fall—fractures in her arms, pelvis, her skull. She was unconscious. She was airlifted by helicopter to an emergency room, unconscious, with fractures in many bones in her body. The HMO said it would not pay the more than $10,000 in hospital bills for Jacqueline Lee because she hadn't gotten prior approval for her emergency room treatment.

Think of that. Here is a woman hauled in on a gurney unconscious to an emergency room. The HMO says: Well, we won't pay that bill because you didn't get prior approval for emergency room treatment.

Is there a need for a Patients' Bill of Rights? Is there a need to correct this kind of thing? Of course there is.

Now, the Republicans say: We have a Patients' Bill of Rights. Yes, they do; they sure do. Their Patients' Bill of Rights covers some Americans, covers about 48 million Americans. But there are 113 million Americans who are not covered by their Patients' Bill of Rights.

The Senator from Illinois asked the question: Why can't we bring the bills to the floor and have a debate? The answer is, because some want to control every nuance on the floor of the Senate. They want to control who speaks, when they speak, whether you can offer an amendment, what your amendment says. We have put up with that for far too long.

Speaking only for myself, we are done putting up with it. This is not the way the Senate works. The Senate doesn't have, as the House does, a Rules Committee that becomes the prison for all the amendments and then the warden decides which amendments get let out the door. That is not the way the Senate works.

I have just prepared an analysis of how the Senate has been handling these issues in recent years, compared with the history of the Senate. It is very interesting. Lately, the strategy is to bring a bill to the floor and do what they call ''fill the tree,'' so Senators can't offer any amendments. The only way you can offer an amendment is if the majority leader says: Let me see your amendment. If I like it, you get to offer it; if I don't, you can't offer it.

That didn't happen in the past in this Senate. That is not the way the Senate works. Somebody needs to tell the folks who run this place that we are not going to let them continue to run the Senate that way. We demand that the Patients' Bill of Rights be brought to the floor of the Senate, and we demand the right to offer our amendments. We demand the right to debate them. We say to those who seem to want to keep the doors locked on good public policy issues like this: If you intend to keep doing that, then you are not going to do much business around here.

While folks are brought into emergency rooms unconscious and told by HMOs: We won't pay because you didn't get prior approval, we are told we can't correct it with a Patients' Bill of Rights. While we have doctors who come to testify before the Congress and say: I am responsible for the death of a person because I withheld treatment and I was rewarded for it under the current system, we are told we don't have the time on the floor of the Senate to bring up a Patients' Bill of Rights, or, if we do have the time, we are going to demand that you get preapproval for your amendments by someone on the other side of the aisle who puts forward a bill that is just a shell.

This Senate is sleepwalking on important issues. We ought to do much better for the American people than to sleepwalk on issues dealing with health care and the Patients' Bill of Rights and education and so many other important issues.

I will come tomorrow to the floor to talk about the farm crisis. This Congress is sleepwalking on the farm crisis as well.

I would like to say to my friend from Illinois, the Patients' Bill of Rights should have been passed by the last Congress. We have been more than patient on this issue.

I ask the Senator from Illinois—I would be happy to entertain a question about the delay here—it seems to me there has been plenty of time to do this. There is just not the will by some to want this to come to the floor.

Mr. DURBIN. If the Senator will yield, I really have two questions.

First, related to the fact that we both have large rural populations in our State, as the Senator from North Dakota understands, the tax laws do not help family farmers pay for their health insurance as they should. We have worked together to try to have full deductibility of health insurance. The family farmer, self-employed person trying to get health insurance coverage has to pay more out of pocket than anyone who works for a corporation, for example, because of our tax laws.

We have the Republican version of this issue, the Patients' Bill of Rights, which doesn't cover these same family farmers and give them protection. So they pay more for their insurance, higher premiums. They pay more out of pocket for it and don't get protection from the Republican Patients' Bill of Rights, whereas the Democratic Patients' Bill of Rights provides this protection.

Mr. DORGAN. If I might also make the point, the Congress has already said Medicare and Medicaid patients will get basic protections. Members of Congress get this protection in their own health care program. If it is good enough for all of those interests—and it is, and necessary—why is it not good enough for the 113 million Americans whom the Republicans say ought not get this help with their Patients' Bill of Rights?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THOMAS. Mr. President, I ask unanimous consent to utilize the remaining time on the Republican side.

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

The Senator from Wyoming.

SOCIAL SECURITY LOCKBOX

Mr. THOMAS. I thank the Chair.

Mr. President, I am encouraged by what my friends on the other side have said. On an issue they wouldn't let us talk about yesterday—that is called Social Security—they talk about wanting to get things to the floor and get it done—yesterday every one of them voted against moving forward with the lockbox to do something with Social Security. It is a little bit incongruous with what they are saying today. That is one of the real major issues we need to talk about.

I might add, over the last couple of years there has been a Patients' Bill of Rights on the floor. It has been offered. The reason it hasn't gone anywhere is because the other side has to have amendments that have no relevance to the bill, and go on and on. If they would like to pass something, I suggest to them we put something out there, stick to the issue and do it. I see they have disappeared.

Let me talk about Social Security. It seems to me it is one of the things we are focused on; it is one of the things that is on our Republican list to complete this year. We are probably not going to reform Social Security in this session, so we do need to make a move, and the move is the lockbox—to take the surplus that is now all Social Security that comes in this year and seek to ensure that it is used for that purpose. For a very long time, this has not been the case. The money that has come in for Social Security, of course, has been put into Government securities, and has been spent for other things. For the first time in 25 years, we have a surplus, even though it is Social Security. So it is time, I believe, to do something to put that money aside for the purpose for which it is extracted from you and me as taxpayers.

Is the lockbox the ultimate solution? Of course not. But it is a way for us to control what that money is used for, to stop the idea, which the President supports, of $158 billion in expenditures on other issues using Social Security money.

Everyone knows that we have to do something if we intend to have Social Security in the future for the young people who are now starting to pay, as well as paying the beneficiaries that we now have. It wasn't many years ago that Social Security was thought to be the third-rail politics and nobody could touch it, otherwise they would be dead. Now we come to the realization that if we want to continue this program over the years—particularly so young people beginning to pay and who have many years to look forward to will get some benefit—we have to do something. The sooner we do it, the less

drastic the change will have to be. I think most everyone would agree that is a fact.

In the year 2014, Social Security will begin to run a deficit. So we need to look forward to that time. The options are fairly easy to understand. One, of course, is that you could raise taxes. I don't know of many people, given the 12 percent of our payroll that we now pay, would want to increase that. For many folks in this country, Social Security withholding is the highest tax they pay, and it is a substantial one. The other, of course, is to change the benefits, change the age, and do those kinds of things. There may be some tinkering with that, but basically the benefits will not be changed.

It leaves a third option, which I think is a good one, and that is to take the money that we have paid in—each of us—a certain percentage of that becomes an amount of money that is in our account, and it can be invested in equities, which returns a higher yield. That is really the third option that we need to look at. The opportunity to do that is probably somewhere ahead of us. So the lockbox, then, becomes the important thing now—to put that money aside so that we don't spend it.

There are, in my opinion, other reasons for doing that as well. This is one of the big debates here, as you can tell by listening just a few moments ago. There are those who want more and more Government spending, and others would like to restrict the size of the Federal Government, to move more of the decisions back to counties and States and individuals. That is the debate—a legitimate debate between those who want more taxes and more spending and those who would like to have a smaller Government, to bring it down to only those essential things. When you have a surplus, that is very difficult to do.

So if we are talking about maintaining a budget, which we are very proud of, having spending caps, in which the budget ceiling has been the largest contributor to having a balanced budget, if we are interested in doing those things, those are all part of setting aside this Social Security money. Over time, hopefully, in the future, as this surplus extends not only to Social Security, but to the regular operational budget, we will have an opportunity to have some tax reform and to return some of this money to people so they can spend it for their families, so they can spend it to do some of the things our friends were just talking about a few moments ago.

I think it is very important that we take it up. We have voted three times now to move forward with the lockbox. We asked to be able to go forward with this. Each time our friends on the other side of the aisle have said no. Everyone on that side of the aisle voted no yesterday. They said, no, we don't want to set the money aside, but they are up today saying here is where we want to make new expenditures of billions of dollars. There is something incongruous about that. We need to make some decisions about where we are.

I think Republicans have four pretty well-defined goals we are working toward. One is Social Security—not just to say save Social Security, as the President has said, and not do anything, but to actually do something.

Two is to do something about education. We have moved forward to do that. We have the Ed-Flex Program, for one, that has moved decisions back to the schools boards and the States and counties where they ought to be for educational decisions.

We are talking about tax reform. We need to have tax reform. I noticed last night somebody did a study of the whole world, and we are the second highest in the world on estate taxes, topped only by Japan. It is time that we did some tax reform and some of those things. Then security, of course, for the benefit our country, we have done a great deal on that, in strengthening the military.

I hope we will stop just talking about these things and actually do something. I'm talking about going forward with issues. We had a chance yesterday to go forward with an issue, and we had 45 votes against it. I hope we can move forward. One of the most important items in this country is Social Security, and the first step would be lockbox.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

SOCIAL SECURITY LOCKBOX

Mr. DASCHLE. Mr. President, I don't know how much time is left in morning business, but I will use whatever leader time is required. I want to have the opportunity to respond to my good friend, the Senator from Wyoming, about some of the comments he made with regard to the Social Security lockbox and a couple of other issues he has mentioned. He mentioned Democrats' unwillingness to support the efforts to bring up the Social Security lockbox. Let me make sure that everyone understands we are very desirous of having the opportunity to have a good debate about the lockbox.

It is particularly propitious that probably the master of Senate procedure is on the Senate floor, because I want to talk just a moment about the difference, which is more than just a semantical difference, between a cloture vote that is designed to stop amendments and a cloture vote that is designed to stop a debate, a filibuster. There is no filibuster going on here. A filibuster is actually designed to bring debate to a close. When 60 Senators have voted accordingly, we have time remaining and then, ultimately, there is a final vote. There is a big difference between bringing the debate to a close and offering cloture motions and proposing that the Senate preclude the opportunity for Senators to offer relevant amendments.

That has been the case on the Social Security lockbox from the very beginning. For whatever reason, our Republican colleagues continue to believe that what the Senate needs is a rules committee. Every day in the House Rules Committee, decisions are made based upon the content of amendments, which amendments are appropriate and which amendments are not. The Rules Committee makes that decision, and then the rule is presented to the House Membership. They vote on whether they accept the rule or not. Based upon the content of those amendments, they make decisions as to whether or not there will be amendments to a certain bill. In their wisdom, the Founding Fathers chose not to allow the Senate to be bound by such constraints, that a Senator, with all of his power and authority and responsibility, ought to have the right to come to the floor and offer an amendment. But what our Republican colleagues continue to insist upon is that they act as an ad hoc rules committee. They want to see our amendments first. They want to approve our amendments first. And only then will they allow our amendments to be considered once they have been given their approval.

I ran for the Senate in 1996 because I wanted to be able to be a Senator, not a House Member. I want to be a Senator, and I want all the responsibilities and privileges and rights accorded to me as a Senator from South Dakota. That means the ability to offer an amendment.

On the lockbox, it is very simple. Whether you agree or not, we think the Medicare trust fund and the Social Security trust fund ought both to be locked up; we ought to treat them the same. We are dealing daily with the viability of the trust fund on Medicare, and if we can't ensure that viability of that trust fund, then I must say we haven't done our job.

We are saying, as Democrats, give us the right to offer an amendment on Medicare. Let's lock up that lockbox as well, and let's have a good debate about whether that makes good public policy or not. That is the issue.

The Republicans come to the floor; they file cloture to deny us the right to offer an amendment on Medicare—I must say also, to deny us the right to offer amendments that really mean lockbox when we say that is what we want.

They have a provision in their bill. I must say, it is amusing to me, but it says it is a lockbox unless we say we are for reform, and in the name of reform we can unlock the box, including privatizing Social Security. They have that in their bill. They want to be able to privatize Social Security, and they want to be able to ensure that, even if they have now voted for a lockbox, in the name of reform they can unlock it