

who are these men? They were the giants in the Senate in the quarter of a century before and after our bicentennial. They are the models to whom we all aspire. They are the most recent generation of statesmen who helped lead our nation to the greatness of today.

I was elected to the Senate 2 years after PAT MOYNIHAN entered this body. I have had the honor, the pleasure, and the privilege of serving with PAT MOYNIHAN for 22 years.

In fact, I have spent two-thirds of my adult life working with PAT MOYNIHAN—watching this intellectual giant, listening to this scholar and visionary, learning from this teacher, this social critic, this political master.

Who is PAT MOYNIHAN? University professor, diplomat, Cabinet Secretary, fighter of poverty, social analyst, distinguished and prolific author, defender of worker rights everywhere, U.S. Senator, mentor, humanist, citizen, friend.

PAT published his first book in 1963. "Beyond the Melting Pot" looked at minority groups in New York City. Its conclusion was that the prevailing assumption at the time was wrong, that assumption being that minorities assimilated into the broader American culture.

PAT wrote his most recent book in 1998. "Secrecy, the American Experience" explained how secrecy in government deformed American values in the 20th century.

In between, he authored 16 other books—believe it or not; 16—on subjects that included poverty, family, ethnicity, and social policy.

In 1963, with "Beyond the Melting Pot," PAT was at the cutting edge, as we were beginning to struggle more honestly with the problems of minority groups in this country. Thirty-five years later, with the publication of "Secrecy, the American Experience," PAT is still at the cutting edge.

We are struggling to transform our institutions away from a culture that fought the cold war to a culture where the Internet thrives. Openness and transparency are valued again, and information is decentralized, distributed, and widely available.

During those intervening three and a half decades, PAT was always at the cutting edge in forcing us to rethink our fundamental assumptions about poverty, family, Social Security, ethnicity, and a wide range of domestic and global issues.

One area where PAT has made an enormous contribution to bettering our society—and yet is little recognized for it—is public architecture. He was one of the driving forces—in fact, the major driving force—to renovate Pennsylvania Avenue, to complete the Navy Memorial, Pershing Park, the Ronald Reagan Building, the restoration of Union Station, and the Thurgood Marshall Judiciary Building.

We, and our descendants, who visit our Nation's capital will have our lives enriched because of PAT MOYNIHAN's vision.

Let me conclude with a quotation from PAT. In 1976, he said: "The single most exciting thing you encounter in government is competence, because it's so rare." I would change that to read: "The single most exciting thing you encounter in government is greatness, because it's so rare." And that exciting thing, that exciting person, that greatness, for me, has been DANIEL PATRICK MOYNIHAN.

There is no higher calling than public service. PAT MOYNIHAN has been its embodiment for half a century.

We will all miss you, PAT, miss you very much.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to make sure that the time I use now does not come out of the Democrat time. So it will come out of the Republican time. And the Democrat time should be extended beyond 4 o'clock by the amount of time I speak.

The PRESIDING OFFICER. That is the understanding.

#### FAMILY OPPORTUNITY ACT OF 2000

Mr. President, I rise today to talk about the Family Opportunity Act, S. 2744. Senator KENNEDY and I introduced this bill in March of this year. Representatives SESSIONS and WAXMAN introduced the companion bill in the House of Representatives in August. It is a strongly bipartisan bill. There are 77 Senate cosponsors and 139 House cosponsors. This bill will make life easier for working American parents caring for a child with a severe disability.

Shortly after introducing this bill, I worked in a bipartisan way to secure a budget reserve fund in the budget resolution. Subsequently, the Senate Budget Committee convened a hearing on the bill. Then, in July, the President announced his support for the bill.

Logic would tell us that a bill with this kind of bipartisan support would stand a good chance of being approved by the Congress. Unfortunately, this bill is not among the final, end-of-year legislative packages. One likely explanation is that the families who would be helped by this bill do not have the same kind of political influence and clout that other powerful interest groups have. Working parents are not a powerful voice in Washington, even though they have every legitimate right to be a powerful voice in Washington.

Interestingly, today the bill was discussed on the House floor by a very powerful Member of the House of Representatives. The distinguished House Member was under the impression that the Family Opportunity Act is pri-

marily a Democratic bill. In fact, the Family Opportunity Act has broad bipartisan support. In addition, it is based on strongly held Republican principles.

The Family Opportunity Act is, No. 1, pro-family, No. 2, pro-work, No. 3, pro-opportunity and, No. 4, pro-States rights.

Pro-family. When you are a parent, your main objective is to provide for your child to the best of your ability. Right now, our Federal Government takes this goal and turns it upside down for parents of children with special health care needs. In the worst cases, parents give up custody of their child with special health care needs or put their child in an out-of-home placement just to keep their child's access to Medicaid-covered services.

Pro-work. Federal policies today force these parents to choose between work and their children's health care. That is a terrible choice.

Many parents of children with disabilities refuse jobs, pay raises, and overtime just to preserve access to Medicaid for their child with disabilities. Thousands of families across the country are caught in this Catch-22.

Pro-opportunity. The Family Opportunity Act of 2000 was created to help parents have the opportunities they deserve. It does so by providing parents the opportunity to work without the fear of harming their children. Allowing parents to break free from constraints that force many of them to stay impoverished is a win-win. Parents who work are also taxpayers. That's good for the government and the economy. And, parents who work are better able to provide for their families. That's good for children.

Pro-States rights. Governor Huckabee from Arkansas said it best at the Senate Budget Committee hearing I chaired in July. He said:

The Family Opportunity Act encourages progress for the family and places government on the side of the people where it should be. No child and no family should be the victim of a process which conspires against the very foundational principles on which we have existed for over 200 years. This Act will restore principled leadership from all of us as leaders who rightly see our roles as servants of the citizens, not the other way around.

I can't emphasize strongly enough how important a bill like the Family Opportunity Act is to working families across America. Everybody wants to use their talents to the fullest potential, and every parent wants to provide as much as possible for his or her children. The government shouldn't get in the way.

If this bill is allowed to die, that would be a missed opportunity of the highest level. I urge my colleagues to reconsider its status.

Winston Churchill once said:

Never give in, never give in, never, never, never, never—in nothing, great or small,

large or petty—never give in except to convictions of honor and good sense.

Legislation to help families help themselves make good sense.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. First of all, I thank Senator GRASSLEY. I very much appreciate his effort, with Senator KENNEDY. He does not give in, especially when it is a matter of principle to him. I thank him for his good work.

#### BANKRUPTCY REFORM ACT CONFERENCE REPORT

Mr. WELLSTONE. Mr. President, as of today, we are scheduled to have a cloture vote tomorrow. It is going to be on the bankruptcy conference report. One would think that in the final days of this Congress—of this Senate—we actually would be talking about debating and passing legislation that would promote the economic security of families in our country.

We could focus on health security for families. We could focus on raising the minimum wage. We could focus on affordable child care. We could focus on affordable housing. We could focus on reauthorizing the Elementary and Secondary Education Act. Thank God people in the country are so focused on a good education for their children or their grandchildren.

Instead, we are spending our final days debating an unjust and imbalanced bankruptcy bill which is entirely for the benefit of big banks and the credit card companies. In one way, I am very sad to say this piece of legislation is truly representative of the 106th Congress. It is an anti-consumer, give-away-to-big-business bill, in a Congress which has been dominated by special interest legislation. And it is representative of the 106th Congress in another way, too: It represents distorted priorities. We could be doing so much to enhance and support ordinary citizens in our country. Instead, we now have this legislation before us.

I want Senators to know, if they are watching, I will, as they come to the floor, interrupt my remarks so others can speak in opposition. We have a lot of ground to cover. We intend to cover that ground because this piece of legislation deserves scrutiny. It should be held up to the light of day so citizens in this country can see what an ill-made, mishandled attempt this piece of legislation is. Other Senators need to understand what bad legislation this is, how terrible its impact will be on America's most powerless families, and what a complete giveaway it is to banks, credit card companies, and other powerful interests.

This is a worse bill than the bill we voted on earlier in the Senate. It is important for colleagues to understand

that not only is this a worse piece of legislation, we had a provision in the bill that passed the Senate—albeit a flawed bill—the Kohl amendment, which said that while we are punishing low- and moderate-income people, families that have gone under because of bankruptcy, in 40 percent or 50 percent of the cases because of medical bills, you certainly don't want to enable millionaires to basically buy million-dollar homes in several States and in that way shield themselves from any liability. That provision was taken out. That is reason enough for Senators to vote against this bill.

In addition, Senator SCHUMER had a provision that said, when people are breaking the law and blocking people from being able to go to family planning clinics, they should not be able to shield themselves from legal expenses and other expenses by not being held liable when it comes to bankruptcy. The Schumer provision was taken out.

If that is not enough for Senators, the way in which the majority leader has advanced this bill makes a mockery out of the legislative process. If we love this institution and we believe in an open, public, and accountable legislative and political process, then I don't see how we can support taking a State Department conference report—I call it the "invasion of the body snatchers"—completely gutting that so there is not a word about the State Department any longer and, instead, putting in this bankruptcy bill, far worse than the bill passed by the Senate.

I see Senator DURBIN on the floor. I can conclude in 5 minutes, if he is here to speak on this.

I will summarize reasons for opposing this conference report and then come back a little later on and develop each of these arguments.

First, the legislation rests on faulty premises. The bill addresses a crisis that does not exist. Increased filings are being used as an excuse to harshly restrict bankruptcy protection, but the filings have actually fallen sharply in the last 2 years. Additionally, the bill is based on the myth that the stigma of bankruptcy has declined. Not true. I will develop that argument later on.

Second, abusive filers are a tiny minority. Bill proponents cite the need to curb "abusive filings" as a reason to harshly restrict bankruptcy protection, but the American Bankruptcy Institute found that only 3 percent of chapter 7 filers could have paid back more of their debt. Even bill supporters acknowledge that, at most, 10 to 13 percent of the filers are abusive.

Third, the conference report falls heaviest on those who are most vulnerable. The harsh restrictions in this legislation will make bankruptcy less protective, more complicated, and expensive to file. This will make it much more difficult for low- and moderate-income citizens to have any protection.

Unfortunately, the means tests and safe harbor will not shield from the majority of these provisions and have been written in such a way that they will capture many debtors who truly have no ability to significantly pay off this debt and therefore will be in servitude for the rest of their lives.

Fourth of all, the bankruptcy code is a critical safety net for America's middle class. Low- and moderate-income families, especially single parent families, are those who are most in need to make a fresh start—the fresh start provided by bankruptcy protection. The bill will make it very difficult for these families to get out of crushing debt. Again, in 40 percent of the cases, these are families who have gone under because of a medical bill.

Fifth of all, the banking and credit card industry gets a free ride. The bill as drafted gives a free ride to banks and credit card companies that deserve much of the claim for the bankruptcy filings in the first place, and the lenders should not be rewarded for this reckless lending.

Sixth of all, this legislation actually might increase the number of bankruptcies and defaults. Several economists have suggested that restricting access to bankruptcy protection will actually increase the number of filings and defaults because banks and these credit card companies will be even more willing to lend money to marginal candidates.

Seventh of all, the conference report, again, is worse than the Senate bill. We had a very reasonable provision; it was the Kohl amendment, which said, if you are going to go after women, and go after working families, and go after low- and moderate-income people, and go after families who are in debt because of a medical bill that is putting them under, then at least make sure you are not going to have wealthy Americans who are going to be able to go to several States and buy homes worth millions of dollars and shield themselves from any liability. That provision is knocked out.

This is a worse bill than that passed in the Senate. The Schumer amendment, again, said if people are blocking people from family planning services, they have broken the law; they ought not to be able to shield expenses they incurred from liability when it comes to bankruptcy. The Schumer amendment was taken out.

Finally, I say this one more time. This is a larger issue than bankruptcy reform. It is a question of the fundamental integrity of the Senate as a legislative body. Not one provision of the original State Department authorization bill, aside from the bill number, remains part of this legislation. To replace in totality a piece of legislation with a wholly new and unrelated bill in conference takes the Congress one step closer to a virtual tricameral legislature—House, Senate, and conference