

helpful. However, even with these amendments, the underlying bill will still be a bad bill, but it would be better. They would certainly improve the bill.

There was a tremendously powerful article in Business Week last week entitled, "A Phony Cure: Shifting class actions to federal courts is no reform." No one can say it is some liberal rag of the Democratic Party. In this article, even Chief Justice Rehnquist criticizes this legislation. The article emphasizes that Federal judges hate this legislation and it is more of a step towards chaos than reform. Justice Rehnquist says: Don't do this to us. Federal judges are too busy. Federal courts are already overburdened and it will make the case backlogs even longer. In addition to that, instead of helping Federal courts, the article states that it will cut back on those resources to our Federal court system, and it is going to leave these Federal judges in a real bind.

This month is Black History month, and this legislation brings to mind for many of us Brown vs. Board of Education. The distinguished majority leader, Senator FRIST, talked today about the first sit-ins by these courageous young men and women in the South which brought about a number of things. But one reason that the Brown vs. Board of Education case was able to move forward was because it was a class action. It was a culmination of appeals from four class action cases—three from the Federal court decisions in Kansas, South Carolina, and Virginia, and one by the decision of the Supreme Court of Delaware. Only the state court, the Supreme Court of Delaware, made the correct decision by ruling in favor of the African-American plaintiffs. The State court held that the segregated schools in Delaware violated the 14th amendment, Delaware rejected separate and unequal schools.

Another example is a case brought last June. The U.S. Supreme Court decided to allow a state class action lawsuit against Daimler Chrysler to continue in Oklahoma. That was an important case because it affects up to 1 million owners of minivans that have front passenger seat air bags that deploy in low speed accidents, very low speeds, with tremendous force, potentially killing children and hurting small adult passengers. Oklahoma's Supreme Court ruled that the case could go forward in state court for this defect. A federal court, relying on the Federal Rules of Civil Procedure, would probably find the case unmanageable.

These cases I have mentioned should be allowed to proceed. This legislation would not allow that. That is too bad.

This legislation, especially if we don't get these amendments passed, is disrespectful to States rights and will result in many instances of injustice. I am going to vote against this bill. I hope my colleagues will do the same. But I certainly hope my colleagues will do something to improve this bad bill. We need to be alarmed at what it is

doing to States rights. I am going to vote against this bill, but I hope people will work with us.

I apologize to my colleague for taking away from his morning business time. I ask unanimous consent that when the Chair announces morning business the full hour be extended with one-half hour on each side.

The PRESIDENT pro tempore. The Chair states that was previously the understanding. It would not take a unanimous consent request.

The Senator from Oregon.

#### PRESCRIPTION DRUGS

Mr. WYDEN. Mr. President, yesterday, the Senate got the eye-popping news that prescription drug benefits will cost far more than anyone had ever anticipated. In fact, the early appraisal was that it would cost \$400 billion, and then it shot up to over \$500 billion. Yesterday, we learned that it would cost \$720 billion over the next decade, and perhaps would even go to \$1 trillion. A lot of us in the Senate, frankly, were not too surprised because the legislation doesn't allow for the use of cost containment strategies that are utilized in the private sector.

To me, it is incomprehensible, for example, that Medicare, with all of its bargaining power, wouldn't use the same kind of clout that a timber company does in Alaska or Oregon or an auto company in the Midwest or any other big purchaser. Under this law as it is constituted today, what Medicare does is the equivalent of standing in the price club and buying toilet paper one roll at a time. There is absolutely nobody in the United States who goes out and purchases that way. What Medicare is going to be doing just defies common sense because we all know that if you buy more of something, whether in Oregon or in Alaska or anywhere else, you say, Let us try to negotiate a better deal. But Medicare is not allowed to do that under current circumstances.

I have come today to say that in addition to the debate about how the numbers are crunched, what we ought to be doing is working on a bipartisan basis to ensure that we have real cost containment in this program that seems to grow in costs almost by the day. I have worked with Senator SNOWE for more than 3 years on legislation to do that. We have introduced it. It has bipartisan support.

On our side of the aisle, Senator FEINSTEIN and Senator FEINGOLD were original sponsors. Senator MCCAIN joined Senator SNOWE and me in this bipartisan effort. We simply believe that at a time when we are seeing so many Government programs cut and reduced and tremendous financial pressures for belt tightening, we shouldn't leave seniors without even the kind of private sector bargaining, the kind of private sector cost containment power that we see in communities all across the country.

I will tell you, I can't for the life of me figure out why Medicare shouldn't

have the power to be a smart shopper. As it stands today, everybody in the United States tries to be a smart shopper instead of Medicare.

What I would like to do for a couple of moments is try to lay out the legislation that Senator SNOWE and I have spent so much time working on and why I think it is particularly critical right now.

For a senior who lives in rural America where there may be only one private plan serving that area—and maybe there is no private plan at all—that senior is likely to be part of what is called the fallback plan. As of now, all of those seniors in those small communities, many of them in Arkansas—I see our distinguished colleague has joined us; like me, she vetted for the law. We would like to see people in Arkansas and Oregon, in areas with large, rural populations, have some bargaining power the way smart shoppers would. Under the Snowe-Wyden legislation, we say that the seniors in those fallback plans could in effect be part of a group that could use private sector bargaining power in order to hold costs down.

Many of us also represent the larger cities. I have Portland, but we want to hold down costs in Miami, New York, and Chicago. These people might have a choice of larger health programs to try to deal with their benefits. Maybe they are in a managed care organization or what is called a PPO, preferred provider organization. However, these private entities ought to have some bargaining power to hold down the cost for all of their members. Our bipartisan legislation that I have with Senator SNOWE and Senator MCCAIN stipulates we can have bargaining power for seniors in those metropolitan areas as well.

This legislation is going to save taxpayers money as well, not just seniors but taxpayers because, as the Senate knows, we put out a substantial amount of money to offer assistance to employers to not drop their coverage. When the Medicare plans save seniors money on medicine, that means less cost for the retiree plan to make up. Containing costs on the Medicare side, in our view, will help keep costs down for employers insuring retirees as well.

We have an opportunity to get beyond the debate about the numbers that came out in the last day or so, these shocking numbers that Medicare prescription drug care will cost \$720 billion. We can get beyond those numbers and go to a comprehensive, bipartisan, market-based cost-containment strategy, a bipartisan plan that will contain costs for rural and urban seniors in plans across the country, in plans in rural and urban areas, and a plan that will also provide cost containment for employers insuring retirees as well.

It is our view we desperately need some common sense as it relates to cost containment for prescription drugs in our country. It is my view that giving bargaining power to millions of seniors through the private

sector is essentially Economics 101. There is no sense waiting when the costs of this program go up almost daily. It started at \$400 billion, then \$500 billion, now we are at \$720 billion, and we are still counting. With these costs continuing to go through the stratosphere, the choice for the Senate, in my view, is to either sit around and say we will just wait and see what happens—and maybe the next report will put this at \$1 trillion—or we can take the opportunity in a thoughtful, bipartisan way to do what is being done in communities all across the country.

Virtually everyone who buys in quantity says: Excuse me, wouldn't you be willing to give me a break given the fact I am making additional purchases? Medicare is not doing it. It defies common sense. We have a bipartisan opportunity to reign in these costs that continue to soar. I hope the Senate will do this as soon as possible.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Hawaii.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 324 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

#### AGRICULTURE BUDGET PROPOSAL

Mrs. LINCOLN. Mr. President, today I rise to express my extreme disappointment in President Bush's agriculture budget proposal as well as his budget proposal for all of rural America. We worked very hard in this body, and in conjunction with the other body, to come up with a good farm bill.

Three years ago, President Bush signed that farm bill. It took us a while to get him there, but he finally signed it. As a member of the Agriculture Committee and a farmer's daughter, I was proud of the job we had done on behalf of the many hard-working farming interests in this great country.

I can remember growing up on our farm in Arkansas and how my father had great trepidation over whether he would be able to be successful with the kind of crop he had worked so hard to produce, because he knew so many variables were completely out of his control, whether it was drought, whether it was flooding, whether it was world market prices. Everything out of his control had such a great bearing on whether he could be successful.

I was especially proud of the agreement we made with the Arkansas farmers to support them because of those things they are faced with that are out of their control. It was an agreement we made with the farmers, their families, and their communities.

The 2002 farm bill was a great deal for farmers and consumers, for all of America. However, not everyone agrees. This past weekend, the New York Times ran an op-ed outlining pro-

posals to undercut the 2002 farm bill by cutting aid to our farmers in this Nation. It seems that the President has been taking his agricultural advice from the New York Times because, lo and behold, on Monday morning he sent a budget over to Congress that mirrors the piece in the New York Times.

I would like to suggest first and foremost that he turn to a more reliable source to get his advice on agricultural policy. Because, for the life of me, I still cannot figure out what it is that they grow or oversee growing, looking down out of those skyscrapers in New York City, that would merit them providing that kind of advice to the President of the United States over the hard-working men and women who produce the food and fiber not just for this country but for the people of this globe.

If the President would like, I will be happy to offer him some advice on agricultural policy. I certainly hear from his administration officials and friends here in Congress who are not shy about sharing with me their opinions on issues such as tax reform and trade policy and Social Security. Well, agricultural policy is important to this Nation as well. If the President does not want my opinion, then I suggest he sit down with some real farmers from my home State of Arkansas or other farming States across the Nation and get their opinions.

When we were debating the 2002 farm bill, there was a lot of misinformation about farmers and farming that was floating around us all. I, for one, am determined to ensure that those perceptions are challenged. Most importantly, I want to ensure that the uninformed judgments about farmers are never used in setting our agricultural policy in this country.

Let's look at a few of the things that critics of farming said would happen if we were to enact the 2002 farm bill.

First, they said it would bust the budget. I heard my colleagues on the other side down here earlier this week describing how in the first 2 years the farm bill has come in more than \$15 billion cheaper than was expected or projected.

Second, folks said it would lead to overproduction. They were wrong again. According to USDA, production remains steady.

Third, those naysayers said it would interfere with trade. Last year, our exports were at an all-time record high. In fact, the only people I know who believe our farm policy interferes with trade is our trade competition from other countries, the same people who sit across from us and from our negotiators during trade talks and ask us to take away our support for our farmers while they hang on to the very support they provide their agricultural producers. Does it sound like a good deal? You bet it does—to our competitors. We fight long and hard to make sure there is a fair playing field for our agri-

cultural producers in this country, and they deserve it.

Finally, the critics made clear what they thought about farmers. They said that farming is no longer a matter of importance to the American economy. I say to the Presiding Officer, farming is important to the economy of your great State of Louisiana and many others. I want this body to think about that for a few minutes. I want those critics to take a trip to the South and to the Midwest. I want them to take a trip to my home State of Arkansas where one in every five jobs is tied to agriculture. Better yet, I want them to think about agriculture's contribution to our Nation's security and well-being.

So the critics are all wrong about farm policy, and they are certainly wrong about farmers, the hard-working families that produce food and fiber so each of us can lead that healthy life. They are also wrong to think that farm policy does not affect Main Street USA.

To doubters, I point out the 1980s and the farm financial crisis that existed then. During that time, we saw entire communities and towns dry up and blow away.

Now I would like to mention how our farm support compares to the rest of the world, how critical it is that we maintain those producers we have. We give our farmers \$40 per acre in aid, while Europeans enjoy a \$400 per-acre subsidy. Apparently, the President wants French farmers to have a competitive edge over our American producers. It seems to me we should be asking them to bring their support down before we unilaterally reduce ours.

At the end of the day, we need to take the recommendations of experts. We spend money, time and time again, to come up with these commissions, to come up with these reports. We need to take a look at them, the recommendations of experts we commission to look at the farm bill. This panel of experts made a clear recommendation that we should not change the 2002 farm bill until it is time to deal with that in 2007.

Time and again, we see the critics misuse facts and figures to make their case in an attempt to villainize farmers and drive public opinion against them. For the sake of time this morning, I will spare my colleagues from refuting point by point the numerous inaccuracies in the stories President Bush is reading about huge farms getting massive payments.

I tend to get a little passionate about this issue. Maybe it is because I am a farmer's daughter. Maybe it is because I believe in the farm families of this country. Maybe it is because I still go home and remember what it is like in those rural communities.

But if you listened to the critics, you would believe that Long Farms—which is a great example—in Blytheville, AR, was about to be publicly traded on the