

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

at this point in time, this late in the day, when we need to approve legislation to fund this Government.

The Senator from Massachusetts also came to the floor to talk about education. Yes, it is a top priority. We are increasing funding for education. I am on the education committee. We discussed that. In the last 2 years this Congress has spent more money on education than President Clinton asked for. We increased his request for education money. We spent more than he asked for.

But what was the debate? It went on an extended period of time right here. The debate was: Who is going to direct how it all gets spent? Were we going to trust the men and women who run our schools, the men and women who have been elected in each one of our communities to be on the school board? Are we going to trust them to spend more of this Federal money or are we going to continue to micromanage education dollars from Washington?

I have been in 20 schools this year. I have met with principals, teachers, and students in each of these schools. I always set a time to meet with the principals and teachers, and usually school board members drop in, and I ask them what their problems are.

I say: The Federal Government gives about 7 percent of the cost of education in America; 93 percent comes from State and local governments. I ask: Based on the regulations and paperwork, the interruption in your ability to discipline in the schools caused by Federal regulation, which would you prefer—the Federal Government take its 7 percent and leave, take away the paperwork and the rules and regulations, or get the 7 percent?

The answer: Take your money and go.

These are teachers who have given their lives to education. They are passionate about this. They don't want a Federal bureaucracy in Washington running their schools. What they would like is as much money as we can get to them. And we are increasing funding for State education well above the inflation rate, two or three times the inflation rate above what President Clinton has asked for. We tried to pass a new Elementary and Secondary Education Act, which is up for reauthorization this year. We had to stop considering it basically because of a filibuster from the other side. We voted. We had amendments. We went on for over 2 weeks debating the issue.

The other side was losing that debate. They were losing the votes. But if you don't have over 60 votes here, you can't shut off debate. The majority leader urged them to agree to a time limit. He said we can have many more amendments, and let's vote on them and bring this bill to conclusion. But they would not because, in fact, they had a filibuster going on. They did not want to change this old educational system that is run by bureaucracies 10 feet deep, people who have lost sight of

what education is all about. All they want to do is make sure their accounting is right in every school system in America.

There are over 700 Federal education programs in this country. The other side keeps arguing that we can't get rid of them. No, we can't consolidate them. No, we can't trust the people in our communities we elect to run our schools. No, they are not to be trusted. We have to tell them what to do. One Senator on this floor said: They may spend the money on swimming pools. Who knows best how to educate children—professional educators, teachers who have given their lives to it, principals who are dedicated to it, or some Senator here who has thousands of issues that come before them, everything from Medicare, Social Security, the attack on the U.S.S. *Cole*, all those issues? We don't know education. Neither does AL GORE know education.

I will tell you who has been wrestling with education for six years, and that is the Governor of Texas. Governors are involved in education. When he talks about education, he talks about it with a deep and abiding passion because he understands it. He has been in schools all over Texas. He is hearing the same things I have heard in the 20 schools I have been in around Alabama this year: that the Federal Government is not an aid, is not helping us, it is hurting us.

We have Federal regulations that keep children in classrooms who are a threat to the teacher and the students, and they cannot be removed because of Federal rules. We have paperwork that is driving them crazy. They can't spend the money on what they need to spend it on. They have to spend it only on what this Government and its 700 education programs say to spend it on.

So we tried to fix that. We couldn't do it because of the President and the filibuster that went on here. If we elect the Governor of Texas, who has managed education, as Governors do, who ran on education, got elected on education, and was elected with a 69-percent vote for reelection on education, we are going to get some changes.

The bureaucrats in Washington, the special interest crowd in Washington, the group that tries to turn out votes in elections, those people are not going to be happy. But teachers, principals, parents, and school board members are going to be happy because it is time for a change. It is time to break this Washington stranglehold on education. We give less than 10 percent of the money for education, but we micromanage how it is all spent. It is not acceptable, and we must stop it.

EXTENSION OF MORNING BUSINESS

Mr. SESSIONS. Madam President, I ask unanimous consent that morning business be extended with Senators permitted to speak for up to 10 minutes each until 7:30 p.m.

Mr. REID. Reserving the right to object, will the time from now until 7:30 be equally divided? I think the Republicans may have extra minutes remaining from the earlier hour. Could the Chair tell us how much time the Republicans have used?

The PRESIDING OFFICER. On the Republican side, there is approximately 10 minutes remaining; on the Democratic side, there is 1 minute remaining.

Mr. REID. I ask that the Chair take that into consideration in dividing up the next approximately 55 minutes.

The PRESIDING OFFICER. Is there objection to the time being equally divided between the parties?

Mrs. HUTCHISON. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. HUTCHISON. The time that has been allocated, the 10 minutes to the majority and 1 minute to the minority, should go forward, after which it would be equally divided.

Mr. REID. That is what I said.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Madam President, to conclude on this education matter, this Congress has been responsible. It has increased funding for education well above the inflation rate. It has increased funding for education the last 2 years that I have been on the education committee. I know for a fact, above what the President asked for.

We believe that money ought to be sent down to the States. It ought to be sent to them, and they ought to be challenged to develop, as Texas did, a plan of excellence. That ought to be ultimately determined by good, sound testing that that State adopts so it can tell whether learning is occurring.

There are schools in this country, unfortunately, where learning is not occurring. They are dysfunctional schools. We do not need to keep putting money in those kinds of circumstances. Good quality testing can tell whether learning is occurring. We ought to allow the men and women whom you and I elect in our hometowns all over America to decide how to run that fundamentally.

Yes, we will want to have controls on it, certain rules and regulations, but fundamentally we need to have a different mindset. We need to have a mindset that says to the educators, the people who are in our classroom, that we trust you, we are trying to help you, not make your life more troublesome, not giving you more headaches and paperwork; we want to help you teach our children, to help create more magic moments in that classroom where learning occurs.

There are good schools in Alabama and all over America. I have been in those schools. I had the honor to acknowledge a few days ago Mr. Terry Beasley, the principal of the year for the State of Alabama. He taught my children in public schools in Alabama.