

That is the kind of aid to education that works—not just tests, but realistic action to bring about realistic change for students' education. And, correspondingly, the test scores for the students in North Carolina have risen 10 points above the national average during this period.

The Democratic proposal to reauthorize the Elementary and Secondary Education Act incorporate the proven approaches that have demonstrated better results for children. But the Republican leadership has blocked any opportunity to debate education. The Elementary and Secondary Education Act, for the first time in 35 years, will not be acted on by Congress.

The Vice President, AL GORE, supports programs to improve public schools which have been proven effective. The best example we have is North Carolina. Those programs are tried and tested and demonstrated to be successful. That is what we believe ought to be done in the future for public education in this country. Yet those programs that have been tried and tested in the State of Texas are not improving education for children. Education is a prime issue for families, and we ought to look at the results. When you look at them carefully, you have to realize that what has been outlined as an educational miracle by the Governor just does not measure up—it's just an education mirage.

Instead of taking steps that will work, Governor Bush abandons the low-performing schools. He proposes a private school voucher plan that drains needed resources from troubled schools and traps low-income children in them. In the Vietnam war, it was said we had to destroy some villages in order to save them. That is what Governor Bush has in store for failing schools: a Vietnam war strategy that will destroy them instead of save them.

Parents want smaller class sizes where teachers can maintain order and give one-to-one attention students need to learn. Parents want a qualified teacher in every classroom in America. Parents want modern schools that are safe learning environments for their children. GAO found that \$112 billion was necessary for our schools to meet health and safety standards and environmental standards, to make critical repairs, and to ensure they are wired for modern technologies. That is why we want strong support for our school modernization and construction program that the Republican leadership has consistently opposed.

Here we are 4 weeks into the next fiscal year. Republicans have said that education is their top priority, but instead, they have made education their last priority.

Parents and students alike want an increase in Pell grants to help young people afford the college education they need to compete in the new economy.

The vast majority of Americans want us to address these challenges, and AL

GORE and the Democrats in Congress will do just that. We will continue to fight hard for education priorities that parents and local schools are demanding.

There is much good news about education across the nation. More students are taking the SATs so they can gain entrance into college. We see these numbers going up every year.

More and more students are taking advanced math and science classes in precalculus, calculus, and physics. We know there are schools in some parts of the country where the children cannot even read and write an essay. We ought to be doing something about it. The Republicans condemn those schools, but they have no plan to improve them.

Finally, the SAT math scores are the highest in 30 years. The SATs are taken by young people who want to go on to college. Those who are taking math now—many of the children who are taking the advanced courses are going to do better. That is what we want, isn't it? We want all these indicators to go in the right direction—better results for children.

As we come into these final weeks, parents ought to look at the Members of Congress, the Members of the Senate, and the Presidential candidates and where they stand on education. Democrats and AL GORE stand for an investment in children that will produce better results: smaller class sizes, a qualified teacher in every classroom in America in 4 years, a strong downpayment on meeting the nation's school modernization and construction needs, more afterschool programs to keep children safe and out of trouble and give them extra time for learning, too.

We should support these policies to improve public schools, and we should oppose policies by the Republican leadership and Governor Bush to abandon public schools. The nation's children deserve no less.

HEALTH CARE

Mr. KENNEDY. Madam President, few issues are of greater concern to American families than quality, affordable health care. Americans want an end to HMO abuses. They want good health insurance coverage. They want a prescription drug benefit for senior citizens under Medicare. They want to preserve and strengthen Medicare, so that Medicare will be there for both today's senior citizens and tomorrow's senior citizens. And they want these priorities not only for themselves and their loved ones but for every American, because they know that good health care should be a basic right for all.

The choice in this election is clear on health care—and it is not just a choice between different programs. It is also a choice based on who can be trusted to do the right thing for the American people. AL GORE's record and his pro-

posals are clear. He has been deeply involved in health care throughout his career. The current administration has made significant progress in improving health care in a variety of ways—from expanding health insurance for children to protecting Medicare for seniors. He has consistently stood for patients and against powerful special interests.

AL GORE has laid out a constructive program that is consistent with his solid record. He is for expanding insurance coverage to all Americans, starting with children and their parents. He is for a strong Patients' Bill of Rights to end abuses by HMOs. He has a sensible plan for adding prescription drug coverage to Medicare. He will fight to preserve Medicare, without unacceptable changes designed to undermine Medicare and force senior citizens into HMOs and private insurance plans.

George W. Bush's approach is very different. His proposals are deeply flawed. But even worse than the specifics of his proposals is his failure to come clean with the American people about his record in Texas or about his own proposals.

On health care, George Bush doesn't just have a credibility gap. He has a credibility chasm.

He has consistently stood with the powerful against the people. He refuses to take on the drug companies—or the insurance companies—or the HMOs. His budget plan puts tax cuts for the wealthy ahead of every other priority, and leaves no room for needed investments in American families. On health care, his values are not the values of the American people.

On the issue of the Patients' Bill of Rights, George Bush said in the third debate that he supports a national Patients' Bill of Rights. He said he wanted all people covered. He said that he was in favor of a patient's right to sue, as provided under Texas law. He said he brought Republicans and Democrats together in the State of Texas to pass a Patients' Bill of Rights.

That's what he said, but it is not true. Governor Bush knows his record on health care can't stand the light of day. So on national TV, he patently deceived the American people about his record, hoping no one would notice, or else hoping people would give him a pass because he didn't know any better and simply spouted what his spin doctors had given him.

But the truth has a way of coming to the surface. Here is what he did on the Patients' Bill of Rights.

He vetoed the first Patients' Bill of Rights passed in Texas. He fought to make the second bill as narrow and limited as possible. He was so opposed to the provision allowing patients to sue their HMOs that he refused to sign the final bill, allowing it to become law without his signature. That is not a record that recommends him for national office to any citizen concerned about a strong, effective Patients' Bill

of Rights. It is the record of a candidate who stands with powerful insurance companies and HMOs, not with American families, and he isn't honest about his record.

On Thursday, Senator HUTCHISON stated that the only reason Governor Bush vetoed the first bill and let the right to sue under the second bill become law without his signature was because there was disagreement on how high the caps on pain and suffering would be. I regret that my colleague has been misled. The fact is that there was no provision for lawsuits in the first Patients' Bill of Rights bill vetoed by the Governor. Let me reiterate—there was no provision for lawsuits at all in the first bill. Yet the Governor vetoed it.

In the second bill, there was also no issue about the caps on pain and suffering. Texas already had caps on pain and suffering under its general tort law, and everyone assumed that those caps would apply to lawsuits against HMOs. There was never any discussion of this issue. The fact is that Governor Bush, despite what he says today, simply does not believe that health plans should be held accountable. That is why he refused to sign the law allowing suits against HMOs. Once again, he has distorted his record in Texas—and both the record and the distortions call into serious question where he would stand as President.

Governor Bush is quick to challenge the integrity of others. But on this issue, his integrity is on the line as well. "Distort, dissemble, and deny" on an issue as important as this is not a qualification for the next President of the United States.

On health insurance, the record is equally clear—and equally bleak. Governor Bush claims he wants insurance for all Americans. He blames Vice President GORE for the growth in the number of the uninsured. But Governor Bush's record in Texas is one of the worst in the country. Texas has the second highest proportion of uninsured Americans in the country. It has the second highest proportion of uninsured children in the country. Yet, Governor Bush has not only done nothing to address this problem, he has actually fought against solutions. In Texas, he placed a higher priority on large new tax breaks for the oil industry, instead of good health care for children and their families.

When Congress passed the Child Health Insurance Program in 1997, we put affordable health insurance for children within reach of every moderate- and low-income working family in America. Yet George Bush's Texas was one of the last States in the country to fully implement the law. Despite the serious health problems faced by children in Texas, Governor Bush actually fought to keep eligibility as narrow as possible.

The PRESIDING OFFICER. The Senator's 30 minutes have expired.

Mr. KENNEDY. Madam President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent to be able to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has that right.

ORDER OF BUSINESS

Mr. SESSIONS. I also note, on behalf of the majority leader, that it appears that the House of Representatives will not send the continuing resolution over until 7:30 p.m. or later, so we will continue, I suppose, in morning business.

SETTING THE RECORD STRAIGHT

Mr. SESSIONS. Madam President, I would like to say a number of things. First of all, there is no reason for us to be here today on Sunday. It is not necessary. No good purpose is occurring. We had weeks of debate on the Patients' Bill of Rights. The Senator from Massachusetts is repeating those arguments. We had weeks of debate on education, of which I was a part.

Now we come back, at the very end, and we are going to have a rehash of all of that. The President is going to hold up this legislation needed to operate this Government. He asks that the Congress come back on a daily basis—even on Sunday—to debate it. Somehow he thinks maybe through this political mechanism he can change a dynamic that is taking place in the American public. They are beginning to make a decision that, in my view, the White House is not happy about, and they are desperate to try to change that dynamic, to change that trend, and to try to create a disturbance on the floor of this Congress about matters we have been talking about all year, that should not be coming up now.

There is no need for us to be here today. But we are here. I will be here every day that we need to be here. I will be here until Christmas. I will be here, Lord willing, after this President leaves office. And we will be talking about these issues.

It is important that we do the right thing, that we not just be stampeded and pushed around and be worried about elections so we are afraid to vote because the President is out here saying ugly things about us if we don't do what he says. It is our duty to do the right thing. We have been considering these issues for months. We have been debating them for months. That is all we are about here today, to do the right thing.

I hope the leaders on this side of the aisle do not do things just to get out of here. I am willing to stay, and other people I know are willing to stay, if need be, to debate and work toward a reasonable compromise, or to stand firm, if need be, on the issues that are important to America.

I know the Senator from Massachusetts discussed the patients' bill of rights that Governor Bush allowed to become law in Texas. That bill did have the right to sue in it. It was a big part of our debate in the HELP Committee—the Health, Education, Labor, and Pensions Committee—of which I am a member and of which the Senator from Massachusetts is a member.

As I recall, several months ago, the Democrats were all touting this Texas bill because it has the right to sue in it, beyond what I think ought to be made a part of a health care reform bill.

The Patients' Bill of Rights that came out of this Senate was debated. Amendments were offered on this floor. And they lost. The bill that came out of this Senate—and that is in debate in conference today—what does it do?

When we talk about the right to sue, we are not talking about a doctor who might cut off the wrong leg and that you can't sue that doctor. It simply is, if an insurance company says this procedure—for example, maybe it is a cosmetic procedure and is not covered in your insurance policy, so they cannot pay for it; and the patient says: Yes. I think you should pay for it. So they want to have suits for punitive damages that go for years.

So what was created in this legislation was a mechanism for every patient to have certain rights to get a prompt and full determination of what is just, and get their coverage if they are entitled to it.

The way it would work would be that a physician could call and talk to an insurance company physician, an expert. If they do not agree that this was covered, they then could appeal to an out-of-the-insurance company expert or arbitrator approved by HCFA, the Health Care Financing Administration—the Federal Government—President Clinton's HCFA. They could then appeal and get an objective ruling on whether or not this was covered. Then there are certain litigation rights that continue to exist, in any case.

But what I am hearing is, business companies that are providing insurance to their employees are saying: This costs us a lot of money. We are doing it for our employees. But if you are going to have us sued, Congress, we will just get out of the business of insuring our employees. We will just give our employees a certain amount of money and they can buy insurance or not buy insurance. It will not be our problem if they do not buy it. Tough luck. We have been doing this, but we are not going to be in the position that we are going to be sued.

That was a big deal in this very Congress. And the law in Texas is more generous on lawsuits than the one we approved in this Senate.

Senator KENNEDY wanted wide-open lawsuits. He supported that aggressively, but he lost. He did not win that issue. It is not the will of this Senate. We ought not to be worrying about this