

I thank Senator DURBIN. I only heard part of what he said but the conclusion especially. I will build on what he said, except I won't do it as well.

Whatever Senators think about the content of this bill—and there is much to question—it is a much worse bill than the bill passed by the Senate before. Senator DURBIN has more credibility on this because he worked on the original bankruptcy bill and was responsible for much of its content which was much better than what we have seen in recent days. This is a mockery of the legislative process. Any minority, any Senator, anyone who loves this institution, can't continue to let people in the majority take a conference report, gut it, and put in a whole different bill, and then bring it here and jam it down everybody's throats. I certainly hope Senators who care about this legislative process, and who care about the rights of the minority and about a public process with some accountability, will at least vote against cloture. I think that is almost as important an issue as the content, in terms of the future of this body. I am not being melodramatic about it. I hope we will have good support in the vote against cloture, much less the vote against the final product. I hope tomorrow we will be able to stop this.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

#### LABOR-HHS NEGOTIATIONS

Mr. DASCHLE. Mr. President, I will use my leader time to depart from the ongoing colloquy with regard to the cloture vote on the bankruptcy bill to talk about the status of negotiations on the Labor and Education bill that has been the subject of a good deal of discussion over the last several days.

I think the headlines give us the current state of affairs with regard to the bill probably as succinctly as any headline can. The Washington Post, from a front page story above the fold this morning, simply stated the fact: "Budget Deal is Torpedoed by House GOP. Move by leadership angers negotiators on both sides." That was the Washington Post.

The Los Angeles Times said it as well in their headline: "GOP Leaders Scuttle Deal in Budget Battle." They go on to describe exactly what happened in the budget battle on education over the course of the last several days.

The Washington Times had virtually the same headline, which simply read: "House Leaders Spike Deal On Budget."

The only word missing in most of these is the word "education." Because that is what the budget was about, the fight was about what kind of a commitment to education we ought to be making in this new fiscal year, now well underway. This is the last day of Octo-

ber. Of course, the fiscal year began on the first day of October. While the headlines didn't say it, this is what they were talking about.

We had a bipartisan plan that was worked out over the last several days with great effort on the part of Chairman STEVENS and Chairman YOUNG, certainly on the part of Senator BYRD, Senator HARKIN, Congressman OBEY. They worked until 2:30 Monday morning to craft what arguably could have been the single most important investment we will make in education in any fiscal year in the history of the United States. That is quite a profound and dramatic statement. I don't think it is hyperbole because we were prepared to invest more in education, more in smaller classes, more in qualified teachers, more in modern school buildings, more in afterschool programs, with a far better accountability program, with increased Pell grants, with more investment for children with disabilities and those preparing to go to college than we have ever made in a commitment to education in our Nation's history. That was what was on the table.

Of course, as we negotiated these very complicated and controversial provisions dealing not only with education but whether or not we can protect worker safety, all of those issues had to be considered very carefully. It was only with the admonition of all the leaders to give and to try to find a way to resolve our differences that we were able ultimately to close the deal, resolve the differences, and move forward with every expectation that the Senate and House would then be in a position to vote on this historic achievement as early as Tuesday afternoon.

That is what happened.

So instead, today we are debating cloture on the bankruptcy conference report when we could have had an incredible opportunity to put the pieces together to give children real hope, to give school districts all over this country for the first time the confidence they need that they can address the myriad of problems they are facing in education today; to say, yes, we are going to commit, as we have over the last couple years, to ensure we have the resources to reduce class size and to hire those teachers and to break through, finally, on school modernization and school construction. We could have addressed the need for 6,000 new schools with the modernization plan that was on the table when the collapse occurred.

I come to the floor dismayed, disheartened, and extraordinarily disappointed that this had to happen, that the House leaders, House Republican leaders, spiked a deal that could have created this historic achievement.

What do we tell the schoolteachers? What do we tell the students? What do we tell all of those people waiting pa-

tiently and expectantly, who are hoping we could put partisanship aside and do what we came here to do. Forget the rhetoric, forget the conflicts, forget all the things we were supposed to forget in bringing this accomplishment about.

I don't know where we go from here, but this is part of a pattern. It isn't just education. There is an array of other issues. And perhaps this is an appropriate day to remind my colleagues of, once again, the GOP legislative graveyard. We can put up, perhaps, another tombstone today.

I think we can still revive this. Somehow I think there is still a possibility that we can do this. I don't know if it will happen this week—I don't know when it will happen—but I can't believe we are going to turn away from having accomplished what we could have accomplished with all of this.

Everybody understands that we may not have another chance. I am not prepared to put education into the legislative graveyard Republicans have created. But there isn't much chance we are going to deal with pay equity this year. There is no chance we are going to deal with campaign finance reform.

Let us make absolutely certain that when we come back early next year, we enact the Patients' Bill of Rights. That is a tombstone for the 106th Congress. Hate crimes, judicial nominations, the Medicare drug benefit, gun safety: all are tombstones to inaction. All are a recognition of the failure of this Congress to come to grips with the real problems our country is facing, a realization that now there is not much we can do anything about, except to rededicate ourselves to ensure that we will never let this Congress again take up issues of this import and leave them buried in the legislative graveyard.

Let us hope that we can revive school modernization and smaller class size. Let us hope that somehow, in the interest of doing what is right—we recognize how close we were Monday night, we recognize how important it is that we not give up, we recognize how critical it is that something as important as education will not be relegated to this legislative graveyard, or any other. Let us hope that in the interest of our children, in the interest of recognizing the importance of bipartisan achievement in this Congress, that we will do what is right, that we will take these headlines and turn them around and change them into headlines such as "GOP Leaders And Democratic Leaders Agree on Budget Deal," or "Democratic Leaders And Republican Leaders Agree To Historic Education Achievement"; with editorials that would say to the effect that, at long last, we have given children hope all over this country and we have given schools the opportunity to reduce their class size and improve educational quality without exception.

That is still within our grasp. I must say, the tragedy of all tragedies would

be, somehow in the name of partisanship and in the name of whatever competition some may feel with the administration on this or any other issue, that we fail to do what is right; we fail to make a commitment that we know we can; and that we end up building more monuments to the lack of progress and real commitment to the issues about which people care most.

Mr. President, I come to the floor with the expectation that we can overcome the obstacles that remain and we truly can make a difference on education in this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thank the minority leader for his words.

I yield 10 minutes to the Senator from North Dakota, Mr. DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

#### LEGISLATION LEFT UNDONE

Mr. DORGAN. Mr. President, I listened to my colleagues today—Senator FEINGOLD, Senator DURBIN, Senator WELLSTONE, and now the Democratic leader, Senator DASCHLE—talk about a number of different issues. I want to take a moment to discuss my disappointment, as we near the end of this legislative session, with what this Congress could have accomplished, what we could have done for the American people, and what we left undone.

I note that in this Presidential campaign Governor George W. Bush talks about his desire to come to Washington, DC, to serve in the White House, and end the partisan bickering. As he says, he wants to “end all of the partisan bickering.” Well, it takes two to bicker and it takes two parties to bicker in a partisan way.

We have almost, on occasion, had debate break out in the Senate on some very important issues. But we never quite had that happen this year because we can't get to an aggressive, robust debate on the things that really matter.

My colleagues talked about the bankruptcy bill. How did they do the conference on the bankruptcy bill? One party goes into a room, shuts the door, handpicks their members, and writes it by themselves. It is hard to have bickering, and it is hard to be partisan when one party is doing the work behind a closed door and saying to the other party: Here it is; like it or leave it.

The tradition of debate in this country is the sound of real democracy. The sounds of democracy results from bringing people from all around America into our centers of discussion and debate. From all of those areas of the country—from a different set of interests and concerns, from the hills and

the valleys and the mountains and the plains and different groups of people—we have ideas developed and nurtured and then debated.

Someone once said: When everyone in the room is thinking the same thing, nobody is thinking very much.

We have people here who kind of like the notion that you must think the same thing. Apparently, Governor Bush thinks we must all kind of think the same thing; we ought to stop all this disagreement.

Disagreement is the engine of democracy. Debate is the engine by which we decide what kinds of policies to implement and what course this country takes in the future. The issues on which we never quite had the aggressive, robust debate that we should have had in this Congress include education. Do you know that for the first time in decades this Congress didn't reauthorize the Elementary and Secondary Education Act? We didn't pass it. Why? Because it was feared that when the bill was brought to the floor, people would actually offer amendments. Then we would have to debate amendments and vote on amendments. God forbid a debate should break out in the Senate. So the bill was pulled after a short debate. So we let the Elementary and Secondary Education Act lapse. It just didn't get done.

The Patients' Bill of Rights is another issue. We had sort of a mini debate here in the Senate on that because it was judged that there wasn't enough time to allow a robust debate. The Patients' Bill of Rights was not considered significant enough to allow a very robust debate on the different positions of the Patients' Bill of Rights. These, of course, are not just abstract discussions. The issue of whether we need a Patients' Bill of Rights is a very significant issue for a lot of American people who are not only battling cancer, but also having to battle their HMO or insurance company to pay for needed medical treatment.

I have shown my colleagues many times during discussions on the floor of the Senate a picture of Ethan Bedrick. He was born with horrible difficulties. He was judged by his HMO to only have a 50-percent chance of being able to walk by age 5, which means that his HMO said a 50-percent chance of being able to walk by age 5 was “insignificant.” Therefore, they withheld payment for the rehabilitative therapy that Ethan Bedrick needed.

An isolated story? No, it goes on in this country all too often, day after day. I have told story after story on the Senate floor about it. We weren't able to get a final vote on this issue. We should have had a vote on the issue of a Patients' Bill of Rights toward the end of the Senate session because we would have had a tie vote, and the Vice President would have sat in that Chair and broken the tie. The Senate would

have passed a real Patients' Bill of Rights if given the opportunity to vote again.

Do you know why we weren't able to do that? Because those who run this place didn't want a debate to break out. So they managed the Senate in a way that blocked any amendment from being offered. Since September 22 until October 31, not one Member of the Senate on this side of the aisle was allowed to offer one amendment on the floor of the Senate that was not approved by the majority leader. That is why a real debate didn't break out on the issue of the Patients' Bill of Rights.

The issue of fiscal policy is important in this country because we are now in the longest economic expansion in our country's history, and how to continue it is something we would want to have an aggressive, robust debate on. The majority party said: Well, all of this economic expansion is just all accidental. It didn't really result from anything anyone did.

Well, of course, that is not true. We passed a new economic plan in this country in 1993.

In 1993, we had the largest deficit in the history of this country. This country was headed in the wrong direction, and a new Administration, President Clinton and Vice President GORE, said let's change that; we have a new plan. It was controversial. It was so controversial it passed by one vote in the House and one vote in the Senate. Not one Republican voted for it.

They stood on the floor and said: If you pass this, you will throw this country into a depression, and you are going to cost this country jobs, and you will just crater this country's economy.

Well, we passed it and guess what happened? The longest economic expansion in our country's history. Unemployment is down, inflation is down, home ownership is up, personal income is up, welfare rolls are down, crime is down, every single aspect of life in this country is better because of what we did in 1993.

Now comes George W. Bush and the Republican Party saying: Do you know what we need to do now? We expect budget surpluses in the next 10 years. We need to take a trillion and a half dollars and use it for tax cuts. Let's lock those tax cuts into law right now.

Well, a number of groups have provided some very interesting analyses of this plan. Do you know what the threat is? Providing substantial tax cuts, the bulk of which will go to the top 1 percent, will put us right back in the deficit ditch we were in 8 years ago.

Don't take it from me. The risks of this kind of fiscal policy were described last week by the American Academy of Actuaries, which is one of the most respected nonpartisan organizations of financial and statistical experts. Their