bushel. That doesn't cover your operating expenses.

Were we to simply remove the caps, we calculate the loan rate would be 62 cents higher, $3.20 a bushel. That, too, is inadequate, but it would be a help and it is the one thing we could do quickly to put some money in the pockets of these farm producers who are otherwise going to go under.

I indicated yesterday that we are going to lose 3,000 farmers in North Dakota this year. We only have 30,000. Ten percent of the people are going to go out of business this year, and the situation next year, unless we act, is going to be far worse.

I very much hope that my colleagues are listening, because this is a crisis. Last year, we had a very visual crisis in North Dakota with the floods, the fires and the most powerful winter storm in 50 years. The news media paid attention. As a result, we received a strong response. Well, the disaster continues, but there is virtually no attention being paid to it. That is why I say we have a stealth disaster this year. The conditions are undermining our agricultural producers in a way that is unprecedented. We have never seen such economic hardship on the farm, and yet there is almost no Federal response.

If we are going to avert disaster, the Federal Government needs to respond; this Congress needs to respond. Why is it? Because Congress passed a farm bill that forces farmers to face greater risk and succeed or fail based on the whims of the marketplace. It is because Congress has failed to act on the research title of the farm bill and has placed in jeopardy not only the future of agricultural research, but stability in our crop insurance system and rural development in the Fund for Rural America. Those items are funded in the research bill. It is because our crop insurance system is based on a formula which unfairly penalizes producers who experience repeated disaster, and it is especially because when our farmers face a disaster in crop production, there is no program to help.

As I indicated yesterday, if you have a disaster in agriculture today, the only help is a low-interest loan. So we are saying to these people at the very time they don't have the money to cash flow, ''Go deeper into debt.'' That is no answer.

All of these problems need to be addressed, and they need to be addressed as soon as possible. The livelihood of our farmers, our Main Street businesses, our rural infrastructure and the very health of our Nation depend on it.

I have one last comment from an ag lender. This is in North Dakota, and he said:

> Agriculture needs to be on the top of the agenda for the President, the Secretary and Congress, but, unfortunately, it doesn't seem to be.

Mr. President, we have to make it part of the agenda or we are going to have a calamity in North Dakota. I say to my colleagues, we are the first to experience this. Others of my colleagues will probably not be far behind, because if you have a weather disaster, if you have a series of bad years, as we have experienced, you will find there is precious little Federal assistance. That is because of the changes that have been made in the farm bill and other measures taken by Congress.

I alert my colleagues, North Dakota may be experiencing this stealth disaster today, but our colleagues are probably not far behind. I urge them to pay attention to this problem. We are an early warning signal, just like they used to send the birds down the mine shaft to see if there was air. North Dakota is the little bird in the mine shaft warning the rest of the Nation that we have a badly flawed farm policy in place. A 98-percent reduction in farm income in 1 year—98 percent. I don't think there is another industry that could survive that kind of fiscal calamity. I know our industry cannot.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. GRASSLEY). One minute, 24 seconds.

MANAGED CARE

Mr. CONRAD. Mr. President, on another matter, I want to address the issue of a young man named Ethan Bedrick. Let me put up Ethan's picture so we can see who we are talking about. This is Ethan. Ethan was born on January 28, 1992. His delivery went badly, and as a result of asphyxiation, he has suffered from severe cerebral palsy and spastic quadriplegic which impairs motor functions in all of his limbs.

You can see him. He is a fighter. Look at that look on his face. He is a happy young fellow, even though he faces severe restrictions.

He was put on a regimen of intense physical, occupational and speech therapy to help him overcome some of these obstacles.

At the age of 14 months, Ethan's insurance company abruptly cut off coverage for his speech therapy and limited his physical therapy to only 15 sessions per year. Mr. President, can you imagine, this little boy was damaged at birth, and when he is 14 months old, the insurance company cuts off coverage for his speech therapy, limits his physical therapy to 15 sessions a year. At 14 months, when the insurance company made these decisions to cut off this young child from the therapy he needed, the change was recommended by an insurance company representative performing a utilization review of his case. The reviewer cited a 50 percent chance that Ethan could walk by age 5 as a minimal benefit of further therapy.

Further, the reviewer never met personally with Ethan, his family, or Ethan's team of regular doctors. Upon review, the insurer affirmed its position with a second company doctor, citing a single New England Journal of Medicine article on physical therapy and child development. That article was published in 1988, 4 years before Ethan was born.

I want to go back to the point here that was made by the insurance reviewer. The change was recommended by the insurance company reviewer, citing a 50 percent chance that Ethan could walk by age 5 as a ''minimal benefit.'' Shame on that reviewer; shame on that company. A 50 percent chance of walking is a minimal benefit? How would they feel if it were their child? How would they feel then? A 50 percent chance of walking is a minimal benefit?

Further, the doctor declared the prescribed therapeutic equipment, including a bath chair designed for aiding his parents and care providers in his bathing, and an upright walker to allow him upright movement and muscle development, were merely convenience items—convenience items—and costs not to be covered by his insurance. Can you imagine if you were the parents of this little boy and you were told a walker is a convenience item? You were told that a device to help in the bathing of this multiply handicapped child was a convenience item?

The Bedricks, the parents, didn't feel that way. They filed suit. In 1996, the fourth circuit ruled that the insurer's decision to restrict therapy was arbitrary and capricious because the opinions of their medical experts were unfounded and tainted by conflict. Further, the court concluded that neither the insurance plan nor corporate guidelines require ''significant progress'' as a precondition to providing medically necessary treatments. The court noted, ''It is as important not to get worse as it is to get better. The implication that walking by age 5 would not be significant progress for this unfortunate child is simply revolting.'' Those are the words of the court, that the position of this insurance company ''is simply revolting.''

This is a quote from the attorney for young Ethan. ''The implication that walking by age 5 would not be a 'significant progress' for this unfortunate child is simply revolting. . . . The delivery of health care services should be based on the promotion of good health and not the margin of profit.''

During the time of review and litigation, Ethan lost 3 years of vital therapy, and ERISA, the Employee Retirement Insurance and Savings Account which governs HMOs, left the Bedricks with no remedy for compensation for Ethan's loss of therapy. The Bedricks' ability to give justice for what the HMO did to Ethan was erased because of ERISA.

I raise this issue today because very soon Congress is going to have a chance to act and we, in conscience, must insist that children like Ethan have a fair shot at fair treatment. This little boy, now 6 years old, should not be told that a 50/50 chance of being able

to walk is, as described by the insurance company, ''a marginal, minimal benefit.'' That simply cannot be what we do in this country to little boys like Ethan.

I yield the floor.

Mr. DORGAN. Mr. President, the story that was just described by my colleague, Senator CONRAD, is one that occurs all too often across this country in this new era of managed care. Every day we intend to describe the circumstances of managed care in this country that require us to bring a Patients' Bill of Rights to the floor. Every day we will discuss this issue on the floor of the Senate, hoping that we will be able to persuade those who schedule the Senate to bring the Patients' Bill of Rights to the Senate.

Every person in this country seeking health care ought to have a right to know all of their options for treatment, not just the cheapest option for treatment. Everyone seeking health care in this country ought to have a right to show up in an emergency room and get necessary treatment for an emergency medical need. The list goes on. That is why we want to see a piece of legislation called the Patients' Bill of Rights brought to the floor of the Senate.

The PRESIDING OFFICER. Under a previous order, the Chair recognizes the Senator from North Dakota, Mr. DORGAN, for 9 minutes 31 seconds of the previously allotted time.

AGRICULTURE

Mr. DORGAN. Mr. President, for the remaining moments I will speak on the subject of agriculture. I know it is probably something a lot of people do not think about or don't want to talk much about. Family farmers in my State are in trouble. At night when you fly across my State in a small airplane and look down, those family farmers have the brilliant yard lights that peek up at you. Each of these points of light represent a family living in the country, trying to make a living on the family farm.

Recently there was an editorial cartoon in the Forum newspaper of Fargo, ND, showing a truckload of family farmers going down the road surrounded by a landscape of farm problems, including low prices, crop disease, and inadequate programs. The road sign in the cartoon stated, ''The point of no returns.'' Why? Here is what is happening to the price of wheat. We passed a new farm bill and the price of wheat goes down, and down. Wheat prices are down 42 percent since May of 1996, following the passage of the new farm law. The point is that the new farm law pulls the rug out from under family farmers in terms of a safety net and tells the farmers, ''Go to the marketplace to get your price.'' Then the marketplace has a pathetically low price, and farmers go broke.

I had a farm meeting in Mandan, ND, and a fellow stood up. He was a big burly guy with a beard. He said his grandfather farmed, his dad farmed, and he has farmed for 23 years. His chin began to quiver, and he began to get tears in his eyes, and he said, ''I can't keep farming. I am forced to quit this year.''

We have all heard the stories. One by one. I suppose people say that is just one farmer. Yet ''one by one'' means that across this country, there are hundreds and thousands of farmers leaving farming. It is especially evident in my State. When farmers can't make a living and go out of business, it seems to me that is an enormous step backwards. Family farmers contribute something very important to this country.

Family farmers have had to fight several things in my State recently. They had to fight the weather. We went through a winter in which we had 3 years' worth of snow in 3 months. We had seven blizzards, the last of which put nearly 2 feet of snow on the ground. It was the worst blizzard in 50 years. Farmers had to fight that. Then they had to fight low prices. Then they had to fight a crop disease known as fusarium head blight or scab which wiped out a quantity of their crop. And, then they have to fight a Congress and a farm policy which has been constructed by people in Congress who say it doesn't matter who farms.

These folk think agrifactories are fine. They can farm as far as the largest tractor will go, until it runs out of gas, and that is fine with them. It is not fine with me. If we end up with a land of giant agrifactories farming America's farmland, we will have lost something forever in this country that is very important. As a matter of social and economic policy, we ought to fight with every fiber of our being to make sure we have a network of families living out on the farms in this country's future.

I watched one day when somebody came in that door, breathless, and walked to the floor of the Senate on the supplemental appropriations bill and offered an amendment for $177 million to be added to star wars national missile defense system. They added $177 million that wasn't even asked for. But that wasn't a problem. It was accepted by consent. A total of $177 million was added early in the morning. That was OK with this body because it was for star wars. But somehow we don't have enough money to provide a decent wheat price for a family farmer who is struggling out there.

I got a letter from a man and his wife who quit farming recently. The letter is from George and Karen Saxowsky, of Hebron, ND. I will read just a couple of paragraphs, since I have 2 more minutes. It describes for those who don't know about family farming what this family went through. She wrote a Christmas letter and described part of what they went through in the storms. She talked about the last blizzard.

I will read a couple paragraphs:

As the storm abated Sunday evening I could hear Glendon yelling and ran to see what was going on now, but couldn't find him. Here, they had found a cow laying on its side drowning in muck. Glendon was laying flat on his belly holding the cows head out of the muck while George was trying frantically to get the tractor down to him. I plowed through four foot deep snow to help—the first tractor got wet and quit. [All during the storm we had distributor caps in the oven drying out!] He got the Bobcat—it quit; he got the next tractor and we made it down there, tore a fence down, put chains on the cow and pulled her out. She died; as did a calf that had been buried in the snow someplace in the ten feet we pulled the cow and we didn't even see, until the snow melted enough, that it was under her; as did those two calves in the basement; as did a calf that had followed its mother to the water fountain, got stuck in the snow and froze to death standing up—we must have walked by that calf fifty times but with the blizzard didn't see it—they get snow covered really fast; as did the cow in the corral with a roof over her head with water and hay right beside her; as did—well, you get the picture. It continued for fourteen days after the storm, every day we lost at least one cow and/or calf. We took them to the vets for autopsies and what-not but it just seemed there was nothing we could do to save them. One day we made it to 5:00 without any dying and thought the curse was broken but by midnight we had lost a cow and a calf. It was a terrible, terrible time, but we lived through it—but not alone. Friends were there for us. On the Friday after the storm one called to tell us to get out of the house and come to town for a Fireman's Dance—we were just too exhausted and depressed—but he was really pushy (he did the same thing for us after last year's cow incident on I–94). We went and visited with other farmer-ranchers who were in the same boat—it really was so helpful and encouraging?

We were really dreading the first snow of this winter. Long about October, George started talking about quitting farming—I took it as a mid-life crisis; a one time slide. But he kept talking—and then started making plans. We would put in a crop in '98 and quit in '99. I still thought 'this-too-shall-pass' but he just go more serious. In November I started getting calls asking if I would like a job off the farm? I have to tell you, I was so flattered that they even considered me capable of doing what they needed; I had been self-employed for almost 25 years! I turned them down, but it did start the wheels turning. Then, there was an ad in the paper for a job in Hebron with benefits. We talked about it and I applied; they offered me the job and I took it. This was not easy, now we couldn't put a crop in this spring as the job is 40 hours a week including every other Saturday and George can't farm without me.

The bottom line is: a 47 year old, 4th generation farmer in this 27th year of farming is quitting farming.

This is why this farm couple is quitting farming. It is not just because of the storm and the dead cattle. It is about making a living and getting some return for their efforts.

North Dakota farmers had a decline of $750 million in farm income in 1997. Low prices, crop disease, weather. Senator CONRAD pointed out that 98 percent of the net income of farmers was washed away by this set of problems. And, there is one more problem that farmers face. They face a Congress that doesn't seem to care whether there are family farmers.