

drive-through baby deliveries. That is why Congress addressed that particular problem in 1996.

Is this body part by part legislation the best way to address these issues? No, not for Congress to be dealing with these specific procedures. But why are we even confronted with this? Because health care all too often—regrettably, for those who are sick, for those who are in need of health care—has become more a function of dollars and cents, more a function of someone's profit and loss, than someone else's critically needed health care. That is why we want a Patients' Bill of Rights passed by this Congress.

Some say this will cost a lot of money. No it will not. The ultimate cost for the American people is to deny treatment, to deny coverage, and deny opportunity for those who are sick to get the treatment they need. If you want to mushroom the health care bill in this country, then keep doing what we are doing and say to the American people: If you break your neck, we won't pay for emergency services for you because your first stop should be some accountant's desk to get prior authorization. Your first stop, before the doctor's office or the hospital room, is to appeal to some accountant in an insurance office 500 miles away to ask what kind of health care delivery that managed care plan will give you, your child, your parents, or your family. That doesn't make any sense.

Doctors all across my State and across this country support the Patients' Bill of Rights, because they understand medicine ought to be practiced in the doctor's office and in the hospital room, not in some insurance company's office by some junior accountant who is 500 or 1,000 miles away from the problem the patient is suffering.

Mr. President, I hope very much that in the coming weeks this Congress will include on its agenda a Patients' Bill of Rights so that all Americans will understand their rights and all managed care organizations will understand their obligations to people in this country when they need health care.

FARM CRISIS

Mr. DORGAN. Mr. President, as I finish my time I want to turn to a separate matter for a moment to discuss some meetings that I held in North Dakota during this past week. While the U.S. Senate was not in session, I held a number of farm neighbor meetings around North Dakota to talk about the farm crisis that exists in our part of the country. It is not something you read much about, but it exists and it is serious.

We have seen all kinds of natural disasters and they break your heart. We have seen tornadoes, earthquakes and floods. We have had floods in North Dakota, our neighboring State of South Dakota had devastating tornadoes over the weekend. They are all tough to deal with.

But there is another kind of crisis and disaster that occurs that does not come from a single event that climaxes in massive, visible immediate destruction. I am talking about a farm crisis that is devastating farm families in States like North Dakota. Chronic grain disease, such as scab that results in vomitoxin, chronically low farm prices, a wet cycle, diminished production, and a range of other things have combined to put literally thousands and thousands of family farmers in harm's way. By harm's way, I mean these farmers are not going to get financing to put in another year's crop. They are going to see their lifelong dream of operating their family farm gone, ripped apart and torn to shreds.

At one of the farm neighbor meetings I had, there were three generations of farmers sitting there—a granddad, a dad and a son. The son was about 20 years old, kind of a husky young man. The granddad started that farm many, many decades ago, and the father took over that farm. Now the son is getting ready to graduate from college and would like to come back and farm as well. But the son said he wasn't sure he was going to be able to do that. In fact, the dad wasn't sure he was going to be able to hold on to the farm even if his son did want to farm it. Three generations of farmers and their hope for the future is gone.

At one of the farm meetings we had, the sky clouded up with big black storm clouds to the west. A storm was imminent, when one of the farmers stood up and explained what a lot of people probably do not understand.

He said, "You know, I've lost money 4 years in a row. I run a small grains farm. I put my kids through college. This is what I love to do. It is what I know to do," and he said, "yet, the grain prices are far below my cost of production. We have had crop disease and every problem you virtually can conceive of, and I don't know how long I can keep farming."

He said, "See that cloud bank out west. Those storm clouds that will be here in an hour or so, that's pressure. That's pressure for us, and people don't understand that. That might ruin what little crop that has started to come. That might wash out seeds that haven't yet sprouted. That is pressure."

You don't think much about that until you sit on those farmsteads and visit with the farmers who are trying to make a living under very difficult circumstances.

Farmers are the only business men and women in this country who have the following kinds of problems of risk: One, when they plant a seed after they plow the soil in spring, they have no idea whether the crop is going to grow, whether it be wheat, barley, flax, or corn. If it grows, maybe a month later the grasshoppers come. Maybe it is insects, maybe it is hail, maybe crop disease or maybe a dozen other things conspire to destroy that crop.

But maybe the crop doesn't get destroyed and the farmer harvests the crop and takes it to the grain elevator. Then maybe, as is the circumstance today, that farmer gets \$2 a bushel less than it cost him to produce the wheat. Then the farmer wonders, "I took all these risks and end up losing all my money, all my equity, and then I am told by my banker that the U.S. Congress changed the farm program and reduced price supports so I can't cashflow anymore. Because Congress changed the farm programs, I no longer have the loans available to me to put in the spring crop." And they rightfully wonder what is happening to our country.

We must, as a country, do something if we want to save family farmers. This country has an obligation to stand up in international trade and farm policy. We need to say that a network of family farms in our country's future matters to this nation.

We can do better in a range of areas. We need a better crop insurance program, a better price support program, and better trade policies that prevent other countries from unfair trade practices against us. We can do all these things.

This Congress, in my judgment, has a responsibility now to respond to the growing farm crisis. I hope my colleagues who come from farm States will understand that this is not some parochial issue. It is not some parochial concern that is of no consequence to anyone else.

It is of consequence to everyone in this country whether or not our family farmers have an opportunity to survive and succeed. I think it is interesting, Mr. President, that the price of wheat has gone from \$5.50 a bushel to \$3.50 a bushel, nearly \$2 below the cost of production for a bushel of wheat. And yet, at the same time, the folks in town go to the grocery store and they discover the price of bread has increased a bit. The price of wheat has dropped like an anvil, and the price of bread keeps going up. The price of wheat drops, the price of cereal keeps going up. What it says is that family farmers are down there at the bottom of the economic totem pole. Yet, they are the ones who produce. They plow the ground in the spring, they harvest it in the fall, they take all the risks in between and, in all the circumstances, they are the ones who lose the money. At the same time the big millers have record profits and the big grocer manufacturers have record profits. You can take a look at the big grain trading companies—record profits.

Everybody profits, except those who have to put on work clothes to plant the field and harvest the crop. It is everybody who doesn't have to work in that kind of a situation who makes a record profit, while the farm families are going out of business.

In my home State, they have had to call auctioneers out of retirement to handle the number of auction sales for

family farms going out of business this year. There is something wrong when we say as a country, "Gee, our economic policy is working quite well," and then we see all these family farmers going out of business.

One part of this is trade, and I might just finish today by mentioning trade. In almost every circumstance, this country has refused to stand with its producers on trade, and that is especially true with farm producers. It has refused to do what it should have done on United States-Canada grain trade in which this country is flooded with subsidized Canadian grain. It refuses to do what it should do with respect to China, Japan, and Europe.

Just last week, we finally began confronting unfair trade, when the Secretary of Agriculture took action against the European Union for sending a ship that docked in California loaded with barley. That barley was deeply subsidized, to the tune of over \$1 a bushel. Secretary Glickman, to his credit, took the first action. It was a step, it was a baby step, but, nevertheless, a step in the right direction. In taking it Secretary Glickman is saying to the European Union: "You can't do that to this country. You can't do that to our farmers. You can't take money directly out of our farmers' pockets. In this case of unfair trade, you can't do that with impunity. This country will not allow you to do that."

Mr. President, I am going to speak later this week about farm policy and some of the related issues that we have to deal with—crop insurance, trade, price supports, investment in research for crop disease, and a whole range of other things.

I say to my colleagues, this is critically important. There is, indeed, a farm crisis and we have a responsibility to respond to it in a thoughtful and important way.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1415, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1415) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg/Leahy amendment No. 2433 (to amendment No. 2420), to modify the provisions relating to civil liability for tobacco manufacturers.

Gregg/Leahy amendment No. 2434 (to amendment No. 2420), in the nature of a substitute.

Gramm motion to recommit the bill to the Committee on Finance with instructions to report back forthwith, with amendment No. 2436, to modify the provisions relating to civil liability for tobacco manufacturers, and to eliminate the marriage penalty reflected in the standard deduction and to ensure the earned income credit takes into account the elimination of such penalty.

Daschle (for Durbin) amendment No. 2437 (to amendment No. 2436), relating to reductions in underaged tobacco usage.

Daschle (for Durbin) amendment No. 2438 (to amendment No. 2437), of a perfecting nature.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise this afternoon to express some of my concerns dealing with the tobacco tax increase legislation that we are close to considering, including how we deal with this country's tobacco farmers.

I believe we should do what we can to assist tobacco farmers and their communities' transition for a supposed decrease in demand for tobacco products that will result from this bill's passage.

However, I would like to share this cartoon by Mr. Ed Fischer which illustrates a very important point: Do we value tobacco farming and tobacco-dependent communities more than other producers and their communities? "Guess which farmers in trouble will get a huge government bailout?" I have serious doubts this legislation will actually reduce tobacco growth and consumption in this country as much as proponents claim. As such, I question whether the type of support we are willing to rush in and throw at tobacco producers and tobacco-dependent communities is warranted.

My understanding is, under both proposals, there is no requirement that tobacco farmers actually stop producing tobacco; they will just have to assume all the risk, like other farmers under the freedom to farm bill which was signed into law in April of 1996. The freedom to farm bill contained transition payments, but those payments pale in comparison to what we are talking about here. All crops combined under the transition to Freedom to Farm—corn, wheat, soybeans, et cetera—amounted to less than \$1,500 per acre over 7 years. This bill would amount to about \$18,000 per acre over 3 years. Yes, it is a phase-out of the tobacco program, but let us be fair to the farmers, but also let us be fair to the taxpayers.

Mr. President, I am very sympathetic to the plight of tobacco farmers, their families and their communities, who suffer as a direct result of Federal policy. The tobacco farmers are certainly not alone in facing unfavorable—even crushing—circumstances at the hands of the Congress.

The point I now propose is that we cannot hope to maintain any semblance of consistency if we favor one agriculture product over all others. Let

us not get caught up in the hype of this tobacco legislation today to forge a plan that will cost taxpayers more than necessary. Let us be fair, but let us be reasonable. How can we explain why we favor one product over another?

My colleagues and I from the Upper Midwest have been fighting a constant battle against Federal dairy policy for years.

And again just look at this cartoon: "Guess which farmers in trouble will get a huge government bailout * * *"

The dairy producers of the Upper Midwest have long been disadvantaged by having to bear the burden of unjustifiable dairy policy which does not reflect the realities of modern dairy economics. This current Federal policy—specifically, Class I milk price differentials—is widely recognized as antiquated, unjustifiable, and patently unfair.

In fact, USDA's current Federal marketing order system was deemed "arbitrary and capricious" by a Federal district court judge late last year. The case brought against USDA has been in the courts for 7 years, and the judge's ruling was no less than the fourth such proceeding in the history of the case.

The courts have ruled four separate times the Federal dairy program is arbitrary and capricious. Bottom line, it is unfair. And what has been the response of the USDA? Not to accept the decision but to appeal. The Government should not be in the business of picking winners and losers in agriculture, but it is doing so in this case.

I hate to be arguing the dairy issue during the debate on a tobacco bill today, but I believe it supports my argument that: if we are to go about bailouts in a reasonable manner, we should address the Upper Midwest dairy farmers as well. Would anyone in this Senate vote to pay our dairy farmers \$18,000 an acre? I doubt it.

Dairy farmers have endured inequities for decades. We in Minnesota in fact are losing an average of three dairy farms every single day. The irony is that milk is a health product. It is a product we encourage our children to consume. How can we possibly suggest that Minnesota's dairy industry does not deserve equal protection from this Congress?

Mr. President, I would also like to express my opposition to S. 1415 in its entirety.

I have listened to a number of my colleagues come to the floor and claim many things and cite many statistics. One of those statistics was that 75 percent of regular smokers could not quit if they wanted to. While I will not take issue with this figure, I do have a problem with the fact that proponents of this bill are so willing to take advantage of these smokers' inability to quit.