

expected to occur with respect to the IRS reform legislation.

WELCOME BACK, SENATOR
SPECTER

Mr. LOTT. Also, at this point I would like to welcome back our colleague, the senior Senator from Pennsylvania, Mr. SPECTER, who is recently back from surgery, and he just made this vote this afternoon.

(Applause, Senators rising.)

Mr. LOTT. I am sure he was watching that on TV essentially, but he did make this vote, and we are glad to have him back.

PRODUCT LIABILITY REFORM ACT
OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. LOTT. Mr. President, I know of no further requests for time on the pending motion to proceed to the product liability bill.

Mr. DASCHLE. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will come to order.

Senators will take their conversations outside.

Mr. LOTT. I believe the question is on the motion?

The PRESIDING OFFICER. That is the regular order.

Is there further debate on the motion?

The motion was agreed to.

PRODUCT LIABILITY REFORM ACT
OF 1997

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 648) to establish legal standards and procedures for product liability litigation, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3064

Mr. LOTT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment 3064.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is printed in today's RECORD under "Amendments Submitted."

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative 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 pending amendment to Calendar No. 90, S. 648, the Product Liability Reform Act of 1997:

Mr. LOTT. Mr. President, this is the cloture motion on the substitute product liability bill, and so for the information of all Senators, this vote will occur on Thursday of this week. I will consult with the Democratic leader as to exactly what time that will be.

And I now ask that the mandatory quorum under rule XXII be waived.

Mr. BYRD. Mr. President, reserving the right to object, and I do not intend to object, may we have a reading of those Members who signed the cloture motion.

The PRESIDING OFFICER. The clerk will continue to read.

The legislative clerk continued the reading of the cloture motion.

Senators Trent Lott, Don Nickles, Slade Gorton, Phil Gramm, John McCain, Spencer Abraham, Dan Coats, Dick Lugar, Lauch Faircloth, John Chafee, Sam Brownback, Ted Stevens, Jon Kyl, Jeff Sessions, Mike Enzi, and Judd Gregg.

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

Mr. LOTT. As a reminder, then, to all Senators, under the provisions of rule XXII, all first-degree amendments must be filed by 1 p.m. on Wednesday, and all second-degree amendments must be filed 1 hour prior to the cloture vote.

INTERNAL REVENUE SERVICE RE-
STRUCTURING AND REFORM ACT
OF 1998—CONFERENCE REPORT

Mr. LOTT. I now move to proceed to the conference report to accompany H.R. 2676, the IRS reform bill.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2676, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 24, 1998.)

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, my reaction is, here we go again. Yet another piece of legislation laid down without any opportunity—

Mr. FORD. Mr. President, may we have order? I make a point of order the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order. The minority leader has the right to be heard. The Senate will come to order.

The minority leader.

Mr. DASCHLE. I thank the distinguished Senator from Kentucky.

Mr. President, I am very disappointed with the action just taken by my good friend, the majority leader. He has filed cloture on one of the most controversial, complex, far-reaching pieces of legal legislation that we will address in this decade. We have done this before, and it would seem to me that our colleagues would understand that when this happens, we are denying the very function of the U.S. Senate, the right of every Senator to offer amendments, the right to have a deliberative—

Mr. DODD. Mr. President, the Senate is not in order.

(Mr. ALLARD assumed the Chair.)

Mr. DASCHLE. It is the right of all Senators to fulfill the functions of their responsibilities as U.S. Senators to offer amendments, to have a debate. For us to file cloture, for the Senate to file cloture on a bill of this import, without one speech, without one amendment, without any consideration, is absolutely reprehensible.

I am very, very disappointed that the majority leader has seen fit to do it. I guess I would ask, What are they afraid of? What is it they don't want us to offer? What is it about the amendment process that worries our colleagues on the other side? What is it about not having a good debate that so appeals to them? Mr. President, I don't know.

But I do know this. Senators on this side of the aisle will continue to fight for our rights to offer amendments, regardless of circumstance. There are many of our colleagues who may support this bill on final passage, and I respect their rights even though I disagree. I personally think this bill is as bad as all the others that have been proposed, and I hope that we have a good debate about how good or how bad this legislation truly is. But for us to start the debate by saying that there will be little or no debate, especially when it comes to our opportunity to offer amendments, precluding the very right of every Senator to be heard, precluding the opportunity for us to offer ways in which we think it could be improved.

So we will have this debate over and over and over again. But on so many occasions now, our colleagues on the other side insist on denying the rights of every Senator to be heard. That doesn't have to happen. This is not the House of Representatives. This is not the most deliberative body in the world so long as we continue to utilize this practice. There is a time and a place for cloture, but that time and that place is not as soon as the bill is laid down. Many of us could have objected to the motion to proceed. We could have voted against going to the motion to proceed. We could have even filibustered the motion to proceed. We didn't do that. Why? Because, in good faith,

we felt it was important to get on to the bill. But now what do we have? Another in a continued pattern by our Republican colleagues to curtail debate, to curtail thoughtful consideration of a very important issue.

I don't know of a more complicated bill that any one of us will have to address in this session of Congress than product liability. We could offer a pop quiz today, and I am sure many of our colleagues would probably fail simply because we are not familiar with all the ramifications of this issue. So for us, now, just at the beginning of the debate to say we don't want amendments, we are not even sure we want a lot of debate, we are just going to get this out of our way so we can move on to other things, that is not the way the Senate ought to work. That is not what we ought to be doing here.

What goes around comes around. This issue is going to come around again and again and again. We will not be denied our rights.

So I am just very hopeful that even many of our Republican colleagues who may have misgivings about this bill will join Democrats in defeating cloture when the occasion arises on Thursday.

Several Senators addressed the Chair.

Mr. DASCHLE. I would be happy to yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I would simply ask the minority leader if he might draw any parallel or distinction between the way this bill is now being handled and other bills are handled, versus the tobacco legislation and the question of cloture on that?

Mr. DASCHLE. I think the Senator from Massachusetts raises a very important point. Exactly. We have seen this in a series of different episodes over the course of the year. It is a dangerous precedent to be setting. It is a remarkable admission from the other side that they are unwilling to face the reality here, to face the opportunity to have a good debate on key votes having to do with improvement of the bill, having to do with different views on a bill. Just as we saw with tobacco.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, am I correct that the Senator from South Dakota had offered an amendment to the appropriations bill on the Patients' Bill of Rights and that, if we had not had the majority leader's requests at this time, tonight we in this body would be debating the Patients' Bill of Rights? Am I correct?

Mr. DASCHLE. The Senator from Massachusetts raises a very important note here. It seems that our colleagues on the other side are reverting to two practices: One is to file cloture as soon as a bill is laid down. That is what they did in this case. That is what they did—what they did on the Coverdell bill. The other practice is to offer a bill, and as soon as we offer an amend-

ment that is in disagreement with their larger scheme, they pull the bill. That is what happened to the Ag appropriations bill when we offered tobacco on Ag appropriations. That is what just happened on the VA-HUD bill.

So it seems to me there are two actions taken by our Republican colleagues with some frequency here: File cloture, deny the colleagues the right to offer amendments because of cloture; or pull the bill and move on to something else and never come back. So the Senator from Massachusetts raises a very good point.

Mr. KENNEDY. If the Senator will further yield, as I understand it now, as a result of the action of the majority leader, the Ag appropriations bill has returned to the calendar and the VA-HUD appropriations bill has returned to the calendar. So it appears, would the Senator not agree with me, that it is not the Democrats who are holding up the appropriations process and procedure—we were prepared to move ahead—but evidently it is the majority leader who has sent these matters back to the calendar when it is our responsibility to go forward?

I am just wondering if the leader can tell us whether he has had any opportunity to talk to the majority leader about when we will have an opportunity to at least have discussion or debate on the measures that evidently are objectionable to the majority leader? Are we going to have any opportunity to debate these measures, or are we going to be required to continue this charade and continue to try to offer these amendments on other appropriations as well?

Mr. DASCHLE. Unfortunately, I have to report to the Senator from Massachusetts that there doesn't appear to be any end in sight to this gagging of Democrats, to this notion that you either proceed on our terms or we won't proceed at all.

As the Senator from Massachusetts just noted, we are no longer in a position where the regular order is to go back to an appropriations bill. They have been shelved. They have been put back on the calendar. Now, we have to move to a motion to proceed to bring the bills back, where at least before we had the bills as the regular order should we fail to reach any kind of an agreement on how to proceed on a current bill.

Mr. KENNEDY. Just finally, and I thank the Senator, does he find it somewhat ironic that the Republican leadership is effectively gagging the Senate from debating rules on HMOs which are gagging doctors from giving the best health care advice? That we are being gagged here on the floor of the U.S. Senate, so to speak, as well, by Republican leadership who have refused to permit a debate on this issue? There is a certain irony in that.

Mr. DASCHLE. That is the irony, I would say to the Senator from Massachusetts. And the real sad thing is that this goes beyond the bill. This goes to

the fact that 3,000 kids a day start smoking. It goes to the tremendous number of victims of managed care abuses all over this country, in every State of the Union, who have said if you do anything in Congress this year, we want you to fix managed care. We don't want you to wait until we lose more people. We want you to solve this problem this year. And that is what we are trying to do. We have 10 weeks to go, fewer than 40 legislative days. If we don't do it now, when are we going to do it?

The Senator from Massachusetts makes a very important point. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, if the Democratic leader can yield for a question, I ask the Senator from South Dakota—and I am looking around the floor, and I see a number of Senators on the floor. I see only two who have served here longer than I. I ask my question in the form of that context.

In the 24 years I have been here, Democrats have been twice in the majority, twice in the minority. Thus, the Republicans twice in the minority and twice in the majority. Would it not be the experience of the Senator from South Dakota, as it has been mine, that no matter which party was in the majority, the Senate and the Senate rules and those who have led the Senate have always reflected the need of the Senate rules to protect both sides, both the majority and the minority, so that the United States of America would know that there was a full debate on real issues where all voices were heard, not just the voice maybe of temporarily the majority, but all voices would be heard?

And would it not be the experience of the Senator from South Dakota that this procedure, something I have not seen in my 24 years here, this procedure is said to make sure there will not be a vote where all Americans are heard, will make sure there is not a debate where all Americans are heard, but will be done in such a way that only one segment of our country will be heard? Will that not be the experience of the Senator from South Dakota?

Mr. DASCHLE. The Senator from Vermont speaks with a wealth of experience that goes well beyond what this Senator has had in his 12 years in the Senate. But like him, I have not seen this practice used with the frequency and the amazing degree of persistence demonstrated by the majority leader to cut off debate, to gag the Senate, to stop an open opportunity for us to debate key issues, complicated issues such as this.

The Senator is right, this experience is one that I think really bears a great deal of explanation to the American people. Why on key issue after issue—why on education, why on tobacco, why on all these issues that we face this year—does the Senate majority persist in precluding a good opportunity to have the kind of debate the American

people expect and want and need. The Senator from Vermont is absolutely right.

This is not the Senate's brightest moment. This is a very, very disappointing episode in what has been a pattern all year long, and it is disappointing not only to us but the American people. I yield to the Senator from Illinois.

Mr. DURBIN. I say to the Senator, I agree completely with his comments.

If the Members of the U.S. Senate serving in the 2d session of the 105th Congress were charged in court with having passed meaningful legislation to help America, I am afraid there is not enough evidence to convict us, because if you look at what we have been about over the last several months, with the exception of renaming Washington National Airport, we have little to show for the time we have spent in Washington and only 10 weeks to go.

The Senator is so correct, the President, in his State of the Union Address, challenged this Congress, leaders on both sides of the aisle, to address the issues America really cares about: Saving Social Security, campaign finance reform, tobacco legislation, education, child care, doing the things that American families would really applaud, responding to their needs.

Yet, we stand here today in the first week of July and we hear, again, an effort by the majority leader to not only stop the train in an effort to stop legislation moving forward, but to stop the debate in what is supposed to be the world's greatest deliberative body.

It is a disappointment to me, and I think to a lot of people who are following this session of the U.S. Senate, that we are back here this week and not about the business that people really care about across America.

I stand in support of what our leader, Senator DASCHLE, said, that it is a deprivation of our responsibility as U.S. Senators representing States across this country and as representing families who expect us to respond to these needs, when you think of the opportunities we have already missed—the campaign finance reform bill killed on the floor of the Senate by the Republican leadership, and then we turned around with an opportunity to protect millions of our children from tobacco addiction, killed on the floor of the U.S. Senate by the Republican leadership time and time again.

Here is an effort by the Democrats to bring out legislation to protect families and patients who go to their doctors wanting the very best in medical care and find themselves twisted in knots by the insurance industry and, once again, efforts on the Republican side to stop us.

I am afraid that when all is said and done this will turn out to be one of the worst Congresses in this century in terms of its productivity. And if we are to be measured by our productivity, I am not sure that many Senators can collect their paychecks and talk about

their pensions based on what we have been able to do or failed to do in the last few months.

Mr. DASCHLE. The Senator from Illinois is absolutely right.

The PRESIDING OFFICER. If the Senator will suspend, I remind Senators on the floor that they must pose a question—

Mr. DURBIN. Does the Senator agree?

The PRESIDING OFFICER. And then the speaker who has the floor will yield. Otherwise, I request they go through the Chair.

The Senator from South Dakota is recognized.

Mr. DASCHLE. I thank the Chair for the clarification. Let me just say, the Senator from Illinois is absolutely right, he was asking if I agreed with his characterization of the way this Senate has performed.

Sometime this year, our Republican colleagues will be asked, "Tell us what you did on tobacco." They will say nothing.

Our Republican colleagues will be asked, "Tell us what you did on campaign reform." Our colleagues will say nothing.

Our Republican colleagues will be asked, "Well, tell us what you did on education; what did you do to build infrastructure; what did you do to reduce class size?" And our Republican colleagues will have to say nothing.

Our Republican colleagues are going to be asked, "Well, tell us what did you do, then, on trying to address one of the most important health care questions our country is facing today in managed care?" And, again, our Republican colleagues will say nothing.

Mr. President, the list continues to grow. Why? Because they appear to be afraid of a debate, appear to be afraid to take this issue to its successful conclusion. If we don't go along, we don't do anything on that particular issue. That isn't the way this Senate is supposed to perform.

I yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I inquire of the distinguished Democratic leader if he is not aware of what the effect of this cloture motion may be on the product liability legislation? I raise that question of the Democratic leader because I am a cosponsor of this bill. I am one of a handful of Democrats who have supported the work of my good friend, Senator GORTON from the State of Washington, and Senator JAY ROCKEFELLER, our colleague from West Virginia, who are the lead sponsors of this legislation.

I raise the point with the Democratic leader; I go back to the days of Jack Danforth and working on a proposal some 10 years ago on product liability legislation, tort reform. As someone who authored, along with Senator DOMENICI, the securities litigation reform bill and uniform standards, I am very interested in seeing us get a bill done here. We have indications the

White House is going to be supportive of this legislation. For the first time, we might be able to do something about this issue.

I am inclined to agree with the managers and principal authors of this bill that we probably ought to keep this bill pretty clean. So I am sympathetic to that notion.

But I cannot imagine at this point filing cloture on this bill. I disagree with the majority of my colleagues on this side who disagree with this bill, but I will fight with every power in me as a Member of this body to see to it that any Member has a right to raise amendments about this bill.

I may vote against all the amendments, but if we reach a point here, Mr. President—and I say this to ask a question of the Democratic leader—if we reach the level where we end up becoming sort of a mirror image of the House, the other body, where we deprive the minority, as the rules of the House allow, to cut off debate where the will of the majority prevails, then we turn this institution into nothing more than a mirror image of the institution down the hall. But in this body it is something different. Here, the rights of the minority are to be protected. And so the right to offer amendments, to be heard, is sacrosanct when dealing with the U.S. Senate.

So it is with a deep sense of regret that I inform my colleagues, who have worked hard on this bill, that I will oppose a cloture motion. I hope other Democrats who support this bill will do likewise, so that we can get back to the business of debating this bill, take the day or 2 that it needs to be debated here, let the amendments be offered, let us defeat them if we have a majority here, and get about the business of passing this legislation so that this Congress might deal with product liability legislation.

I raise that, Mr. President, in the form of a question to my colleague, the Democratic leader, because I am saddened by this. Why are we filing cloture on this bill? We are coming this close to, for the first time, dealing with tort reform, really dealing with this issue, not in as comprehensive a way as some would like, but a real chance for the first time ever. And you are taking people like me who support this bill and asking me to vote in a way that would disallow my colleagues from offering amendments on this legislation and thereby killing this bill. It will destroy this bill on tort reform over this procedure.

So I raise the question to the Democratic leader, if in fact it is not unwittingly maybe what the majority leader, who has offered the cloture motion, is achieving by forcing those of us who support this bill to oppose a cloture motion and then depriving us of legislation being heard and fully debated?

Mr. DASCHLE. Well, the Senator from Connecticut has demonstrated his characteristic eloquence again. I would answer in the affirmative. I do not

know what motivation there may have been on the part of the majority leader, but I must say this, that it complicates dramatically the position of those who support this legislation, complicates it dramatically. As the Senator from Connecticut correctly points out, it could actually kill the very bill they are trying to pass.

Now, for those of us who want to protect Senators' rights, we are surprised and I guess somewhat amazed at the actions just taken by the majority. Keep in mind, if we pass cloture, all relevant amendments will be barred. And yet our Republican colleagues have already laid an amendment down, an amendment, I might add, that nobody has seen. You talk about a legislative pig in a poke; there isn't a Senator on this side, maybe with one exception, who has seen the amendment just laid down by the majority leader—not one, with one exception perhaps. I have not talked to Senator ROCKEFELLER.

So I am astounded that our Republican colleagues would say, "We want our amendments, but we don't want you to have any. We're going to pass our amendment, but on the chance that you could pass one of yours, we're going to preclude them all."

Mr. President, the Senate cannot work that way. As the Senator from Connecticut just pointed out, we are acting more and more like the House of Representatives. If any one of our colleagues wishes to run, let them declare their candidacy. There are all kinds of open seats, uncontested seats, on the other side. Go run. But if you want to be a U.S. Senator, live up to the responsibilities of the U.S. Senate. This is supposed to be the greatest deliberative body in the world.

How deliberative can we be when, vote after vote, amendment after amendment, bill after bill, this side is precluded from offering amendments either because the majority leader pulls the bill or they file cloture immediately upon filing? That cannot work, Mr. President.

So I appreciate the wisdom of the Senator from Connecticut, and I must say the courage, because clearly there could be Senators who misinterpret, were it not for his eloquent explanation just now, why he is going to work to protect Senators' rights.

I must say, there will be Senators on the other side who will want their rights protected at some point. Majority or minority, it does not matter, it happens to all of us.

So I appreciate the position taken by the Senator from Connecticut. I hope all of our colleagues have heard his explanation and his reasons. And I hope a lot of our Republican colleagues will join us. Cloture must be defeated. We must protect Senators' rights, and we must protect the institution of the U.S. Senate.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this Senator is puzzled, truly puzzled, by the remarks which he has just had the privilege of hearing. The minority leader protests that we cannot have a debate on product liability because cloture has been filed on this substitute amendment. He is joined by one of the supporters of the bill, the senior Senator from Connecticut, who evidently wants a debate on product liability.

But it is overwhelmingly evident from the remarks of the Senator from Massachusetts, the Senator from Illinois, and the responses to those remarks on the part of the minority leader, that they do not have the slightest interest in a debate on product liability—not the slightest interest in a debate on product liability.

They want a debate on their agenda. And they want a debate on their agenda whether it has already occupied weeks of the Senate's time or not, whether they have already been offered a debate on that agenda or not in a reasonable time, at which they could be taken up as individual matters.

No. The net result, Mr. President, of the remarks of the minority leader is that they wish the right, at any time and under any set of circumstances, to set the agenda of the Senate, the subject matter that the Senate will be debating, and they want to engage in that agenda not once, not twice, but on an unlimited basis whenever they wish to bring it up.

The Senator from Illinois implied, at least, that he wanted another debate on what he calls "campaign reform," on a proposal blatantly unconstitutional, a proposal clearly violating the free speech guarantees in the first amendment to the Constitution of the United States, a debate which the Senate had for more than 2 weeks and a debate which the Senator from Illinois and the minority leader lost—lost only after threatening a filibuster themselves against any campaign reform advocated by a majority of the Members on this side, campaign reforms based on seeing to it that individuals did not have to contribute to campaigns with which they did not agree, campaign reform based on bringing light into the source of the kind of money that so devastated and discredited the Presidential election of 1996.

Then the Senator from Illinois, and I believe the Senator from Massachusetts, spoke about tobacco legislation. Tobacco legislation, Mr. President? Does my memory fail me? Did we not debate tobacco legislation for the better part of 4 weeks on a bill relating to tobacco? I believe that we did. And I believe that the positions taken by most of the Members on the other side of the aisle ended up unsuccessful. And so what have we had since then? Four weeks is not enough?

Immediately thereafter, they attempted to redebate tobacco on another issue important to the people of the United States. They have now destroyed the debate on a bill for the sup-

port of the Department of Agriculture and all of our agricultural across the United States by insisting that we can't debate agriculture for 2 days and pass a bill without having another 4, 6 or 8 weeks on their tobacco agenda.

The Senator from Illinois says that nothing was done with respect to education. I seem to remember at least a week, maybe 2 weeks, debating the subject of reform of education in the United States. In fact, I believe it was just 2 weeks ago that we passed a bill on that subject and sent it to the President who has determined that he will veto. This Senator proposed to this body a true reform in the way in which we deal with education, one that would have trusted our State education officials, our local education officials, our teachers and our parents to make decisions about the education of their children without the constant interference of bureaucrats in Washington, DC, who impose more than half of the rules regulating the conduct in our schools, while coming up with 7 or 8 percent of the money. Not a single Member on that side of the aisle was willing to vote for that proposal, and they said the entire education reform bill would be filibustered to death if it were included in any bill sent to the President of the United States.

Oh, no, Mr. President, we have debated education reform. We have passed in this body true education reform. I don't think at this point that there is much point in going over it again.

Here today we were debating a vitally important appropriations bill for veterans, for the Department of Housing and Urban Development. We had a thoughtful debate, dividing both parties on the space station. We were about to debate mortgage limitations and do the business of the Senate when the minority leader says, oh, no; we are not going to let the majority of the Appropriations Committee go through an appropriations bill. We will debate our proposal for health care changes, and we will do it right now.

Now, he did that in spite of the fact that when I was sitting in your seat as the acting President of the Senate, the majority leader 3 weeks ago came down here and offered a full opportunity to the minority to debate their health care proposals together with our health care proposals and to have direct votes on those proposals before the end of this month of July 1998. That offer was totally rejected by the very people who now demand we engage in that debate today as a part of an important bill on a totally and completely different subject.

Mr. KENNEDY. Will the Senator yield?

Mr. GORTON. No, the Senator will not yield. The Senator will not yield.

So this Senate has debated a change in our campaign reform laws. It has debated education reform and passed a bill on the subject. It has debated tobacco legislation. And it is more than

willing and will debate health care legislation with the proposals of both parties considered in that connection.

But no majority party, no majority leader, has ever permitted a set of circumstances under which the minority not only determines the agenda, but when the agenda is to be debated and how many times it is to be debated, even though that prevents a debate on vitally important appropriations bills for the conduct of the government, and in this case a debate on an important product liability bill. As the manager of that bill, had the minority leader said we would like to do what we did just 2 years ago and have a debate and several amendments about product liability, the way that the senior Senator from Connecticut was speaking about the subject a few moments ago, I have no doubt that that desire would be granted. I have no doubt that proposed changes in the substitute bill that is now before the Senate would have been debated. I think those proposed changes would have been defeated.

Two years ago this Congress did spend, I think, a full week or more on a much broader and more all-encompassing product liability bill. It was debated then by the minority party as a product liability bill without the attempt to move on to a totally and completely unrelated subject. It was passed. It was sent to the President of the United States for reasons that this Senator did not consider to be particularly persuasive. The President of the United States vetoed that bill.

Then the junior Senator from West Virginia, Senator ROCKEFELLER, and I worked diligently for almost 2 years in coming up with a bill to be proposed here on that subject with which the President of the United States would agree and with which the President of the United States does agree. We are now told that an attempt actually to debate that subject and to vote on this bill is somehow or another an infringement on the rights of the minority party.

I heard during the course of the last week over this, the minority party does want one change in the bill on product liability having to do with guns. That amendment, I am informed by the Parliamentarian, will be germane after cloture. It can be debated and it can be voted upon. For all practical purposes, any limitation of an already modest bill on product liability can be debated and voted upon after cloture. It is difficult to persuade this Senator that anyone on this side of the aisle wants to expand this product liability bill and cause it to cover a greater field related to product liability than it does at the present time.

That was the pretense set forth in the initial remarks of the minority leader, that he wishes a fuller and more complete debate on product liability. But that pretense was shattered instantly by the Senators who asked him to yield to questions and simply stated,

and I repeat it again, that they wanted to debate subjects totally unrelated to product liability. Three of the four subjects they mentioned have already been debated at length on the floor of this Senate and decided—decided in a way they don't like—but decided pursuant to the rules of the Senate of the United States.

The fourth will clearly be debated, will be debated on its own merits, and will be debated at a time at which both the members of the minority party and the members of the majority party can set forth their proposals and have the merits of their proposal both fully debated and determined and decided under the rules of the Senate.

This artificial fury that we have listened to here for most of the last hour is directed partly at party politics and partly as a highly skillful way of destroying a product liability bill to which the President of the United States, the leader of their party, has agreed. It may well be successful. The Senator from Connecticut is right if he refuses to support a bill that he has supported through his entire career because it won't also carry debates on campaign laws, health care, education, and tobacco, then unfortunately all of the work of which he was a part, and the Senator from West Virginia was a part, and many of us were a part of on this side, and the President of the United States was a part, may be wasted.

I think that may very well be the goal of those who engage in this artificial outrage about whether or not we should deal with product liability for a few days and debate that issue, finish it, have a vote on it, finish our appropriations bills, have votes on each of them, and deal with a health care debate before the end of this month. That only is the desire of the majority leader in the normal management of the Senate, just as it was the desire under identical circumstances when the majority leader was on the other side of the aisle.

It is probably a more open debate on issues of interest to the minority than I could remember during the course of Congresses in which my party was in the minority. But this rhetoric this afternoon here has little, if anything, to do with product liability, or a debate on this product liability bill, or attempts to improve or to amend this product liability bill with product liability provisions. It has to do with the demand of the minority leader that he determine not only the agenda, not only the subjects that the Senate will debate, but the length of time that debate will take, the number of times the debates on particular subjects will be taken.

The Senate cannot operate under those sets of circumstances. It ought not to operate under those circumstances. I have little hope for those who simply oppose any legal reform whatsoever, even when the President has agreed to it. I do hope that those

who believe in product liability, those who were on the other side on each of the three issues that have already been debated, and those who will have the opportunity to debate health care when they wish to do so, will have the courage to see to it that we are able to debate this product liability bill and reach a conclusion on it in a reasonable period of time, so that we can go on to other subjects that are of importance to the Senate and to the American people.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague. I am disappointed in the minority leader's statement, and also its tone. A lot of us came back from the one-week break for the Fourth of July and said we have work to do, we have appropriations bills to pass, we have product liability reform bill to pass, we have the IRS reform bill. And then somebody says this is an unbelievable procedure. No, it is not. We are moving to a conference report. That has priority under the rules of the Senate. We are moving to a conference report on a bill that already passed the House and the Senate, and, hopefully, the President will sign it. I think it may be one of the most notable and significant achievements of this Congress.

Then our colleagues say, wait a minute, you are denying us an opportunity to offer an amendment. I disagree. The Senator from Arkansas had an amendment on the space station that lasted most of the afternoon. We were clearly willing to take amendments. We had an amendment that Senator KOHL from Wisconsin and I were going to offer dealing with FHA. That was bipartisan. We were trying to do the Senate's work. As a matter of fact, the Senate was planning on staying on the VA appropriations bill so we could finish tonight, tomorrow, or the next day, to do our work. The minority leader tried to place an amendment—or did file an amendment called the Patients' Bill of Rights on the appropriations bill. He has a right to do so, but he knows it is not the time or place to do it.

For the information of our colleagues and the viewing public, the majority leader has already said we will take up the so-called issue dealing with health care and the regulation of managed care, with the very nice title of "The Patients' Bill of Rights." We will take it up this month. But in the meantime, let's finish our work, let's pass the IRS reform bill, let's pass appropriations bills.

We are willing to have a decent amount of time on the so-called Patients' Bill of Rights this month and to consider alternatives. The Senator from Massachusetts has an alternative. I am working on an alternative. I may have a couple of other ideas. And we are willing to consider relevant amendments. I think it is a mistake to do it

all month. Maybe some want to. Maybe they think there is political fodder to be gained. Some of us know we have some work to do. That is our intention.

The majority leader made it clear that we have work to do. We are going to be voting on Mondays and Fridays. We should be passing bills. We have only passed 2 appropriations bills; we have 13 to do. The House passed five, and next week they will probably pass another five. We are, in the meantime, hoping to get two bills done this week. Unfortunately, instead, the minority said we need to put the Patients' Bill of Rights on one and then the smoking bill—even though we have spent 4 weeks on the tobacco bill. Maybe if they came up with a better alternative, we could pass a bill. But they came up with one that would cost hundreds of billions of dollars, and I think we rightfully rejected it.

They said, "We don't have an opportunity to debate our issues." They had 4 weeks on the so-called tobacco bill. Campaign finance reform has been in the Senate on numerous occasions, including this Congress. We insisted on having one amendment that said campaign contributions would be voluntary. Most of our colleagues on the Democrat side said, "No, no, we can't have voluntary campaign contributions. That would be unheard of. We can't have that kind of reform."

One of our colleagues said that the Senate can't work this way. Really, what they are trying to say is, "We want to have product liability reform on the floor, and we want to dump our entire Democrat agenda on," half of which they tried and could not get passed previously. They want to dump it on this bill or on the appropriations bills, and they will keep trying until maybe something will stick.

And then they said, "Wait a minute, if you file cloture"—cloture, for the information of people not aware of the Senate rules, it would eliminate a lot of extraneous amendments. They are acting like that hasn't happened before. George Mitchell, as majority leader, was the instigator of the quick-draw cloture motion. He would file cloture so fast, it would make your head spin. He did it time and time again. I don't like cloture. I think it happens to be too restrictive.

The Senator from Washington, who was managing the bill, has said we are perfectly willing to work with colleagues if they have amendments they want to discuss on product liability. We can work that up and come up with an agreement. Obviously, our colleagues on the minority side said, "No. We want to put our whole agenda on. We want another debate on tobacco and the Patients' Bill of Rights, and debate on schools or education"—you name it. They want to put everything on there except product liability.

In other words, they don't really want product liability. They have that right, but we also have a right to try to get the Senate's business done. So we

are going to pass the conference report on IRS reform. We are going to take that up tomorrow. Again, I hope all of my colleagues will support that. We are going to have a vote on cloture on product liability reform. If colleagues are really interested in having legitimate amendments dealing with that issue, they could make a proposal and we could probably work that out—if we keep the amendments relevant. Are we going to say you can dump your entire agenda on it? No. At least it is my hope that we don't do that. That is the reason we have cloture—to keep amendments germane, finish our work, and be done with it.

So I am disappointed in the rhetoric and the tone that we heard tonight. I hope we will come back and say, wait a minute, we only have 4 weeks this month and a few weeks in September—all of the month of September, and maybe part of October to finish the Senate's business. We have to pass a lot of appropriations bills. I still hope we will get a budget. I hope we will pass tax relief. So we have some significant reform that needs to happen, and we need to do the work of the Senate.

I notice my friend from Massachusetts on the floor. He has a bill called the Patients' Bill of Rights. I am perfectly willing to debate that issue. We are willing to spend some time on that issue and give colleagues a vote on the Democrat proposal, which has been recently introduced—I guess today—on the VA-HUD appropriations bill. It doesn't belong on an appropriations bill. There is a point of order. That is legislation on an appropriations bill. That is the reason we have the rule. It does not belong there. The majority leader said we will take it up sometime this month, and with some amendments dealing with that issue, relevant health care amendments.

If our colleagues are just interested in rhetorical flourishes and maybe campaign issues, they can make that attempt. But that won't legislate. That won't change the law. If they are interested in changing the law, I urge them to work with us. Let's come up with an agreement where we can bring the issue up, have an adequate amount of debate on the so-called Patients' Bill of Rights, and have different alternatives considered and voted on.

I make that point. This side is willing. We had a significant debate on tobacco. We are willing to have a debate on the so-called Patients' Bill of Rights. We have had debate on campaign reform. We have had debate on education. Now we have to finish the appropriations bills. We have to do the work of the Senate. It is going to take both sides working together to make that happen.

I hope we will have greater cooperation exhibited in the future for the Senate to really get its work done in a timely, efficient, and productive manner.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am encouraged certainly by the comments of the acting floor leader now that he says we will have an opportunity to debate the issues on the Patients' Bill of Rights. We look forward to that opportunity. But I will just take a few moments of the Senate's time—I will not take a great deal of time—to really correct the Record.

As the Senator from Oklahoma remembers, and should remember very clearly, the U.S. Senate overturned in 1995 the longstanding rule that we would not have legislation on appropriations. And it was the Republican Party that overturned that concept. Every single Republican, including the Senator from Oklahoma, voted to overturn the ruling of the chair and allow legislation on appropriations. So, now we have legislation on appropriations. I think it is regrettable, and should the Republican leader want to alter and change that, I think he would find that there would be strong support for that.

But, Mr. President, I want to get back and talk for just a moment or two about what the issues really are. We have just listened to our friends from the States of Washington and Oklahoma speak on the floor about what cannot be done, or what should not be done.

Earlier this afternoon, in a time-honored process and procedure, the minority leader, Senator DASCHLE, sent to the desk of the U.S. Senate an amendment to provide for a Patients' Bill of Rights, a recognition that in this country too often those who are making health care decisions are actually insurance company accountants rather than doctors. Too often the doctors, who represent the best interests of the patients, are caught in this extraordinary dilemma and understand that they are put between a rock and a hard place. Too often in our country we find that managed care is mismanaged care. And we have heard examples of this on the Senate floor time and time again over the period of these past weeks. I dare say that we have had few days that have gone by when Senators have not spoken about particular tragedies that have been experienced in their States.

Senator DASCHLE's amendment should have allowed the Senate to debate the issue of the Patients' Bill of Rights, debate it this afternoon, debate it this evening, debate it tomorrow, but debate it and reach some kind of a conclusion on the issue. The President has spoken. He spoke as recently as this afternoon in support of the legislation that was included in Senator DASCHLE's proposal.

That is what this is about. We have that opportunity to debate managed care reform. The Democratic leader offered the Patients' Bill of Rights. It is an issue that Republicans and Democrats across the country want us to do

something about. We are being denied that opportunity because the majority leader pulled the bill down and put it back on the calendar, as was his wont to do, and we are again denied the opportunity to debate this critically important issue.

So our efforts to move toward that debate have been temporarily deferred—deferred perhaps for a day or two, but certainly not longer than a day or two. We are going to come back to that issue and keep coming back. And our friends on the majority side better get used to it. They may get into a situation where they are going to put appropriations bill after appropriations bill back on the calendar because the Senate will want to debate a Patients' Bill of Rights, and the Republican Leadership will want to continue to deny us that opportunity. Mr. President, we will continue to demand debate because the American people are demanding it.

You can say, Why are we in this kind of a situation? Why aren't we following a regular order, the procedure that everyone learns in civics class and in their study of American history, that says when legislation is introduced, it goes to the committee, the committee marks it up, it comes to the floor, it is acted upon on the floor, the two bodies get together in a conference, and, if they agree, they send it to the President of the United States?

The reason the Senator from South Dakota offered the amendment is because we could not get a markup and we could not get a hearing in the appropriate committee. We were denied that opportunity—denied it, turned down, thumbs down to the Senators who supported that legislation. No, you can't have a hearing on that legislation in our committee. The Republicans told those of us on the Labor and Human Resources Committee that not only can't you have that hearing, but, if you introduce the legislation, we will not give you a markup on it. We will not let you have a debate in the committee. We are going to obstruct the whole committee process so you will not be able to advance your issues, and the issues of the American people.

I did not hear that talked about by the Senator from Washington. I did not hear that talked about from the Senator from Oklahoma. The majority leader has put forward several lists of his priorities for the session, and the Patients' Bill of Rights is not on any one of them—not on any one of them. The Republican leadership wants to stonewall—stonewall on this issue, which is of such great importance to families all across the country. That is why the Democratic leader offered this amendment, because the Republican leadership is trying to stonewall it.

So, Mr. President, are we going to say—those of us who favor patient protection legislation—that we are going to be denied consideration of the committee, we are going to be denied a

markup in the committee, and we are going to be denied floor debate by the majority leader and the Republican leadership, that we are not even going to consider this issue in the U.S. Senate?

No. That is not the kind of U.S. Senate that our Founding Fathers intended, nor has today been one of our best and greatest days. But we are going to debate this issue, and we are going to act on it. Make no mistake about it.

And we are going to come right back after that and consider an increase in the minimum wage. Our Republican friends better hear that as well. We can't get the markup on the increase in the minimum wage for workers in this country—workers who have not benefited by the extraordinary explosion of the stock markets and the extraordinary increase in the accumulation of wealth. These are men and women who are working 40 hours a week, 52 weeks of the year, primarily single women, primarily women who are heads of households with children. This is a women's issue. It is a children's issue. It is a fairness issue. And we are going to consider it this year. We know Republican leaders are opposed to that.

What else is new? They were opposed to it last time. And we were able to be successful. It wasn't on the Republican agenda the last time we saw an increase in the minimum wage. The increase in the minimum wage has never been on the Republican agenda. Yet we have been successful in doing so. And we will be successful in doing so this time.

So that is why we find ourselves where we do this evening. And here the Democratic leader offers our amendment, makes a brief comment—a brief comment—about it. And then, bingo, the bill is pulled. Now we hear from the Republican leadership that, Oh, well, you objected to a consent agreement that could get this proposal before the Senate and to act on it.

I would love to take the time of the Senate to go through this, but let me just include the appropriate parts of this proposal. Let me just mention a very interesting aspect of the consent agreement, to which the Senator from Washington referred. I asked him to yield so we could go through this agreement together. He refused the opportunity to do so. I can understand why, too. I might have wanted to do the same if I had to defend this proposed agreement. This is what was included in the agreement. And I will include the whole agreement. But let me read a section:

I ask unanimous consent that the Chair not entertain a motion to adjourn or recess for the August recess prior to a vote on or in relation to the majority leader's bill and the minority leader's amendment.

And that following those votes:

It be in order for the majority leader—

Listen to this—

to return the legislation to the calendar.

“Return the legislation to the calendar.”

And the Senator from Washington has the audacity to say on the floor of the Senate that the consent that was offered by the majority leader would have actually gotten these measures up?

You know what this proposal is effectively saying? This says that after the votes, even if we win the Patients' Bill of Rights with a majority of the Members of the Senate, it will be in order for the majority leader to—send it to the President of the United States if the House has already acted on it? No. To send it to the House of Representatives if they have not acted on it? No. Under the majority leader's proposal, if we pass it, after a debate, the majority leader sends it right back up there to the desk. It is over. Good-bye, farewell, so long, to protections for the patients of this country.

Now, that is a farce, an absolute farce. I could go through the whole consent agreement, but it should not be given any more attention because it is a farce offered, evidently, only to make a political point.

The Patients' Bill of Rights is a commonsense plan that guarantees fundamental protections that every good insurance company already provides and that every American who pays insurance premiums deserves to have when serious illness strikes.

But the Republican leader's position is to protect the insurance industry instead of protecting the patients. They know they cannot do that in the light of day, so their strategy is to work behind closed doors to kill the bill, keep it bottled up in committee, no markup, no floor debate, no vote. That has been the strategy. Ask any Member of this body whether they can contest that. They cannot. No markup, no floor debate, no vote, no fair time agreement.

Mr. Willis Gradison, the head of the Health Insurance Association of America, when asked in an interview published in the Rocky Mountain News to sum up the strategy of the businesses opposed to patient protections, replied:

“There's a lot to be said for ‘just say no.’”

“Just say no.” The author of the article goes on to report that at a strategy session last month called by a top aide to Senator DON NICKLES, Gradison advised Republicans to avoid taking public positions that could draw fire during the election campaign. Opponents will rely on Republican leaders in both Chambers to keep managed care legislation bottled up.

Well, they have done a good job of bottling it up tonight. We would have had an opportunity for debate if they had not pulled down the underlying legislation. But, no, they bottled it up by sending the bill right back to the calendar.

That has been the strategy for the past year—keep the Patients' Bill of Rights bottled up, engage in a campaign of misinformation and disinformation, cater to the special interests, ignore insurance company abuses, and ignore the will of the

American people. We are seeing that strategy in this Chamber this evening.

Now, Mr. President, the rights that are included in our legislation are commonsense components of quality care that every family believes they were promised when they signed up for insurance coverage and paid their premiums. Virtually all of the protections that this legislation provides already apply to Medicare, are recommended by the National Association of Insurance Commissioners, which is a bipartisan group, or were recommended by the President's Advisory Commission, another nonpartisan group, or even established as voluntary standards by the managed care industry itself through their trade association.

These commonsense rights include access to appropriate specialists when a patient's condition requires specialty care. It would allow people with chronic illnesses or disabilities to have referrals to the specialists they need on a regular basis.

It assures that patients whose plans cover prescription drugs can have access to drugs needed to save their life or protect their health even if the drugs are not included on their plan's restricted list.

They are assured that persons suffering from serious symptoms can go to the nearest emergency room without worrying that their plan will deny coverage. No patients with the symptoms of a heart attack should be forced to put their life at risk by driving past the emergency room down the street to the managed care hospital farther away, and that is happening here in the United States tonight.

No patient with symptoms of a stroke should be forced to delay treatment to the point where paralysis and disability are permanent because an accountant in the managed care headquarters does not respond promptly and appropriately.

Reforms must protect the integrity of the doctor-patient relationship. Gag clauses and improper incentive arrangements should have no place in American medicine. They are absolutely appalling, Mr. President.

This amendment only says that any reform worthy of the name must guarantee that insurance plans meet the special needs of women and children. Women should have access to gynecologists for needed services. No woman with breast cancer should be forced to endure a drive-through mastectomy against the advice of her doctor or be denied reconstructive surgery following breast cancer surgery if that is her choice.

No child with a childhood cancer should be told that a urologist who happens to be in the plan's network will treat him, even if that urologist has no experience or expertise with children or with that type of cancer.

Patients should have the right to appeal their plans' decisions to independent third parties. Today, if a health plan breaks its promise, the

only recourse for most patients is to go to court, a time-consuming, costly process that may not provide relief in time to save a life or prevent a disability.

Independent review was recommended unanimously by the President's Commission. Republicans and Democrats alike recommended independent review unanimously. It has worked successfully in Medicare for more than three decades. Families deserve the basic fairness that only a timely, impartial appeal can provide.

Without such a mechanism, any rights guaranteed to patients exist on paper only, and they are often worth no more than the paper on which they are printed. When the issues are sickness and health, and often as serious as life and death, no health insurance company should be allowed to be both judge and jury.

When health plan's misconduct results in serious injury or death, patients and their families should be able to hold those plans accountable for their actions. Every other industry in America can be held responsible for its actions. Why should health plans whose decisions can truly mean the difference between life and death enjoy this unique immunity?

We had a debate on the issues of immunity not long ago with regard to the tobacco industry, and this body voted overwhelmingly not to give immunity to tobacco. These health plans have immunity today under the ERISA provisions. That is not right and we ought to address it. Every day and every night that we delay it, the health, the good health of American families is threatened. You would think, when you listen to the Republican leadership talk about scheduling, that it doesn't matter a twiddle whether this debate goes on today or tomorrow or next week or next month or next year. It does. And every day we delay means that more families' health protections are threatened.

Under the Employee Retirement and Income Security Act, patients whose lives have been devastated or destroyed by the reckless behavior of their health plan have no ability to go to court to obtain appropriate redress. ERISA preempts all State remedies, so patients are limited to Federal ERISA remedies, which will only cover the cost of the procedure for which the plan failed to pay.

Just the cost of the procedure—some remedy. You can be crippled for life by cancer of the spine because the plan refused to authorize a test costing a few hundred dollars to detect the cancer in its early stages, and all you can get back to help support your family is the cost of the test. That is no remedy. That is wrong. And our bill does something about it.

During the debate on the tobacco legislation, as I mentioned, Republicans and Democrats alike voted overwhelmingly to support the proposition that no industry in America should be ex-

empt from accountability because of its actions, but because of the ERISA preemption, one industry alone—the health insurance industry—enjoys this protection. That is wrong and today the Senate should have the opportunity to say it is wrong.

ERISA preemption applies to the millions of Americans who get their coverage through a private employer, but it does not apply to 23 million State and local employees and their families. It does not apply to Medicaid patients. It does not apply to Medicare. And we have not heard a shred of evidence that the ability of State and local employees, Medicaid patients and Medicare patients to sue their health plans has imposed significant costs on those plans. That case has not been made.

Mr. President, 23 million State and county employees have that kind of ability to sue, and we have not seen that the costs of their plans have been higher than others. So I challenge my colleagues who oppose this provision to explain to the American people why State and local government employees should be able to hold their taxpayer-financed health plans accountable if they are injured or killed by the plan's behavior, but equally hard-working Americans employed by private companies should be denied this basic right. Explain that to me.

Our legislation simply removes the Federal preemption provision. It creates no Federal right to sue and lets States take whatever steps they see fit. So many of those who oppose this legislation are fond of talking about the need to keep Washington out of decisions by States, but when the profits of special interests are at stake, it suddenly becomes better for bureaucrats in Washington rather than elected State and local officials to decide what is best for people in their State. This amendment should not be controversial for any Member of the Senate who is serious about protecting patients from insurance company abuse. It is supported by the American Medical Association—and more than 170 other organizations, Mr. President. Let me just give you a few.

The Patients' Bill of Rights is supported by the American Medical Association, the Consortium of Citizens with Disabilities, the American Cancer Society, the National Alliance for the Mentally Ill, the National Partnership for Women and Families, the National Association of Children's Hospitals, the AFL-CIO, the American Association of Retired Persons and many other groups representing physicians, health care providers, children, women, families, consumers, persons with disabilities, small businesses, Americans with serious illnesses, religious organizations, and working families.

Find me another piece of pending legislation that has that kind of support. But we are told we cannot even debate it tonight. We are told we cannot even consider it tonight. We are told we cannot even move this legislation to have

a rollcall vote to see who is for it and who is against it.

It is rare for such a broad and diverse coalition to come together in support of legislation. But they have done so to end the flagrant abuses that hurt so many families. The choice is clear. The Senate should stand with patients, families and physicians, not the well-heeled special interests that put profits ahead of patients.

The American people know what is going on. Movie audiences across the country erupt in cheers when actress Helen Hunt attacks the abuses of managed care in the film "As Good As It Gets." Helen Hunt won an Oscar for that performance, but managed care is not winning any Oscars from the American people. Everyone knows that managed care today is not as good as it gets.

It is time for Congress to end the abuses of patients and physicians by HMOs and managed care health plans. Too often, managed care is mismanaged care. No amount of distortions or smokescreens by insurance companies can change those facts. A Patients' Bill of Rights can stop these abuses, and let's pass it before more patients have to suffer.

We want to tell our friends on the other side of the aisle that they are going to see this amendment day after day after day after day, until this body has a chance to debate it and vote on it. Let me give the assurance of that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. I ask that I be allowed to proceed as in morning business.

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

DEBATING THE HEALTH CARE BILL

Mr. SESSIONS. Mr. President, I know there has been some brouhaha this afternoon about not being able to debate a health care bill, and I came down here earlier today to talk about the bill we were on, the VA-HUD bill, an extremely important piece of legislation that was set regularly on this agenda. Amendments were being offered to it. Everybody has known for some time that we were going to be dealing with health care and managed care and HMOs and that sort of thing. It is certainly going to be coming up on our agenda when the time is right, and everybody will have full opportunity to debate that issue. I hope we do. I expect we can make some improvement in our health care policy in America.

But the bill that we were on was important. I submit it was a political act by people in this body to derail where we were going, to introduce onto the VA-HUD bill this kind of massive change in agenda to try to create a debate on health care when this body was on another item. That is what the majority leader is for, to try to set agenda in a rational way. He has done that. We are going to be on health care later, but we should have stayed on the bill that we were on.

NASA

Mr. SESSIONS. Mr. President, I am disappointed the administration has seen fit to reduce NASA's budget by \$183 million this year. Frankly, I think it ought to be increased. I would like to share a couple of thoughts about that with the Members of this body and the people who may be listening.

From 1983 to 1992, NASA's budget went up from \$7 to \$14 billion. That is less than 1 percent of the national budget in this country, but that was a significant increase. During that time, they made two planetary launches. In the last number of years, that budget has seen a significant reduction. In fact, according to a committee that was formed in 1991, a committee on the future of space formed by President Bush, they had the expenditures for NASA going up to as high as \$40 or \$50 billion. As it turned out, under the previously agreed-upon budget for NASA, we should be at about \$16 or \$18 billion. In fact, that budget has been cut every year, and over the last 5 years they have sustained a \$27 billion reduction in what was projected for their budget even under our last budget agreement.

People say, "Jeff, that is just numbers; it doesn't mean much." NASA has cut its employees since 1993 by 25 percent. They have cut their employees 25 percent. There is no agency in this American Government that has done a better job of producing more for less than they have.

In fact, the fiscal year 1994 budget for NASA was \$14.5 billion, and the fiscal year 1998 for NASA is \$13.6 billion.

During this same time, they have been sustaining these substantial losses in income. They are now making planetary launches one every 10 weeks. Whereas they used to do two planetary launches in 9 years, they are now doing them one every 10 weeks, even though their budget is down and employees are down 25 percent. They are doing some remarkable things.

Last July 4, the Martian lander landed, and we saw those vivid photographs that were shipped all over the world. The American people and the people of the world stood in amazement as we saw the actual ground of the planet Mars. It was an exciting time. My family and I watched that in our home with amazement and pride at what this country had accomplished.

Let me point this out: 20 years before, we had done another Martian

landing. We had not had one in 20 years. The Martian landing 20 years before, in actual dollars, cost 10 times as much as the one last year. They were able to accomplish this landing last year for one-tenth of the cost 20 years before.

This is the kind of achievement that is important for our country. The whole world watched it. Mr. Dan Goldin, who directs the NASA program, told us that they had more hits on their web site from around the world than they even had in the United States. It was by far the biggest single time of people tuning in to the NASA web site from all over the world.

The world was watching America. We are the leader in space. We need to remain the leader in space. We are a nation of explorers. That is our heart and soul. That is our national characteristic. We have explored this Earth pretty well. We are now exploring the heavens. We need to continue forward with that.

Sure, the space station has gone over, but from the numbers I have just told you, even though the space station has cost more than it should—and a lot of that is involved with trying to work with the Russians, who have not been very effective in fulfilling their portion of it, and we need to evaluate that—everything else they have been doing has been doing more for less.

We are going to be able to continue to have repeat launches at less cost and more success and highly technical launches that can bring us the kind of science and improvements in our life that can benefit the entire world. This is the kind of thing with which America needs to be involved. I am excited about it.

I wish we were still on that bill. I had some things to say about it. We are going to handle health care as we go down the road, but I think it is important for the people of America to note that we moved off that bill because the other party sought to change the agenda that was set, to go off on an entirely new tangent, attaching to this bill an entirely different subject matter that requires a great deal of debate and discussion. That was not the appropriate thing to do, and the majority leader did the only thing he could, which is pull down the bill.

Mr. President, I thank you for this time, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 6, 1998, the federal debt stood at