

The prudent layperson standard in the Republican bill only applies to 48 million people. Both the bipartisan bill and the Democratic bill apply this important protection to all 180 million people with private health insurance. We need to realize in the Senate, again, we have already mandated that anybody who goes to an emergency room should receive health care. That is mandated. We now have an opportunity to ensure that patients are not held financially hostage for the decisions they make in an emergency. There is broad bipartisan support for the patient-centered concept of the prudent layperson standard. Now we need to extend this scope of coverage so that it parallels the Federal statutes that are already on the books.

The other major weakness in the prudent layperson provisions in the Republican bill is the lack of provisions for poststabilization services. I want to point out what the debate about poststabilization services is all about. It simply boils down to two questions.

First, is poststabilization care going to be coordinated with the patient's health plan, or is it going to be uncoordinated and inefficient?

Second, are decisions about poststabilization care going to be made in a timely fashion, or are we going to allow delays in the decisionmaking process that compromise patient care and lead to overcrowding in our Nation's emergency rooms?

We have heard a lot of rhetoric about how poststabilization services amount to nothing more than a blank check for providers. If these provisions are a blank check, then why did one of the oldest, largest, and most successful managed care organizations in the world help create them in the first place?

Kaiser-Permanente is a strong supporter of the poststabilization provisions in our bill for a simple reason: They realize that coordinating care after a patient is stabilized not only leads to better patient care, it saves money.

Let me give an example of a case which took place in the past 2 months. It illustrates the problem quite nicely.

A woman came to an emergency department after falling and sustaining a serious and complex fracture to her elbow. The emergency physician diagnosed the problem and stabilized the patient. The stabilization process took less than 2 hours. Unfortunately, the patient's stay at the emergency room lasted for another 10 hours while the staff attempted to coordinate the care with the patient's health plan.

The plan was unable to make a timely decision about the care this patient needed. The broken bone in her elbow required an operation by an orthopaedic surgeon. The patient's health plan did not authorize the operation in the hospital where the patient

was located. They denied this care because the hospital was not in its network, even though there was a qualified orthopaedic surgeon available.

After several phone calls, a transfer was arranged to another hospital. Unfortunately, the patient did not leave the hospital emergency room for almost 12 hours.

When the patient arrived at the second hospital, the orthopaedic surgeon looked at the complexity of the broken bone and decided he could not perform the operation. The patient, therefore, had to be transferred to a third hospital, where the operation was finally performed.

Let's look at the extra costs involved in this case. The patient had two ambulance rides and two extra evaluations in hospitals. The patient also laid in the emergency room with a painful broken bone for 12 hours before being transferred. During this time, the emergency room was very busy and the staff had to continue to care for new patients as they arrived.

So why did this occur? In this case, the problem occurred because the plan was unable to make a timely decision about the poststabilization care this patient needed.

This should not be how we in this country take care of patients with a medical emergency. I hope Republicans will join with us to pass a really prudent layperson standard for emergencies.

I urge my colleagues to allow us to have an open debate on the Patients' Bill of Rights. We need to have this debate. Americans want protections in their health plans. Americans want a system that balances the needs for access, quality, and cost control in their health care.

Before I close, I just want to mention how delighted I am to hear my colleagues talk about the needs of the uninsured in America. If they are serious about working to address the problem we have with 43 million uninsured Americans, I obviously look forward to working with them. Once we have established basic, uniform rights in health care, we should return to the equally important task of providing access to health care for the uninsured in America.

It seems important that universal access to adequate health care should be our goal. But unless we recognize the importance of rights in health care, our constituents may end up with access to a system that is indifferent to both their suffering and their rights.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

#### THE CRIMINAL JUSTICE SYSTEM IN THE DISTRICT OF COLUMBIA

Mr. DORGAN. Mr. President, I want to call the attention of the Senate to a

couple of items that relate to an appropriations bill we will be marking up this afternoon in about half an hour in the Senate Appropriations Committee.

We are going to mark up three bills. I will be there as a member of that committee. One of the bills deals with the District of Columbia. I have spoken on the floor in recent weeks about an issue dealing with the criminal justice system in the District of Columbia. I want to comment on it again in light of a news story in today's paper, this Thursday morning's Washington Post.

Some while ago, a young boy was rollerblading in the District of Columbia—a matter of weeks ago—and he was hit and killed by a car that then sped away. That car allegedly was driven by a man who was arrested, Shane DeLeon. He was arrested and put in jail and then, of course, let out of jail, as is so often the case these days.

Shane DeLeon, it says in the paper today, walked away from custody. It says:

The man charged in the hit-and-run death of an American University student walked away from a District halfway house Tuesday and remained free last night. . . .

I want to read a couple of paragraphs because it describes, I think, the chronic problem in the criminal justice system in the District of Columbia and, I should say, elsewhere as well.

Shane Simeon DeLeon failed to return to the Community Correctional Center on New York Avenue NE by his 11 p.m. curfew, according to D.C. Department of Corrections officials. [He] was allowed out of the facility from 7 a.m. to 11 p.m. to remodel the basement of his girlfriend's home on MacArthur Boulevard in Northwest Washington. . . .

This is the third time [this fellow] has broken curfew. The first two times, he was under home detention.

Now he walks away again, this fellow who is facing second-degree murder charges.

I have spoken on the floor a lot about a case that was in the news a couple of weeks ago. I spoke about this case some years ago on a number of occasions and then again a couple of weeks ago. It is the case involving the murder of a young woman, Bettina Pruckmayr. Bettina Pruckmayr was a young attorney here in Washington, DC. She was abducted late at night and forced to go to an ATM machine and forced to withdraw money; and then her murderer, Leo Gonzales Wright, stabbed her over 30 times in a brutal murder.

It turns out, a couple of weeks ago, after this murderer was sentenced to Federal prison—3 years later, they discovered he had not been put in Federal prison, he was still out at Lorton. The Federal judge was justifiably angry, wondering, why couldn't they even get that right to send this murderer to Federal prison? My understanding is, he is in Federal prison now.

But the story in today's paper about a fellow facing second-degree murder charges simply walking away—he was

allowed, by the way, while facing second-degree murder charges, to go help remodel the basement of his girlfriend's house from 7 a.m. to 11 p.m.—why is a fellow facing murder charges walking around, remodeling his girlfriend's basement?

It is the same story as that of Leo Gonzales Wright. What was he doing walking around on the evening that he eventually murdered Bettina Pruckmayr? Here is a man who robbed a convenience store and shot the convenience store owner; he robbed a cab driver and murdered the cab driver; and then he was sentenced to prison for a minimum of 20 years—not to be let out before 20 years—and he was let out nearly 5 years early, despite the fact that in prison he had 33 different violations for assault and drugs and weapons. Then he was let out on the streets 5 years before his sentence ended, and, while on the streets, he committed theft and tested positive for drugs. When he was brought before the parole board, this fellow, who was a twice-convicted murderer, was told: No; you can stay out on the streets on parole. Taking drugs as a violent offender is not serious enough to put you back in prison. Theft is not serious enough to put you back in prison.

So the message is: The authorities say that a violent offender can commit a theft, can take drugs, can remain on the streets, and remain on the streets in a manner that allowed him, on that fateful evening, to kill this young attorney named Bettina Pruckmayr.

A couple of weeks ago, 3 years after this man was sentenced to Federal prison, the Federal judge found out he was not in Federal prison at all—he was in Lorton—and the judge said: What on Earth is going on?

I looked into it in order to find out what happened. It is a mess. At every step along the way, this inspector's general report—which is some 50 pages long—shows one massive problem after another. This system is completely devoid of common sense. It is a system that says to the fellow who was up for second-degree murder: You go ahead and fix your girlfriend's basement. We'll give you every day, all day, from 7 a.m. to 11 p.m. to do that. Then he walks away on them, and they are surprised. Or a system that says to another fellow: Yes, we know you are violent, we know you are a murderer, but it is fine if you are on the streets taking drugs, and it does not matter if you are convicted of theft or charged with theft. That is a system, in my judgment, that is defective.

I intend to raise some questions at the markup today with respect to the District of Columbia. I notice my colleague from Illinois has come to the floor. He has raised questions that go directly to these issues.

This is the District of Columbia that says: We have a lot of money we want

to offer for tax cuts. They do not have enough money, apparently, to have prison space to keep people convicted of murder in prison.

The Senator from Illinois has asked the questions now a good number of times publicly: What about that? What about your priorities? What about your responsibility to the memory of Bettina Pruckmayr, who was murdered by someone who should have never been on the streets to murder anybody? He should have been in prison, but he was let out early.

This fellow Leo Gonzales Wright was in Lorton Prison. Do you know why he was let out early from there? Because he apparently was allowed into the prison system to change his own records; so when they looked at his records, they had all been altered to say he was a good guy when, in fact, he was a bad guy. It is just unforgivable what is happening on the streets in this country, especially in the District of Columbia. And one additional point: It is not just there. There is a county adjacent to the District of Columbia in which two fellows are, I believe, on trial to be convicted for the murder of a couple people in a Mr. Donut shop. I asked my staff to look at the backgrounds of those folks. It seems the same two people carjacked a fellow on the interstate around this beltway, the same two people just months ago carjacked someone in a violent carjacking out on the streets so they could murder a couple people at a Mr. Donut late at night.

Day after day we read this, especially in the District of Columbia. I am sick and tired of it.

I will offer a couple amendments. I will consult carefully with my friend from Illinois, who is the ranking member on that subcommittee. One of the amendments is, if you are on parole in the District of Columbia for a violent crime and you are picked up on the streets as having taken drugs, you ought to find that your next address is back in that same jail cell. We ought not have violent criminals on parole taking drugs and then have parole officers say that is alright; that it is a minor infraction.

If you are a violent offender on parole taking drugs, my friend, your address ought to be a jail cell, once again, to the end of your full term.

I intend to offer that amendment. I hope that is the sort of thing we can get passed.

I yield to the Senator from Illinois.

Mr. DURBIN. I thank the Senator for raising this.

In just a few moments, we will go to the Appropriations Committee and consider the D.C. appropriations. I ask my friend from North Dakota to follow with me for just a moment on some of the facts that we will face.

I do love the District of Columbia. I went to college and law school here,

and it is a beautiful city. I think anyone who has been here more than 15 minutes knows that it has serious problems when it comes to the crime rate, when it comes to the status in schools. The District of Columbia has an annual budget of about \$5 billion; \$1.8 billion comes directly from the Federal Government. We are big players when it comes to the District's budget.

The District of Columbia's city council has decided that things are going so well in this city, when it comes to crime and schools, they have \$59 million that they are going to give back to the residents in tax cuts.

To a staffer of mine the other day, at the end of the day, I said: Do you need a ride home?

He said: I only live 5 blocks from the Capitol Building of the United States. I ordinarily walk, but last week a woman was stabbed to death in my neighborhood 5 blocks from the United States Capitol Building.

I said: Do you know what you need in your neighborhood, according to the D.C. city council? You need a tax break.

Let's get serious about it. The first thing the residents of the District of Columbia want is safety in the streets and quality schools. This D.C. city council has turned its back on that. They said: We are going to acknowledge the fact that we are the worst in the Nation when it comes to infant mortality, the worst in the Nation when it comes to the basic standards of judging children, and yet we are going to stop spending money and helping these kids. We are going to give it back in a tax cut.

Then they turn around, wanting an additional \$17 million for a scholarship program, money that is going to be taken out of the Labor-HHS appropriations.

What could that money do? It is money that goes to the National Institutes of Health for medical research. They want \$17 million of that to spend on a scholarship program, while they give away \$59 million.

I concur with the Senator from North Dakota. I have never felt it was my congressional responsibility to be the mayor of this town or a member of the city council. But when they are absorbing Federal money, we have the right to say: You have done something which is shameful. To give away \$59 million worth of problems that this city faces is just unconscionable.

If you walked into any Senate office or any House office and asked the staff members: Has anybody here been mugged, has your home been broken into or your car? You would be shocked. It is a common occurrence in this town.

We have to do something about it. I salute the Senator from North Dakota. I hope that he is aware of the debate we are about to have in a few moments.

Mr. DORGAN. I am fully aware of that debate and in full support of the statements the Senator from Illinois has made.

Let me put up a chart that shows what has sparked my ire. I am not someone who comes to the floor to beat up on the District of Columbia, nor is the Senator from Illinois. I have simply had a bellyful of this behavior by folks in the criminal justice system in the District of Columbia.

This headline ran a couple of weeks ago: Killer Sent to Wrong Prison after Second Murder. This headline is referring to Leo Gonzales Wright who murdered Bettina Pruckmayr. Three years after he was sentenced by the Federal judge, they still couldn't get him in the cell that he was supposed to be in.

The point is, the inspector general report—I urge all my colleagues to read it—shows a system that is totally corrupt. It portrays a system that says to a violent murderer: You are out on parole. You are out early. You can take drugs. You can be charged with theft, and we don't care. You get to stay on America's streets.

A city that can't keep violent offenders off its streets and behind bars is a city that can't keep its streets safe. American citizens deserve better, especially in America's Capital, Washington, D.C.

The recommendations of the inspector general are really interesting. I read this at home the other night. When I finished reading it, I shook my head and said: This is such an incompetent system. It doesn't take rocket science to know what you have to do. When someone holds up a convenience store and shoots the owner, when the same person then decides to rob and murder a cabdriver, and then when that person is let out of prison early and decides to take drugs and steal, does that person belong on our streets so that this wonderful young attorney Bettina Pruckmayr can show up at an ATM machine one night, only to be savagely murdered by this animal? Does this person belong on the streets? Of course not.

Who was responsible for putting this person on the street? The criminal justice system. Person after person after person failed, and the result is a dead woman, a dead, innocent, young woman, full of promise, who met a killer on the streets of our Nation's Capital.

I say again, when we come to the floor—I will go to the Appropriations Committee in 15 minutes—I will offer two amendments, one of them dealing with drugs. I would have thrown this man back in prison immediately, and he wouldn't have been anywhere near Bettina Pruckmayr to be able to murder her that evening. I would have said: If he is found with drugs, as he was repeatedly, having been a formerly convicted murderer, that man goes back to

a prison cell. That is just common sense.

Do you know, the policy of the District of Columbia was that drug use by someone on parole was not a serious enough offense to put them back in prison? What on earth can they be thinking? They are going to give a tax cut, but they don't have enough money for prison cells to keep violent people behind bars.

Shame on those people. Shame on those people who make those judgments. The murder of a young woman and so many others are on their shoulders.

Mr. LEAHY. Will the Senator yield.

Mr. DORGAN. I am happy to yield.

Mr. LEAHY. We represent, I believe, the two States with the lowest crime rates in the country. Our States are about the population of the District of Columbia. I expect either one of us could pick out a 2- or 3-day period last year or in this past calendar year in the District of Columbia where more murders occurred than our States put together for the year.

Without sounding like a poster child for the gun lobby or something else, I express one frustration, also watching what has happened in this recent tragic killing of a grandmother, when what appears to be, at least if the news accounts are accurate, people arguing over whose car bumped into whose car, and suddenly there is a gang on the street armed like the marines landing in Kosovo, and now with the nationwide spotlight on this crime, the police go into action and suddenly start confiscating guns.

I ask the Senator from North Dakota: Is it not his understanding, as it is mine, that the District of Columbia has virtually the toughest gun laws in the country? The carrying of these weapons or possession of them is a crime. Yet have you seen an awful lot of people go to prison for carrying these weapons, even though they are found with them all the time?

Mr. DORGAN. In answer, I think there is a leniency here in this system that is unforgivable. The case that the Senator from Vermont just mentioned is referenced in the newspaper today. That case is the grandmother who was trying to grab these children and get them off the streets as the bullets began to fly last Monday. It says in this same story this morning that Derrick Jackson, age 19, has been charged with the first-degree-murder death of Helen Foster-El by stray bullets on Monday night. He had walked away from a juvenile home in April. He had been placed there in connection with juvenile drug and stolen vehicle charges. I will bet you that if you and I take the time to try to get this person's record, we will find a record as long as your arm and that person ought not to have been anywhere near that neighborhood to be able to fire a gun.

I will bet you that the record would justify, by any standard of any reasonable person, that this young man ought to have been in jail. But he was out on the streets with a gun. I don't have the record, but this is a guy who walked away from a halfway house or a juvenile home in April. Now it is almost the end of June.

Mr. LEAHY. If the Senator will yield further, since he has already read that, if he will look at some of the numbers of unclosed cases, or the number of times when leads are not followed up, the number of complaints I have received in my office, and people making complaints to police departments that have never been followed up, witnesses never sought—we spend an awful lot more in law enforcement in this city than they do in the whole States of North Dakota and Vermont. There are a lot more people, a lot more officers available. I know many of them do excellent work, and they put their lives on the line, and some lose their lives. But I also know there are a lot of areas in this city where drug selling is out in the open and a matter of public knowledge, and where illegal possession of weapons is a matter of open knowledge, and nothing happens until the spotlight of one of these terrible tragedies occurs.

So I appreciate the Senator's comments.

Mr. DORGAN. Let me make one final point. There is one other part of this, the case I have described, the Leo Gonzales Wright case.

I have always thought that in this country, in our criminal system, we ought to have two standards, one for violent offenders and one for non-violent offenders. In every State, violent offenders should never get time off for good behavior. Your prison cell ought to be your address until the day your sentence ends, period, no time off. Leo Gonzales Wright earned nearly 5 years of time off for good behavior despite 33 violations in prison for assault, weapons, and drugs—5 years off for good behavior. He should not have been on the streets.

I have a bill that is simple. I have never been able to get it passed. It says this: If any jurisdiction in this country lets a violent offender out of prison early and that person commits a violent crime during the time they would have been serving a sentence, then the government—the city, county, or State that let him out—is responsible to the victim or the victim's family and doesn't have immunity from a lawsuit. This bill would force them make a calculation before sending a violent offender back to the street as to, what might this cost us in terms of what that offender might do to a potential victim? I would like to see Congress pass that at some point. I am going to continue to try.

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. COVERDELL. 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. COVERDELL. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

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

#### AGRICULTURE APPROPRIATIONS

Mr. COVERDELL. Mr. President, there is no community in America that is suffering more difficulty today than rural America in agribusiness. My State is a very large agriculture-based State, and ever since I have been in the Senate, we have been struggling with drought, flood, low commodity prices—you name it. It has been very unsettling to families that have been in agribusiness for over a hundred years, that are facing very difficult personal decisions about their ability to stay in business.

Now, to be candid, by now we should have passed S. 1233, a \$60.7 billion budget authority for agriculture, rural development, and nutrition programs. The bill contains provisions for food stamps, child nutrition, payments to the Federal Crop Insurance Program, Commodity Credit Corporation, and discretionary spending for agricultural purposes. It is the people's business because agriculture is the cornerstone of our national security, our quality of life, and our economy. In our State, agriculture is one-third of the economy, and across the Nation it approaches 30 percent.

We are stalled for political purposes. We ought to be doing the Nation's business. We ought to be proceeding with this agriculture bill. This is not the time to have a debate between two very different views about how to deal with the Patients' Bill of Rights. I am stunned that those on the other side of the aisle would choose agriculture—which, as I said, is so terribly stressed—and use that as a vehicle to try to create a political debate in the Senate. I have letters from our school of agriculture, I have documentation of the massive losses that have occurred in agriculture in our State, and we look to this legislation to be a part of the relief, a part of stabilizing agriculture in our State.

Last year alone, we lost \$700 million in agriculture interests in the State of Georgia. I will tell you what this reminds me of. It is an uncaring kind of way of dealing with this legislation. It reminds me of the way the administration handled disaster relief. In the omnibus bill of 1998, we gave the Department of Agriculture \$3 billion for dis-

aster payments, and October went by, and November went by, December, January, February, March, April, May, and June; and finally, 9 months later, we got disaster payments into the hands of people who have long since passed financing requirements and planning decisions and the like. And here we are once again trying to deal with this critical bill, and we have basically a political filibuster underway that can do nothing but add to more anxiety and worry in this very important economic sector of our country dealing with thousands upon thousands of families every day.

We ought to be on with the business of getting this agricultural appropriations bill handled. We will find the right time to handle these other issues. But right now, it is time for the people's business, and it happens to be a group of people who are in deep trouble in America.

I yield the floor.

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.

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

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

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1233) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. The Senator from California.

#### AMENDMENT NO. 737

(Purpose: To prohibit arbitrary limitations or conditions for the provision of services and to ensure that medical decisions are not made without the best available evidence or information)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mrs. FEINSTEIN) proposes an amendment numbered 737.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

#### QUORUM CALL

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

Mrs. FEINSTEIN. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I don't believe there was objection.

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 7]

Coverdell	Kennedy	Nickles
Feingold	Kohl	Schumer
Feinstein	Lott	Sessions
Fitzgerald	Murkowski	Voivovich

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators.

The PRESIDING OFFICER. The motion is in order since a quorum is not present.

Mr. LOTT. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM) is necessarily absent.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—97

Abraham	Conrad	Hagel
Akaka	Coverdell	Hatch
Allard	Craig	Helms
Ashcroft	Crapo	Hollings
Baucus	Daschle	Hutchinson
Bayh	DeWine	Hutchison
Bennett	Dodd	Inhofe
Biden	Domenici	Inouye
Bingaman	Dorgan	Jeffords
Bond	Durbin	Johnson
Boxer	Edwards	Kennedy
Brownback	Enzi	Kerrey
Bryan	Feingold	Kerry
Bunning	Feinstein	Kohl
Burns	Fitzgerald	Kyl
Byrd	Frist	Landrieu
Campbell	Gorton	Lautenberg
Chafee	Graham	Leahy
Cleland	Grams	Levin
Cochran	Grassley	Lieberman
Collins	Gregg	Lincoln