

agriculture appropriations. Unfortunately, it was stuck in the murky process that led to \$500 million or \$600 million being spent. It was dropped, unfortunately. We will be back to revisit that issue again.

This is very much an issue that dovetails with mandatory price reporting. Earlier this year, Americans who went to motion pictures shows, who went to movie theaters to watch a movie, were concerned because in their communities they didn't have access to movies that were nominated for Academy Awards. They feared, quite correctly, that the theater owners were not allowing them to see movies that they wanted to see. There is a concentration of ownership in the theater business. So where did they go? They went to the Antitrust Division of Justice. Guess what. The Antitrust Division of Justice opens an investigation against concentration of ownership, trying to ask the question, Do we have competition in the marketplace, and is the lack of competition having a negative impact upon people who are consuming motion pictures, who go and spend 6 or 8 bucks—whatever it costs—in their local communities to see the movies that they wanted to see? They have the law on their side. People who go to motion picture shows have the law on their side.

Our packers are out there saying, my gosh, if the Federal Government is willing to forcefully intervene on behalf of those consumers, why are they not willing to forcefully intervene on our side?

We met with Joel Klein. We have met with other agencies of government. They say to us—especially Antitrust—that they simply lack authority.

The Federal Trade Commission said the same thing to us—that the only thing we have on our side is the Packers and Stockyards Administration. But Congress constantly underfunds this agency. As a consequence, they have been either unable or unwilling, since this law has been enacted, to file any antitrust action against individuals who are out there in the business.

I believe in the American way. I don't want anybody to be prevented from becoming as big and as prosperous as they want. These larger companies, in my view, are organizing for success. They contribute an enormous amount of tax revenue to the Federal Government. They contribute by building jobs. They are doing lots of really good things.

But if you are going to have the United States of America be the land of opportunity, you have to have the rules written so that a man or woman who wants to start a small business has a chance to compete and has a chance with an operation with a small amount of resources. They are not going to have anybody lobby the Government. They are not likely to have the money to hire an accountant, or lawyer, or all of the other sorts of people you can hire when you became a larger entity.

They are not likely, as a consequence of commanding fewer resources, to be able to survive by pricing their product under their cost for very darned long. As a result, they are vulnerable.

That is why we have antitrust laws. The laws are there to protect not just the small businessperson but to protect the United States of America so that we are the land of opportunity. That is where the jobs are created. That is where the innovation occurs.

I will offer this amendment transferring authority from Packers and Stockyards, regrettably, because, as I have said, I have jurisdiction over that, being a member of the Agriculture Committee, and I don't like to surrender jurisdiction. But the evidence to me is overwhelming. Consumers have somebody on their side in the Antitrust Division at Justice. Consumers and producers, when it comes to Packers and Stockyards, do not.

In conclusion, as I said earlier, when it comes to the agriculture crisis, I intend to work in a bipartisan fashion.

I know the distinguished occupant of the Chair is very concerned about what is going on in rural America today. I hope we are able to do much more than just talk. I don't intend to try to command an issue. I prefer to produce results.

My hope is that either on this piece of legislation or at some later time we can take action and have the farmers in Nebraska and the farmers in Montana and the farmers in Oklahoma and throughout the country say they believe the Congress understands what is going on in rural America today and is making a concerted effort to finally do something about it.

I yield the floor.

Mr. NICKLES. Mr. President, I compliment my colleague, the Senator from Nebraska, for his statement.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, for the information of all of our colleagues, we have been negotiating with the minority leader. I say "we." Senator LOTT, I, others, and Senator KENNEDY have been negotiating, trying to come up with some type of time agreement on the so-called Patients' Bill of Rights.

As I stated yesterday, it doesn't belong on the agriculture bill. We are working, and I think we are making good progress. Hopefully, we will have an agreement in the not too distant future as far as the timing to take up the bill.

With that in mind, I ask unanimous consent that the Senate continue in morning business until the hour of 1 o'clock with the time to be equally divided.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

PATIENTS' BILL OF RIGHTS

Mr. DASCHLE. Mr. President, I will take just a few moments to share with my colleagues where we are with regard to our negotiations, and then talk a little bit about the bill itself, the Patients' Bill of Rights.

Senator LOTT and I have had a number of discussions this morning. We are trying to find a way to proceed. I think it is fair to say that we are continuing to lose precious time in an effort to try to resolve our procedural differences. I am hopeful we might be able to reach some agreement. I am not wedded to the latest proposal I have shared with the majority leader, but we do need a time certain for consideration of this bill in the very near future. We certainly need to have the assurance that the amendments we will offer will be considered and voted upon by the Senate.

Those are our two principles: No. 1, a time certain for consideration of this bill; No. 2, some assurance that we will have the opportunity to debate amendments and have votes.

We recognize that with 45 Democrats we may not have the necessary votes to win a contest with our Republican friends on a comprehensive bill. However, we do know there are a good number of Senators who have expressed their support for various issues in our bill. We hope we can work through those issues and have the assurance we can have a good debate and good votes.

We cannot agree to any time certain for final passage if we cannot agree that we will have at least an opportunity to debate these amendments and have votes.

Again, our two principles: A date certain, and an opportunity to have up-or-down votes, or even tabling votes, on the amendments we want to offer.

I am hopeful we can work through those two principles and find a way that is mutually acceptable. The majority leader, as always, is attempting to be as responsive as he can. I appreciate the cooperative spirit with which we have been undertaking these discussions over the last 24 hours.

One of the reasons we feel so strongly about amendments is that they cause the Senate to focus on what it is we are talking about when we say the words "Patients' Bill of Rights." I don't know that a lot of people fully understand the magnitude of those words. What does "Patients' Bill of Rights" actually mean? We want to be able to spell out what it means.

I want to give one example, because it will be an amendment if we can't get an agreement. Our first amendment will deal with medical necessity. Medical necessity simply suggests that