

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