on our side come to the floor and offer them, seek the yeas and nays, if they wish, and speak on them tonight. There is no reason why we cannot finish this bill sometime during the day tomorrow.

Mr. President, there appears to be some difficulty. I was of the understanding that Senator HATCH wanted this modified. I was going to offer that modification as a courtesy to Senator HATCH. I will not offer the modification and am perfectly happy to have them go ahead and vote on my original amendment.

I yield the floor.

Mr. President, I ask unanimous consent to modify amendment No. 20 on behalf of myself and Mr. HATCH. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 20), as modified, is as follows:

(Purpose: To protect the identity of minor children in bankruptcy proceedings)

On page 124, between lines 10 and 11, insert the following:

SEC. 233. PROHIBITION ON DISCLOSURE OF IDENTITY OF MINOR CHILDREN.

(a) PROHIBITION.—Chapter 1 of title 11, United States Code, is amended by adding after section 111, as added by this Act, the following:

“§ 112. Prohibition on disclosure of identity of minor children

“In a case under this title, the debtor may be required to provide information regarding a minor child involved in matters under this

title, but may not be required to disclose in the public records in the case the name of such minor child. Notwithstanding section 107(a), the debtor may be required to disclose the name of such minor child in a nonpublic record maintained by the court. Such nonpublic record shall be available for inspection by the judge, United States Trustee, the trustee, or an auditor under section 603 of the Bankruptcy Reform Act of 2001. Each such judge, United States Trustee, trustee, or auditor shall maintain the confidentiality of the identity of such minor child in the nonpublic record.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

“112. Prohibition on disclosure of identity of minor children.”.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on that amendment?

The PRESIDING OFFICER. The yeas and nays have not been called for.

Mr. LEAHY. I ask unanimous consent that it be in order at this point to ask for the yeas and nays on amendment No. 20, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

VITIATION OF MODIFICATION

Mr. LEAHY. Mr. President, I ask unanimous consent to vitiate the action on amendment No. 20.

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

AMENDMENT NO. 41, AS MODIFIED

Mr. LEAHY. Mr. President, I ask unanimous consent that similar action be now done in relation to amendment No. 41; that is, that amendment No. 41 be modified on behalf of myself and Senator HATCH.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 41), as modified, is as follows:

(Purpose: To protect the identity of minor children in bankruptcy proceedings)

On page 124, between lines 10 and 11, insert the following:

SEC. 233. PROHIBITION ON DISCLOSURE OF IDENTITY OF MINOR CHILDREN.

(a) PROHIBITION.—Chapter 1 of title 11, United States Code, is amended by adding after section 111, as added by this Act, the following:

“§ 112. Prohibition on disclosure of identity of minor children

“In a case under this title, the debtor may be required to provide information regarding a minor child involved in matters under this title, but may not be required to disclose in the public records in the case the name of such minor child. Notwithstanding section 107(a), the debtor may be required to disclose the name of such minor child in a nonpublic record maintained by the court. Such nonpublic record shall be available for inspection by the judge, United States Trustee, the trustee, or an auditor under section 603 of the Bankruptcy Reform Act of 2001. Each such judge, United States Trustee, trustee, or auditor shall maintain the confidentiality of the identity of such minor child in the nonpublic record.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

“112. Prohibition on disclosure of identity of minor children.”.

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays, instead, on amendment No. 41, as modified.

The PRESIDING OFFICER. Apparently, the yeas and nays have already been ordered.

Mr. LEAHY. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent, notwithstanding rule XXII, that at 12 o'clock noon on Thursday, the Senate proceed to vote in relation to the pending amendment No. 19; that upon disposition of amendment No. 19, the Senate vote in relation to amendment No. 41, as modified; that the amendments now be laid aside; and that there be 2 minutes prior to each vote for explanation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 420 at 9:30 on Thursday, there be 10 hours remaining under the provisions of rule XXII.

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

Mr. GRASSLEY. Mr. President, I further ask unanimous consent that at 9:30 on Thursday, Senator WELLSTONE be recognized to offer any of his germane amendments, Nos. 69, 70, 71, 72, 73, and 74, and time consumed be considered Senator WELLSTONE's time under the provisions of rule XXII.

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

Mr. GRASSLEY. I further ask unanimous consent that at 10:30 a.m. on Thursday, Senator KOHL be recognized in order to call up a filed amendment, No. 68, regarding the homestead provision. Further, I ask that there be 90 minutes for debate equally divided in the usual form, and that following the debate, the Kohl amendment be temporarily set aside with a vote to occur in relation to the amendment at a time determined by the two managers; further, that there be no amendments to