CONGRESSIONAL RECORD—SENATE

July 17, 2001

property that states and federal law provide, is almost completely gutted. All of the things I mentioned before that finance companies commonly take liens in are not included in the definition—garden tools, jewelry, rugs, cameras, exercise equipment, bicycles, tennis rackets, hedge trimmers, leaf blowers, mirrors, model airplanes, and sleeping bags. Finance companies can take liens in these items and enforce them in a bankruptcy case.

The real problem here is that no list can be exhaustive. And there is really no reason to have an exhaustive list anyway. The courts are fully capable of determining in a bankruptcy case what kinds of things are standard household items. The list in the bill is far too narrow, and there is absolutely no evidence that there are abuses taking place that need to be addressed.

The reason that this provision is in the bill is simple—the finance companies that support the bill want more power to take these borderline unenforceable liens. They want more power to coerce people into reaffirming debts because they don’t want their home stripped bare by a company that holds an interest in everything in it. This provision is part of the “deal” between all of the creditors that support this bill. All of them are getting their special protections in this bill, and consumers are left with nothing.

Mr. President, I was prepared to offer an amendment to strike section 313 back in March, but time ran out before I could offer it. I filed it so that it could be offered once cloture is invoked. I will not offer it today, but I believe we should remove this offensive provision in conference. That would move this bill just a little closer to one that actually treats American families fairly.

I thank my colleague from Minnesota for all he has done to fight for American families on this issue. I yield back the balance of my time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The senior assistant bill 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, hereby move to bring to a close debate on the substitute amendment No. 974, the text of S. 420, as passed by the Senate, for H.R. 333, the bankruptcy reform bill:


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 amendment No. 974 to H.R. 333, an act 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 senior assistant bill clerk called the roll.

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

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

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. SMITH) is necessarily absent.

I further announce that if present and voting, the Senator from New Hampshire (Mr. SMITH) would vote “yea.”

The yeas and nays resulted—yeas 88, nays 10, as follows:

[Roll Call Vote No. 234 Leg.]

YEAS—48

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Craspe
NASCHEL
DeWine
Domenech
Dorgan
Edwards

ENGLISH

Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Holmes
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landreau
Leahy
Levin
Lieberman
Lincoln
Lott
Logan
McCain
McConnell

MEDIKILLI

Mikulski
Miller
Mitchel
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Sherby
Shelby
Smith (OR)
Snowe
Specter
Stabenu
Stevens
Thompson
Thurmond
Torricelli
Veinovich
Warner
Wyden

SPECTER

YEAS—88

Boxer
Brownback
Corzine
Dodd
Durbin
Fong
Fuscaldo
Harkin

HUTCHISON

Hutchison
Weinstein
Fuscaldo

WELSTONE

Wyden

NAYS—10

Smith (NH)

ANSWERED ‘PRESENT’—1

Fitzgerald

NOT VOTING — 1

The PRESIDING OFFICER. On this question, the yeas are 88, the nays are 10, with 1 Senator responding “present.” Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I know the hour for recess is here, but at 2:15 I will renew a unanimous consent agreement that Senator Breaux and I have offered on at least two or three separate occasions on previous days to have a cutoff time for the filing of amendments to the energy and water appro-
was involved in some criminal enter-
prise to deprive people of the right to vote or to manufacture or manipulate the outcome of an election. I use the
word “scandal” to speak of a situation in
which only one out of every two eligi-
bles Americans is casting his or her vote. And even those who do not have their votes counted properly; that is of deep concern to me.

Patrick Henry, one of the great voices that gave birth to this Nation, once said that the right to vote is the right upon which all other rights de-
pend. I believe he was correct more than 220 years ago, and even now, as we enter into the 21st century.

We lecture the world all the time on how to conduct free and democratic elections, yet there is a growing body of evidence that suggests we could do a much better job of modernizing the way our elections are conducted, in what sup-
port we provide our local communities and precincts, and by setting some na-
tional standards so we never again idly sit and watch an election during which as many as 6 million votes went unac-
counted. These were people who exer-
cised their civic responsibility and showed up on election day to cast a ballot and, because of faulty machinery or other shortcomings, their ballots were never counted—not to mention the people suffering a variety of physi-
cal disabilities who were denied that right as well.

It is my hope that in the coming weeks, as we gather more information from across the country about how we could do a better job, we will put ade-
quate resources into this. I say this as my seatmate, normally sitting to my right, is now sitting over here in a chair to the left—the chairman of the Appropriations Committee. I have not had a chance to talk with the chair-
man about this. I will not abuse a pub-
lic forum to do so at this moment, but I
know he cares about these issues as much as I do, and we might talk about how we might provide some resources to our States to ensure that the equip-
ment is modernized, that we no longer have machinery that is a half century old in some cases, as it is, to be used by people who wish to cast their ballots. My hope is we can come up with some national standards, provide the re-
sources to our States, and do a much better job, a much better job in seeing to it that people vote in this country and that their votes are then counted.

I cannot begin adequately to express the sense of outrage I sense among peo-
ples all across this country who were so terribly disappointed, to put it mildly, who went to vote and discovered their votes were not counted.

Put aside your feelings about the outcome of the election. We have a Presi-
dent. His name is George W. Bush. I
stood on the west front of the Capitol on January 20, and I certainly believe in the depths of my soul that this is

the President of the United States. My concerns are not about the legitimacy of the person who sits in the White House, but the legitimacy of a process that I think is in dire need of repair—the election proc-
cess in this country.

I don’t know how much more evi-
dence we need to have accumulated by independent studies based on last
year’s results, especially now that the New York Times, Miami Herald, other newspapers, as well as the organiza-
tions I have already mentioned, have looked at the elections of last year and have concluded by and large that there are serious problems with the present electoral process.

I would like to address this issue at
greater length later today, but I want-
ed to raise the matter here before we went into recess over the next hour or two.

Finally, I would like to mention a matter that I think is tremendously important—and I should point out to my colleagues here that the Presiding Officer went by about this issue as the Senator from Con-
necticut. I look forward very much, working with him as a member of the Judiciar Committee that has very specific jurisdiction over the Voting Rights Act of 1965, on how we can lis-
ten to people across this country, gath-
er as much adequate information as we can and then propose to our colleagues some meaningful ideas, both resources and ideas, on how we can minimize the electoral problems that occurred not just last year but have been occurring over the last number of years.

THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. DODD. The second subject mat-
ter is the Elementary and Secondary Education Act. This morning the New
York Times as well as others reported that there were serious reservations being expressed by superintendents of schools and educators across the coun-
try about this mandating of testing in the third, fourth, fifth, sixth, seventh, and eighth grades. I certainly want to see young people tested. I think it is worthwhile to know how children are doing under the elementary and sec-
ondary educational system of the coun-
try, but I am getting concerned that we are merely taking the educational temperature of these children without really dealing with the problem that has caused the public to lose faith in our public school system.

Every day the numbers indicate there is greater concern about the quality of public education. I think we can do a better job. But I do not nec-
essarily want to mandate testing kids every year, and at what cost, is nec-
essarily going to improve the quality of education. So while I am not op-
posed to testing, I think we ought to

think more about what we can do for those children who are failing, what ideas we can come up with and work on with our local communities and States to improve the quality of teachers, the quality of classrooms, the quality of educational materials, wiring schools to take advantage of the explosion in technology and information that is available.

I always find it somewhat mortifying when the Federal Government lectures the country about the quality of edu-
cation, where we lecture local school districts, States, and boards about what they ought to be doing. The Federal Government contributes less than one-half of 1 percent of the entire Federal budget dedicated to elemen-
tary and secondary education. I find that scandalous, to use the word I used when talking about the election proc-
cess. The fact that the Federal Govern-
ment in its resources only contributes one-half of 1 percent of its budget to the elementary and secondary educational needs of America’s children; that of every dollar that gets spent on education the Federal Government’s one-half of 1 percent amounts to about 6 cents. Mr. President, 94 cents of every education dollar comes mostly from local property taxes and some from the States.

In my view, in the 21st century we ought to become an equal partner with local communities and States: one-
third, one-third, one-third. That can reduce property taxes and provide more meaningful resources to communities that do not have the wealth, the sup-
port for the kinds of educational oppor-
tunities their students should have. No child in America ought to have the quality of their educational opportu-
nity be determined solely by the wealth of the community in which they happen to have been born. That is just wrong. If you are born in America, you ought to have an equal opportunity for a good education. It seems to me that the Federal Government ought to do a better job of being supportive, particul-
arily as we write bills that mandate testing, without putting the resources there to allow communities to pay for these additional burdens.

For the last 35 years we did that on special education. We mandated a law that said you had to provide for the special education needs of children. Then we never came up with the money to pay for those costs. The bill we just passed in the Senate now mandates full funding of the 40-percent requirement of special education costs. We have taken 35 years to do it. We have allowed for full funding of title I, but I would like when President Bush is going to tell me what sort of resources the Federal Government is going to com-
mitt to these elementary and secondary educational needs.

The President talks about how he
wants this done, but I am waiting yet