

taken by ambulance to an emergency room in a hospital. She was rolled in on a gurney, unconscious. She survived. She had very significant injuries, but she survived.

Following that ordeal, she was released from the hospital to be told that her emergency room expenses would not be covered by the managed care organization because she did not have prior approval for emergency room treatment.

This is someone who was hauled into the emergency room on a gurney, unconscious. She was in a coma. She was told by the insurance company: You did not have prior approval for emergency room treatment.

The Patients' Bill of Rights is very simple. It says: A patient ought to have the right to know all of their medical options for treatment, not just the cheapest. A patient ought to have the right to emergency room treatment when they have an emergency. There are a whole series of rights that patients ought to have when dealing with their managed care organization.

There was the woman who cried one day at a hearing that I held with my colleague from Nevada as she held up a picture of her 16-year-old son who had died. She told us that on her son's deathbed he said to her: Mom, how can they do this to a kid like me? Through tears, she held up the picture of her young son who had died who had said: Mom, how can they do this to a kid like me?

That situation had forced this kid and his family to fight the insurance company to get the treatment he needed. They failed. He died. This was a kid who was told to fight cancer and fight the insurance company at the same time. That is unfair. That is not a fair fight.

You ought not have to fight cancer and your managed care organization to get the treatment you need. That is the point. We need to pass a real Patients' Bill of Rights. We have not done that. There are lots of excuses for it, but we need to get it done. We need to get it done now.

We need to add a prescription drug benefit for senior citizens on the Medicare program. We all know that. If we were to write the Medicare program today, there is no question we would have a prescription drug benefit in the program. But 30 years ago, 40 years ago when the Medicare program was created, most of the lifesaving drugs we have today did not exist. They do now. Each senior citizen needs access to those drugs.

Last year, the cost of prescription drugs increased 16 percent in this country. All too often the prescription drugs—the miracle drugs—they need are out of their reach because of their inability to pay for them. We need to add a prescription drug benefit to the Medicare program. We can do that, and should do that.

We ought to raise the minimum wage. The folks at the bottom of the

economic ladder in this country have not kept up. We need to help them as well. Increasingly, they are women trying to raise families in single-parent households. We need to increase the minimum wage. We should do that. We can do that.

We ought to write a new farm bill. Everybody understands the current farm bill has failed. My feeling is, if we have the opportunity—and we should have the opportunity—in this Congress to write a new farm bill, we ought to be able to provide a decent safety net for those out there on America's farms who are struggling to make a living.

These issues and others—school modernization, fixing what is wrong in education—all of these things we can do, and should do. We only have 5 or 6 weeks remaining. I hope all of us, in the spirit of bipartisanship, can decide these are the issues, these are the things that are important to the American people, these are the things that will strengthen our country.

Yes, we have miles to go before we sleep, but we have the opportunity, in this setting, in this democracy, to make these decisions for the benefit of the American people.

The PRESIDING OFFICER (Mr. THOMAS). The Senator's time has expired.

Mr. DORGAN. Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. ENZI. Mr. President, I ask unanimous consent that at 2:15 Senator HELMS be recognized for up to 15 minutes to be followed by Senator CRAIG for up to 1 hour, to be followed by Senator HOLLINGS for up to 1 hour. I further ask that Senator KENNEDY be recognized for up to 30 minutes during today's session.

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

WYOMING v. AUBURN

Mr. ENZI. Mr. President, it is good to be back in the Chamber again. I have enjoyed a month of traveling around Wyoming. I know that our entire delegation was there on a number of occasions. We met at different places across the State as we listened to the people of the State to see what sorts of things they felt were important to our State and our Nation.

I have to mention that at the end of that trip, of course, there was some football. We are back in that season again. I have to explain the tie that I am wearing today. It is probably bright enough for anybody in the Chamber to be able to read it. Last Thursday night, the opening game for the University of Wyoming Cowboys and the Auburn War Eagles took place on ESPN. Many people might have seen it. I have to say that the Auburn Tigers—now called the War Eagles—were extremely impressive. It, obviously, is an educational institution of higher learning, and they

did teach Wyoming a few lessons. At the end of the game, Wyoming almost came back. They got a little overconfident and they got one touchdown behind and wound up losing. Therefore, today, I will be wearing an Auburn tie and making some comments about the fine program they have at Auburn.

I did get to teach part of an MBA class for executives who came in from all over the United States to learn about the business of this country and how to better perform in business. It is a rather unique class. It has wider participation than most, and people are required to have 8 years of experience before they can take the class. So it was a different level of master of business administration candidates than a person normally gets to talk to—again, absorbing some of the lessons they are learning through the questions that they ask.

I was very impressed with the university and the special programs they are offering. Of course, I had to be very impressed with their team. I am now one of the biggest supporters of Auburn outside of the State of Alabama, hoping they go undefeated in the rest of the season, helping Wyoming in their power index and, of course, I hope Wyoming doesn't lose another game this year. I am confident, because of the level of competition involved in this game, that that will be the case. I am proud of the players at the University of Wyoming, and I look forward to a very entertaining year, as well as one of great production as they learn their lessons so they can be the ones who take over the jobs of this country.

COMPLETING THE WORK OF THE SENATE

Mr. ENZI. Mr. President, I have to add a few comments to what was previously said about needing to move forward because I sincerely believe we need to move forward with the work of the Senate.

The biggest work we have before us is finishing the appropriations bills—\$1.7 trillion of spending—and we ought to spend a few minutes debating that. If you will recall, before we left, one of the difficulties we were having was even getting the opportunity to debate those bills; There were filibusters prohibiting the right to debate the bills—extremely long filibusters. That was debate in itself, but it didn't allow the work of the Senate to proceed to appropriate the \$1.7 trillion. We need to pass the bills, get them brought up; we need to have them discussed and have relevant amendments put on the bills. We need to get that work out of the way first.

I can't help but comment a little on the Patients' Bill of Rights. The conference committee has been working on that. They were making great progress until it looked as if it might not be an issue anymore. Then it was brought up for a vote again and again using the original version, not the

compromise version that had been worked out over a long period of very difficult work.

So we have a choice: We can have issues or we can have solutions. It just takes the two sides getting together and moving forward.

I yield the floor and 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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent to speak for 5 minutes in morning business.

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

THE SENATE'S RESOLVE

Mr. DURBIN. The Senate and House will be returning to business this week in Washington, DC. The important question is, What did we learn in August?

As we went home to our States and spoke to families across Illinois and other States represented in this body, the question was whether the Members of the U.S. Senate will return with the resolve to do something.

You see, for the last several years, the Senate has done virtually nothing when it comes to the important issues facing working families across America. The families I met in Illinois during the month of August were, I guess, almost unanimous in their belief that this Congress should waste no time in enacting a meaningful prescription drug benefit under Medicare. I no longer have to give the speech about Medicare and prescription drugs. The audience gives it to me. They say: Senator, did you know if you cross the border and go into Canada, you can buy the same drugs at half the price? I say: Yes, I was about to tell you that. They say: Did you know people are paying more if they are elderly or disabled than virtually any other group in America? I say: Yes, I was about to tell you that, too.

The audience gives you the speech before you can deliver it. Then they ask the most important question: If you know all this, why haven't you done anything? Why hasn't this Congress enacted a prescription drug benefit under Medicare? The truth is that the pharmaceutical companies have come to the Congress with their special interests and powerful lobbyists and they have stopped us cold. The Republican leadership in the House and the Senate has basically tried to keep the pharmaceutical companies happy and the insurance companies happy and have said they will trust the insurance companies to provide protection to American families. Well, I can't even say that with a straight face in Illinois

because families there know that when you leave it up to insurance companies and it comes to medical care, you don't get the best decisions; you get decisions driven by the bottom line for the profit margin.

So those of us on the Democratic side want to give our friends on the Republican side one last chance before the election to vote for a meaningful prescription drug benefit under Medicare that is universal, which will apply to everybody, as Medicare applies to everybody. Instead, of course, the Republicans want to talk about an estate tax break for the wealthiest Americans—a tax cut of a trillion dollars; and, 40 percent of it or more will go to those making over \$300,000 a year. After you have spent the trillion dollars on a tax cut for the wealthy, there is not much left to take care of prescription drug benefits under Medicare. There is very little, if any, money left to help families pay for college education.

I was at several universities across Illinois talking about a proposal on the Democratic side—one that Vice President GORE supports—to give a college tax credit or a deduction for families. That is what families talk about.

"It is a lovely baby. He looks like his dad. He has been sleeping all night. How are we going to pay for his college?" That is what you hear when you go to a nursery and look at a new infant. It is a legitimate concern.

We on the Democratic side of the aisle believe that if we are going to have any tax cuts, we should target them to the needs of American families—the need to pay for college education and for training. The deductibility of \$12,000 a year in tuition and fees can have a dramatic impact on families.

The Republican leadership just doesn't buy it. They think if there is to be a tax cut, it has to go to the wealthiest people in America. I think it should go to the hardest working people in America—those who deserve it the most, not the least. Those are the families who get up and go to work every day to try to put their kids through school and who try to make this a better country.

That will be the debate you will hear over the next several weeks. If it sounds reminiscent of what you are hearing from the Presidential campaign trail, it is because there is a clear difference between the two major candidates for President. There is a clear difference between the parties on the floor.

We on the Democratic side are going to plead with the Republicans to give us four or five votes so we can pass a prescription drug benefit under Medicare, and targeted tax cuts to pay for college education expenses so people can have a deduction—so when they have long-term care for an aging parent, they can take care of that parent or grandparent, and an additional tax credit for day care so people going to work can leave their kids in a safe environment.

These are the real family issues. The Republicans have not really listened closely.

I hope that Republicans, as they left the Philadelphia convention in August and watched what happened in the national debate at the Presidential level, understand that we really face a serious need in this country in helping families. It is not enough anymore to argue that the wealthy are getting wealthier. Working families want help, too, so their parents and grandparents can pay for prescription drugs and take care of the necessities of life.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

EXTENSION OF MORNING BUSINESS

Mr. ROBB. Mr. President, I ask unanimous consent that the period for morning business be extended for not to exceed 10 minutes and that I be permitted to speak during that period.

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

Mr. ROBB. Thank you, Mr. President.

JUDICIAL NOMINEES

Mr. ROBB. Mr. President, in these last few weeks of this Congress, there is much to be done. I would like to focus this morning on our constitutional responsibility to confirm judges.

Virginia is one of the five states covered by the Fourth Circuit for the U.S. Court of Appeals. Today, one third of the seats on the Fourth Circuit are vacant. One seat on the bench has been vacant for ten years—longer than any other seat in the country. The U.S. Judicial Conference has called filling that seat a "judicial emergency," and Chief Justice William Rehnquist has warned that "vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary."

One reason for the high number of vacancies on the Fourth Circuit is the claim that the appellate court doesn't need any more judges. Those who oppose filling the vacancies argue that having more judges will make decision-making more cumbersome and difficult, and that keeping the number small leads to more efficient deliberations.

The problem with this argument is that it substitutes "efficiency" for "justice" in our judicial system. Certainly it would be more efficient to have criminal cases decided by one juror instead of twelve, but our Founding Fathers wisely determined that a variety of views in the jury room would be more likely to yield a result that was "right," and "fair". It's the same reason our Supreme Court is made up of nine jurists, instead of one. And it is difficult to believe that justice is being served fully in a circuit that hears oral argument on only 23 percent of its