

We would make it somewhat tougher to disenroll after the first year because we would expect plans to make investments of preventative health services for new enrollees in the initial few months of their enrollment.

Fourth, health plan enrollees need a patient bill of rights that by Federal statute protects certain baseline issues fundamental to their good health. At the top of this list would be a Federal statute absolutely protecting the free and unfettered communication between patient and doctor on that enrollee's health condition and any appropriate services and procedures necessary to treat the patient.

Fifth, give Medicare beneficiaries a certain and sure grievance and appeals process, and the information they need to use it. Medicare must streamline the current process, allowing beneficiaries to by-pass certain bureaucratic roadblocks in the present system—most especially those that force time-delaying procedural exercises when the outcomes already are known. On an initial enrollment, and at any time a beneficiary changes plans, an explanation of new or amended appeals procedures must be part of the enrollment exercise.

And as with Medigap insurance, HCFA should hire and train ombudsmen and trouble-shooters tell help beneficiaries both understand provisions in plans, generally, and appeals and grievance procedures specifically.

Sixth, every Medicare risk provider should offer at least one plan in his portfolio that includes a point-of-service provision, so that those seniors who would try plans if they could keep going to a particular practitioner would be allowed to do so.

Mr. President, I have spent quite a number of years talking with seniors about their health care. Before I was elected to the House of Representatives in 1980, I was cochairman of the Oregon Gray Panthers. I know that seniors are deeply suspicious of any changes to Medicare, in particular, and many of them view the current debate over the shape and direction of the program with a good deal of alarm.

But many more who I've talked to recognize the need for changes and, indeed, want to see this debate begin.

And on the basis of those conversations I am convinced that seniors will feel a lot better about anything we do if we give them more decision-making power to fashion the health care they receive through the program.

Fundamental to that is making sure they have the information and tools to make the right decision, at the front end, and to protect themselves in the case of disputed decisions while they are enrolled in plans. These changes would go a long way toward providing seniors with that kind of empowerment, and in the long run strengthening and improving Medicare as a critical government program.

Mr. President, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. FAIRCLOTH], is recognized.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent to be recognized for 10 minutes in morning business.

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

#### PITIFUL STATE OF OUR LEGAL SYSTEM

Mr. FAIRCLOTH. Mr. President, I take the floor today to discuss an issue that is serious and becoming more serious every year, and that is the pitiful state of our legal system. It is becoming harder and harder and harder to convict anybody of anything. You can catch them on tape, film them committing the crime, and then you will probably lose it; they will be found not guilty. No amount of evidence seems to be sufficient anymore. I think we have reached this sorry and pitiful state because we have basically let the system be controlled by lawyers. When you control the legal system by lawyers, you are simply asking a thermostat to set itself. Defense lawyers are twisting and bending common sense to let the guilty go free, and they are aided by judges—in many cases, hand-picked by the trial lawyers. The lawyers pick the judges.

At every turn, you have lawyers controlling a system that makes no common sense, except to serve one purpose, which is for their benefit.

The most recent example I can think of is the glaring stupidity involving the Oklahoma bombing case. First, it has taken 2 years to bring it to court when the man was caught the day after he did it. Now, many taxpayers are appalled by the very fact that they are paying for McVeigh's defense—they are paying for it. They think that is reprehensible. But they don't realize how much they are paying. If they did, they would rise up and revolt. It is not just the defense of McVeigh; it is gold-plated from one end to the other. He has 14—14—expensive lawyers defending him that the working people of this country are paying for—14 of them. His chief lawyer, Mr. Jones, says that it will cost \$50 million to defend him. That is his estimate. Now, anybody that has ever had a lawyer knows they never come in with a low estimate. They are estimating \$50 million to defend him. This is absolutely offensive to every taxpayer in this country, and it should be. But this is a typical example of a legal system that is out of control.

Now, to defend Mr. McVeigh because he blew up the building in Oklahoma City, his lawyers have traveled literally all over the world. They have been from Kansas, where he rented the truck, to Jericho. I don't know why he would have been there. They have been to the Philippines. These lawyers are traveling at taxpayers' expense. They have been all over Italy. They have

covered every country in Europe and gone to the West Bank. Nobody knows what they are searching for—maybe for the real killer, or maybe just enjoying travel at taxpayers' expense. While they have the killer, they are always looking for another one. The taxpayers have paid for a TV and VCR for Mr. McVeigh so he can review the evidence.

Mr. President, to add insult to injury and outrage to outrage, they moved the trial. So now we, the working people of this country, are paying \$50,000 a week—\$50,000 a week—for the living expenses of his lawyers. When you start talking about the working people, \$50,000 every week for the living expenses of his lawyers—they spent \$0.5 million to remodel the courtroom in Denver for his trial. They couldn't try him at home. They had to move it to Denver and we spent \$0.5 million getting the courtroom ready for him.

The victims of his crime have had to travel hundreds of miles from Oklahoma to Denver in hopes that they see that he gets justice. They are paying for the defense of the man that killed their children. They are also having to pay for their own room, board and lodging in Denver. Plus they are paying \$50,000 for his lawyers' lodging and board in Denver. There is no end to it.

How many times do the victims of this crime, or any crime, have to be made victims again by the very judicial system that they are paying for? We will be paying for McVeigh's trial long from now in the form of interest on the debt and the money we borrow to give him \$50 million for his lawyers.

It would be my thought that if McVeigh didn't have the money for his gold-plated defense, he should not have blown up the building in the first place.

Mr. President, I suggest that there are a number of things we could do, and we need to start fixing a system that is broke. And it is broken bad. We need to change the law that allows criminals to get the best defense that taxpayers can pay for. That is exactly what they are getting. I am going to propose legislation putting a cap on the Federal Defender Program.

I would like to cap what McVeigh is getting right now. But that will be appealed for years and years. As long as we pay the lawyers, they will keep appealing for Mr. McVeigh. So he will be out there far into the future with the people's money. The \$50 million figure will run into \$75 million before we get through hearing about him. We need a comprehensive overhaul of the legal system, and it needs to be done by non-lawyers. We need to overhaul the legal system and not let a single lawyer be involved in the overhaul. We need a national commission composed of non-lawyers to review the judicial system and provide some commonsense solutions to the problem, and it needs to be made up of homemakers, regular people, business people, truck drivers, and people who would bring some practicality to it and not lawyers who would continue to feather their own nest.

I think we need a victim's rights amendment to our Constitution. Over the last 40 years liberal judges have turned our Constitution into the "Criminal Protection Act." The purpose of the last 40 years is to make sure that every criminal is coddled, pampered, and looked after in a very proper manner. It is time for it to stop, and the Constitution has to protect victims as well.

Mr. President, I know that many Senators share what I am talking about and are frustrated by what we see. I think we need to start on legal reform, and I think we do need to do it soon.

The first thing that will be said is, "If you start it, the President will veto it." Well, let him veto it. I think the American people need to know where the President stands. So if he wants to veto it, let him do it. If the President says that the regular people of this country—or if he chooses sides with Ivy League lawyers that never got a murder case that they couldn't appeal, it is time to bring the practicality and the common sense of the American people into the legal system and take it out of the hands of the lawyers. The very idea of \$50 million to defend McVeigh—\$50 million, 14 lawyers. Anybody who would tell me that that isn't an absolutely out-of-control system simply has lost all common sense themselves.

It is time we put an end to it. I intend to introduce legislation that will do so.

Mr. President, I thank you. I yield the floor.

THE PRESIDING OFFICER (Mr. AL-LARD). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would like to start by using my own 5 minutes and at the end of that time go into leader time. If the Presiding Officer will indicate to me when I have consumed the 5 minutes, I will be grateful for that.

THE PRESIDING OFFICER. The Chair will notify the Senator.

Mr. CONRAD. I thank the Chair.

#### THE DISASTER IN NORTH DAKOTA

Mr. CONRAD. Mr. President, I rise again today to report to my colleagues on the developing disaster in the State of North Dakota. As I reported to my colleagues yesterday, we were hit last weekend with the most powerful winter storm in over 50 years. We are a State that is accustomed to tough storms. But, frankly, we have never seen one quite like this. Mr. President, this storm came on top of the worst flooding threat in 150 years. So we have a double whammy of a powerful winter storm, dumping record amounts of snowfall, in addition to an underlying threat of massive flooding, because before this storm hit North Dakota, we were faced with a record snowfall in the State of North Dakota, over 100 inches of snow, before we got dumped

on with another anywhere from 17 to 24 inches in the eastern part of our State.

As the paper of my hometown reported, "A Doozy of a Record"—record snowfall they are talking about. It is maybe hard to see on the chart here. But what they are showing is a major shopping center. These are cars, or I guess more accurately they are the tops of cars. That is how deep the snow was in my hometown.

That is not the only place that has been hit. It is across the State of North Dakota. This is from the largest city in our State, Fargo, ND. The headline there is "The Worst of Two Seasons." They are talking about the blizzard on top of the flood.

Mr. President, this is a truly staggering set of circumstances that the people of my State are having to cope with. Just this morning I was called by the head of the Corps of Engineers for our district, who informed me that although all of the predictions were dire, they have now become even worse.

As of this morning the National Weather Service is telling us that the forecasted crest, instead of being 37½ feet in the city of Fargo, our major town in North Dakota, it has now been raised to 39 to 39½. Already we are faced with the worst flood in 150 years. We were told this morning that this is the 500-year flood level. Of course, the dikes were built to accommodate the earlier projections at 37½ feet. So the dikes were built to 39½ feet. Now we are told the forecasted crest is 39 to 39½ feet.

Mr. President, this could be a calamitous situation. They are telling us that the crest will be reached late tomorrow or perhaps early Friday.

I have talked to the Corps of Engineers. They are working feverishly to add to the dikes that have already been constructed not only in Fargo but right up the Red River Valley—in Harwood and Grand Forks, ND—to try in a race against the clock to build these dikes high enough to protect the people and the property that is around this river.

Mr. President, this is the most heavily populated part of my State. The disaster that is unfolding is truly staggering in proportion.

Early Saturday 80,000 people were without power, with wind chills of 40 below zero. Can you imagine being an elderly person in a home being faced with the most powerful winter storm in 50 years without heat? That is what is happening in my State. Although great progress is being made because of a really heroic effort by people to respond, still today 20,000 people are without power and without heat, most of them since Saturday.

Today temperatures outside are hovering near zero in North Dakota, and even more threatening, temperatures inside these homes that are without heat ranging between 30 and 40 degrees. Not only is the human condition being put under great stress but also livestock has been put under grave stress

in our State. Thousands of cattle are dead.

I was told yesterday of a ranching family that brought 10 of their calves into their home to try to give them protection, and allow them to live. All 10 of them died. The cattle were dying because the wind was so ferocious that it blew the snow up into their nostrils and they suffocated. They can't get to many cattle to feed them because of the snowdrifts that are everywhere.

Mr. President, I thought I would share with my colleagues just some of the individual stories that tell the depths of this tragedy.

A young man froze to death in his pickup when it became stranded only 1 mile from the small town of Lankin, ND.

One family that is stranded in its farmhouse due to overland flooding is burning its fence posts to keep warm. The water around their house was iced over, so neither emergency vehicles nor boats were able to rescue them. Another family was forced to snag logs that drifted by in flood waters to heat their home.

The Turtle Mountain band of Chippewas has snowdrifts of up to 15 feet. Can you imagine a snowdrift of 15 feet that is blocking transportation? In fact, emergency crews needed 4 hours to get to a man who had a heart attack.

A man from Wilton, ND, went on the radio in search of hip-length waders so that he could wade out to rescue 120 sheep that are caught up in the flood waters.

An elderly couple was trapped inside their home due to a 6-inch layer of ice that had formed over their doors and windows; trapped in their own home because ice had formed around the doors and windows and they could not get out. An emergency rescue team was sent in to rescue them.

THE PRESIDING OFFICER. The Senator's 5 minutes are up.

Mr. CONRAD. I thank the Chair for informing me. If we could now go on with leader time, I would appreciate that.

THE PRESIDING OFFICER. The Senator has 10 minutes.

Mr. CONRAD. Mr. President, a family in northeastern North Dakota—two parents and their 7-year-old—has been without power since Saturday with snowdrifts trapping them in their home. They had to sleep huddled in the hallway to keep warm.

Seventy-five people have been stuck in the basement of the Hebron city hall because their cars were pulled off of the major highway going by as that road became impassable. Those 75 people have been stuck there since Saturday.

Officials in Cass County, the most populous county of our State, are having difficulty responding to emergency calls because the water surrounding many homes is frozen. So they can't get there by wheel vehicles and they can't get there by boat. There is no