an obstetrician and gynecologist for women when they want one? Do we want a debate on access to doctor-prescribed drugs? Do we want a debate on patient protection advocacy? Do we want a debate on keeping a doctor throughout your entire treatment? Do we want a debate on prohibition of gag rules? Do we want a debate on how the guaranteed network meets the needs of a patient? Do we want a debate on access to nonphysician providers? Do we want a debate on choice of provider point-of-service? Do we want a debate on emergency room access? Do we want a debate on whether or not these plans should have an ombudsman?

The answer to every one of these questions is yes, we do. That is why we are here in this body. This great debating society says: Yes, let's debate these issues. If the majority is putting forth this bill that they call a Patients' Bill of Rights—and we submit it is only in name a Patients' Bill of Rights—we say we are willing to debate this because the American people are protected under our Patients' Bill of Rights. People need protection. They have been taken advantage of.

In America today there are only two groups of people who cannot be sued: foreign diplomats and HMOs. I was at dinner in Nevada Saturday with a friend who is one of the chief administrative officers for a big managed care entity in northern Nevada. She said to me: I kind of like your plan, except these lawyers.

I said to her: Every other business in America has to deal with lawyers. Why shouldn't people who take care of me, people who take care of my daughter, people who take care of my son, my wife, if they do something wrong, why should they not also have to respond in the legal system? That is really invalid. People are saying this is going to make all this litigation. That is simply not true. Lawyers, especially when they deal with people's health, have to be very careful litigating. In the entire history of the State of Nevada, which is now not the smallest State in the Union, although certainly not one of the largest, it is about 35th in population, in the entire time we have been a State, there have only been a handful of cases, medical malpractice cases that have gone to a jury. So this is a bogeyman that does not exist.

What we are saying is we want a debate on the Patients' Bill of Rights. We think ours is certainly one in keeping with the standards the American people want. In the light of day, we are willing to debate what the Patients' Bill of Rights on the other side has, which is nothing. It is a Patients' Bill of Rights in name only. We want to come to this body and have a reasonable number of amendments. That is a concession on our part, a reasonable number of amendments. We should be able to offer all the amendments we want, but we believe so strongly about this issue that our leader has said to the majority leader we are willing to limit our amendments to 20 and to set a time for completing this bill.

That certainly seems fair and reasonable when one considers that in this Congress, we already have taken up bills which have not taken a lot of time but had far more amendments.

Y2K problem, 51 amendments; DOD authorization, 159 amendments. We spent 4 days on that bill. On the Y2K problem, we spent 13 days on it and many of those were very short days.

Defense appropriations, 67 amendments. We were able to finish that bill in 1 day. We debated the juvenile justice bill for 8 days, and we were able to dispose of 52 amendments.

We are saying, with something as important as people's health care and well-being, we are willing to take 20 amendments. We feel we can finish the bill in 3 days with 20 amendments. Certainly, we are entitled to that time. We had 8 days on juvenile justice. In that regard, we came up with some good legislation.

On the budget resolution, which is a guide for this body and which I believe was not a very good piece of legislation—I voted against it as did most everyone on this side of the aisle—there were 104 amendments, and we disposed of that bill in 2 days.

In short, we certainly should have this debate, and we should do it right away. We recognize we are only going to have one more legislative day this week and then we go back to our States to do other things. Let's do it next week. Let's begin this bill next week, and after the Fourth of July break, we can come back and work on the appropriations bills. We are not going to complete any of the appropriations bills until we have a meaningful debate on the Patients' Bill of Rights, one where we are not gagged and we are allowed to offer the amendments we want to offer as to the substantive merits of this legislation.

I hope the majority will allow this debate to take place. It will take place. It is only a question of when it will take place. We will save a great deal of time and anxiety if we just get to it. As Mills Lane, the famous fight referee, now the TV judge says: Let's get it on.

We are willing to get it on with this debate. We feel so strongly about the merits of our case, we are willing to debate it in the dead of night or early in the morning. We do not care when we do it, but let's do it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KERREY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

AMENDMENTS TO AGRICULTURE APPROPRIATIONS

Mr. KERREY. Mr. President, I had intended to come over and talk on the ag appropriations bill. I am not going to talk about the ag appropriations bill since we are not on it. I am going to talk about a couple of amendments I intend to offer, if we ever get to that point. I will put us back into a quorum call when I am through.

There are many important things in this ag appropriations bill that I strongly support. I have a great deal of respect and appreciation for the work that both Senator COCHRAN and Senator KOHL have done on this piece of legislation. Every appropriator, every Senator who has the responsibility of working on the Appropriations Committee, understands we are seeing a decline, a deterioration in our capacity to invest in our future as a result of a growing problem we have with our budget; that is, a larger and larger share that is going to mandatory programs and a smaller and smaller share available for these long-term investments, whether it is in soil, whether it is in research, all the other things that are in this particular piece of legislation. The problem is only going to get worse.

I didn't come to talk about that, but I did feel obliged to say I understand that all these men and women who serve on the Appropriations Committee are under an awful lot of pressure, and that pressure is going to grow.

We currently take from the American people about 20.5 percent of GDP to spend on Federal programs. That one-fifth of total GDP that we have been taking for the last 50 or 60 years has remained relatively constant, though at 20.5 it has not been at that high level since 1945. I say that only because there is an upper limit as to what we can take. I think we are there. Indeed, I support cutting taxes right now; I believe we can cut taxes. Indeed, part of the reason I am for it is that, at 20.5, in order to send a signal, we need to understand there is an upper limit. Otherwise, we are apt to spend it on a variety of things, and all the fiscal discipline we have had throughout most of this decade will be evaporated in a hurry.

But as to this bill itself, whenever it becomes appropriate, I intend to offer a couple amendments. As I said, while this piece of legislation does support a number of very important aspects of agriculture spending, from agriculture research to food stamps, in fact, it can't, given its mission, address the

enormous amount of changes sweeping across rural Nebraska. I get calls all the time from farmers who ask me: Does anybody in Washington understand what is going on? I answer, genuinely, yes. I think both Republicans and Democrats are scratching their heads trying to figure out what we can do.

I was encouraged by the chairman's comments during the markup of the dire emergency supplemental bill for Kosovo; he does understand that both Republicans and Democrats understand there is a need to do an additional supplemental appropriations bill at some time for emergency purposes to help agriculture. But this merely underscores the problem we are experiencing in rural America today. Unfortunately, what is happening is that family farmer, who very often has a job outside of agriculture, is not certain there is any opportunity left.

I want to say to my colleagues, though, I am very much a free market person; I support free trade. I believe we ought to have rules and laws that support the free enterprise system.

In agriculture, we do a lot more on these family farms than just produce food. The food is important, a vital part of our export strategy, and it has economic value that one cannot deny. But these farms produce human beings. All of us who have had the pleasure of working with boys and girls who are working for the 4–H organization, or the Future Farmers of America, when you see these young men and women, you see kids with unusually good character and values that are acquired as a result of living in an environment where you understand that this biblical motto that says you can't reap what you don't sow is true; where you live constantly in an environment of understanding that, though you may have a good or a bad farm program, and like or not like what is going on in Congress, still the most important act you have is the act that occurs when you are on your knees in the morning, or in evening, or you are bowing your head at lunch or supper and praying and being grateful for what you have but hoping that Mother Nature delivers enough and the right amount of rain, enough and the right amount of other conditions that are necessary in order to produce this product.

As the distinguished occupant of the Chair knows, being from Arkansas, food production is unusual because, unlike manufacturing businesses, it is produced out of doors. It may seem like an obvious fact, but in my businesses I regulate the environment. I have an air conditioner; I have a heater; I have a furnace that produces heat in the winter; and I have an air conditioner that produces cool air in the summertime. I can control that environment 365 days a year. I did get wiped out once by a tornado in 1975, but I don't, in the normal course of business, worry about hail or about not getting enough rain. I don't have a growing season where I can be wiped out with a single event, and I don't have all my annual sales gone just like that as a result of something way beyond my control.

So we understand that we have basics that we are dealing with. I hope we understand that agriculture produces people with values. There is a rural policy aspect of our farm program that is not really economic. We want people to live in rural America. We understand that our program has to provide them with some hope of economic prosperity, and we understand that these farms produce more than just some thing, some commodity that has economic value.

The question is how to do that. We had a great debate in 1995 over Freedom to Farm. Though I didn't vote for it, let me say that I was very sympathetic to the idea that the Government should not be out there regulating every single thing the farmer does. Under the old farm program, that happened. Farmers were saying to me: I am not making decisions anymore. All my decisions are made down at the Farm Service Agency. I have to go down and find out from USDA and Soil Conservation Service and other people what I can do before I make plans.

They wanted those handcuffs taken off. They were also very uncomfortable and not happy with the Government's performance in owning grain reserves. They watched the Government operate those reserves at times that caused the price to go low and subsidies to go up, and then their neighbors were saying to them: You are farming for your welfare check.

They didn't like being on welfare. I am not here this morning to attack Freedom to Farm, but I do think there are a number of things about our underlying law that deserve attention and deserve modification.

First of all, we are spending way more than we thought we were going to spend. Last year, we spent $20 billion. It is estimated we will spend more than that this year. We have an Uruguay Round commitment not to spend more than $19 billion on production or price-related support. We are already at $12 billion to $13 billion, and there is an anticipation that there will be additional spending, especially for loan deficiency payments under the soybean program.

The Commodity Credit Corporation is out of money for the first time since 1987. CCC borrowing has an authority of $30 billion, so this is not what we considered to be too low of a ceiling but with the combination of direct payments, loan deficiency payments, dairy price supports, and export programs, we have already exhausted what we thought was a generous amount of money to provide the Commodity Credit Corporation. These are all technicalities.

(Mr. BURNS assumed the Chair.)

Mr. KERREY. Now we have a new ''Mr. President'' in the Chair with slightly different agriculture interests but still substantial agriculture interests. So I feel that I am speaking to a kindred spirit. I notify anybody who happens to be watching this on television that the occupant of the Chair is the only person here listening to me other than the pages and the staff. I appreciate very much that he is now looking at me. I appreciate that.

Freedom to Farm was supposed to cost $43.5 billion over 7 years. It has cost more than that already. That is before we have an additional payment, which is likely to occur. We have 2 more years to go. I said earlier I am not attacking either Freedom to Farm or those who support it. I understand exactly why it was there. There are many aspects of it that I like a great deal. But I will offer, when it is an appropriate time, two amendments to this appropriations bill that I hope get due consideration by both supporters and opponents of Freedom to Farm.

First of all, I will offer an amendment that will reestablish the farmer-owned reserves. I will offer it, as I said, as an amendment to the bill at the appropriate time. The farmer-owned reserve is a proven tool; it works. I will not offer documentation this morning, but I will if the debate becomes a serious debate. It is a tool that will increase market prices; it will decrease expenditures by the Government. History has shown that for feed grains every 100 million bushels removed from the immediate market stream increases prices 3 to 5 cents. Wheat is double that, 8 to 10 cents a bushel. This sets very strict release trigger points based upon existing loan rates, and though critics have said this puts a ceiling on the market price, a market price of $2.78 for corn and $4.12 for wheat looks rather appealing, I argue, both today and in the foreseeable future for any family out there producing either one of those two commodities.

Increased market prices, not Government payments, are the most equitable way to provide income to farmers. The farmer-owned reserve is embraced in Nebraska as a commonsense way to help farmers without throwing out Freedom to Farm. The idea originally came to me in testimony that was offered by the Nebraska corn growers at a hearing that was conducted by Congressman BILL BARRETT in Nebraska.

The corn growers and the wheat growers have endorsed this idea. They understand that it has worked in the past. It is a way to decrease the payments that are being made by taxpayers and increase the margin of the price the farmers are receiving at the market. I hope when I have an opportunity to offer that amendment we can

get by some of the normal ideological fears about the farm program itself and put this reasonable change into law.

I also intend to offer an amendment to put the antitrust authority for agriculture on a par with the antitrust authority over other industries; that is, to remove it from Packers and Stockyards and take it under the law over to the Antitrust Division of the Department of Justice. I would love for the jurisdiction to stay at USDA. By it staying at USDA, I retain authority as a result of being on the Agriculture Committee. I am not on the Judiciary Committee. I understand that I am surrendering some jurisdiction when I do that. But the fact is that the USDA will never have the resources to be as aggressive as Justice, and producers, in my view, who want competition, who want the marketplace to work now more than ever, need to know that somebody in Washington, DC, is going to be making certain that that marketplace is, indeed, competitive.

The appropriations bill provides no new funding for Packers and Stockyards. Indeed, the recommendation is to provide $2.5 million less than last year's appropriations. I understand that last year's appropriations provided for a one-time revolving GIPSA. I criticize the committee for cutting GIPSA's budget. However, the fact still remains that Packers and Stockyards will have no additional resources next year.

In the meantime, the Antitrust Division appropriations in Commerce-State-Justice is $14 million more than we had in 1999.

To his credit, the President asked for an additional $600,000 to investigate packer competition. But not to his credit, the President proposed to pay for it with additional user fees, which the committee quite appropriately refused to do. It leaves us with the status quo. What I am hearing from Nebraska producers is, that is not enough.

I pause to say that last year during debate in the Agriculture Appropriations Committee, I offered an amendment that would increase competition, that would provide for a change in the law so prices that were offered under contract or formula had to be reported. The distinguished occupant of the Chair, with his great courage, great wisdom, and great leadership, enabled that amendment to be agreed to in the 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.