

Senator Heflin from Alabama—there has not been a single piece of bankruptcy legislation to get through this body in that 16-year period of time that didn't have the cooperative effort of the Democrat chairman or ranking member and the Republican chairman or ranking member, depending on who was controlling the committee at that time in history. That reputation has been continued through Senator DURBIN at this point.

If we can just get everybody on Senator DURBIN's side of the aisle to be in that same spirit that has promoted good bankruptcy legislation through this body for that period of time, we can be successful, not only with this piece of legislation, but also to emphasize that this is a needed piece of legislation. Even Senator DURBIN, working with us, has helped us develop the first major change in legislation to be considered on the floor of this body since the passage of the 1978 bankruptcy law.

I hope that the spirit that former Senator Heflin of Alabama and I have worked in, and has been continued by Senator DURBIN and me thus far, can be fully accepted by people from his side of the aisle. I know he has to satisfy a lot of interests. I even have, I say to Senator DURBIN, some interests on my side that are not satisfied with the legislation we brought out of committee. So I have some problems with which I have to work.

The point is, if, since 1981, this effort can be successful, it can be successful this time. I just plead with everybody who might want to filibuster this for some extraneous issues that probably can be brought up in some other way on other bills that would satisfy the Senate majority leader, we can get there.

I urge, as Senator DURBIN has, a very positive vote on this. I hope it will be followed, assuming we are successful this time, with a positive vote later this week on cloture on the entire bill.

I yield the floor, and I yield back what few seconds I have remaining.

CLOTURE MOTION

The PRESIDING OFFICER. All time having been yielded back, the hour of 5 p.m. having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 394, S. 1301, the Consumer Bankruptcy Protection Act.

Trent Lott, Orrin G. Hatch, Charles Grassley, Arlen Specter, Strom Thurmond, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Tim Hutchinson, Wayne Allard, Christopher Bond, Rod Grams, Rick Santorum, Chuck Hagel, Larry E. Craig, and Jon Kyl.

CALL OF THE ROLL

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

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1301, the bankruptcy bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

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

The yeas and nays resulted—yeas 99, nays 1, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Harkin	Reid
Burns	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden

NAYS—1

Brownback

The PRESIDING OFFICER. On this vote, the yeas are 99, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 1301, the bankruptcy reform bill.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for 10 minutes.

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

TRIBUTE TO KIRK O'DONNELL

Mr. KERRY. Mr. President, I want to pause for a few moments to acknowledge that many of us, particularly those of us from Massachusetts, are feeling the loss this week of one of our Nation's most savvy political strategists and one of our most contributing and admirable citizens. Kirk O'Donnell was a man who lived his life in a way that proved not only can you work in

politics without losing your soul but that politics from Fields Corner in Dorchester to city hall in the heart of Boston, all the way up to the lofty office of the Speaker of the House of Representatives, can in fact be a most honorable profession.

Mr. President, we all know that we live in very difficult political times, where endless cynicism seems to find too many citizens turning away from political dialog that they seem to find disappoints them. But Kirk O'Donnell, through every fiber of his body and in every step that he took in life, reminded us that political parties can stand for a set of ideals and that politics can still be an art form mastered in order to advance the common good—not individual good, but the common good. That is what Kirk always fought for.

Like so many of us in Massachusetts—and many are Republicans—Kirk O'Donnell was a Democrat by birth. But through his decades in public service he became a Democrat by conviction and a Democrat by sacrifice and by life work. The young man who fell in love with football at the Boston Latin School and at Brown University—so much so that at Boston Latin he was enshrined in their sports hall of fame—found his passions attracted him to an equally rough and tumble game on the field of Boston politics.

Kevin White's 1970 campaign for Governor in Massachusetts inspired Kirk to get involved in politics for what he thought was a "brief stint." That "brief stint" became a remarkable career. When Kevin White made good on his promise as mayor of Boston to "bring city hall to the neighborhoods," he turned to Kirk O'Donnell to run his Fields Corner little city hall. From his office in a trailer, Kirk brought city government to street corners, to newsstands, and to neighborhood picnics. He knew how important it was to show his fellow Bostonians that government worked for them, if only they knew how to work within the system. And within that system, Kirk was their devoted guide. Tip O'Neill could not have chosen a more dedicated or more skillful individual to be his counsel than Kirk O'Donnell, a man who said, in his own unassuming way, "if you can understand Fields Corner, you can understand Congress." Kirk was right—and Tip O'Neill knew it. For 8 years, it was Kirk O'Donnell who gave the Speaker the extra set of eyes and ears he needed to hold a Democratic majority together in spite of all of the force of President Reagan and the Reagan era. Kirk talked with Members of Congress the same way he would with a friend of 20 years or a constituent in Fields Corner or West Roxbury—warm, honest, straightforward. Tip O'Neill knew that in Kirk O'Donnell he had found a true friend.

Thousands of people to this day will tell you they were friends with Tip O'Neill, the Speaker. Tip O'Neill was a politician who never forgot a name and

loved to talk with everyone he met. He had more than his share of friends and acquaintances. But Kirk O'Donnell was a special kind of friend and so it was that he was one of the few asked to help carry Tip O'Neill's casket when our beloved Speaker passed away. That gesture alone spoke volumes about the kind of relationship forged between the older, wiser, more experienced Tip O'Neill and the younger, idealistic, and committed Kirk O'Donnell.

Even after he lost his friend, Tip O'Neill, Kirk kept fighting for the Democratic Party and the causes in which he believed so strongly. He breathed life into the Center for National Policy, leading seminars and meetings with Democratic activists, supporters, and even with those who Kirk believed might someday run for office. His message always came from the heart—Democrats stand for something, something real, something which could not be measured alone in an election. And he cared passionately about that something. On the darkest days for our party—and he went through some—Kirk reminded us to never give up the fight. He knew the importance of staying involved, of staying committed. He understood the full measure of democracy—and tried to bring it to others starving for freedom through his work in the National Democratic Institute for Foreign Affairs. Wherever, Kirk went, his message was the same; find out what matters to you and never stop fighting for it.

Kirk O'Donnell never forgot what really mattered in life. More than anything that was his devotion to his family—to his wife of 26 years, Kathryn Holland O'Donnell and their children, Holly and Brendan. That devotion was absolute.

I am proud to say that Brendan was going to join us as an intern in our office. Now that may be somewhat delayed, but, obviously, we look forward to the day when he will be there with us continuing in his father's footsteps.

Whenever I ran into him either in Washington, DC, or in Massachusetts, Kirk's first question wasn't about politics; he always asked me how my daughter was enjoying her education in his alma mater, Brown University. And he was always quick to share with me his latest story about his own daughter—Holly's experience on that same campus, or the story of the last trip to Foxboro Stadium with his son Brendan to watch Patriots football. It goes without saying that as much as all of us will miss him, obviously we feel the special pain that Kathryn, Holly, and Brendan feel at this time with their loss which is so much greater.

Today, we remember Kirk O'Donnell with words that cannot do any justice to a life that was both tragically short and joyfully filled with meaning and with accomplishment. We will miss Kirk O'Donnell, a friend and an adviser to all of us in Massachusetts politics and in the Democratic Party. But we know that his spirit will continue to

inspire us with the faith that he had in our common ideals as Americans and in his commitment to working to make life better for other people.

I thank the President.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. KERRY. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank our friend and colleague for his superb recollections and comments about this son of Massachusetts, Kirk O'Donnell. Kirk O'Donnell was really a committed public servant right from the earliest days. He started out as a schoolteacher. He came from a working-class family. He entered politics. He served with great distinction, as the Senator has pointed out, with a great friend of both of us, Congressman O'Neill, in a very significant time in the history of this country. And then after our friend and colleague, Speaker O'Neill, left, Kirk O'Donnell went to run the Center for National Policy. He kept his interest in public policy, believing that public policy can make a difference in people's lives.

He really was an extraordinary human being in his common sense, his good judgment and his real desire to advance the common interests of working families in our State.

So I wish to commend my colleague, Senator KERRY, for bringing this matter to the Senate. This man was a very rare human being, a rare individual, a very loving person, certainly for his wife and his family but also to his friends. He also cared very deeply about the condition of the people that he met over his journey of life. He had a strong commitment to make this world a better world and our State of Massachusetts a better State.

I thank my colleague for bringing these remarks to the Senate. I commend these remarks to our colleagues and to his family because we miss him not only as a friend, but as an extraordinary public servant. We should not let his name and his memory leave us. Those who knew him and loved him will certainly carry his memory in their hearts throughout their lives.

I thank the Senator.

Mr. KERRY. Mr. President, I thank my colleague. We both benefited enormously from the generous friendship of Kirk O'Donnell and from the remarkable quality of wisdom he had well beyond his years, great common sense, great roots in the streets, the city that he worked for, and of the State that he loved, and we will both miss him. I thank the Chair.

CONSUMER BANKRUPTCY PROTECTION ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the parliamentary situa-

tion, we are in the post-cloture period, which allocates up to one hour to each Member of the Senate. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, we have just a few moments ago decided as a Senate to consider the bankruptcy legislation that was reported out of the Judiciary Committee a few weeks ago. I mentioned at the time that this measure was being considered by the leadership, that I had hoped we would have the opportunity at the time that the leadership was considering calling up the bankruptcy legislation to consider other legislation that had been pending for some period of time.

The legislation that I was hoping would be considered is the Patients' Bill of Rights. It has been introduced by the Democratic leader, Senator DASCHLE, and supported by a number of us. Or, alternatively, I had hoped that the Senate would have been able to accept the proposal of the minority leader, Senator DASCHLE, that we would lay down before the Senate the Republican managed care proposal that passed the House of Representatives in July. This would have provided us with an opportunity to debate an issue that is enormously important to families in this country.

I mentioned before, the bankruptcy legislation deals with 1,200,000 people or occasions in this country per year. The Patients' Bill of Rights, however, affects 160 million Americans. The concerns that these families have are very real and very powerful.

Time and again, we hear of insurance company abuses that cripple or kill patients in states around the country. Yet, the response of the Republican leadership has been, well, you can either take it or leave it. That's it. Take the alternative that is advanced by the Republican leadership—which allows one vote on Senator DASCHLE's bill, one vote on the Republican bill, and perhaps three other amendments, but no more than those amendments in number that are designated by the majority leader—or leave it and do nothing. Mr. President, this proposal effectively gags the Senate from having full debate and discussion on this legislation. But, we have been told that was the position of the leadership and that was what we were going to be stuck with.

Mr. President, this is unsatisfactory because it excludes the opportunity to debate the major differences that exist between the Republicans and the Democrats on the issues of health care.

I have here before me a comparison of each of the patient protection bills—the proposal that has been advanced by the Republicans, and also the Patients' Bill of Rights proposal introduced by the Democrats. At the heart of this debate is a very simple concept: Are medical professionals, the doctors and nurses, going to make the health care decisions that affect patients? Or are