The Senate met at 12 noon and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our silent tears, You have made of one blood all the people on earth. As millions this month celebrate the African American contribution to our history, we thank You for using people of diverse racial backgrounds for Your glory. Thank You for heroes and heroines who gave their lives to carve tunnels of opportunity through mountains of bigotry. Thank You also that our founding forbears like George Washington and others knew that certain inalienable rights can only be conferred by You, our Creator, and they wrote socio-political documents that celebrated the dignity and worth of human personality.

Forgive those sad chapters in our history when our deeds fell far short of our creeds. Use our Senators to make laws that will unite rather than divide us. May they strive to provide models of unity that transform dark yesterdays into bright tomorrows. Hasten the day when justice will roll down like waters and righteousness like a mighty stream. We pray this in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE
The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME
The President pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON’S FAREWELL ADDRESS
The President pro tempore. Under the previous order, the Senator from Louisiana, Mr. BREAUX, will be recognized to deliver George Washington's Farewell Address.

Mr. BREAUX at the rostrum read the Farewell Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and
administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, I have strengthened the defense of the door to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unappreciated, to the cause of my country. I am richly indebted to the honest candor which has never been insensible to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West derives supplies requisite to its growth and comfort, and the national safety, is precarious. Whole then every part of our community thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the United States of America a system of government, which under any form of sovereignty, is from its own strength, greater resource, proportionately greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from the necessity of those overgrown military establishments, which under any form of sovereignty, are particularly hostile to republican liberty. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of sovereignty, are particularly hostile to republican liberty. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of sovereignty, are particularly hostile to republican liberty. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of sovereignty, are particularly hostile to republican liberty.
whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary government of the parts, and the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country in their experience shall we have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and interests of the other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to interests in the western states and the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisors, or to those friends, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting sovereignty and energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, founded on the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their governments and constitutions of government. But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, to regulate, or to control the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize fact; to give it an artificial and extraneous security; to place the balance of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the people may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the perpetuity of your present happy state, it is requisite, not only that you steadily discontinue irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes which may hereafter take place, let us remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and lastly, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself, with such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stilled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party disension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The farther the centers of power are drawn and divided, the more able or more fortunate faction, more able or more fortunate than his competitors, turns this disadvantage to the purpose of his own elevation. Thus, every one of the factions ever existing in popular systems is turned to the support of autocratic power; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of our views,) we are under a common apprehension that mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to disturb the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, forments occasional riot and insurrection. It opens the door to foreign influence and corruption, whether under the name of dnalysis or in the disguise of measures which, while pretending to add to the general ac

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where is the security for property, for felicity. Let it simply be asked them. A volume could not trace all of the duties of men and citizens. The tribute of patriotism, who should which lead to political prosperity, religious obligation which is ever the form of government, a real existing and independent patriot. How spirit of acquiescence in the measures which involves the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. Certain limits are absolutely true—and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest in stead of warming, it should consume. It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department upon another. In the spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different departments, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary to the freedom of the country as to the security of the person. The opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may have been retained and by exciting passions or justifications. It leads also to concessions, to the favorite nation privileges denied to others, which is apt doubtly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it grows ambition which is sometimes the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation’s subver sive to projects of hostility, instigated by pride, ambition and other sinister and pernicious ends. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation facilitates the diffusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into the participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation privileges denied to others, which is apt doubtly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it grows ambition which is sometimes the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation’s subversive to projects of hostility, instigated by pride, ambition and other sinister and pernicious ends. The peace often, sometimes perhaps the liberty of nations, has been the victim.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. And it would be no less rational to abandon their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion; that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is the political faith, which is always a choice of difficult and often dangerous objects. It is found, that public credit is a necessary spring of that virtue or morality which is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

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many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the latter’s satellite. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since such influence has the misfortune of being one of the most baneful foes of republican government. But that jealously to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may exclaim at the subject of foreign interweaving our destiny with that of another, and stand upon foreign ground? Why, by counsel. Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary and would be unwise to extend them. Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies. Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with dispatch in order to give trade a stable course—in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the belief that present embarrassment and mutual difficulties will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for indemnity of injury—another that is must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must dispel, and which has been to endeavor to gain time to our country to settle and mature its own interests and progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes. Though in review of the conduct of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I forebear to blush for them. Almighty and the incidents of rest. In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may ever flatter myself that they may possess real power, if my requests are not favorable to my expectations, I shall not then feel the spirit of indignation or the solicitude for your welfare by which they have been dictated. How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in Congress, it was a Expedient of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it. After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the duty to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all. The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations. The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes. Though in review of the conduct of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I forebear to blush for them. Almighty and...
The ultimate victims are the patients who see that their access to care is being threatened and in some cases their access to care is disappearing altogether. The system hurts our Nation even more by directly and indirectly costing us billions of dollars. The situation is grave. It is being brought to the Senate floor because it is grave, because the system is broken, and because the crisis is getting worse by the day. Every day that we talk without acting is a day of continued decline.

We have all seen the headlines of the horror stories of hospitals closing obstetric wards; of trauma centers having to shut their doors because of the liability crisis; of expectant mothers unable to find obstetricians, having to switch from obstetrician to obstetrician because their obstetrician is having to leave town or leave their practice; of hospital administrators dropping their services of specialized care; the stories of doctors having to move from a State where the liability premiums are so high that they can't afford it to other States where effective liability reform has occurred and they can have lower premiums. The headlines go on and on and on. Almost daily there are fresh stories and new victims.

The problems are so severe that Time magazine, in its June 9 cover article, devoted the article and the front page to this very problem. The American Medical Association lists 19 States where access to quality care is in serious jeopardy right now. As a physician, as a doctor, this crisis and the worst horror stories of doctors having to move, of expectant mothers unable to find doctors, of hospital administrators dropping their services of specialized care, of doctors having to move from a State where the liability premiums are so high that they can't afford it to other States where effective liability reform has occurred and they can have lower premiums. The headlines go on and on and on. Almost daily there are fresh stories and new victims.

The system compensates a few at the system encourages lawsuit abuse by rewarding trial lawyers who file huge claims in friendly venues in search of the big payout. These lawyers often pocket up to 40 percent of any settlement or any payment the injured patients receive. That is 40 cents on the dollar that the trial lawyer pockets that does not get to that injured patient.

At the same time, many of the negligently injured patients—those who deserve to be compensated—neverreceive any compensation at all because their legitimate claims are too small for that personal injury lawyer who is only after the big payday.

(Mr. ROBERTS assumed the Chair.)

The system compensates a few at the expense of the many. The effects of these massive suits are staggering. Between 1995 and 2002, the average claim payout for medical malpractice jumped 83 percent. Between 1997 and 2002, the percentage of medical malpractice payments of a million dollars or more more than doubled. The size of huge jury awards forces many doctors and insurance companies to settle cases for large amounts, even if they are not guilty.
The current system encourages frivolous lawsuits, unnecessary lawsuits. Most of the cases filed in U.S. courts are without merit, with almost two-thirds being dropped or dismissed; that is, two out of three are being dropped or dismissed. Only 1 out of 20, or 5 percent are actually on to trial, and a staggering 80 percent of those cases are won by the defendant. These numbers are clear evidence of the rampant abuse of the current system, and the system must be reformed.

It is no surprise that this excessive litigation is forcing malpractice premiums to rise dramatically. In 2002, physicians in many States saw their premium rates rise by 30 percent or more. In some States, for some specialties, malpractice insurance is rising by as much as 300 percent per year.

We debated this issue last July with a comprehensive bill, S. 11, the Patients First Act. That broad, comprehensive measure was specifically designed to put our medical litigation system back to work for all Americans. Bringing the bill forward in July was the first time that the Senate had ever considered comprehensive medical liability litigation reform on its own floor for the entire bill. Unfortunately, the measure was never fully debated, as opponents of reform blocked it by filibustering the motion to proceed.

Since that time, the horror stories have not stopped. In fact, they have increased. Because this issue is so critical to the health of Americans, and because this crisis continues to escalate, we will try once again to address it on the floor of the Senate.

This time, instead of bringing up a broad, comprehensive bill and letting it suffer from the same political attacks as before, we have narrowed our focus on one of the groups most severely hurt by the crisis, obstetricians and gynecologists. More importantly, we want to focus specifically on the health care needs of women and children and babies. The underlying bill, the Healthy Mothers and Healthy Access to Care Act of 2003, is narrowly tailored to focus on obstetricians, gynecologists, and other doctors who perform these services. In the more narrow scope, the reform measures are almost identical to the ones in the more comprehensive bill, S. 11.

OB/GYNs, by the very nature of their work, are a higher risk specialty group, so it is understandable that their liability premiums would be somewhat higher than lower risk doctors. However, the amounts that OB/GYNs are paying throughout the country for liability insurance today are staggering. For example, locally, in Virginia, OB/GYNs are paying up to $84,000 in medical liability premiums per year. At the outset, I will say all OB/GYNs have to have liability insurance. Today, all practicing physicians buy medical malpractice insurance to practice. Locally, it is $84,000. In New York, they are paying up to $124,000 per year. In Pennsylvania, they are paying up to $153,000 per year. In Florida, OB/GYNs are now paying up to an astonishing $250,000 in premiums each and every year to stay in the practice of delivering babies. That is a quarter of a million dollars that obstetricians are paying in Florida.

I wish to stress once again that these payments are the doctors are making merely to purchase the liability insurance. Whether or not they have ever had a case brought against them, whether or not there has ever been a medical error or mistake made at all, this is what many obstetricians are having to pay in these States. There is no added value in that $250,000 to health care. These payments are not helping the patients live better lives or receive higher quality of health care, and these amounts are not being paid just by a few bad doctors. They are being paid by doctors who have never been sued, who are the best in their professions, and who are dedicated their lives to helping women and children.

Because of these skyrocketing premiums and the constant threat of litigation, many obstetricians are leaving their practice because they simply can't afford it. If an obstetrician delivers 100 babies a year, and let's say just in Florida they are paying $250,000 for that opportunity to deliver babies, that is a tax of over $2,500 each time that obstetrician delivers a baby. If you are a mother listening, or an expectant mother who is getting ready to go to the hospital, I am saying that there is an additional $2,000 tax that the doctor is paying, which may well be passed on to you because somebody has to pay it. That is money that doesn't add to the care of your baby, or to the care of the delivery, or to the safety of the delivery, or to health care itself.

Women living in rural areas have an additional problem. They are finding now that there are too few doctors to deliver the babies in these rural communities. By now, most of my colleagues have heard the horror stories of women having to drive hours just to see an obstetrician, or in the course of a 9-month pregnancy, having two, three, four, or five obstetricians because many doctors are having to leave either a region or the practice altogether. A June 9 Time magazine article tells the tragic story of an expectant mother in rural Arizona having to drive 2 hours on a desolate highway just to see a doctor.

This should not happen in America. We should be encouraging physicians to practice in rural, underserved areas, not chasing them away with the threat of frivolous lawsuits. It should be no surprise that the American College of Obstetricians and Gynecologists is one of the strongest supporters of meaningful medical liability reform. Of course, they are taxpayers, tailored to focus on obstetricians. Their primary concern is women's access to affordable, quality health care. They are uniquely situated to understand the threat the current system has placed on women's health and babies' health, and they are demanding action by Congress. They will not tolerate filibusters or block this issue. I urge my colleagues to listen to their concerns.

In a statement to the Senate Judiciary and HELP Committees last year, the American College of Obstetricians and Gynecologists very clearly outlined the problem facing women. They said:

An ailing civil justice system is severely jeopardizing patient care for women and their newborns. Across the country, liability insurance for obstetricians has become prohibitively expensive. Premiums have tripled and quadrupled practically overnight. In some areas, OB/GYNs can no longer obtain liability insurance at all, as insurance companies fold or abruptly stop insuring doctors.

When OB/GYNs cannot find or afford liability insurance, they are forced to stop delivering babies, curtail surgical services, or close their doors. The shortage of care affects hospitals, public health clinics, and obstetric facilities in rural, underserved areas, and communities across the country.

These are the words of the American College of Obstetricians and Gynecologists, the ones on the front line in women's health care today. The system is broken. The system is hurting women and babies today. This was very clearly spelled to the Senate Judiciary and HELP Committees last year.

I urge my colleagues to listen to their concerns. Let me simply say that as a physician, as majority leader, as a representative of the people of the great State of Tennessee, I have letters from Paris, TN, from Athens, TN, Shelbyville, TN, from Memphis, TN, from obstetricians who are saying there is a crisis going on and asking that we do something about it.

I do hope the opponents of reform at least acknowledge the severity and gravity of the problem and don't run from it once again. We must acknowledge the symptoms of the crisis before we start to address its cause. Unfortunately, these horror stories are truly just the tip of the iceberg of the problems caused by our broken litigation system. The system costs our country directly and indirectly billions of dollars—wasted dollars, I would argue—each year. These costs are the sort of costs that don't find their way into letters to us as elected officials or into newspaper articles, but they hurt the American people.

The fear of these outrageous lawsuits forces doctors, for example, to practice defensive medicine. Slowly, but surely, people are understanding what defensive medicine is. As a doctor, I know these pressures all too well.

In order to avoid lawsuits—frivolous lawsuits—and to make sure they would
be fully protected in the event they were called into question by an unnecessary or frivolous lawsuit, we find extra tests and procedures are ordered. They are unnecessary to the care of that particular patient or that particular patient’s problem. It is a waste. Yet, they have today incentivizes those unnecessary tests.

These extra steps add little, if anything, to the quality of health care, but they add a lot to the bottom line of health care costs because hundreds of thousands of dollars were spent for these unnecessary tests. The cost adds up.

We all hear of the $700 CAT scan or MRI scan for a routine headache that an emergency physician orders simply out of practicing defensive medicine. It is no surprise to me that surveys show 75 percent or more of doctors acknowledge practicing defensive medicine.

The exact number is hard to calculate, but reports have put the cost of defensive medicine at tens of billions of dollars per year. When you realize that three out of four doctors frequently order tests or procedures, these total dollar figures, indeed, are realistic. In fact, a recent Government report estimates liability reform would save the country health care costs of $70 billion to $126 billion per year in defensive medicine expenditures.

In addition to these massive indirect costs, the Federal Government would save over $14 billion directly over 10 years with comprehensive liability reform, according to the Congressional Budget Office. The CBO attributes most of these savings to the Medicare and Medicaid programs which would experience lower health care costs. The Federal Government would also realize savings from lower costs of health care benefits for Federal employees.

The current medical litigation system reduces our ability to improve patient safety. The threat of excessive litigation by unsophisticated lawyers discourages doctors from openly discussing medical errors in ways that, if that discussion could take place, would dramatically improve health care delivery in this country.

These facts were outlined and well documented in the 1999 Institute of Medicine report “To Err Is Human.” That is why in addition to the reforms in this bill which hopefully we will be considering on the floor of the Senate, most of us are strong supporters—or we should be—of S. 720, the Patient Safety and Quality Improvement Act. This is vital legislation that will encourage a culture of safety and quality by providing for voluntary reporting of patient safety data without the fear of being sued.

Some of the opponents of the legislation we are debating today will try to confuse the medical malpractice issue with patient safety. If you listen closely, you will hear them say, in effect, that we need to maintain our broken medical liability system in order to reduce medical mistakes. Do not be misled. This argument amounts to nothing more than defending the status quo. In fact, as the IOM has said, and as we know from adopting voluntary reporting and learning systems in other contexts, such as in general aviation—more likely to improve quality—they make matters worse.

Our health care system must put a greater emphasis on preventing medical errors, not hiding or covering up these errors through lawsuits. To create such a system, we must pass both patient safety legislation and litigation reform. And I am committed to passing patient safety legislation too. It is now being blocked by at least one Senator on the other side of the aisle despite the fact that it has passed the HELP committee unanimously.

Fortunately, we know how to address the cause of the crisis because reform measures have already succeeded at the state level. The Healthy Mothers, Healthy Babies, Access to Quality of Care Act is based on these reforms. It is a common sense measure that will restore balance to our broken litigation system in the narrow area of OB/GYN services. It will protect the right of the negligently injured patient to sue for just compensation while curtailing lawsuit abuse.

Though this bill has a narrow scope, it is comprehensive reform with several critical components. Let me briefly mention just a few key provisions.

The bill ensures patients will receive a larger percentage of their award by limiting attorneys contingency fee to a reasonable sliding scale. For awards over $600,000, lawyers can keep 15 percent of any payment. Currently, lawyers in many states can take up to 40 percent of all awards and settlements, leaving the injured patient grossly undercompensated.

The bill places a statute of limitations of three years on bringing a suit. This ensures a suit will be brought in a timely manner and evidence preserved.

The bill controls excessive awards for noneconomic damages by placing a $250,000 cap on these types of awards. Noneconomic damages are subjective awards for pain and suffering that cannot be easily quantified. They contribute greatly to the personal injury lawsuit abuse. Of note, the caps contained in this bill are “flexible” state law. Thus, if a state has already defined a different cap on noneconomic damages or subsequently passes a different cap—whether higher or lower—that State designated cap prevails.

At the same time, the bill ensures that negligently injured patients will receive full economic damages. Economic damages are the out-of-pocket expenses that a victim might suffer due to a doctor’s negligence, such as hospital costs, doctor bills, long-term care costs, or most importantly, lost wages. When a patient is negligently injured, they deserve full economic recovery.

Experience at the State level clearly shows that comprehensive medical liability reform works. The Healthy Mothers, Healthy Babies Access to Care Act is modeled after California’s Medical Injury and Compensation Reform Act or MICRA, a medical liability law in the mid 70’s. Thanks to MICRA, California doctors and patients have been spared the medical liability crisis that other states are facing. You simply don’t hear the horror stories about OB/GYNs quitting practice or women unable to find an obstetrician in California. This is true despite the fact that it is a big State with a high cost of living. In fact, since MICRA was passed, total insurance premiums paid in California have risen by only 167 percent while total insurance premiums paid for the rest of the country have risen by 505 percent—more than three times as much.

Over the next day or two as we discuss this bill, opponents of reform will likely go to great lengths to blame the current crisis on insurance companies, the stock market, the bond market, doctors, hospitals and others. But I fear we will hear this crisis blamed on just about everyone and everything except for the true cause—the current litigation system. The system is broken. This broken system is hurting patients and now is the time to fix it.

I urge my colleagues to support the Healthy Babies, Healthy Mothers Access to Care Act. This narrowly tailored, commonsense reform of our broken and inefficient medical litigation system will be a big step in improving our health care system for all Americans. Passage of this measure will help ensure access to quality health care for women and babies, protect negligently injured patients, and save our country billions of dollars in health care costs every year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The highly competent clerk will now report the motion to proceed.

The legislative clerk read as follows: Motion to proceed to the consideration of S. 2961, a bill to improve women’s access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

Mr. STEVENS. The distinguished Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 4 minutes.

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

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

(remarks of Mr. STEVENS are printed in Today’s Record under “Morning Business.”)

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

The PRESIDING OFFICER. The distinguished Senator from New Hampshire is recognized.

Mr. STEVENS. Mr. President, I join with my colleague from Alaska in congratulating Senator John Glenn on the honor he received.
I am rising today, however, to speak about the bill which is hopefully going to come before the Senate and on which the majority leader has been so eloquent, as he often is. Especially when there are issues concerning the care of women, and the majority leader has truly established a record that is unique, certainly in the Senate, with the hands-on experience of physically saving lives as a result of his skills as a surgeon and a doctor. He has decided to bring to the Senate the issue of how we make sure women in this country have adequate access to doctors, especially during that period in their lives when they are delivering children.

I personally cannot think of anything more important to our culture than babies. If we were to pick one event in the life of a citizen of this country—or I suspect anywhere in the world—that really is an event of great wonder and alters a person’s view of the world they work and the world, it is when one has a child. Certainly they want to make sure their children are delivered in a safe way and with the best medical help that can be obtained.

This is why this bill is so important, because trial lawyers do not deliver babies. Doctors deliver babies. If we do not have enough good doctors dealing with women who are about to deliver or who are becoming pregnant or who believe they have a case, we have a crisis that we need to deal with them in a manner which allows women to have ready access so that they do not have to drive miles in order to see their doctor or they do not have to wait days in order to see a doctor because there are not any available. If we do not have that structure in our society then we put at risk our ability as a society to have healthy children and to have mothers who are comfortable and feel safe about the experience of childbirth. That is something that is serious.

Regrettably, that is where we have arrived as a society. Whether we like it or not, we have arrived at a time where women in this country are at significant risk of not being able to see a baby doctor because the baby doctors in this country are being driven out of the business by the cost of their errors and omissions insurance. That insurance has skyrocketed dramatically in the last few years as a result of lawsuits, and further in my statement I will get into some specific statistics that will show why these lawsuits are occurring and what their impact has been on the actual ability of doctors to practice, in a statistical term.

All of this work in this area of trying to address the concerns of getting women decent access to doctors so they can have children safely have heard stories and anecdotes which are so regrettably consistent in the sadness of the tales that there has to be a great deal of truth to them. It is also supported by the numbers and statistics.

Last week I had the chance to meet with four obstetricians in New Hampshire. Two of them had to get out of the business of delivering babies. It was the favorite part of their practice. They were OB/GYNs. The cost of their premiums had jumped over 100 percent in the last 3 years. He was finding it very difficult to stay in the business of delivering children, but because he was the only doctor in that part of our State that did it, he felt a social obligation to continue delivering babies, as well as the fact that he personally loved the practice of delivering babies. It was getting to a point where he was not sure how much longer he could continue.

Also at this meeting there were two doctors who should have been there but were not because they had left the practice. They were two doctors from northern New Hampshire, which is a rural part of our State. They are no longer practicing and delivering our children. As a result, there is no doctor in northern New Hampshire today who delivers babies. There is no OB/GYN because they have been driven out of the practice of medicine. Those two doctors have left the practice in that area. One moved to another State and the other simply dropped the business of delivering babies.

The stories go on. They are real and they impact real people. In order to see a doctor, a woman in northern New Hampshire today who is pregnant has to now drive from Colebrook, NH, probably down to Hanover, NH, or at least down to Littleton at the closest, which is a drive of about 45 miles and in the winter it is a difficult drive. Even though people are comfortable driving in the winter in New England and in New Hampshire, we can get some serious snow and ice and it can be very testify and sometimes one cannot even get through because the snow cannot get removed in time or it is too heavy. So that woman is at risk, and it is not just in New Hampshire.

This is a photograph of a woman from Arizona named Melinda Ballard. She was forced to drive about 45 miles in order to deliver her child. In the first 2 blocks, they drove by the hospital that was next door to their house, but there was no OB/GYN doctor there because they had given up the practice, so she had to drive 45 miles to the hospital. On the way, she had the baby in Arizona. The baby’s heartbeat had actually stopped while she delivered it in the back of the car. Her husband kept driving to the hospital, she was able to start the baby’s heartbeat again and the baby survived. Now we see the photograph, but it was risky and it was traumatic. She should have had a doctor in that hospital that was almost next door to her house, but she did not. She did not because the doctors in that hospital had to give up the practice.

We have Dr. Schmitt, one of the best doctors in North Carolina, according to the patients who saw him deliver babies, who loved the practice, but because the cost of his insurance went up so much as a result of the potential of a suit, of which I understand he had never had any, he had to give up the practice. This is a picture of the doctor whom are Members of this body—I suggest maybe he is fighting for the women? Where is he when these women have lawsuits against OB/GYNs have a recovery. The rest are frivolous—not all frivolous, maybe, but the majority are. The rest don’t lead to any recovery at all. But as a result of those 4 percent of the lawsuits getting astronomical recoveries, the whole pool of coverage costs for all baby doctors has increased so dramatically that they have been driven out of the business or they have significantly curtailed their practice. They no longer deliver children in a manner which is either fair or accessible for many women.

We are at serious risk of having this discipline so contracted that we will end up rationing care in this area, which could be very serious and unfortunate for women. It is a function of the fact that our legal system has run amok relative to baby doctors and the women who need to see those baby doctors. Do you have heard a complaint about the other side of the aisle, both of whom are Members of this body—I have heard Senator KERRY say: I have spent my career fighting against special interests. I think he has said that almost every day, but that is a direct quote from the newspaper where he said it in Boston. “I spent my career fighting against special interests.”

Where is he fighting for these women? Where is he when these women want to see an OB/GYN and they can’t? I suggest maybe he is fighting for the special interests on the other side of the coin, those who are the trial lawyers. For some reason the trial lawyers
appears to have the ear of the majority—not the majority but of enough so we cannot even hear about this bill on the floor much less vote on it. We should at least be able to take up the bill. But, no, no, the trial lawyers aren't going to let us take up this bill. We are not going to have a debate on this bill. This is for baby doctors. There are other counties which only have one obstetrician, and some of those counties have even larger numbers of delivery rates. So you are dealing with some people who are having to drive a heck of a long way in order to see a doctor. And New York State can get pretty cold and snowy, especially around Buffalo and Syracuse, where, as far as I can tell, it always snows except for in June and July. In any event, it can be hard to drive if you are an expectant mother. You can be under a lot of pressure to get to see those doctors.

It is not that they can't practice in those counties; it is that they cannot afford to practice in those counties. Why can't they? This problem is a growing problem. It is a growing problem.

We are not even going to be allowed to debate it on the floor and have votes on amendments.

There is somebody who needs someone to fight for him. Explain to me why Mrs. Sallard had to drive 45 miles and have her baby in the car. Explain to me why we don't have a doctor in Colebrook, NH, who will deliver babies or see people when they want to have babies. Explain to me why you want to talk about fighting special interests or maybe come down and explain to me why we are more rural problems. Then you say you fight against special interests. There is an irony there.

I have heard Senator Edwards say: “I want to make health care a birthright for every single child born in this country that is Senator Edwards in the Des Moines Register—“every single child born in this country.” Senator, come down and explain to us how children are going to be born if their mothers cannot see a doctor. What type of risk is that child going to be at when they are born if the mother cannot see a doctor in Colebrook?

This bill is being held up because there are interests out there that do not want to bring this issue to the floor of the Senate even for debate. They just want to stiff-arm it on behalf of an interest in this country which believes that it should have the right to bring these suits but has, as I said, 96 percent of them thrown out of court and in the same manner throws out of the delivery room the doctors, throws out the women to be on their own to look for a doctor miles away, at great inconvenience.

This is a battle of special interests. My special interest in this one happens to be babies and mothers. Somebody else’s special interest happens to be the trial bar. I am happy to defend this special interest, babies and mothers, on the Senate floor today. I would like to know why the side is not willing to let us have this bill come forward.

Let’s get into some specifics about the size of the problem. The next chart we have shows the cover of Newsweek, which ran a very good piece on “Law-suit Hell, How Phear of Litigation is Paralyzing Our Professionals.” Right in the middle is a doctor. It could be a midwife. Remember, midwives are as much affected by this as doctors. But essentially it is those people you see when you most need them, and especially those who want and you want to have children. That person’s career is paralyzed, and as a result of their career being paralyzed, our ability to get adequate health care is paralyzed. It is a good story. I recommend it to everybody.

I want to make the point this is about women and it is about women’s right to access decent health care. So speaking on this special interest—I know Senator Kerry is fighting against special interests, and he is probably fighting against this special interest, but I want to put something on the record. I don’t want to put it in order that I am not going to put it in the RECORD, but I want to mention that we have 85,000 petitions. Eighty-five thousand women have signed petitions asking that we at least consider this bill, where we at least get a vote on whether or not their doctors can have some protection. Eighty-five thousand women want to see a doctor, want to be safe when they get into those child-bearing years. They want to have the opportunity to have safe medical care.

So we have brought those petitions here in a very obvious and not very obvious ways. In order to pay that insurance premium, which is so high and has gotten so extraordinarily high over the last few years—in order to pay that premium you basically have to deliver a lot of babies.

If a doctor has a practice in a rural area, not generating a huge amount of births, then you cannot work hard enough or deliver enough births to pay your premium. The doctor I mentioned from New Hampshire, NH, who will deliver babies or see people when they want to have babies. Explain that to me if you want to stiff-arm it on behalf of an interest in this country where it is getting to be crisis. Those folks probably have to drive a heck of a long way in order to see a doctor. And, as far as I can tell, it always snows except for in June and July. In any event, it can be hard to drive if you are an expectant mother. You can be under a lot of pressure to get to see those doctors.

I want to take a specific look at a specific State which is in crisis: New York. New York is in an arbitrariness—and New York is out arbitrarily—is in crisis. This is for baby doctors. There are seven counties in New York where there are no obstetricians, where, if you are an expectant mother and you want to go see a doctor, you cannot stay in the county you are in. Some of those counties have a fairly high delivery rate: 200 in this county, 289, 215, 322 children. This is on an annual basis.

[Continues discussion on the need for better access to medical care in rural areas and the significance of these efforts for the community.]

[Note: The document contains statistical data and specific examples from various studies and cases, illustrating the severity of the situation and the necessity for legislative action to address the shortage of medical practitioners in rural areas.]
brought relative to OB/GYN practices actually lead to recovery. That is staggering because it shows there are a lot of frivolous lawsuits.

What is the way to resolve this? There are a lot of moving parts in the health care issue. I am not saying that the only issue that affects costs that the OB/GYN doctor incurs during their practice is the liability issue, the insurance issue, the issue driven by law suits. That relationship to a doctor's practice because the doctor has never been sued. There are other factors. There is technology, hospital associations, all sorts of factors. Obviously, the insurance industry has gone through some significant adjustments, especially in the rate of return on investments as a result. But we know the single most significant factor by far is the increase in costs of the insurance policy. That is the item that is most affecting the ability of the doctors to continue to practice.

We also know those States which have taken action in this area have actually been able to control the costs so the doctors are not feeling the pressure at that level. The best example is California. Liability reform occurred in California, with caps, in 1977. As a result, in the California cost increase experience, premiums have gone up 82 percent compared with the rest of the United States, which has gone up 573 percent. The chart shows the difference. It reflects the fact that if you put in a responsible approach to premium insurance, you can control the rate of growth of the cost and, as a result, you can create more availability of doctors and more affordable health care.

This chart shows that reform works. The bottom line reflects obstetrics. The first two areas, Los Angeles and Denver, have in place laws which limit recovery in the area of pain and suffering. Their basic premium for a policy of $1 million: $3 million is $54,000 and $33,000. Premiums in jurisdictions that have written to us, the literally dozen states that do not have those laws: New York, Las Vegas, Chicago, and Miami. Premiums in Miami are almost four times higher than Los Angeles, which would be a comparable city, and about seven times higher than Colorado; Chicago, two times higher; Las Vegas, two times higher; New York, 1 1/2 times higher than Los Angeles; two times higher than Denver. That reflects the fact that if you put in responsible reform in the area of insurance you can control those premium costs.

What is responsible reform? It is reform that addresses the primary concerns of a person who is injured but also addresses the fact that we have a large number of insurance lawsuits being brought and a large number of lawsuits leading to extraordinary recoveries, which costs are being passed on to all the OB/GYN baby doctors in this country. As a result, baby doctors who have absolutely no history of malpractice are forced out of practice and mothers are not able to see their doctors and are being limited in access.

This bill tries to address that. First, it says right off the top that a State has the right to make a decision on what the cap will be. We have essentially addressed this issue of States rights. We put in a cap that if a State wants to go above the amount that it: if they want to go below it, they can go below. We also say there is no limitation on recovery for medical costs.

There was a recent decision where, unfortunately, there was a severe injury and the medical care for years. The bill came to something like $18 million. That would be an award that could occur if that was the child's medical costs; that could be recovered—whether $18 million, $10 million, $5 million, even more. $20 million. Hopefully, that will not happen too often but if it does the parents have a right to that recovery.

As to lost compensation, if the mother is injured and there is a loss of compensation, if she has a job that she can no longer do, we would say that her ability to get a job, there is absolutely no limit as to what the recovery is relative to her compensation. If she is going to have a lifetime expectancy earning of $10 million, discounted to whatever that is, she gets that recovery.

What we do not have in this bill, or what we try to cap because this is where the costs have gone out of control, this is what is driving the premiums and the medical practices that are being put in are a responsible approach to medical malpractice, which is basically the money that is thrown on top. Pain and suffering is what a jury feels when they hear a sad story that they think deserves an extra bonus award. That is limited to $250,000 under this bill. That is a reasonable limit. Most States are at that number that have acted in this area. But if a State wants to go above that area, it can step out of that and pass a higher amount.

The practical effect of this bill, should it pass, is that the 85,000 women who have written to us, the literally hundreds of thousands of women who are worried whether they will have a good doctor to see or even whether they will be able to see a doctor or whether they will have to drive many, many miles to see a doctor, putting themselves at risk, those women's concerns will be addressed to some degree because we will make practicing medical malpractice insurance rates affordable again. We can get a doctor back in Copley. A doctor will not have to work 4 or 5 months of the year just to pay his or her premium. Doctors who love to deliver babies in Denver, NH, will be able to get back into the business of delivering babies because they will be able to afford the premium.

That is what this is all about. It is about giving women the opportunity to have access to good doctors who can deliver babies and have those babies be healthy. Why are we not even going to be allowed to vote on going to this bill is beyond me, but that, I understand, is a position the Democratic leadership has taken. It seems ironic in the face of Senator Edwards' statement, which I will read again, as the potential standard bearer of his party: "I want to make health care a birthright for every child born in this country."

It is going to be hard for children to be born if they cannot see baby doctors. I do not understand why we cannot at least debate this issue on the Senate floor and have a vote on it. Senator Kerry would appear to want to do this because he wants to protect special interests. Well, I want to promote this special interest—which is children, mothers, expectant mothers, and doctors who deliver babies. So if the other side wishes to oppose those three constituencies, that is their choice. But I think they need to explain to us why it is good for a mother, good for a baby, or good for a baby doctor that the practice of medicine is being curtailed in this country in the very critical discipline of obstetrics.

Mr. President, I understand the Senator from Vermont wants the floor so I yield.

The PRESIDING OFFICER. The distinguished Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Kansas, the Presiding Officer. And I thank my friend from New Hampshire for his usual courtesy in allowing me to have the floor. I will talk about the same issue.

I am really disappointed there seems to be politics being played in this medical malpractice insurance debate. I feel a little bit like Claude Rains in "Casablanca." I feel like saying: I am shocked—shocked—in an election year we may find politics being played on what we all acknowledge is a serious matter.

What we have before us is a one-size-fits-all bill. It is a one-size-fits-all bill for a problem that varies greatly from State to State. This bill would actually encroach on the rights of every State—my State of Vermont, the distinguished Presiding Officer's State of Kansas, the State of New Hampshire, all others. It would yank away from our States legal rights and legal responsibilities they now have. And if history is any kind of a predictor, they would take those rights away forever. I think we have to show great care in the Senate when we want to so trample the rights of our individual States.

The American public assumes the 100 Members of the U.S. Senate—if they are going to do something to drastically change the lives of people in all 50 States, if they are going to drastically step in and set aside the legislatures of the 50 States—would do it only after careful consideration. But instead we have short-circuited our own procedure. Usually, when we have a bill, as the President has said, when it is introduced, it is sent to the appropriate committees, hearings are held, debate is held in the committees,
amendments are voted on, and then it is sent to the floor—but people have had a chance, both for and against the bill, to come in and testify.

Certainly, the Governors of the various States would have a chance to come to Washington to see just trample our rights and trample our legislature, trample our own authority or we do not. In this case, that did not happen. In this case, the bill was just written up in a couple lobbying shops on K Street and brought up here for people willing to introduce it at the request of those lobbyists. And instead of letting States find solutions that are best for their citizens, the Republican majority prefers this attempt to tally points on some election year political scoreboard for what are powerful special interests, but they are going to do it at the public's expense.

Instead of looking at the big picture, the overly broad antitrust immunity that is, that companies have to do the fact that a lot of insurance companies made a lot of poor calls in the stock market and lost a lot of money and are now saying, well, the doctors can pay higher premiums to pay it back—instead of looking at ways to reduce medical errors so there would be less suits—what they have said is that we have to help these big insurance companies—not help the individual States, not help the people involved.

We will help the insurance companies. Many of these insurance companies made a lot of poor calls in the medical malpractice insurance market. The insurance companies have proposed, should not be the first and only solution turned to in a tough medical malpractice insurance market. In cases where insurers made a bad investment and experienced the same disappointment from Wall Street that many other Americans have, it should not be able to recoup its losses from the doctors it ensures. The insurance company should bear the burden of its own business model, just as every other business in this country ought to do.

A nationwide arbitrary capping—with no hearings—of awards available to the victims, as the Republican majority has proposed, should not be the first and only solution turned to in a tough medical malpractice insurance market.

I might ask my friends, does anybody think if we pass this bill, if we override the legislatures of Texas or New Hampshire, Ohio, Vermont, or anywhere else, if we override all those legislatures and pass what the lobbyists and the fund-raisers have asked us to pass here—this bill, with no hearings, no committee raisers have asked us to pass here—this bill, without any hearings—of awards available to the victims, as the Republicans have proposed, should not be the first and only solution turned to in a tough medical malpractice insurance market.

Let's understand, notwithstanding what the insurance companies' lobbyists tell us, high malpractice insurance rates are not the result of malpractice lawsuit verdicts. They are the result of investment decisions by the insurance companies and business models geared toward ever increasing profits, as well as the cyclical hardening of the liability insurance market. In cases where insurers made a bad investment and experienced the same disappointment from Wall Street that many other Americans have, it should not be able to recoup its losses from the doctors it ensures. The insurance company should bear the burden of its own business model, just as every other business in this country ought to do.

Dramatically rising medical malpractice insurance rates are forcing some doctors to abandon their practices or to cross State lines where it might cost less. So many times, of course, these insurance rates have gone up even though there have been no cases that would indicate why they have.

Patients who need care in high-risk specialties, such as obstetrics, and patients in areas that are already underserved, such as many rural communities in my State and the Presiding Officer's State, are too often left without adequate care.

What I find amazing is that here we are, in this wonderful Nation on Earth, and instead of simply being able to do what most Democratic nations do—that we would assure access to quality health care for all our citizens—we are saying: No, we will allow our doctors and our providers to be driven from the market by the manipulations of some of the insurance companies.

That is why I was hoping we would have a real debate, we would have real hearings, to find out what is happening, that we would find out what happens when you give antitrust immunity to the insurance companies to set rates however they might want. Different States, though, have different experiences with medical malpractice insurance rates. Some of these States are not seeing rates skyrocket, but the State's insurance remains largely a State-regulated industry. Are we going to say that even for those States that have much lower insurance rates, we are going to go along with this, no matter what you have been doing, no matter what you did to make things work right, tough, because we are going to throw that all out. We are just going to wipe you off the books. We are going to wipe you off your State and we are going to wipe off your State control because we, the 100 Members of the Senate, understand it so much better than you possibly could. We know so much better than your 50 Senators, your 50 legislatures, and we know it so well we can pay higher premiums to pay it out. We are able to do this without any hearings, without any discussions, without any work from the outside. We are able to do it because we are U.S. Senators. And we know that what was handed to us by the lobbyists when they handed this bill must be right because, after all, they come to our fund-raisers.

I don't think it should be that way. I don't think that my own State of Vermont should be set aside when our Governor and our legislature are working to try to find the best solution for our small State.

I think of the one time we did have a hearing on this in the Senate Judiciary Committee—not this bill but a predecesor bill, when Linda McDoaggall came here. It was pretty tragic. She told us that she had had a double mastectomy because they made a mistake. She wasn't supposed to have had any mastectomy, but somebody read the papers wrong and that is what happened.

If the Senate is able to pass this bill and get it signed into law, she would still be allowed to recover, for what was gross negligence, a total of $250,000. That is about what Senators make in around a year and a half. Which do you think she would rather have? Would she rather have her body back intact or the $250,000? Please.
to help consumers and it has helped businesses. It has not helped the consumers.

What we ought to be doing is conducting thoughtful and collaborative consideration in committee that might achieve a sensible solution that is fair to patients, that supports our medical professionals and their ability to practice. I suggest one thing we might do is take away the blanket exemption from Federal antitrust laws that the insurance industry has. Insurers have for years had this novel exemption that nobody else has enjoyed. The McCarran-Ferguson Act permits insurance companies to operate without being subject to most of the Federal antitrust laws. Does this make sense? Our Nation’s physicians, our doctors and their patients, have benefited by allowing the insurance companies to operate without being subject to most of our antitrust laws? Of course, they have not. They have not used this exemption from antitrust laws to benefit the patients. They have not used it to benefit the doctors they insure. They have used it to benefit themselves.

With this antitrust exemption, they can collude to set rates, resulting in higher premiums, certainly higher than real competition would achieve. And because of the exemption, law enforcement officials can’t even investigate the collusion.

If we want to do something, let’s get rid of the antitrust exemption that lets them set doctors’ premiums anywhere they want. Let’s get rid of the antitrust exemption that allows them to recover huge sums in the stock market—not losses for malpractice cases—by just charging ever higher premiums.

More than a year ago, I introduced the Medical Malpractice Insurance Antitrust Act, S. 322. Senators REID, KENNEDY, DURBIN, EDWARDS, ROCKEFELLER, FEINGOLD, BOXER, and CORZINE cosponsored the legislation. It would modify McCarran-Ferguson with respect to medical malpractice insurance and strike the most pernicious antitrust offenses: price fixing, bid rigging, and market allocation. These are the anticompetitive things that affect premiums.

I can’t imagine how anybody could object to a prohibition on insurance carriers fixing prices or dividing territories. After all, all the other industries in our Nation have to abide by these laws or they pay the consequences. So why will they find us really peculiar about this? Is it that the insurance companies and their lobbyists or is there some indication that the American people may still have a voice in the Senate?

Let’s find out what happens when we bring up an amendment to remove the antitrust exemption these insurance companies now have. This legislation languished for a long time. We actually had hearings on this. But the one that is written downtown comes straight to the floor.

If we are really serious about controlling rising medical malpractice insurance premiums, we have to limit the broad exemption to Federal antitrust law and promote real competition in the insurance industry, and work at reducing medical errors across the health care system. This partisan bill doesn’t do that.

This partisan bill is designed to be a talking point for fundraisers. It is not designed to help doctors in rural, underserved areas to be able to pay their medical malpractice insurance. It doesn’t help the women and children in this country medical specialties. It may help insurance companies and fundraisers, but it doesn’t help anybody. If we are going to pass something, let’s pass something real.

I see my good friend from Texas and my friend from Ohio on the floor. When I started speaking, there was nobody else seeking recognition. My good friend, Senator Gregg, was kind enough to yield when I came here. I will be speaking more on this, but I will yield to whichever Senator wants the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I ask unanimous consent to be added as a co-sponsor of the Healthy Mothers and Healthy Babies Access to Care Act of 2003.

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

Mr. CORNYN. Mr. President, I am happy the majority leader has seen fit to bring this important issue to the floor. I will have some specific comments about the bill in just a moment.

I believe our civil justice system is badly broken insofar as it serves the interests of the few at the expense of the many. What I mean by that is our system of resolving civil disputes, whether they be medical malpractice lawsuits, or automobile accident cases, or any other kind of ordinary bread-and-butter lawsuit you see decided in courthouses across this country, in which citizens volunteer to give up a substantial amount of their time, that this process takes too long and it is too expensive to serve the interests of justice. It discourages those who have meritorious claims from even bringing those claims because they don’t want to endure the time or expense. It too often benefits the very few at the expense of the rest of the public.

Particularly, the benefit is to a handful of lawyers. I must say, I am proud to be a lawyer. I practiced law a long time before I was a judge presiding over a trial court in San Antonio, TX, for 6 years and serving on the Texas Supreme Court for 7 years. I am proud to be a lawyer.

The problem is we have a handful of lawyers who are literally the tail wagging the dog on this and other reform issues that are so important to restoring public confidence in our civil justice system and making sure that rather than serving the interests of the few, the interests of the general public are served by the way in which we handle disputes like medical liability cases and other tort litigation.

We have in this country what some have called the “sporting theory” of justice. We have an adversary system, in which side pushes on us and we go in and we have a clash between these adversaries in court, and the theory is—and in many respects it works well—the impartial jury decides the facts and the judge applies the law, and then we have a judgment in the dispute. It is a way of resolving our disputes without violence, in a way that seems to satisfy the public generally. But the problem is in modern-day litigation—and nowhere is this more prevalent than in the area of medical liability litigation—the interest of the person who is harmed is not truly paramount in consideration in terms of the way the system works. In fact, many times, it is the patient who may be injured or harmed who receives actually less money than the lawyer who brings the lawsuit.

As you know, many of these lawsuits are handled on a contingency fee basis. In other words, the lawyer who brings the lawsuit will represent a client in court. If the patient wins—and, you say, well, if I represent you, then I will take 50 percent of everything you recover. It won’t cost you a penny if I don’t recover anything, but if I do, I take a percent off every dollar you recover. Of course, there are other expenses associated with this kind of lawsuit, such as the hiring of expert witnesses, court costs, and the like.

Too often, what happens in these cases is the lawyer ends up the one walking out of the courtroom with the most money, not the injured party, not the person for whose benefit a lawsuit is brought. To me, that simply turns our civil justice system on its ear. It can pose a real question whether our system of resolving disputes in a way that serves the interests of the public; or does it, as it appears too often, serve the interests of a handful of personal injury lawyers who make their living bringing this kind of lawsuit.

There is another aspect of this as well. In our civil justice system, we know almost anybody can file a lawsuit for virtually anything. If you can get a lawyer to file a lawsuit, then you can sue someone for a small fee, whereas the clerk will serve the papers on the defendant, and typically the defendant will have to hire a lawyer to represent them. At this point, there is no determination made that there is any merit to that lawsuit. Yet, what happens too often is the very nature of being able to file that lawsuit without any determination if there is any merit at all leads to a form of legalized extortion, because the person who has been sued has no recourse but to hire somebody to help fight it. Even if we end up winning the lawsuit, even if the lawsuit filed is dismissed ultimately, there is no recourse for that defendant who
has been wrongfully sued or sued in a frivolous lawsuit.

This, too, adds to the expense of ordinary litigation and makes very little sense to me or, I think, to a lot of people. I think the more the public understands the disparity who benefits; it is not the women who filed the lawsuits, the lawyers who represent those folks. Unfortunately, because of the costs associated with just the expense of litigation, we know too often those persons who are sued will make what is known in the profession as a nuisance settlement. In other words, they will say, well, it is going to cost me tens of thousands of dollars just to defend myself against a frivolous lawsuit. Rather than defend myself and win the lawsuit, or have to pay $100,000 out of pocket, or whatever the cost may be, I will pay you $5,000 or $10,000 to simply have it go away.

Unfortunately, you can see why the financial incentives tend to favor nuisance lawsuits of lawsuits even when they are frivolous. We need to do something about it. I join the senior Senator from New Hampshire in saying we need meaningful medical liability reform. We need to make sure that it is not the lawyers who bring these lawsuits who benefit but, indeed, the public. Where is this a greater concern than when it comes to access to health care and medical liability lawsuits?

Last fall, I spoke in this Chamber, along with others, in support of broad-based medical liability reform. Today I rise to speak in favor of this narrow, but very important, bill that it is for with women's access to physicians who will deliver their babies, access which has been damaged terribly by the current dysfunctional way in which we resolve disputes about medical liability.

The change we argued for last fall and this change as well would drastically reduce the cost of health care by reducing frivolous claims and eliminating the need to pay extraordinary amounts of money for medical liability insurance.

Unfortunately, we failed to pass meaningful reform. We have heard—I heard the Senator from Vermont mention this a moment ago—that the real culprit in all this is the insurance companies; it is not the lawyers who benefit disproportionately from the status quo; we know it is not the patients who do not benefit very often; and we know people who seek access to health care are denied access to that health care because of this dysfunctional system. The Senator said it is the insurance companies.

I take second chair to no one in saying that if, in fact, he can point to abuses perpetrated by insurance companies or anyone else, we certainly ought to take up that issue. But I believe the motivation is really one to create a diversionary tactic, a smoke-screen, if you will, to say it is not the law system, it is not the women who want their babies delivered, it is the insurance companies. We have heard this time and time again when, in fact, I believe the empirical evidence that has been produced in my State and other States shows that, in the end, insurance companies, which are typically subject to strict State regulations, are having to play a lottery game, a sort of game of roulette. They don't know what the rules are because they change with every million-dollar, multimillion-dollar, tens-of-million-dollar judgments in lawsuits. So they charge an insurance premium, just like we pay for home-owners insurance or renter's insurance or any other kind of insurance, and ultimately it is paid by the consumer. In this case, the consumer of that insurance, the one who pays that premium, is the physician who wants to practice medicine, who wants to have their life to the interests of people who are sick and who need their help—in this case, mothers who need access to good baby doctors so they know the baby they have carried for all these months will be delivered safely and will be healthy.

They need good news. I guess, if we can find any good news in this sordid situation in which we find ourselves, where these lawyers who benefit from the status quo are the ones who are calling out the tune and having others dance to the tune they have called out, is that some of the States are stepping up; they are not waiting on a solution from Washington, DC, and that is a good thing.

As someone who believes that local government and State government tends to be more responsive because it is closer to the people they serve, than for the Federal Government, I think it is good that the States are stepping up, but this is not strictly a State problem.

When we consider how much money we appropriate each year—we just passed a $400 billion Medicare bill which is now estimated to cost more than $100 billion more than that over 10 years. When you think about Medicare, when you think about S-CHIPS, the Federal taxpayer—in other words, everyone who earns a wage in the United States—subsidizes this broken medical liability system because much of the costs associated with health care today are due to either counting in what this rapidly increasing cost is in terms of determining what a fee for a service is or otherwise having to suffer the consequences when doctors simply pull up stakes and say, 'I am going to retire early rather than subject my family and myself to putting at risk everything I have worked a lifetime to save and achieve or people who just simply have their careers whittled away because of the business model in delivering babies. The yellow depicts those pregnant woman who would have to drive to one of the white counties simply to find someone who will deliver her baby, and sometimes they may have to drive as much as $200 miles, and the baby is damaged because complications ensue because there is no doctor close by who is qualified to deliver that baby because of this broken medical liability system.

I believe it was Senator Frist or perhaps Senator Gregg had a chart that showed a chart of 19 States where there is a medical liability crisis because of this civil justice system, a system that is supposed to be a just system but is, indeed, an unjust system. It is simply broken.

Each of these red States, including, we can see, the State of Texas, is listed as a State in crisis. Nineteen of them are where patients are losing access to baby doctors due to skyrocketing medical liability insurance premiums and where pregnant women are forced to drive long distances just to find a physician to deliver their baby.

As I mentioned a moment ago, the good news, if there is any good news in all this, is that the States are not necessarily waiting on the Federal Government. In my own State, just this last year, the voters passed a constitutional amendment, proposition 12, which would provide some of the relief that is sought to be delivered to the entire Nation in this particular bill. We have already seen some very beneficial effects of this constitutional amendment and the legislation that implements it because we have seen medical liability insurance companies offer to reduce their premiums by 12 percent or 19 percent in another case.

So we are beginning to see some real impact of the predictability and the commonsense reforms that I believe are designed into this important bill. Because the American taxpayer pays to support the Medicaid system, pays to provide indigent health care, pays to provide other types of medical care, this is truly not just a State problem. There is no question many of my colleagues, myself included, are concerned when we hear those dreaded words from the Federal...
Government: We are from the Federal Government and we are here to help. Those are some of the most dreaded words in the English language because, indeed, the States and local government, I believe, tend to be much more responsive. This is the liability crisis. They are the hospitals. They are not caused by this liability crisis or, if they are, they have been priced out of the market because of booming liability insurance premiums.

One-third of the Nation’s hospitals saw 100 percent or more increases in liability insurance premiums in 2002. We may think this does not really affect the practice of medicine. This is the liability crisis. The costs are simply run up what we all pay for health insurance. Many of them are owned by nonprofit associations and are charitable organizations that keep their doors open because they believe in their mission. This is ultimately about access to health care.

I yield the floor.

(Mr. COCHRAN assumed the Chair.)

POLITICAL CRISIS IN HAITI

Mr. DEWINE. Mr. President, at this very minute, there is an urgent crisis in America’s own backyard, a crisis on the political scene in Haiti. Almost everyone who lives in the South knows that Haiti has always been a problem and that it is not just religion and it is not just commerce. In Haiti right now is anything but a peaceful atmosphere. The chaotic and dangerous situation in Haiti right now is anything but a political crisis. The fact is that a political crisis has been looming there since at least before Christmas. In January, in an opinion piece that I wrote for the Miami Herald, I urged Haitian President Aristide to reach an agreement with the legitimate opposition groups, the political groups, to reach wholesale political change and reform. In that opinion piece, I urged him to pull back his own gangs of thugs and to tell them to stop their violence. I suggested then that President Aristide had within his own political party, within his political groups, the right to govern Haiti free from further chaos and inevitable disaster at the hands of insurgent groups by ending the political impasse with the opposition and by creating a government that the international community could, in fact, support.

I am pleased that just this weekend President Aristide agreed to the proposal of the U.S. administration, our administration’s proposal to end the political stalemate. It is imperative that the legitimate political opposition groups in Haiti now accept the terms of this agreement. As I speak this afternoon, these groups are considering this proposal. But I must say, time is of the essence. I believe our administration’s proposal, based on other Caribbean nations’ earlier proposal, is a reasonable offer and one that has the greatest chance of bringing about an immediate end to the bloodshed.

Members of the Senate need to understand that there are three forces at play here. There is the Aristide government; there is the legitimate political opposition in the country; and then there are the thugs, and we can use no other term to describe them but the thugs who are trying to overthrow the Government. Let there be no mistake about it. These are not democrats, with a small ‘d.’ They care not for democracy. When we talk about the political opposition, we mean just that, the political opposition, the legitimate opposition in Haiti. It is not associated with these thugs.

We can call upon them today, the political opposition, to agree to the proposal made by the U.S. Government. President Aristide has agreed to this. We ask, and believe it is clearly in the best interests of Haiti, for the political opposition to agree to it as well. This agreement includes the setting up of a broad-based advisory council to Aristide’s government. It also includes the appointment of a new Prime Minister. That is very significant. Further, it includes the disarming of gangs.
aligned with Aristide's Lavalas Family Party. I urge the opposition groups to accept this because, quite candidly, this proposal is the best hope for creating a coalition government that can stop the violence and negotiate a settlement that is acceptable by the international community and can be respected on the world stage.

The fact is, unless agreement is reached and the violence stops, there will be consequences for our hemisphere, for Haiti, and, yes, for the United States. We do not know what is going to happen in Haiti, but as we think about what our response might be if in fact settlement cannot be reached or if in fact a settlement is reached and the violence continues, we need to keep in mind a few basic facts.

First, Haiti is in our neighborhood and what happens in our neighborhood affects the United States. Haiti is a nation that lies only about 800 miles from our shores. It is, therefore, less than a ½ hour flight from Miami.

Second, amazingly there are at least 20,000 U.S. citizens living in Haiti today. Let me repeat that. The official estimate is that there are at least 20,000 U.S. citizens living in Haiti today. These are missionaries; these are doctors; these are nurses and other U.S. citizens. No one knows for sure how many U.S. citizens are actually down there. They are, so to speak, embedded all throughout the country.

The reality is that an awful lot of humanitarian workers are simply not going to flee. They are not going to leave this Nation no matter what our advisors say. They are there simply to help the people of Haiti and they are going to stay. They are going to stay to help the children. They are going to stay to help the elderly. They are going to stay to help the sick. They are not going to abandon the people. Therefore, we have a responsibility as a country to protect them and we need to be concerned about them.

Furthermore, if the violence does not end, then we in the United States will once again be seeing boats swolled with Haitians, risking their lives for the chance of a better life. Our Coast Guard will be out there having to stop them and we will be seeing them floating toward Miami and the Florida shores.

No one knows what the future will hold. We have watched on the news. We have read in the newspapers of these thugs, these rebels have taken over most of the main cities of Haiti—all of the main cities of Haiti, except Port-au-Prince. No one knows what will happen next. I said the hope is there will be agreement reached between the opposition, legitimate political opposition and the Aristide government. But if we assume the violence will continue, if we assume these thugs, these insurgents say they are going to do and they move toward Port-au-Prince, no one can predict what will happen. But it is certainly not out of the realm of possibility that there will be a bloodbath in Port-au-Prince.

There is no army. President Aristide, tragically—we have seen the police corrupted. There is no real police force which we can trust. So what Aristide has done is he has armed the gangs of Port-au-Prince. So there are arms everywhere in Port-au-Prince. They are the ones who would be there to defend Port-au-Prince.

So you would certainly have the potential of the gangs of Port-au-Prince with their guns versus the insurgents coming in, and the people who would be the victims would be the children, the women, and the elderly would be caught in that tragic crossfire. That very well could be the scene that we will see unfolded in front of us on CNN, on the network news.

These are things we need to contemplate in the days ahead as we think about what our reaction might have to be. Our administration has taken the right steps. Mr. Roger Noriega, representing the administration, went to Haiti and made this proposal. It was the right thing to do. It was a good proposal.

Haiti is out of time. I, again, urge the opposition leaders, the legitimate political opposition leaders to accept the administration's proposal. It is clearly in Haiti's national interest. If the opposition doesn't accept the proposal, then the situation will spiral out of control very quickly. It may, in fact, spiral out of control anyway, but clearly it will spiral out of control if it is not accepted. If it does spiral out of control, the United States needs to be prepared to act in our own national self-interest.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Wyoming.

Mr. ENZI. Madam President, our Nation has a responsibility to the people of Haiti, and we need to start working to fix it. I urge my colleagues to vote for closure on the Gregg-Ensign bill. It is time to stop filibustering and to start working.

I just got back from Wyoming. They are having this same debate there. They don't trust us to finish it here. They are trying to finish it on a local basis. They are having a debate on a constitutional amendment to be able to do medical tort reform.

I tell you, that is a very difficult thing. Litigation reform requires a constitutional amendment in Wyoming. That means there may be a vote of the people, but that can't happen until at least September and we are in a crisis in Wyoming right now. We are not the only State in a crisis.

Last year, we brought a medical litigation reform bill to the Senate. The legislation would have placed reasonable limits on the amount of money attorneys can take from a verdict or a settlement or an injured patient's favor. The bill also would have limited awards for punitive damages and non-economic damages. In other words, the pain and suffering awards.

The bill would not have limited awards to compensate patients for economic losses. This is an important point for everyone to keep in mind. If a judge and jury were to decide a person's injury is due to an defendant's mistake or a hospital's negligence, that person would be entitled to receive full compensation for their economic loss, including everything from rehabilitation to lost wages resulting from their injury. It is this point enough. The bill would not have limited awards for any part of economic losses.

What the bill would have done is place a ceiling on noneconomic damages. The bill would have limited the maximum award for noneconomic damages to $250,000 in States that do not have their own limits on such awards.

In Wyoming, we do not currently have limits on noneconomic damage awards. We do not have limits despite evidence which shows limits on noneconomic damage awards have helped control the cost of medical liability insurance premiums in other States.

As a result, people in Wyoming are losing access to affordable health care in their communities. The rising cost of medical liability insurance in my State of Wyoming is forcing doctors to curtail their practices or close them entirely. We have a shortage of doctors in Wyoming as it is. The cost of medical liability insurance is making a bad problem even worse.

To address this problem, I cosponsored the medical litigation reform bill we offered for debate last year. We needed 60 Members in this body to vote in favor of working on the bill to get past a filibuster, but only 49 voted in favor. So it was back to the drawing board.

Here we are again, 9 months later, with this bill. It has taken longer than I would have anticipated. This is 9 months later because this bill focuses on mothers and babies.

Medical liability crisis affects many patients and doctors. Those it affects most are the expectant mothers and their obstetricians.

Doctors who deliver babies have a dubious honor when it comes to medical liability insurance. The typical obstetrician pays more in annual premiums for professional liability insurance than almost any other type of doctor.

Part of the reason is that in some states the child has the right to sue when they get to adulthood. That is a pretty long tail on the liability. If the parent fails to sue, the child can sue.

Some of my colleagues have pointed out the statistics and numbers on this crisis, so instead I will tell a short story about an obstetrician in Wyoming. I told this story in July so I apologize if you have heard it before, but it is worth retelling.

There was an article in the Washington Post about a year ago about the medical liability crisis. The reporter for the Post had gone to Wyoming to
see how the crisis affected a State already struggling to keep enough doctors as it is.

According to the article in the Washington Post, the doctor in Wheatland, WY, went to a high school basketball game in Wheatland, Bulldogs and the nearby Douglas Bearcats. Here is Wheatland on a map; here is Douglas. Wyoming is a pretty big State. This map shows about a quarter of the State. Each of the counties on this map is larger than Delaware. And the distance between Wheatland and Cheyenne is pretty close to the length of Delaware. We are talking about a lot of distance, but not many people. One of these counties the size of Delaware has 2,500 people living in it to total, so we have 9,000 or less, few people, and consequently not many doctors. Wheatland and Douglas are 60 miles apart. That qualifies as nearby in my State.

Now the doctor had just announced he would not be delivering any more babies in Wheatland or Douglas because of the cost of liability insurance. The irony is he delivered just about every player on both teams at that basketball game.

I would like to read a section of this story. The name of the doctor is Wilard Woods:

The national malpractice insurance crisis . . . hit home for Wheatland this winter when a local medical practice company joined a number of national malpractice carriers in declaring bankruptcy.

I emphasize that last part. Malpractice carriers are declaring bankruptcy. Some people say these companies are scraping off, like bandits on medical liability insurance. If they are, they would not be declaring bankruptcy. These insurance companies are in crisis. They are raising their rates to cover losses from legal actions and settlements.

Back to the quote.

That left only two firms selling malpractice insurance in Wyoming, and neither one was willing to take on a new obstetrical coverage. Two doctors did get insurance, but this is gynecological practice—a branch of medicine that spans far fewer lawsuits than delivering babies—but the annual premium cost him $12,000, three times what he paid the year before.

In this wheat-growing region of eastern Wyoming where medical services are sparse and scattered, the impact is acute. Platte County, with a population of less than 9,000, has five doctors, equal to the number of veterinarians.

Women with normal pregnancies can still have their babies delivered in the hospital; Woods’s two partners, both general practitioners, share the delivery duties.

“...but if you have any kind of problem like I did,” said Wheatland mother Kori Wilhelm, who has a genetic blood mutation that makes pregnancy dangerous, “you have to go to Cheyenne now”—and that’s a 140-mile round trip—to get the specialized treatment we used to get right down the street at Dr. Wilkinson.

Put yourself in that woman’s shoes. Until the cost of medical liability insurance drove Dr. Woods out of obstetrics, a woman experiencing a difficult pregnancy in Wheatland could get specialized care in her own community. Now that woman has to drive 140 miles round trip for proper prenatal care and to have a specialist deliver her baby.

Madam President, 140 miles is a long way to travel for a doctor, or a doctor. It is even a longer 140 miles for a pregnant woman. And it is truly a long 140 miles for a pregnant woman in the middle of winter when high winds and blowing snow often force the highway department to close the interstate between Wheatland and Cheyenne.

I wish this were the only story I could tell about the crisis in Wyoming, but it is not.

I could talk about Dr. Jack Richard, an OB/GYN who reluctantly retired last year due to his high cost of medical liability insurance. Dr. Richard served the people of Casper, WY, for more than 30 years, but he was not ready to retire at the age of 61. Dr. Richard had already stopped delivering babies in 2000, but even as a part-time physician, his premiums had doubled since then.

I could talk about Lisa Minge, an OB/GYN who left my hometown of Gillette in November and moved her practice to Boise, Idaho. She cited the high cost of liability insurance as one of the factors in her move to Idaho, which has a $250,000 limit on noneconomic damage awards.

Or I could talk about a group of family practice doctors in Cheyenne who are trying to decide whether they can keep delivering babies. The four doctors in this group saw their premiums go from $65,000 in 2003 to $110,000 in 2004. This is despite the fact they had already limited the number of babies they would deliver to 30 per doctor per year to avoid having to pay the full obstetrical rate. I don’t know what you do if you are the mom who needs the 31st baby delivered.

I have more stories I could tell, but I am not sure what good it would do. I am an optimist by nature, but I am afraid I am pessimistic about the outcome of this vote.

Nevertheless, I commend Senators GREGG and ENSIGN and our majority leader, Dr. Frist, for trying again. They have developed a bill that is focused on one of the most critical parts of this nationwide crisis—the plight of expectant mothers who depend on obstetricians to provide a safe and healthy delivery for their babies.

What Senators GREGG and ENSIGN have proposed is a modest approach that will provide some measure of relief to doctors who are squeezed by the high cost of medical liability insurance. The bill puts reasonable limits in place on the amount money attorneys can take from settlements and verdicts awarded to injured mothers and babies.

The bill does not limit the amount of money juries and judges can award to cover losses, rehabilitation, special services, and other economic losses of the injured mother or child might face. It simply puts a reasonable limit on the amount attorneys can collect for punitive and noneconomic damages, which are the types of unpredictable awards that are contributing to this health care access crisis.

I have noticed something interesting during our debates on this issue. While we have been debating the pros and cons of reform, no one is standing up to defend our current system of medical litigation. No one is standing up to defend our current system. We are talking about limits on noneconomic damages, or the role of the insurance industry, and Senators are saying: Yes, there is a problem, but the bill before us doesn’t solve it.

One thing that has not heard is a rousing defense of our medical litigation system. Even some of the lawyers in this body have agreed frivolous lawsuits are a problem and our medical litigation system needs reform.

Why aren’t we hearing today to defend the merits of our current medical litigation system? It is because it is indefensible. Our system does not work. It simply does not work for the patients or for the health care providers.

The bill we are debating today is a good bill for mothers and babies and the doctors who serve them. But even the sponsors would probably admit it is a short-term measure that does not address the fundamental problems with our medical litigation system. This is an important bill, but it is just a tourniquet to stop the bleeding. It is not going to heal our broken system.

I would like to share with my colleagues a brief analysis of our medical litigation system. It comes from this book, “Fostering Rapid Advances in Health Care, Learning From System Demonstrations,” published by the Institute of Medicine of the National Academy of Sciences.

Let me quote a section of this book:

There is widespread agreement that the current system of tort liability is a poor way to prevent and redress injury resulting from medical error.

Most instances of negligence do not give rise to lawsuits, and most legal claims do not relate to negligent care. Many injured patients do not know they have suffered an injury resulting from error, and those who go through the legal process often do not recover the cost of their continued health care.

A few plaintiffs and their attorneys, however, win large sums that may be disproportionately to their injuries or unrelated to the defendant’s conduct. Prolonged, adversarial haggling over claims by plaintiffs’ attorneys and liability insurers alienates both providers and patients, and generates legal fees and administrative expenses that consume more than half the cost of liability insurance programs.

The apparent randomness and delay associated with this pattern of accountability not only prevent severely injured patients from prompt, fair, and just fortiﬁcation, but also stabilize liability insurance markets and attenuate the signal that liability is supposed.
to send health care providers regarding the need for quality improvement. Fear and distrust breed inefficient "defensive medicine," and lead to missed opportunities for information exchanges and technology that might avoid lawsuits in the first place.

The shortcomings of the current malpractice system therefore come from three directions. They have contributed to the present crisis: inefficient and inequitable legal processes for resolving disputes, problemmatic responses by clinicians to the threat and cost of malpractice lawsuits, and the emergence of a new and volatile market for liability insurance. Although some states face greater insurance instability than others as the result of different legal standards, public and professional cultures, no state is immune to the threat of service interruptions affecting physicians, hospitals, and other health care providers.

These are not my words. They are not the words of personal injury lawyers. They are not the words of tort reform advocates either. As I pointed out earlier, these words are from the National Academy of Sciences, specifically the Institute of Medicine. This organization was created by the Federal Government and chartered by Congress to provide unbiased and evidence-based advice on health policy.

This congressionally chartered body issued a report in 2002 that called upon the executive branch, the judicial branch, demonstration projects in the States to evaluate alternatives to current medical tort litigation. In response, I have introduced a bill in the spirit of this report.

This bill, the Reliable Medical Justice Act, would authorize funding for States to create alternatives to current tort litigation. The funding would cover the costs of planning and initiating proposals based on models outlined in the bill or other innovative ideas.

My bill would require participating States and the Federal Government to work together in evaluating the results of the alternatives as compared to traditional tort litigation. This way, all States and the Federal Government could learn from new approaches.

As I speak, some States are already looking into alternatives to medical litigation as we know it. My home State of Wyoming is one of them. Another is Massachusetts, where Governor Romney is working with Harvard University on an innovative project. Another is Florida, where the Governor's task force recommended the implementation of projects along the lines proposed in my bill.

We should encourage and support these States and others that are considering similar ideas.

Believe it or not, both Newt Gingrich and the editors of the New York Times have endorsed the idea of creating and evaluating alternatives to medical litigation. If Newt Gingrich and the New York Times are in the same tent on an issue, maybe there is room in that tent for most of my fellow Senators to support my bill.

I support the Gregg-Ensign bill. It provides some short-term relief for mothers and babies and their doctors.

A lot of my colleagues will be voting with me, and a lot will probably vote against me. Regardless of how we vote on this legislation before us, we must acknowledge there is a medical liability crisis, and we must work together to find a solution.

Our medical litigation system is failing us. Medical lawsuits are supposed to compensate people fairly and deter future errors. But most patients do not get fair and timely compensation, and there is nothing to show the lawsuits serve to deter medical errors or making patients safer.

I hope my colleagues will vote in favor of providing mothers, babies, and their doctors with some immediate relief through the Gregg-Ensign bill. I also hope they will look seriously at my legislation, S. 1518, which would put us on the road to replacing medical lawsuits with better and fairer systems for compensating and protecting patients. We need to pass both of these bills before we have begun to solve this medical liability crisis.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from North Carolina.

Mrs. DOLE. Mr. President, for years America has enjoyed world class health care. We have led the way in cures and treatments. We have developed the latest and the best technologies, and we have ensured our doctors are trained in ground-breaking medicine. Indeed, our Nation has accomplished much in the area of health care.

But today, the future of our world-renowned health care system is at risk. Some trial lawyers have nearly crippled the system by filing hundreds of frivolous lawsuits each year and defeating efforts to place limits on these lawsuits and the big-money fees lawyers earn off of them.

Nineteen of our States are in a full-blown medical malpractice crisis. According to the American Medical Association, North Carolina is among the hardest hit, particularly our OB/GYNs, who face constantly rising, astronomical premiums just to stay in business.

Many have been forced to move or quit their practices. This problem is particularly evident in our rural areas where some women have had to drive for miles just to find someone to deliver their baby. This is unacceptable.

It is understandable why doctors are leaving their practices, when the State's top five jury awards in 2001 ranged from $4.5 million to $15 million. The annual number of settlements greater than $1 million for medical liability cases has more than tripled between 1996 and 2001.

Meanwhile, women in our States are struggling.

Consider these facts: Obstetricians in western North Carolina are seeing their insurance premiums increase from 50 to 100 percent. Women's Care, P.A., the largest OB/GYN physician group in North Carolina saw its premiums increase 30 percent last year--for 3 times less coverage. One of its obstetricians will soon stop delivering babies. Others may join him.

And there are more stories. Dr. Mary-Emma Beres of Sparta, NC, a small town in the northwestern part of the State with a population under 2,000, had to stop delivering babies after facing a 300 percent increase in her malpractice premiums. Her departure left only one obstetrician to handle high-risk cases. And it meant some women who needed C-sections had to make a 40-minute ambulance ride to another hospital to deliver their baby.

Then there is Dr. John Schmitt. He is an OB/GYN who left his practice in Raleigh after seeing his insurance premiums triple from $17,000 to $46,000. He decided instead to join the medical school faculty at the University of Virginia. One of his patients, Laurie Peel, highlighted this dilemma best when she said, "When you are a woman, you try to find a gynecologist who will deliver your baby so as to limit the time you are away from work. You develop a relationship with your doctor. To lose someone like that is very hard."

It is time to stop this deplorable situation that leaves the most vulnerable among us as the real victims. No one in this country should have to struggle like this for health care. The America I know is better than that.

Doctors who do remain in business are forced to practice defensive medicine and order an excessive amount of tests and procedures to protect themselves from lawsuits. Dr. Steve Turner of Garner estimates that internists like him prescribe close to $5,000 a day in defensive medical practices or $1.2 million a year per doctor.

The legislation before us offers a solution that works. It is modeled after California's law which has been in place since 1975 and has kept premiums from rising. This legislation does not cap damages. As you know, there are cases where compensation is absolutely justified and deserved. Under S. 2061, victims who suffer from a doctor's malpractice will be able to recover every penny of their actual economic damages. It does limit non-economic damages, like pain and suffering. Punitive damages would be limited. But the legislation allows patients to collect for medical bills, funeral expenses and other costs. And that would be the option of setting higher or lower caps than those in the bill.

Each week in North Carolina, nearly 2,200 babies are born and 300 of those babies are born early.

This legislation deals with the immediate crisis facing OB/GYNs, so that at the very least women can have the best health care available to them when they deliver their babies.

Today we have a choice. We can vote with these trial lawyers who file endless lawsuits and watch our health care system spiral into decay. Or we can put an end to this debate, and protect our
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health care system, by casting a vote for our patients and the medical professionals who so tirelessly care for them. I urge my colleagues to vote in favor of cloture. Let’s pass this bill for our patients who need it most. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

MR. THOMAS. Madam President, I join my partner from Wyoming in supporting what is one of most important bills we will have before us; that is, medical liability, the opportunity for us to do something about the cost of health care.

As I go about town meetings in my State of Wyoming, the topic I hear the most about is the cost of health insurance. Obviously, health insurance costs are driven by the cost of health care; in this case, by some directly as a matter of the kinds of payments that have to be made for protection under medical malpractice liability insurance.

I am very pleased to join my colleagues to talk a little about an issue that has had a severe impact on health care. It is not the total answer, but it is a step in the right direction. We are finding ourselves in a situation where we have very good health care, excellent health care, which we all want. We all know it is going to be expensive, but we find ourselves in a position where we are almost cutting off access to health care because of the cost.

We have 43 million people who do not carry insurance because of the cost. Obviously, we have to take care of the people when they have something without the ability to pay, and the insurance goes up for those who do pay. The insurance goes up for the hospitals and the doctors who don’t get paid for all their patients. So it is a broad problem but one we can handle. And one of the issues that is right before us is the idea of doing something on comprehensive medical liability which, by the way, our friends on the other side of the aisle have left last year. I hope they will not do it again this year.

I come from a small State which also has some impact. We have fewer insurance carriers in our State because there isn’t the kind of market to bring people in. We have many communities where there are only one or two practitioners and some where there are none. When we lose a practitioner, it makes it very difficult for that community.

Wyoming is one of the 19 crisis States for medical liability designated by the American Medical Association. A recent op-ed by Wendy Curran, executive director of our Wyoming Medical Society, I think described some of the issues regarding the need for liability relief in our State. I think she laid it out quite well:

Wyoming is losing OB/GYNs, emergency trauma surgeons and general practitioners because of high malpractice insurance premiums. It is interesting because Cheyenne, WY, is in the corner of our State next to the front range in Colorado and we have physicians living in Cheyenne and practicing in Colorado because they have this kind of protection and this kind of immunity on malpractice suits.

Wyoming physicians pay higher malpractice premiums than any of the surrounding States, which have all enacted liability reform.

It is kind of interesting that in our small State we are in the process of talking about that now. Whether it will be done in our legislature, which is meeting now, I don’t know. The fact is, it is a budget session of 20 days and it takes two-thirds votes to get it in. It is going to be difficult to do.

Because of the fear of being sued, money is unnecessarily spent on defensive medicine each year, which is all pay for—$70 billion to $126 billion a year.

I had the real opportunity a while back in one of our rural areas to talk to a physician, who I think was pretty much retired but had been in Africa and had written books, and he had an interesting observation. We think about the lawsuits or the settlements that are very costly. He mentioned another aspect of this that is costly. In years past, when you hurt your arm, you could go in to your family practitioner and he or she would look at it, fix it, and send you home or put a cast on if he had to. Now, because of the possibilities of being sued, they have to send you to a specialist first and take a few more tests. So medical care is much more expensive notwithstanding the idea of the suits.

A recent survey indicates that 71 percent of Wyoming voters support liability reforms. So I think most people do believe it is not the full answer to the cost of health care, but it is a movement we can make, a step we can take that will indeed make a difference. So I support, as my friend from Wyoming and the Senator from North Carolina do, the approach taken by Senators GREGG and Ensign in this bill.

OB/GYNs have probably been affected the most, and it is impacting access to the care for pregnant women. We have had bills before that went clear across the medical spectrum, and I think that is probably the appropriate way. But this singles out those issues that are so prevalent and difficult. Rural areas are disproportionately impacted, as there is often no other provider available, or where an OB/GYN is forced to close up business. We have had that very thing happen in small towns, where there is only one OB/GYN. One other observation, in some towns there are none and the general practitioners are concerned about delivering the babies.

We had one physician leave a little town called Wheatland, WY. He delivered babies in three counties. His malpractice premiums rose to over $100,000 a year in a little community, in addition to what he had paid before. Physicians in Weston County have to travel 80 miles for babies because high medical malpractice premiums have forced three local physicians to abandon their practices.

Dr. Hugh DePalo, a practicing OB/GYN in Casper, WY, indicates that his premiums have increased by 300 percent in the past year. It is amazing.

According to the Wyoming Health Care Commission, for every dollar malpractice and medical liability make insurance providers, it is returned to hospitals in the form of fraud and waste. For a long time, some of the providers in Wyoming, they must pay $1.25 on suits and settlements. Also according to the Wyoming Health Care Commission, some of our hospitals are paying medical malpractice premiums of $1,000 to $3,000 per birth, which makes delivering babies very unprofitable. Of course, they still do it, but somebody else has to pick up the tab.

It is interesting that these practices in Wyoming pay $20 to $30,000 more a year in malpractice insurance than those in Colorado, which has a cap of $250,000.

Since all the States around us have passed liability reforms, we have a tough time recruiting and keeping practitioners. We have underserved areas. I am chairman of the caucus here on rural health care, and we have been pleased with some of our accomplishments, but rural health care is difficult. For a long time, we have been paying different fees paid to rural than to urban hospitals. The fact is, because of low volume, it could well be that the cost per case for rural hospitals is even higher.

One of the big costs of health care, of course, is the new equipment. We all want to have “Cadillac” health service, but when you have small volumes, you cannot do that. In our State, we have to make a system which is not going to have all practitioners, specialists in every community. Something has to be set up so that it is available. So it is a difficult thing. We make it much more difficult by having these very high premiums. So we need to do something to protect, in this instance, our OB/GYN service for women and their babies and to set a reasonable limit on noneconomic damages. Keep in mind that if somebody has damages that are economic—this is not a limit on that; this is noneconomic damages. We have to provide for a quicker review of liability claims so they don’t go on for years. We need to assure that claims are filed within a reasonable period of time. We need to make sure that those frivolous lawsuits only add to the overall costs of health care for everyone.

Sometimes we say there haven’t been many lawsuits. The fact is there may be a lawsuit but there is a settlement which also, because of the predicted outcome of the lawsuit, is a very high settlement and the costs are still there.
So I think the Senate should act on this important legislation that contains provisions that allow injured patients to recover economic damages—that is fair and legal—such as future medical expenses and loss of future earnings. Punitive damages are granted primarily to protect the public welfare and are generally limited to the greater of two times the amount of the economic damages or $250,000. It authorizes periodic payments to injured parties rather than one lump payment. It preempts State law unless such law imposes greater protections for the health care providers and organizations.

So I believe it does allow doctors to practice responsibility without the excessive testing, in reference to specialists, which is part of the growing costs of health care. I think this is a step in the right direction. But we have spent a great deal of time talking about Medicare and Medicaid, and we always talk about VA. We are going to have to look at the broad view of health care now.

Again, we all want great health care. That ought to be what we go for. But it becomes so expensive that it precludes lots of families from participating. That is something we don’t want to have happen. I urge my colleagues to vote for cloture on S. 261. I think it could be one of the most important votes in this legislative year.

Madam 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.

Mr. LEVIN. Madam President, I ask unanimous consent to have the following:

DAVID LEVIN, M.D., former Chief of Staff, Veterans Affairs, United States Department of Veterans Affairs.

Mr. LEVIN. Madam President, there is now confirmation from the administration that weapons inspector that the intelligence community produced greatly flawed assessments about Iraq’s weapons of mass destruction in the months leading up to the invasion of Iraq. It is my opinion that flawed intelligence and the administration’s exaggerations concerning Iraq’s weapons of mass destruction resulted from an effort to make the threat appear more imminent and the case for military action against Iraq appear more urgent than they were, regardless of whether one thought the threat was imminent or not to proceed as unilaterally as we did, our intelligence was so far off the mark and the descriptions of that intelligence by the administration were even further off the mark that for the sake of the future security of this Nation, there needs to be an independent assessment not just of the intelligence but also the characterization by the administration of that intelligence.

For instance, the crucial related issue: how the Director of Central Intelligence, George Tenet, misled the American people before the war about the status of our sharing of U.S. intelligence information with the United Nations inspectors.

Director Tenet, after 12 months of indefensible stonewalling, recently relented and declassified the material that would make clear that his public testimony before the Congress on the extent to which the United States shared intelligence with the United Nations on Iraq’s weapons of mass destruction programs was false.

Prior to the war, the CIA identified 550 sites in Iraq as possibly having weapons of mass destruction or prohibited WMD materials or equipment. They were called “suspect sites.” Madam President, 150 of those sites were so-called “top suspect” sites where the CIA believed it would be more likely to find such items. The 150 top suspect sites were, in turn, divided into three categories: High priority, medium priority, and low priority.

At two public hearings shortly before the war on February 11 and February 12, 2003, I pressed Director Tenet on the issue of how many suspect WMD sites were shared with the United Nations. On February 12, Director Tenet said the following:

When the inspections began, we drew up a list of suspect sites which we believe may have a continuing association with Iraq’s WMD programs. The list is dynamic. It changes according to available intelligence or other information that we receive.

Of this set number of suspect sites, we identified a specific number as being highest interest, highest value, or moderate value because of recent activities suggesting ongoing WMD association or other intelligence information that we receive.

And here is his bottom line: As I said yesterday, we have briefed all of these high value and moderate value sites to UNMOVIC and the IAEA.

Mr. Tenet did not say “some;” he did not say “most;” he did say “all.” We have briefed “all” of these high value and moderate value sites to the U.N.

I told Director Tenet at the time in two public hearings that he was wrong and that classified numbers told a different story. On March 6, 2003, Director Tenet again stated in writing that:

We have now provided detailed information on all of the high value and moderate value sites to UNMOVIC and the IAEA.

Mr. Tenet said that there were 21 high and medium priority top suspect sites and this is why, Senator.


It is my opinion that the public testimony of Director Tenet before the Senate Intelligence Committee to put an obstacle in the path of the administration’s move to end U.N. inspections and proceed to war. It would have been more difficult for the administration to proceed to war without having shared with the U.N. our intelligence on all high and medium priority top suspect WMD sites and it would have reinforced widely held public and international sentiment that we should allow the U.N. to complete their inspections before going to war.

In other words, honest answers by Director Tenet might have undermined the false sense of urgency for prosecuting the war and any weapons inspector that the intelligence community produced greatly flawed assessments about Iraq’s weapons of mass destruction in the months leading up to the invasion of Iraq. It is my opinion that flawed intelligence and the administration’s exaggerations concerning Iraq’s weapons of mass destruction resulted from an effort to make the threat appear more imminent and the case for military action against Iraq appear more urgent than they were, regardless of whether one thought the threat was imminent or not to proceed as unilaterally as we did, our intelligence was so far off the mark and the descriptions of that intelligence by the administration were even further off the mark that for the sake of the future security of this Nation, there needs to be an independent assessment not just of the intelligence but also the characterization by the administration of that intelligence.

The accuracy and objectivity of intelligence should never be tainted or slanted to support a particular policy. What is badly needed and what is lacking so far is candor about how we were so far off in the assessments of Iraq’s possession of WMD. The lack of candor is one of the many reasons an independent investigation is needed to determine what really happened.

Since my colleagues have been talking about VA, I would like to comment on a related issue: how the Director of Central Intelligence, George Tenet, misled the American people before the war about
how that flawed intelligence came to be further exaggerated by the administration in order to support its decision to initiate military action.

One small part of this picture is this recent letter from the CIA that finally makes its public. The CIA did not share all of the top suspect WMD sites in Iraq that Director Tenet said twice publicly before the war that it had shared with U.N. inspectors. It is more evidence of the shaping of intelligence to fit the administration’s policy objectives.

I ask unanimous consent that the letter from the CIA that I have referred to on this matter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY,

Hon. Carl Levin,
Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: I am responding to your letters of 23 October 2003 and 8 January 2004 regarding declassification of specific information regarding the Intelligences Community’s (IC) sharing of information on Iraqi suspect weapons of mass destruction (WMD) sites with the United Nations (UN) inspectors.

I want to begin by ensuring that there is a mutual understanding of what has been declassified thus far with respect to Iraqi suspect WMD sites numbers and the sharing of this information with the UN inspectors.

In our 23 May 2003 letter, we provided the number of approximate Iraqi suspect WMD sites actually disclosed by IC to SSCI, 550; and, the number of suspect sites where inspectors were more likely to find something than at other sites, 150.

In our 11 July 2003 letter, we provided the number of suspect WMD site packages provided to the UN inspectors, 67.

In our 9 and 13 May briefings to the SSCI staff, we explained that this number represented the number of site packages shared with the UN inspectors at the IC initiative. The IC did not provide site packages to UN inspectors by giving them large volumes of data they already had.

The UN relied on us to prioritize the information rather than simply to give them everything we had on every possible site in Iraq.‘’

We ask that the numbers and text be used in tandem when discussing Iraqi WMD suspect site numbers and the sharing of information that would lead the inspectors to a quick find. Thus, when inspections resumed last year, we wanted to focus our effort on giving the UN new data that we did not tell them about. We started by considering about 150 sites that seemed promising—we further refined that list because many of these sites were already known to the UN inspectors. They, and others, had been the subject of previous discussions by CIA and those organizations, and on which we had no new information. By the time inspections stopped, we had developed site packages for 67 sites. These included the sites on which we had the best intelligence—on which we had pertinent and possible ‘‘actionable’’ information. We would have liked to give the UN inspectors by giving them large volumes of data they already had. The UN relied on us to prioritize the information rather than simply to give them everything we had on every possible site in Iraq.‘’

We ask that with this response all your requests for declassification of Iraqi suspect site numbers have been addressed.

Sincerely,

STANLEY M. MOSKOWITZ,
Director, Central Intelligence Agency.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The quorum is present.

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER. Without objection, the motion is carried.

Mr. BUNNING. Madam President, today I rise to spend a few minutes talking about the need for medical malpractice reform in my State, along with the bill before us, S. 2061, the Access to Care Act.

First, I commend the Senate leadership for bringing up this bill for consideration this week. It sends a signal to the American people that this is a high health care priority this year and that we need to take a hard look at the health care crisis that has faced our country.

Unfortunately, because of the medical liability crisis in Kentucky, the health and safety of both mothers and their babies are being jeopardized. Personally, I believe the most effective approach to medical liability insurance reform is the Kentucky two-step approach covering all health care providers.

I hear all of the time about how premiums rise, squeezing physicians financially, and affecting Kentuckians’ access to quality health care. Last year, the American Medical Association identified Kentucky as one of the crisis States. This means the current liability system is seriously eroding patient care. In Kentucky, physicians are choosing to close their offices or retire early. Others are packing up and moving to other States with more sensible limits and regulations and forcing doctors to become more worried about going to court than properly caring for their patients. This, in turn, leads to higher insurance premiums and gaps in care. Under our current liability system everyone loses, doctors and patients—everyone, that is, except the personal injury lawyers.

It is obvious people are beginning to understand the impact that soaring medical malpractice premiums are having on their communities. In fact, a recent poll showed that 68 percent of Kentuckians support putting limits on medical malpractice awards. That is right, 68 percent of Kentuckians. That is an overwhelming number of Kentuckians supporting reform.

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Kentucky. That means 58 percent of the residents who trained in the State moved elsewhere to practice. My State cannot continue to bleed physicians like this. It takes a toll on our communities and our patients. 

The American College of Obstetricians and Gynecologists also conducted a survey back in 2002 and found that 71 percent of the Kentucky physicians who responded to their survey have actually changed their practice—changed their practice from what they did because of the medical liability reform crisis that we are having. In my book that is completely unacceptable.

They also estimate that 3,240 pregnant women in Kentucky are without OB/GYN care. If that is not a crisis, I don’t know what it is.

The medical liability crisis not only affects physicians in private practice, it affects our hospitals as well. Last year, two hospitals in eastern Kentucky—Our Lady of Belleview Hospital in Rutledge and Knox County Hospital in Barbourville—both completely stopped delivering babies. This puts mothers in rural areas at a much greater risk of complications. No expectant mother should have to drive past the hospital she has trusted for years to find one that will deliver her child. It doesn’t make any sense. It just is not common sense.

While the liability crisis clearly must be addressed for the good of the country, individual States are trying to pass legislation to help the doctors within their own borders. I commend them for this effort. In Kentucky, the State senate recently passed a bill by a vote of 23 to 14 that would allow Kentuckians to vote on whether they want to amend the State constitution to allow for medical malpractice reform. Now it is up to the Kentucky House of Representatives to pass similar legislation. I believe the general assembly should pass a bill of referendum and let Kentuckians vote on this issue since the crisis is threatening their access to care and ultimately costing them more in health care costs.

I have consistently supported medical malpractice reform since I came to this Congress in 1986, and I will support S. 2061 this week. It is the right thing to do, and it is the right thing to do for my State.

It is important that my colleagues take a stand and decide if they are with the mothers and children or if they are with the personal injury lawyers. Personally, I will be supporting the mothers and children in my State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I would like to take a few moments of the time of the Senate to review one of the compelling issues facing the Nation, the country, and that is the state of our economy translated in ways that working families understand it—the state of jobs in America. How are people doing with the jobs they have? Are they working longer? Are they working harder? What has happened to the millions of Americans who are on the unemployment lines? What about the millions of Americans who have lost any hope? It seems to me, as I have said on many other occasions, that we have an administration that looks at the state of our economy from the position of Wall Street but not Main Street. The reason I say that is because I look at the actions of the President of the United States that he made today. I will include the relevant parts of the speech. I am now quoting.

At home, obviously, the economy and jobs are on my mind. I know they’re on yours, as well. I am pleased that the economy is growing. . . . My view of Government is to create an environment that is good for the entrepreneur. . . . And that we ought to keep on with the tax cuts.

That is his recommendation in terms of his statement that he made at the National Governors Association.

The rhetoric fails to match the realities of most Americans’ lives. I know the President and his economic advisors have been claiming that the tax cuts for the wealthy have led to an economic recovery. A closer look at the States they have been visiting makes it clear this President and this White House are out of touch with the real needs and everyday concerns of average American families.

The President told small businesses in Tampa, FL, last week that tax relief was a vital part of the economic recovery and failed to mention 32,000 jobs have been lost in Tampa, FL, since he took office and that the jobs being created in the State pay 15 percent less than the jobs that have been lost. He did not mention Tropical Sportswear, an apparel maker in Tampa which shipped more than half of its cutting room jobs overseas.

And in a minute I will talk about the new Time magazine just out on the job market and its cover story about too many jobs going abroad. I fail to see much in the President’s comments to the Governors and to the American people showing the sensitivity that families are feeling all across this country about outsourcing.

Two weeks ago the President touted his economic policies in Harrisburg, PA, where 14,000 jobs have been lost since January 2001. The jobs being created in Pennsylvania pay 23 percent less than the jobs that were lost. In the same week, the President told business in Springfield, MO, the growth is good and jobs are being created. Yet 5,300 jobs have been lost in Springfield, MO, since President Bush took office, and the jobs being created in Missouri pay 25 percent less than the jobs that have been lost.

Every day it is becoming more and more clear the current Bush economic policy is in disarray. Last week, President Bush and his economic team backed away from the promise to create an average of 2.6 million new jobs this year. The President made the promise in his economic report just the week before last and now no one in the White House or the Cabinet will even cite the 2.6 million number. It is just broken promises.

President Bush promised his first tax bill would create 800,000 additional jobs by the end of 2002, but we lost 1.9 million jobs instead. His 2002 economic report promised 3.5 million new jobs in 2003. Instead, more than 300,000 were lost. His economic report last year projected 1.7 million new jobs for 2003, and we suffered a loss of 400,000 jobs. He promised the latest round of tax breaks would create 510,000 additional jobs by the end of 2003, but we lost 53,000 jobs last year. President Bush says it is a good idea to send jobs overseas, as if we had not lost enough jobs already.

This chart is a pretty clear indication about what has been happening to the American economy in terms of jobs and the impact the economic policies of this administration are having regarding employment. This shows 5.2 million jobs short of the administration promises for 2002. In 2002, we are past the rate of jobs short of 2003. The reality is nearly 2 million jobs have been lost in the first 2 years under President Bush.

The administration talks about how the economy is growing and how well the economy is doing but is not touch with the real needs and everyday concerns of average American families.

Mr. KENNEDY. Madam President, I would like to take a few moments of the time of the Senate to review one of the compelling issues facing the Nation, the country, and that is the state of our economy translated in ways that working families understand it—the state of jobs in America. How
than any other industrial nation and considerably more than most of the other European nations. A few hundred hours more than France, Italy, and Germany. American workers are working longer. They are working harder just to stay in place.

If we look at the market in terms of women in our society, what is happening to middle-income mothers who work 55 percent more hours today than 20 years ago? In 1979, it was 855 hours annually. Look at this figure: 1,388 hours now, almost double the amount in 2000.

So American workers are working longer and harder than any other industrial society. Not only that, we have also seen that the families are working longer and harder. Both men and women, husbands and wives are working longer and harder than any other country in the world. So families are working almost longer and harder, and the jobs gained do not pay as much as jobs lost.

The administration talks about the creation of new jobs, they talk about the unemployment figures, but it is important to understand what those jobs are and what they are in terms of pay. In 48 of the 50 States, the new jobs are paying less than the old jobs. There are only two States where they pay more. They average 23 percent less. Workers are working longer and harder. The jobs are paying less.

We will look at what is happening to the national average wage. For workers in 2001, the average wage was $44,000. The average wage now is $35,410, a 21-percent reduction in the average wage for workers today.

We read the statement of the President today talking about the state of our economy, that everything is good and getting better, and when we read the State of the Union talking about how positive all the economy is, we ought to be able to look at what is happening out there on Main Street. Workers are working longer and harder. Both men and women are working longer and harder, and their total income is going down. That is what is happening on Main Street across this country.

This chart demonstrates these points. In 48 States the Bush “recovery” has replaced high-paying jobs with low-paying jobs, with the exception of Nebraska and Nevada. That is a national phenomenon in States across this country, and the outsourcing issue is one of the principal contributors. That is why there is national attention given in this magazine today talking about the challenges we are facing with outsourcing.

I will read a couple parts of the article about outsourcing, and I will include paragraphs so they will be in complete context.

That’s why outsourcing to India has exploded during the recovery. It jumped 60% in 2003—

That is 60 percent in 2003—

compared with the year before, according to the research magazine, as corporations used some of their profits (not to mention their tax breaks)—

Not to mention their tax breaks—do you want to know where a great chunk of those tax breaks are going? It has been used to organize and shift American jobs overseas. This is the conclusion in this magazine today. It goes on:

That translates to 140,000 jobs outsourced to India last year. And what is the human aspect? Here is one of the individuals who has been affected. His name is:

Vince Komesar of Orlando, Fla., has lived both sad chapters of outsourcing—the blue-collar and white-collar versions. He was a trucker in the 1970s and 1980s, delivering steel to plants in Johnstown, Pa. When steel melted down to lower-cost competitors in Brazil and China, he used the G.I. Bill to get a degree in computer science. Conventional wisdom was “Nobody can take your education away from you,” he said bitterly. “Guess what? They took my education away.” For nearly 10 years, he worked as a programmer and saved enough for a comfortable life. But programming jobs went missing two years ago, and he is impatient with anyone who suggests that he “retrain” again.

“Retrain” again—remember that picture with the President out there talking about new training programs that were tied into the community colleges? The principle in that is he said he was going to request I guess $250 million, but of course they cut over $600 million in the last 3 years out of the training programs.

But this is what is happening here, the fact that the individual got the training and programming jobs went missing 2 years ago.

. . . he is impatient with anyone who suggests that he “retrain” again. “Here I am, 47 years old. I’ve got a house. I’ve got a child with cerebral palsy, and two college years. What do I do—push the pause button on my life? I’m not a statistic.”

That is it. These families are not statistics. They are real people who are working hard, working longer, and making less. That is one of the prime concerns many of us have; that is, if we have a problem, the first thing we have to do is understand it. The first thing the President of the United States has to say is: We have a problem. Let’s deal with it. If he just keeps on going as he did with the State of the Union and as he has today to the Governors, that everything is hunky-dory, everything is getting better, that there is no problem, then you are falling to understand what is happening on the main streets across this country.

This next item is from the Lou Dobbs show on CNN last Friday night. These are all publications from today, the speech made by the President today, the impact on the wages today. All of this has been in the last few days. We are not going back a year or 2 years ago as to what is happening; we are talking about what is happening across this country today and what the President of the United States said today and how out of touch he is on these issues.

This is from last Friday night. I think there were two comments said at all the Lou Dobbs show last Friday night. This is Glenn of Oxford, MI:

If General Motors, Ford and DaimlerChrysler can take supplier parts and send them to China to be mass produced at a third of the cost, then why doesn’t the cost of the vehicle ever go down? Labor is cheaper, parts are cheaper, but CEO pay increases.

There it is. That is what is happening. That is the real economy. That is what is happening. When you are talking about outsourcing, you are not only talking about families who have worked hard, played by the rules, and are being outsourced; a decision is being made over which they have no control. But you would think at the end of the day, if the parts are cheaper, if everything is cheaper, then at least the vehicle or some other part would be cheaper; but, no, the same cost, but the profits go to the CEOs.

That was Glenn of Oxford, MI, last Friday night on the CNN show. Here is Walter, of Gary, IL:

When did the American dream become buying goods and services as cheap as possible?

That is a pretty good question: “When did the American dream become buying goods and services as cheap as possible?”

It used to be to have a good job, buy an affordable home, raise our children and hope that our children will be able to do the same if not better in the future.

That is the definition of the American dream. That is the dream that is being trampled on every single day, and we need to have national leadership that understands what is happening out across this country.

It is stunning to me—an absolutely stunning to me—that we cannot have a recognition about what is happening in terms of the current situation. These are the facts.

In the Bush economy, corporate profits ballooned compared to workers’ wages. On this chart is shown the change in the share of corporate-sector income, profits, and workers’ wages, which is in the dark tan. And what is shown on the chart is for the early 1990s recovery—the early 1990s recovery—compared to today. This President is talking about. He talked about it today. He talked about it in the State of the Union. He said everything is hunky-dory. Yet we have spelled out what is happening to real working families. This chart tells the story, and they must have this chart down at the Council of Economic Advisers. They must have this chart down in the White House. Someone ought to put this one on the desk of the President.
What about today? Well, here it is. Eighty-six percent of today's "recovery" goes to corporate profits and 13 percent is going to the wages of workers.

This tells it all as to what is happening to the American economy. The workers are getting short shrift across this country. You can take all of the statistics, and the President can make all the speeches—as he did in the State of the Union and as he did today—but it is not telling the full story. It tells the full story. This tells what is happening to workers in this country. It is told in the lost hopes and dreams of workers who have seen their jobs go overseas, but it is also told in these other factors.

I will just show you this chart about the Bush economy creating low-paying jobs. Let's take the late 1990s—1998 to 2000—the fourth quarter. This is the quarter of the growth period out of the recession. And here are comparable periods of time out of the recession between the 1990s and the year 2000 and the current recovery and what has happened with low-paying wages.

This is what we were talking about before, the loss of income, jobs being lost, the loss of paying less and less, both men and women working harder, working longer, corporate profits booming, workers working harder and making a good deal less, with the average income for those working families going down.

Here is a chart that shows the recovery is the worst for workers since the Great Depression. This is the comparison for the month the recession ended about what happened to workers' salaries. In 1961, when we had a period of economic growth and price stability, the longest period of economic growth and price stability with the exception of President Clinton, until the time of the ballooning of the spending in the Vietnam war. The wages went up 10.7 percent. In the 1970s, it came in at 12 percent; in 1975, 9 percent; November of 1982, 11 percent; March of 1991, 3.6 percent—not very much. This is the period of time President Clinton turned this country around, creating 21 million jobs. And then the first increase was 3.6 percent. Now it is four-tenths of 1 percent.

How many more indicators do we need?

The fact is, we are facing a serious economic crisis in workplaces across the Nation. This administration appears not to understand it. In a statement of the President to the National Governors Association, he talked again about how well the economy is doing, how good it is with the progress we are making.

That is not what is happening on Main Street, USA. All across this Nation, in 48 out of the 50 States, too many jobs are going abroad. We hear about our States and all across the Nation. Everyone appears to know about it except the administration. Their only answer to any of our problems is providing additional tax breaks for wealthy individuals.

Mr. REID. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. REID. Madam President, is the Senator himself aware of what happened last week regarding one of the President's chief economic advisors, N. Gregory Mankiw, Chairman of the President's Council of Economic Advisors? Recognizing that the country has lost manufacturing jobs during the time he has been President, is the Senator aware that this man recommends that in an effort to bolster manufacturing jobs, he wants to have people who work at McDonald's reclassified as manufacturers? Is the Senator aware of that?

I will read exactly what the man said, in case the Senator missed that. The plan is to simply reclassify existing jobs in the fast food industry and declare they are now manufacturing jobs. He said:

When a fast-food restaurant sells a hamburger, for example, is it providing a "service" or is it combining inputs to "manufacture" a product?

Is the Senator aware of this statement which I would consider ridiculous?

Mr. KENNEDY. I am. We want to reference it because it is so startling. It is in chapter 2, page 73—what is manufacturing, the devil is in the details. It is startling to me. We just read the papers in the last few days, if we look at what the Secretary of Health and Human Services has to do now in terms of correcting a record with regard to the disparities on health care because people over in the Department were cooking the books to give it more favorable statements and comments and facts with regard to the problems we are facing with minorities.

Then, of course, in the last day or so we read the comments of our friend and colleague Senator LEVIN where he said the CIA had not been frank and candid and honest with him in terms of providing information about what sites had actually been given to the inspectors and whether they had been given the most accurate sites in terms of the weapons of mass destruction. There was representation that they had, and we find out in the newspapers that they did not.

Then we are troubled today by the statement of the Secretary of Education—who is my friend, although I differ with him—when he said the NEA organization that represents the teachers is a terrorist organization. I was absolutely baffled by that comment. I will read the AP wire:

Education Secretary Rod Paige called the nation's largest teachers union a "terrorist organization" during a meeting with governors on Monday. Democratic and Republican governors confirmed the education secretary's remarks about the National Education Association.

"These were the words, 'The NEA is a terrorist organization,'" said Democratic Gov. Jim Doyle of Wisconsin. Several Democratic governors called the remarks inappropriate.

"He was making a joke, probably not a very good one," said Gov. Ed Rendell of Pennsylvania. "Of course he immediately disavowed the NEA from ordinary teachers, who he said supports."

"I don't think the NEA is a terrorist organization," said Governor Doyle, who has butted heads with the group as well. "They're not a terrorist organization any more than the National Business Organization is a terrorist organization."

Neither the Education Department nor NEA had an immediate comment on Paige's comments. Both indicated the statements were forthcoming.

Mr. REID. Will the Senator yield for another question?

Mr. KENNEDY. Yes.

Mr. REID. I am stumped by the statement of Secretary Paige. I have the greatest respect for Governor Doyle. I know if he said it, he said it. But with regard to the NEA, for example, someone I went to high school with spent much of his adult life working for the NEA, organizing all over the West. That is a terror organization. I say to my friend Rinaldo Martinez, that he is part of a terrorist organization. That is stunning.

Back to the loss of 2.8 million manufacturing jobs.

Mr. KENNEDY. If I may make a quick comment, since we are on that subject, on the statement by the Secretary, whether it was said seriously or in jest, this illustrates in crystal-clear terms the misplaced values of the administration when they roll out the red carpet for the big drug companies, the HMOs, the insurance companies in recent Medicare legislation, and then slap our Nation's teachers in the face with unacceptable language. I say they are wrong. I believe Secretary Paige owes the Nation's teachers and the people an explanation and a full apology.

Mr. REID. The President's people want to reclassify people who work at McDonald's, Burger King, and Wendy's as manufacturing so that the loss of manufacturing jobs appears less. But with regard to the NEA comment, on the fact that it seems it may be better for the President's folks to dwell on people who work in those places not having a
raise in the minimum wage for as long as they have? People are working two and three jobs to make ends meet just barely. We don’t hear a word from the administration, not a single word on increasing the minimum wage for these people. Many workers in these places want to reclassify as manufacturing jobs, where they now make $5.15 an hour. And we have been stymied procedurally from raising even an up-or-down vote on the minimum wage that will allow us to do that. Yet they want to reclassify workers who work in those places as manufacturers. Is this the height of nonsense?

Mr. KENNEDY. The Senator is absolutely correct. Here we have the administration effectively misleading the country in terms of where we are going in terms of the economy and the numbers of jobs and the types of jobs. But at the same time, as the Senator correctly points out, we have not seen an increase in the minimum wage for 7 years. These are the numbers. The minimum wage is very close to the lowest it has ever been.

We know there is a majority in the Senate that is for an increase in the minimum wage, but we are being blocked in this body and in the House of Representatives by the fact that the President and this administration are opposed to an increase in the minimum wage, as they are opposed to an extension of unemployment compensation so that we have some 90,000 workers a week, men and women who have contributed into the unemployment compensation fund that is in a surplus of $17 billion, and we find that the administration has opposed the request of our friend and colleague from Washington, Senator CANTWELL, who along with others, has a dozen times requested that we take up a temporary extension of the unemployment compensation for workers.

Now, if that is the case, as the Senator very well knows, we have an administration that is opposed to overtime for 8 million workers in this country, of whom many are policemen, firefighters, and nurses, who are the backbone of our homeland security.

People say, what could you do right away? They ask Senator KERRY, what can you do now? Well, you could do something today if you had different leaders that would make a significant impact on the lives of 7 million Americans with regard to the minimum wage, hundreds of thousands of workers regarding unemployment, and 8 million Americans with regard to overtime. That is what you can do today with different leadership, let alone what you could do if you had a President who was prepared to help eliminate the tax loopholes that send our jobs overseas; or they can try to bring in American companies and try to work with them to find ways of stabilizing these jobs and find ways of keeping them. There are many ways this can be done, but you will not get it done when you have a President who at noontime today said to the Governors: Every-thing is fine, the economy is growing, don’t worry, we are just doing fine; everything is going along in a very posi-tive way.

I am troubled the message is not getting through.

Mr. REID. We have heard a lot about the loss of manufacturing jobs in our country.

There are traditionally very good jobs, the kind that can really support a family—decent hourly wages, good health care coverage, and paid vaca-tions. They provide an honest day’s pay for an honest day’s work because these jobs aren’t easy. It takes concentration, skill and stamina to stand on an assembly line making automobiles, or aircraft, or television, or dungarees. And most important of all, it requires pride in a job well done.

When I grew up, you saw the “made in the USA” label on almost everything you bought. It was an assurance that a product was of the highest quality because it had been manufactured by American workers.

Today it’s hard to find that label on many products because fewer and fewer things are being “made in the USA.” Over the last 42 months, our Nation has lost manufacturing jobs every single month—a total of 2.8 million jobs. These are the statistics, and behind these statistics are 2.8 million grim stories.

Every time a job is lost, a family’s world is torn apart.

A worker loses the self-esteem of supporting a family, and also loses the sense of pride in a job well done. The family will probably lose their health coverage. Maybe they’ll have to give up their dream of owning a home, or their children will have to forget about attending college.

This is why the loss of manufacturing jobs is such a crisis in our country.

For months now, we have wondered whether the administration has a plan to revive our manufacturing sector, and help create new manufacturing jobs.

Mr. President, I believe in giving credit where credit is due. It now appears that the administration might in fact have a plan to create manufacturing jobs.

Unfortunately, that plan is simply to reclassify existing jobs in the fast food industry and declare that they are now “manufacturing” jobs!

This idea was suggested in the Economic Report of the President which was sent to Congress last week, and by N. Gregory Mankiw, the chairman of the President’s Council of Economic Advisers.

To reiterate, in a speech to economists, Mr. Mankiw said that reclassifying fast food jobs as manufacturing was “an important consideration” in setting economic policy. And the White House drew a box around this part of the Economic Report:

When a fast-food restaurant sells a hamburger, for example, is it providing a “service” or is it combining inputs to “manufacture” a product?

Sometimes, seemingly subtle differences can determine whether an industry is classified as manufacturing. For example, mixing water and concentrate to produce soft drinks is considered as manufacturing. However, if that activity is performed at a snack bar, it is considered a service.

According to an article in last Friday’s New York Times, some economists in the administration want to count flipping hamburgers as manufacturing so they can claim more jobs in that sector of the economy.

Mr. President, if this idea wasn’t such a cruel mockery of American workers and their families, it would be funny.

I have nothing against people who work in the food service industry. Here in the Senate I have fought to protect these workers. I have tried to get a vote on increasing the minimum wage. I have fought to protect overtime pay.

But it is a fact that very few food service jobs can compete with good manufacturing jobs in terms of supporting a family.

If the food service workers could organize themselves into unions, as many factory workers have done. Maybe they could call themselves the Amalgamated Hamburger Assembly Workers or the Brotherhood of French Fry Baggers.

They could call themselves that, but they would still be food service workers, not factory workers. And their jobs would still be service jobs, not manufacturing jobs.

You can change all the terminology you want, but you can’t change the fact that our country desperately needs a real plan to boost our manufacturing sector.

We need to look at tax credits for businesses to create manufacturing jobs; we need to cut health care costs; and we need to enforce our trade agreements so they will be fair to American workers.

We need a plan that recognizes what the loss of manufacturing jobs has meant to almost three million American families.

This is a serious problem. But this suggestion by the administration can’t be taken seriously.

Mr. KENNEDY. Madam President, this is an insult to Lucille Rockett of Durfee High School in Fall River. She works hard to bring smaller learning communities to school to help kids learn. She mentors teachers. She is an enormously constructive and positive person in the high school system as a member of the NEA in my State.

Cathy Moriarty teaches at-risk second grade children in Springfield’s gymnasium because they don’t have enough classroom space. She believes the No Child Left Behind Act doesn’t fund the needed support for smaller class size and better trained teachers. She is a member of an organization that speaks
to that issue. She is proud of it. I am proud of her.

Amanda Pellerin-Duck, who is in Springfield’s Commerce High School, brought new curriculum on global issues to school. She cares about the quality of education and she has spoken out about the importance of making sure we are going to get it right with the No Child Left Behind.

Ellen Peterson is a first grade teacher who has taught for 20 years on her own time. These teachers give of themselves every day. They are devoted to the children and they care deeply about the quality of education, and they are members of an organization that is in trouble.

Cindy Douglas teaches kindergarten in Franklin with limited supplies and does an extraordinary job. She believes this administration and this Nation should put funding of education at a higher priority.

Those are real people who are members of this organization. We have not always agreed, the NEA and myself, on education issues. But I admire their work on the state, and on the federal level, on the work they have done historically on education. I have been a member of that committee for 42 years. It is absolutely startling, Madam President. Probably for the time I have been on the committee, for 20 years, we never voted on any issue. Everything was bipartisan—all the education issues. We had it under a Republican, Senator Stafford, who is still alive, a wonderful elderly Senator from Vermont, and Senator Bentsen, who is my friend, and my family, who is from Rhode Island. We never voted on education issues. They were bipartisan for 20-odd years. Most of us—at least I did—thought we had a bipartisan effort even 20-odd years ago.

This legislation, S. 2061, is not a serious attempt to address a significant problem being faced by physicians in some States. It is the product of a compromise majority of the Senate last year. The only difference is that last year’s bill took basic rights away from all patients, while this bill takes those rights away only from women and newborn babies who are the victims of negligent obstetric and gynecological care. That change does not make the legislation more acceptable. On the contrary, it adds a new element of unfairness.

The proponents argue that they are somehow doing these women and their babies a favor by depriving them of the right to fair compensation when they are seriously injured. It is a scene from Wonderland argument which they are making. Under their proposal, a woman whose gynecologist negligently failed to diagnose her cervical cancer until it had spread and become incurable would be dealt a severe right as a man whose doctor negligently failed to diagnose his prostate cancer until it was too late. Is that fair? By what convoluted logic would that woman be better off than her male counterpart? These same women were condemned to suffer a painful and premature death as a result of their doctors’ malpractice, but her compensation would be severely limited while his would not. She would be denied the right to introduce the same evidence of medical negligence which he could. She would be denied the same freedom to select the lawyer of her choice which he had. She would be denied the right to have her case tried under the same judicial rule which in which he could. That hardly sounds like equal protection of the law to me. Yet, that is what the advocates of this legislation are proposing.

Of course, this bill does not only take rights away from the woman. It takes them away from newborn babies who sustain devastating prenatal or delivery injuries as well. These children face a lifetime with severe mental and physical impairments all because of an obstetrical or gynecological misdiagnosis or defective medical device. This legislation would limit the compensation they can receive for lost quality of life to $250,000—$250,000 for an entire lifetime! What could be more unjust? This is not a better bill because it applies only to patients injured by obstetrical and gynecological malpractice. That just makes it even more arbitrary.

We must reject the simplistic and ineffective responses proposed by those who contend that the only way to help doctors is to further hurt seriously injured patients. Unfortunately, as we saw in the Patients’ Bill of Rights debate, some liberal and moderate Republican Senators and Congressional Republicans are again advocating a policy which will benefit neither doctors nor patients, only insurance companies. Caps on compensatory damages and other extreme “tort reform” are not only unfair to the victims of malpractice, they do not result in a reduction of malpractice insurance premiums.

While those across the aisle like to talk about doctors, the real beneficiaries will be insurance companies and large health care corporations. This legislation would enrich them at the expense of the most seriously injured patients; women and children who are seriously injured or devasted by medical neglect and corporate abuse.

This proposal would shield HMOs that refuse to provide needed care, drug companies whose medicine has toxic side effects, and manufacturers of defective medical devices. This legislation is attempting to use the sympathetic family doctor as a Trojan horse concealing an enormous array of special legal privileges for every corporation which makes a health care product, provides a health care service, or insures the payment of a medical bill. Every provision of this bill is carefully designed to take existing rights away from those who have been harmed by medical neglect and corporate abuse.

It would drastically limit the financial responsibility of the entire health care industry to compensate injured patients for the harm they have suffered. When will the Republican party start worrying about injured patients and stop trying to shield big business from the consequences of its wrongdoing?

This legislation would deprive seriously injured patients of the right to receive fair compensation for their injuries by placing arbitrary caps on compensation for non-economic loss in all obstetrical and gynecological cases. These caps only serve to hurt those patients who have suffered the most severe, life-altering injuries and who have proven their cases in court.

They are the children who suffered serious brain injuries at birth and will never be able to lead normal lives. They are the women who lost organs, reproductive capacities and some cases even years of life. These are life-altering conditions. It would be terribly wrong to take their rights away. The Bush administration talks about deterring frivolous cases, but caps by their nature apply only to the most serious cases which have been proven in court. These badly injured patients are the last ones we should be depriving of fair compensation.

In addition to imposing caps, this legislation would permit other major restrictions on seriously injured patients seeking to recover fair compensation. At every stage of the judicial process, it would change long-established judicial rules to disadvantage patients and shield defendants from the consequences of their actions.

If we were to arbitrarily restrict the rights of seriously injured patients as the sponsors of this legislation propose, what benefits would result? Certainly less accountability for health care providers will never improve the quality of health care. It will not even result in less costly care. The cost of medical malpractice premiums constitutes less...
than two-thirds of 1 percent—0.66 percent—of the Nation’s health care expenditures each year. Malpractice premiums are not the cause of the high rate of medical inflation.

Over the last 15 years, medical costs increased more than four times as fast as the growth rate of gross domestic product, and the total amount spent on medical malpractice insurance rose just 52 percent over that period, less than half the rate of inflation for health care services.

Data from the National Practitioners Data Bank show the number of payouts by Ob/Gyns in medical malpractice cases is not increasing. It has been relatively stable over the last twelve years. In fact, there were 13 percent fewer payouts in 2002 than in 1991. Similarly, the total amount paid to settle malpractice claims against Ob/Gyns has remained flat over the past twelve years when adjusted for medical inflation. The evidence shows that contrary to the claims of those promoting this legislation, malpractice payouts are not causing the cost of health care to rise.

The White House and other supporters of caps have argued that restricting an injured patient’s right to recover fair compensation will reduce medical malpractice premiums. But, there is scant evidence to support their claim. In fact, there is substantial evidence to refute it. In the past few years, there have been dramatic increases in the cost of medical malpractice insurance in States that already have damage caps and other restrictive tort reforms on the statute books, as well as in states that do not.

Caps are not only unfair to patients, they are also an ineffective way to control medical malpractice premiums. Comprehensive national studies show that medical malpractice premiums are not significantly lower on average in States that have enacted damage caps and other restrictions on patient rights and awards without these restrictions. Insurance companies are merely pocketing the dollars which patients no longer receive when “tort reform” is enacted.

If a Federal cap on non-economic compensatory damages were to pass, it would sacrifice fair compensation for injured patients in a vain attempt to reduce medical malpractice premiums. Doctors will not get the relief they are seeking. Only the insurance companies, which already hold the recent market instability, will benefit.

Doctors, especially those in high risk specialties, whose malpractice premiums have increased dramatically over the past few years do deserve premium relief. That relief will only come as the result of proper regulation of the insurance industry. When insurance companies lose money on their investments, they should not be able to recover those losses from the doctors they insure. Unfortunately, that is what is happening now.

Doctors and patients are both victims of the insurance industry. Excess profits from the boom years should be used to keep premiums stable when investment earnings drop. However, the insurance industry will never do that voluntarily. Only by recognizing the real problem can we begin to structure an effective solution that will bring an end to unreasonably high medical malpractice premiums.

Finally, I understand we will be voting on cloture tomorrow. We just had this legislation offered. We are here on a Monday. We are prepared for action and discussion, but we are being restrained by the rules. I intend to vote no on the cloture motion. This is an important issue affecting the quality of health and fairness and justice for millions of women and babies. It does not deserve to be rushed through the Senate.

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. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

OUTSOURCING JOBS

Mr. DORGAN. Madam President, last week the Senate was not in session and most of us in the Senate were in our home States. I spent most of the week in North Dakota visiting with people there, trying to move health care reform and a wide range of issues. I had meetings on the issue of No Child Left Behind, on the significant problem in rural States with methamphetamine and the scourge this deadly new drug poses to young people and to law enforcement. A lot of us were doing a lot of activities last week. I wish to talk about a couple of issues that happened since we left town.

Last week, there was a lot of discussion about the Economic Report of the President that was sent to the Congress just prior to our leaving town.

This week’s BusinessWeek, March 1, 2004, says:

Will Outsourcing Hurt America’s Supremacy?

That is similar to the front cover of BusinessWeek a year ago:

Is your job next? A new round of globalization is sending upscale jobs offshore. They include chip design, engineering, basic research and analysis. Can America lose these jobs and still prosper?

So BusinessWeek, in front covers, now and exactly 1 year ago from now, asks the same questions: Will outsourcing hurt America’s supremacy?

The issue of outsourcing of jobs has been raised in the President’s Economic Report, and there has been a lot of discussion about it. I thought it would be helpful perhaps to read it because it gets back to the question of international trade and its impact on our economy.

On page 25 of the Economic Report of the President, it says: Outsourcing of professional services is a prominent example of the new type of trade. The gains from trade that take place over the Internet or telephone lines are no different than the gains from trade in physical goods transported by ship or by plane. When a good or service is produced at a lower cost in another country, it makes sense to import it rather than to produce it domestically.

Let me read that last sentence again. When a good or service is produced at a lower cost in another country, it makes sense to import it rather than produce it domestically.

So that created a significant debate. This is a booklet, the Economic Report of the President, that is extolling the virtues of outsourcing of American jobs. It is safe to say, perhaps, that no economist who worked on this booklet has ever had their job outsourced. In fact, I know of no American economist who has lost his or her job because of outsourcing. I also know of no politician in this country who has lost his or her job because the job was outsourced to Sri Lanka, Bangladesh, China, or Indonesia.

So it is easy then for politicians and economists to thumb their suspenders, smoke their cigars, ruminate, cogitate about these things, and come up with this goofy idea that somehow when a good or service is produced at a lower cost in another country, it makes sense to import it rather than produce it domestically.

I will take this point just for a moment and see if I can dissect it by talking about bicycles. I know I have spoken about this before, but repetition is the hallmark of good policy, so let me do it again. When it can be produced less expensively overseas, the President’s economic advisers and the President’s report say do it. Well, Huffy bicycles are a good example.

The company that made Huffy bicycles had 20 percent of the domestic market. People can buy these bicycles from Sears, Wal-Mart, and Kmart. Most people know about Huffy bicycles. They used to be made in this country. They were made in Ohio by American workers. Those American workers made $11 an hour making bicycles.

I did not know one of the workers but I am sure they were proud of their jobs and proud of their product. They made Huffy bicycles. In fact, on Huffy bicycles the decal on the front between the head and the handlebars was an American flag decal made by American workers. So Huffy bicycles moved to China. Why? Because it costs $11 to have an American flag decal made by American workers. So Huffy bicycles moved to China.

Huffy model was put in a box for shipment, and then Huffy changed its nationality. Huffy bikes are now Chinese.

Now, bicycles do not speak, so there was no visible sign of this change of nationality when the Huffy showed up at Wal-Mart or KmArt or Sears. They are now for sale as a Chinese bicycle rather than an American bicycle.

Question: Does anybody think that when Huffy decided to send its bicycle production to China, those bicycles ended up in an overseas warehouse? Did you expect them to ship it back here and there is some cost involved in doing that? Do my colleagues think Huffy bicycles that showed up on the showroom floor of KmArt and Wal-Mart are less expensive bicycles after they cut manufacturing costs of workers from $11 an hour down to $3.30 an hour? The answer is no, of course they aren't.

This has nothing to do with advantaging consumers. It has to do with corporate profits. It has to do with laying off Americans and fattening profits.

So going to page 25 of the Economic Report of the President, his economic advisers say: When a good or service is produced at lower cost in another country, it makes sense to import it rather than produce it at home. The argument made by some economists is: This is what this is going to be. We are acquiring a manufactured product, however, is not straightforward. When a fast food restaurant sells a hamburger, is it providing a service or is it combining inputs to manufacture a product?

The definition of a manufactured product, however, is not straightforward. When a fast food restaurant sells a hamburger, is it providing a service or is it combining inputs to manufacture a product? This rather serious economist poses one of the questions of our mist poses one of the questions of our mist might have written page 73, but that is not our question on page 73. They ask a question. They asked the economists: They asked the economists: 'What kind of product is a manufactured good?'

The economists said: 'We would largely be the result of low-skilled, low-wage labor, and the result of low-skilled, low-wage labor, they said that is what this is going to be. We are accessing the Mexican marketplace for low-skilled, low-wage labor which will ship jobs into this country and it will not displace those in this manufacturing sector who have good jobs, making good money, because they have high-skilled, high-wage jobs. Wrong. The three largest categories of manufactured items coming into the United States from Mexico are automobiles, electronics, and automobile parts. Did you know in a recent year we imported more automobiles into the United States from the country of Mexico than we exported to all the rest of the world? I am going to say that again. The United States imported more automobiles from Mexico than we exported to all the rest of the world.

There is no question that NAFTA—a substantial flight of U.S. jobs, good manufacturing jobs, good-paying jobs to Mexico. It is all about wages. I understand that. So you go to page 25 and the issue is not about values. It is not about the American economy. It is not about caring whether this world-class economy of ours retains a strong manufacturing base—which I think is essential to be a country with a strong world-class economy. It is not about that. It is about cost.

When a good or service is produced at a lower cost in another country it makes sense to import it.

I will describe for a moment something I did just before the break. I came to the Senate floor and I listed—which, incidentally, is on my Web site as well at http://Dorgan.Senate.gov for those who might be interested—the top 100 companies that basically moved jobs to Mexico after the North American Free Trade Agreement.

Now these 100 companies—this is not conjecture from me; these are companies that certify job loss: Only with respect to the rules of this Department of Labor that these jobs were no longer going to exist because of the North American Free Trade Agreement. Why did they certify it? Because they wanted to make eligible the workers who were being laid off for this transitional trade adjustment assistance. That's a wonderful, remarkable term: Transitional trade adjustment assistance. That means, for somebody out there who is losing their job, they are going to be transitioned and they are going to get some assistance in the short term. Guess what. One loses their job, they get transitioned, we give them some money, and then go away, please.

So in order to get that transitional assistance, one had to have a certification. Figure out the certification. So here is a certification. Levi Strauss, 15,676 jobs, mostly moved to Mexico; they certified that. I am not accusing them of it. I am just saying they certified that to the Department of Labor. Levi's, is all American right? Everybody wears Levi's, but Levi's are not American anymore. They are made elsewhere. Fruit of the Loom used to be in Texas. They certified 5,382 jobs gone, T-shirts, shorts, underwear; Fruit of the Loom, not American, gone.

Do my colleagues order some Mexican food? Well, they do not have to say: Give me a chalupa, give me an enchilada. What they can say is: Give me some Fig Newtons, because Fig Newtons left America and went to Mexico. They are gone. Do my colleagues think Fig Newtons are made at home? No, they are not. Fig Newtons are on this list. This is the list, certified as leaving America. Why? Because they can make them less expensively elsewhere.

How many Americans know that Fig Newtons now come from Mexico? So we lose our Fruit of the Loom, we lose our Levi's, we lose our Fig Newtons. I am mentioning some things that are not high tech. I should mention some high tech—Motorola telephones. Let me give an interesting statistic that most people would not believe. Do you know that after NAFTA, when we were told that what would be produced by Mexican workers in Mexico, would largely be the result of low-skilled, low-wage labor, they said that is what this is going to be. We are accessing the Mexican marketplace for low-skilled, low-wage labor which will ship jobs into this country and it will not displace those in this manufacturing sector who have good jobs, making good money, because they have high-skilled, high-wage jobs. Wrong. The three largest categories of manufactured items coming into the United States from Mexico are automobiles, electronics, and automobile parts. Did you know in a recent year we imported more automobiles into the United States from the country of Mexico than we exported to all the rest of the world? I am going to say that again. The United States imported more automobiles from Mexico than we exported to all the rest of the world. That describes to you what has happened with NAFTA—a substantial flight of U.S. jobs, good manufacturing jobs, good-paying jobs to Mexico.

Now, bicycles do not speak, so there is no way to say: Give me a bicycle, give me an Huffy. What they can say is: Give me a 10-speed, a 20-speed, a 21-speed, give me a Huffy. What they can say is: Give me a 10-speed, a 20-speed, a 21-speed, give me a Huffy. What they can say is: Give me a 10-speed, a 20-speed, a 21-speed, give me a Huffy.
era: Should a hamburger be considered part of our manufacturing base? Should the making of a hamburger be considered part of our manufacturing base?

How about the person who hangs out on the floor of the Senate. Do you buy your fries with that? Is that a key part of the manufacturing base? Where does this go?

What would your mom, or my late mother, think if you came home and said what you had been doing and you told her you had been manufacturing chocolate pie? I don’t think so.

Sometimes in this town language becomes such a barrier to understanding. This is so fundamentally absurd on its face. Is making a hamburger part of America’s manufacturing base? The answer is of course not. Of course not.

We have lost a massive number of manufacturing jobs in this country in recent years. I suppose some of the same economists who have sold us on this economic strategy may want to make it appear as if we have lost fewer jobs by counting those who construct a hamburger—two all-beef patties, special sauce, lettuce, whatever it is—as part of our manufacturing sector. But of course on its face that is nuts and this ought not be part of any significant or serious discussion.

There are a lot of questions being raised these days about jobs. Let me say I don’t think, with all the discussion in the media and in the Congress, there is not a social program in this country that is as important as a good job that pays well. Because that is what helps provide the security for America’s families.

We are going through a time when we face the loss of a lot of jobs. We face the restructuring of an economy. We did have a recession, relatively short. We are now a year and a half past that recession and the fact is we are still not producing any significant number of new jobs. So the question for all of us is, is this economic strategy a strategy that produces new growth without new jobs?

Paul Craig Roberts, who was one of the top economists for the Reagan administration, recently wrote a piece suggesting that perhaps this is an economic recovery without new jobs. If that is the case, we have some serious problems ahead of us. He says maybe this new growth that we have in the Congress, there is not a social program in this country that is as important as a good job that pays well. Because that is what helps provide the security for America’s families.

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But for me, I believe there is not a more important issue that we need to deal with than the question, are we going to have an economic engine that creates jobs so the American families, as they talk about their lot in life, have a chance to visit about progress? How will we answer the questions: Do I have a good job? Does it pay well? Do I have job security? Am I going to be outsourced?

And then answering the other questions that come from the ability to have a good job. Are the kids back in school proud of us? Do Grandpa and Grandma have access to good health care? Do we live in a safe neighborhood? Do we keep this country safe from terrorist attacks?

There are so many issues that confront us, but I think the issue of jobs is critically important and we spend far too little time working on it in the Senate.

We’ve not to say this: Those who think it is a good thing to send America’s jobs overseas, those who think this is a new economic approach that is good for America, don’t understand. Because they have not been in that place. They have never been a part of a family where people lose their jobs, where you do not have a second job, second shifts, and second mortgages. They have never been a part of that. They think it is just fine to construct some economic theory, some model that says if we can produce Huffy bicycles less expensively in China, good for us, let’s do it. Except the consumer doesn’t benefit from that, it is just the American workers who lose their jobs.

The questions these economists need to answer—and the politicians, incidentally, who support this, and there are plenty—is: Who will be the purchasers and consumers in an economy in which you diminish and then finally ship good jobs overseas? Who is going to purchase all of these things you are producing overseas?

I have given a number of trade speeches. I come to the floor of the Senate and talk about this repeatedly and nobody seems to care very much. That is lamenting. I should not say it quite that way. It does not result in dramatic change in public policy.

We can talk about the most recent trade agreement with China. We have roughly a $130 billion trade deficit with China. The President is dealing with China right now. It has been growing leaps and bounds. Our negotiators negotiate an agreement with China, good for us, let’s do it. Except the consumer doesn’t benefit from that, it is just the American workers who lose their jobs.

This country needs to get a backbone and stand up for its economic interest. Yes, I am talking about ranchers. I am talking about manufacturers. I am talking about business owners who do business in this country and have to compete. We need a spine, backbone, some willingness to stand up for the economic interests of this country, not because protectionism is the answer there needs to be some basic rules.

If, in fact, we are a global economy and, indeed, we are—then the rules with respect to that global economy need to keep pace with globalization.

This is what we have dealt with for 100 years in order to create a more perfect opportunity for business and labor. There is something fundamentally wrong.

I hope we can have a discussion about jobs in the Senate. I intend to offer a series of amendments at the next opportunity dealing with the issue of jobs and dealing with the issue of trade. The President has just finished a Central American Free-Trade Agreement. I believe we ought to have that debate in the Senate. He has just completed the Australian Free-Trade Agreement. We ought to have that debate in the Senate. I intend to be in the Senate opposing both. I will describe why later. Neither, in my judgment, represents the best interests of this country. I want trade pacts to be mutually beneficial. That means they need to benefit this country, as well.

What prompted me to speak were a couple things: One, this discussion...
about outsourcing. The economists who wrote this—this is the President's book, actually signed by the President, but the fact is, I understand it is written by the President's economic advisers. He, in some ways, began to do a U-turn and lost the driving wheel and turned his back again. My hope is the President certainly does not believe this nonsense. Outsourcing of good jobs in this country, outsourcing of manufacturing jobs, outsourcing of service jobs that this country’s best interest. They say in the long run it will even out because the other countries will raise themselves up.

John Maynard Keynes said in the long run, we are all dead. I am interested in the next year, the next 5 years, the next 20 years. I am relatively uninterested in the realignment of the economies 100 years from now.

I want very much for this country to succeed. I want this country to remain a world economic power. It will not be a world economic power if it is deep in debt, up to its neck in fiscal policy deficits and up to its neck in trade deficits. We have fiscal policy deficits this year alone of about $600 billion. I know the stories about the Social Security revenue, which is a dishonest thing to do. So $600 billion in Federal budget deficits, and add to that the highest trade deficits in human history, very close to $480 billion, and it is appropriate to look at this country’s fiscal policy and trade policy and ask: Where is the leadership? Where does the leadership come from to address these issues?

My hope is that I and others who care about outsourcing can provide some of that leadership. We invite the President and people from both political parties to join us. This President needs very, very, very, very successfully in response to this “Economic Report of the President.” He needs to say: This is not what I mean. The economists may have written it, but I don’t believe outsourcing strengthens our country. I don’t believe moving American jobs overseas strengthens the United States of America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Cor- 
yn). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ENSIGN. Mr. President, I rise today to speak about the issue of medical liability reform and the bill pending before the Senate. This legislation is a narrowed-down version of what myself and Senator Gregg introduced last year, which in contrast was a broad-based medical liability reform bill. Today, however, I am going to limit it just to OB/GYNs, nurse midwives, and any other provider involved in the delivery of babies.

The reason we have done this is fairly typified in my State and in many other States around the country by this picture. It is a real life picture taken only days ago: the building moniker reads “OB/GYN,” and next to it, a sign now hangs that reads “For Lease.”

This sign indicates how OB/GYNs are leaving practice in my State and in other States across the country because they can no longer afford their medical liability premiums. This is a problem that some describe as not that big a deal. But if you talk to the women who cannot get obstetric and gynecological services, it is a crisis to them.

Southern Nevada is the fastest growing population center in the country. We have 6,000 new people moving in a month and are we not getting as many new OB/GYNs as we need. We need a lot of new doctors coming to our State. But instead of new doctors arriving to practice, the old doctors are limiting their practices and stopping the practice of obstetrics or leaving our State altogether.

The American Medical Association has identified 19 States that are in crisis, and 5 States are showing signs the crisis is building in their State.

Some people have said: Well, this is about rich doctors versus rich lawyers. This is not about doctors versus lawyers. This is about access to care. This is about a woman who is thinking: “I want to have the best possible care for my baby,” and she cannot find a doctor.

I have a good friend who lives in Las Vegas. He delivers high-risk pregnancies. These are the people you want to have as your best doctors. However, because of the huge increases in rates, his insurance company has limited him to the number of deliveries he can make during the year.

That is not what we want to be doing. We want to have the best people delivering babies, especially for high-risk pregnancies which require the most skill.

It is our legal system that is out of control. Unfortunately, we have trial lawyers out there who are taking advantage of our broken civil justice system. They are even advertising on TV. I am sure many people, when they watch those ads, call the toll numbers you can call to find somebody to sue. It is basically: Bring your Rolodex and we will figure out who you are. It is Basically: Bring your Rolodex and we will figure out who you are.

This chart shows the very clear contrast of what has happened in my State and other States versus California. Why do I put California up versus the rest of the States in the country? The reason is because California enacted what is known as MICRA. MICRA is a law that put a ceiling on the medical liability cap which they enacted in 1975. After withstanding eleven years of court challenges, it has now been in effect for about eighteen years and we know it is working.

The other way, the people in lawsuits are getting plenty of compensation in California. But the difference in premium increases—California compared to the rest of the country—is stark. In California, from 1976 to today, there has been a 167-percent increase. For the rest of the States, it is over 500 percent. Moreover, these percentages do not reflect the last couple of years. If the last couple years were
To put this in real dollar terms, so you can get a comparison between different States, here are some really good examples. This is 2002 survey data for selected specialties. We are comparing the cities of Los Angeles—once again, California has the MICRA law it enacted—and Denver, which is in another State that has enacted very similar legislation. The laws in California and Colorado are the ones Senator Gregg and I based our legislation on. These two States have strong medical liability reform in their States. These other States shown on the chart do not. Let’s see the difference. Let’s go down on the lower portion of the chart because we are talking about OB/GYNs. Let’s talk about the difference in the States. For Los Angeles, $54,000 a year—still a lot of money, but $54,000. In Denver, it is around $90,000. In Las Vegas, where I live, it was $108,000 in 2002, and you cannot get it for $108,000 anymore. Currently, it is closer to $140,000 or $170,000 in my State, and even higher. In Chicago, it is $105,000. In Miami, it is over $200,000 a year.

Is there any doubt in anybody’s mind these laws are working when you look at the comparisons? Like I said, this is data from 2002. If you had 2003 data, the numbers would be even more stark. Consequently, I think we need to call on our Senate colleagues to at least allow us to debate this bill.

We are going to have what is called a cloture vote on the motion to proceed today. All that is is a parliamentary term here in the Senate as to whether we can proceed to the bill. The other side of the aisle is blocking us from even proceeding to the bill, blocking us from having a reasonable debate on the issues, and not going to allow women to have access to their OB/GYNs and to their nurse-midwife practitioners.

I have talked to so many people in my State, including patients, doctors, nurses and other people throughout the healthcare system, healthcare industry, and they know it is a crisis. But I have also visited with people from around the country. My State is not the only one that is in this type of a crisis. Many States are experiencing the same problems from Pennsylvania to Mississippi to West Virginia to Washington State to Oregon, and all across the country. State after State after State has a serious problem today. When debating whether to debate this bill—that is all we are doing today, debating whether to debate this bill—we need people to step up to do the right thing. We have a Presidential election coming up this year. I think the candidates need to explain where they are on this bill. Some of them are going to be out running for office and may not be able to vote on this, but they ought to at least take a position on this bill to let people know where they stand. Do they stand with the trial lawyers? Or do they stand with pregnant mothers and unborn babies who need to come into this world?

I think it is clear where we should stand as a body. This body should, in fact, determine how we stand with protecting the patients of America, with making sure when a woman needs care, whether it is obstetrics or gynecology, that the healthcare provider will be there. Too many of these providers are leaving practice today because of the high cost of malpractice. Many are having to limit the number of deliveries they make, and those high-risk pregnancies will not have the kind of highly qualified medical care they need and deserve.

I could go into a lot of other statistics. I could talk about various anecdotes of people I have met. I would rather just sum up with this: In a day and age where America has the finest health care system in the world, where we have the finest quality, the best doctors, the best research institutions, the best hospitals, and where people from all over the world who can afford it come to America because of the high quality of care, if we want to keep the highest quality of care, we must enact medical liability reform. This bill that is limited down to just affecting the practice of obstetrics and gynecology, we at least must start here. I want to go much further than this, but let’s at least start here so American mothers who are having babies or American women who are seeking gynecological care can have access to that type of care.

One last point has to do with the uninsured. I have heard in the Democratic debates talk about the 43 million uninsured. They want to do something about it. The main thing they could do to make healthcare insurance more affordable would be to enact reasonable medical liability reform. That is what we had before us. If those who are trying to make this a political issue, let’s make it an issue that we actually do something about instead of just talking about it on the campaign trail.

I yield the floor and suggest the absence of a quorum.

Mr. President, a short black history month.

CONGRESSIONAL RECORD — SENATE S1447

February 23, 2004

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mrs. DOLE. Mr. President, a short time ago Congress debated legislation to make the birthday of Dr. Martin Luther King, Jr., a national holiday. The House leader for the Democrats is a fellow name Bob Dole. And during the final debate, I had the privilege of sitting in the gallery with Coretta Scott

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The legislative clerk proceeded to call the roll.

Mrs. DOLE. Mr. President, I ask unanimous that the order for the quorum call be rescinded.
King, as we heard Bob deliver these words:

A nation defines itself in many ways; in the promises it makes and the programs it enacts, the dreams it enshrines, or the doors it slams shut. Thanks to Dr. King, America wrote new laws to strike down old barriers. She built bridges instead of walls . . . there is nothing partisan about justice. It is conservative, it is about the Constitution, as liberal as Lincoln, as radical as Jefferson's sweeping assertion that all of God's creation is equal in His eyes.

I could not agree more. I am very proud of the rich and vibrant African American Heritage in my home state of North Carolina. Indeed, Mr. President, our history is full of trailblazers, including Franklin McCain, Joseph McNeil, Ezell Blair Jr., and David Richmond, known as the Greensboro Four because of their February 1960 sit-in at a Woolworth Store counter in Greensboro, North Carolina. They, along with others, laid the foundation for the America we strive to be, where all people are given an opportunity regardless of the color of their skin.

We have come a long way since then. Today, African Americans and minorities serve in every aspect of business, politics, and the legal profession. They're represented in judgeships throughout the country. John Wesley Winters, Sr., who died just a few weeks ago at the age of 84, was the first black Raleigh, NC, City Council member and one of the first black state senators of the 20th century. He was known as a bridge-builder between the races. And in 1992, my good friend Eva Clayton became the first African American woman to represent North Carolina in Congress. And just last year, Mr. President, I was privileged to support Allyson Duncan, confirmed as the first African American woman to serve on the 4th Circuit Court.

Higher education is another area where strides have been made. North Carolina is home to 11 historically black colleges and universities, including Shaw University in Raleigh, founded in 1865 and the oldest H.B.C.U. in the South. And I was honored to give the commencement address and receive an honorary degree several years ago from Livingstone College, another outstanding historically black college in my hometown of Salisbury, NC, where Dr. Algeania Freeman currently serves as the president. And I am so very proud that my husband Bob is serving as chairman of a $50 million dollar fundraising campaign at Bennett College in Greensboro, one of only two historically black women's colleges in America. In fact, Bennett's president, Dr. Jeneetta Cole, currently serves as national chair of the United Way, and in that capacity has worked with Hillary Clinton and me on legislation to create a nationwide 2-1-1 line, a one-stop community service referral system.

This month we honor the steadfast commitment of so many people, many of whom gave their lives so that African Americans could have the same opportunities as any other citizen in our Nation.

Today, as the Nation continues to celebrate Black History Month, I salute this heritage and the fine citizens who have contributed to North Carolina's greatness. May we continue their work on behalf of all Americans.

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.

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

The PRESIDING OFFICER (Mr. Fritzgerald), Without objection, it is so ordered.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT—MOTION TO PROCEED

Mr. FRIST. Mr. President, there have been a number of conversations regarding the gun manufacturers liability bill. Those discussions were about the likelihood of reaching an agreement to allow the Senate to consider that bill under an orderly time agreement. Now it appears that we will be unable to reach an agreement on the bill and there is an objection to even proceeding to that measure.

With one objection, I now ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 363, S. 1805, the Protection of Lawful Commerce In Arms Act.

The PRESIDING OFFICER. Is there objection?

Mr. REID. On behalf of Senator Reed of Rhode Island, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. I now withdraw the pending motion.

The PRESIDING OFFICER. The leader has that right.

CLOTURE MOTION

Mr. FRIST. I now move to proceed to Calendar No. 363, S. 1805, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows: CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 363, S. 1805, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

Bill Frist, Orrin Hatch, Mitch McConnell, Larry Craig, Jim Talent, John Ensign, John Corney, Conrad Burns, Saxby Chambliss, Craig Thomas, Don Nickles, Rick Santorum, Trent Lott, John E. Sununu, Mike Crapo, Lamar Alexander, Wayne Allard.

Mr. FRIST. I ask unanimous consent that the live quorum under rule XXII be waived.

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

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, for the information of my colleagues and those watching, we have scheduled cloture vote on the motion to proceed to the OB/GYN medical liability bill tomorrow afternoon. As I stated earlier, along with many of my colleagues, I hope that cloture will be invoked and that the Senate will be able to consider this bill. If we are prevented from even debating this legislation, it is our hope to take up the bipartisan gun liability bill. Given the earlier objection, it was necessary to file that cloture motion to proceed tonight. So the vote will occur on the gun liability bill on Wednesday of this week.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

SENATOR JOHN GLENN

Mr. STEVENS. Mr. President, as the days go by, I think it more important to recognize that Senators have friends on both sides of this aisle. One of my great friends is Senator John Glenn and his wife Annie. They have been very important people in my life. I have great memories of times I spent with John Glenn privately.

For instance, I distinctly remember the time John and Annie asked my wife Catherine, my daughter Lilly, and me to go on their boat. It is called the SENIRAM. Few people, other than the occupants of the Chair, would recognize that name, but if you spell it backwards, you will get the point. We had a wonderful day with them. I have had wonderful times throughout the years we have known each other since John and Annie came to the Senate.

Recently, I had the occasion to attend a dinner in his honor. Our distinguished minority leader Tom Daschle was the keynote speaker. I think the remarks Senator Daschle made about John Glenn and his career were most appropriate and some of the finest I have heard.

I ask unanimous consent that the remarks of the distinguished Democratic
leader at the dinner honoring Senator John Glenn, an American hero, on the 100th anniversary of the Wright brothers’ first flight, Friday, December 12, 2003, be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, and ordered to be so printed.

REMARKS BY SENATE DEMOCRATIC LEADER TOM DASCHLE HONORING SENATOR JOHN GLENN

From all accounts, Wilbur and Orville Wright were shy. One of the highlights of the dinner in their honor, the host gave an effusive introduction and then called on Wilbur to make a speech. Poor Wilbur rose to his feet and then mumbled so softly the auditorium said it must be a mistake. I think you want my brother”—and quickly sat down. The host then called on Orville, who replied, “Wilbur just made the speech.” I know the feeling.

What in the world do you say when you open for John Travolta and John Glenn?

This is a thrill and an honor. I want to thank Spencer Dickerson, president of the Aero Club of Washington, for inviting me to be a part of this incredible evening. I also want to thank FAA Administrator Marian Blakey, who, as I warm-up act and a truly outstanding public servant; Admiral Wesley McDonald, chairman of the National Aeronautic Association, sponsors of the Wright brothers; and Klaus Kohn von Kordula, in charge of NAA. And to all Ohioans who are here, thank you, too. There is something amazing about a state that gives the world Wilbur and Orville Wright, Neil Armstrong and John Glenn.

We are here tonight to pay tribute to a genuine, old-fashioned American hero—a man who has been privileged to serve our country for 12 years in the U.S. Senate and who I am honored, and still a little amazed, to be able to call my friend.

We are also here to thank Annie Glenn. In his memoir, John tells a great story about how hard Annie worked to overcome her lifelong habit of stuttering. When she succeeded, about 20 years ago, she told him, “John, I’ve wanted to tell you this for years. Pick up your socks”—which makes Annie Glenn possibly the only person on Earth who is not awed by John Glenn. John may have been the one who strapped himself into those rockets, but it was Annie’s love, courage, and ability to win him to their story. The Wright brothers’ space missions and everything else he has done possible. Thank you, Annie, for being there.

A few months ago, Linda and I got a sneak preview of the incredible exhibit on the centennial of flight that’s now at the Library of Congress. Of all the treasures in that exhibit, the most fascinating was a letter that you’ll find reprinted in tonight’s program. It was written in 1908 by Gutzon Borglum, the visionary sculptor who carved Mount Rushmore and Mount McKinley in the Hills of South Dakota. Linda and I were surprised to learn that, in 1908, Borglum was also president of the Aero Club of America—the forerunner of NAA.

He wrote this letter late on a September night. He was in Washington—still awe-struck by something he had witnessed hours earlier. For the first time in his life, he had seen a man fly an airplane. That man was Orville Wright.

This is a small portion of what Borglum wrote: “My dear Ned, Well, hell’s popping, the ground is dry in this warm-up act and a truly outstanding public servant; Admiral Wesley McDonald, chairman of the National Aeronautic Association, sponsors of the Wright brothers; and Klaus Kohn von Kordula, in charge of NAA. And to all Ohioans who are here, thank you, too. There is something amazing about a state that gives the world Wilbur and Orville Wright, Neil Armstrong and John Glenn.”

February 23, 2004

CONGRESSIONAL RECORD — SENATE S1449

One of the most remarkable things about John Glenn is that he wears his heroism with such extraordinary modesty. Partly because he’d already had enough fame and tickertape parades before he came to the Senate—but mostly, I suspect, just because he’s John Glenn. Senator Glenn never worried about grabbing headlines. He worked quietly and diligently—with Democrats and Republicans—to solve difficult problems. He impressed himself in complicated but important issues—like troop readiness, government ethics and campaign finance reform.

He was willing to do anything, even the "grunt work" of government. He looked at government with the eyes of an engineer and a team of people trying to imagine the world better. He used his position on the Government Affairs Committee to fight for efficiency in government. He was the author of the Paperwork Reduction Act and the lead sponsor of laws requiring inspectors general and chief financial officers in all federal agencies.

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bones what he said when he announced his retirement from the Senate. “Despite all our problems—despite our sometimes inefficient bureaucracies . . . and all of the other problems we love to complain about—this is still the greatest nation in the history of the world, and still a shining beacon of hope and opportunity.”

In 1969, as the crew of the Apollo 11 prepared for lift-off, Esther Goddard was speaking to an AP reporter. She read these words from the diary of her late husband, Robert Goddard, “the father of American rocketry.” “When old dreams die, new ones come to take their place. God pity a one- dream man.” Tonight, I thank God for giving us John Glenn. Guiding the country toward his many dreams, he gives us the courage to live our own. Thank you, John. Thank you, Annie. Godspeed to you both.

CONFERENCE DELIBERATIONS ON
H.R. 3108

Mr. FRIST. Mr. President, on Thursday, February 12, 2004, the Senate appointed conferees on the pension bill, H.R. 3108.

The legislation, as amended, passed on January 28 on an overwhelming 86-9 vote. Of course, the regular order on a bill of this type would have been to insist on the Senate position and appoint conferees to begin negotiations with the House over the contents of this bill. Normally, this would have occurred without comment immediately after passage of the legislation.

Sadly, that was not the case.

Instead, the Senate was diverted into an argument over past patterns and practices—how many times a bill has gone to conference, or been preconferenced, or simply agreed to by the other body or who has been at what meeting, when, or where. This argument may mean much to a few, but it stood in the way of the many.

The Senate and the House are different, with different rules, different pressures, different Members, and different outlooks. The most reasonable way for them to blend these differences is together, with representatives from both bodies sitting down at a table, reconciling legislation that each House has endorsed as its best idea to resolve pressing national problems.

The pension legislation passed both the House and the Senate with large bipartisan majorities. In the Senate, the legislation was developed over 3 months with bipartisan input from across the ideological and party spectrum. Both leaders, as well as the chairmen and ranking members of the HELP and the Finance Committee, wrote the bill, negotiated with multiple interested members, and spearheaded the legislation to passage.

When it came to the pension legislation, I listened carefully to what the minority leader said in various statements. I was gratified by the leader’s assumption that we could pass it. Since Senator Thurmond wrote the landmark-passage floor statement in 1974, that he was “not asking for any predetermined outcome,” and that he was “not asking for a certain set of expectations with regard to the legislation itself.” Such an expectation on the part of any Member would have been another sharp departure about how we do our work here.

It was the regular order that we go to conference on this legislation. I also believe it is the regular order that Senate conferees, majority and minority, participate in conference deliberations as compromise between the House and Senate is developed.

I will work with my Senate majority colleagues to validate this commitment. We should not stymie over processes when there is so much substance for us to work on, together, as the year progresses.

THE POLITICIZATION OF THE FOREIGN SERVICE

Mr. LEAHY. Mr. President, I rise today to bring to the Senate’s attention a speech given by Ambassador Thomas Pickering in which he addressed some important issues concerning the Foreign Service.

I had the opportunity of hearing this speech during an event at the Smithsonian last year, and I know of no one better qualified to talk about the Foreign Service than Ambassador Pickering. In over 41 years in the Foreign Service, Thomas Pickering served as ambassador to a dizzying number of important countries and international organizations, including Russia, India, Israel, Nigeria, and the United Nations. He also happens to speak 5 foreign languages.

In his speech, Ambassador Pickering warns of the increasing politicization of the Foreign Service. He points out that after disastrous experiences in the Civil War and Spanish-American War, the United States professionalized its officer corps. Today, with the rise of international terrorism and the proliferation of other complex international problems, we should be thinking about re-professionalizing the Foreign Service.

However, we seem to be going in the wrong direction. Increasingly, individuals who have done little more than donate to a political campaign are being placed into key positions within the State Department. Ambassador Pickering appropriately points out that certain political appointees have and will continue to play an important role in pursuing U.S. diplomatic efforts overseas. Bringing individuals like Howard Baker and Felix Rohatyn, who possess unique skills, to the State Department is essential.

But the world is becoming more interconnected and more dangerous. International crises no longer confine themselves to one corner of the world. For example, the outbreak of a deadly disease in Africa is only a plane ride away from the United States. We need seasoned, talented individuals capable of effectively advancing U.S. interests in Washington and abroad—not individuals whose primary talent is digging into their pockets to donate to a political campaign.

I urge all Senators to heed Ambassador Pickering’s address and ask unanimous consent that the entire speech be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL PORTRAIT GALLERY’S PAUL PECK PRESIDENTIAL AWARD—ACCEPTANCE SPEECH BY AMBASSADOR THOMAS R. PICKERING

Thank you very much for the kind introduction. I am grateful to Strobe Talbott for this extremely generous and most unexpected award. I want to extend my warmest congratulations to Diana Walker, my co-recipient tonight, for her devotion to portraying the presidency. I look forward to doing more television shows together.

I am even more grateful for this award, given my distinguished predecessors in receiving it, one of whom, General Brent Scowcroft, is here tonight, and the high respect I have for the members of the selection committee.

Let me also thank Mr. Peck for his unstinting generosity to the Portrait Gallery, the Presidency and to the pursuit of educational opportunities for Americans, including African Americans and Hispanics and many others. Your willingness to support so generously such worthy and deserving causes is much appreciated. Were I not a recipient of the award tonight, I would say with equal vigor “thank you for doing this for your country and its future.”

I want too to thank the cooperating foundations and organizations that made the award and the evening possible.

I would be remiss in my own understanding of reality were I not to say immediately that it has been my family who have been my strongest supporters throughout my career in government. I’m happy to have with me tonight my son Timothy and members of his family, my daughter Margaret and members of her family and most especially my wife Alice. To all of them, but most especially to Alice, my firmest friend and toughest critic through many fascinating assignments, I owe the most, and they too should be receiving the award with me every sense of the word—they surely deserve it.

I have had the honor of serving every president since Harry Truman, when I worked as a clerk in the U.S. Post Office for the U.S. Weather Bureau as a summer intern in the Arctic. Since leaving the Foreign Service at the end of 2000, I have also served on a number of official advisory committees to U.S. departments and agencies.

My Foreign Service career was highly rewarding and in some respects, very unusual. I’ve had the pleasure of serving on continents except Australia. But then too, I went to university there under the Fulbright program. I also spent three and one-half years in the U.S. Navy and over 4½ in the Foreign Service.

I wallowed in diversity, both ethnic and religious. I had the pleasure of being Ambassador to the world’s largest Jewish state (Israel); to a Muslim country (Jordan); to the world’s largest Hindu state where Buddhism was invented and where 150 million are Muslims, which makes it the world’s second-largest Muslim state (India); to the largest Orthodox Christian country in the world (Russia); to a predominantly Roman Catholic republic (El Salvador) and to two still mostly Christian and Muslim, contain very large populations which practice traditional African religions (Nigeria and Tanzania). It’s been a wonderful life, much of which my mother often wondered why I kept moving around and couldn’t keep a steady job.
Paul Peck is truly right. Public service, and we all serve the President in that regard, is essential for our country’s survival and prosperity. Last week, Mr. Peck encouraged us all to think about change and improvements—about ways to make our service to the Presidency and through the Presidency to all of the people of our country more productive and more public-service oriented. Tonight, I want to talk about two aspects of that service and provide you some thoughts on improvement.

I do not think it requires any special knowledge that the Civil Service, the military service and the Foreign Service of the United States have made an important contribution to the professional opportunities for us all as citizens. We are lucky that for the size of our population, we have one of the smallest public services in number of the Federal personnel level, when we compare it with other countries around the world.

Also, I see it as one which is generally dedicated, intelligent and hard-working. Indeed, our public found out how essential was the American Civil Service, the military service and the Foreign Service. And it has been generally agreed that the Civil Service needs to send its best men and women to the Foreign Service, the military service and the Foreign Service.

One word has described the first job that was truly professionalized by popular acclaim was brain surgery. And after disastrous experiences in the Civil and Spanish-American war, we professionalized our Military Officer Corps.

Right now, by tradition more than anything else, about 70% of our Ambassadors are from the Career Service and 20% from the outside. Not too long ago, a distinguished American senator, who has gone on to serve at a high post in the Executive Branch, led the fight for reform to 10%. He was unsuccessful, but I don’t believe the project should be abandoned.

Where there is evidence and good training can make a difference. America deserves the best. The Career Service is organized to do that, and I would hope that this important improvement, in what I believe is the spirit of Paul Peck’s Award, can be picked up and implemented in the future, despite my full understanding of all the difficulties in doing so. I say that in full knowledge of the fact that the Career Service needs to send its best men and women to this assignment.

For me and for all of my colleagues in the Foreign Service and with all of those with whom I worked in the Civil and Military Service, it was and is a privilege to serve this country.

Every day was a day of new challenges and new opportunities. I used to tell my staff that the day in which you did not learn something new and important in the service of our country as a day wasted.

You all, as Americans, gave us that opportunity. If I was able to give something back to you in the way that you in turn gave me both a great pleasure and the highest honor, then I am as happy as I can tell you that my acceptance of this honor must be on behalf of all of those who have so loyally and faithfully served our country down through the generations.

Thank you very much.

Honoring Our Armed Forces

Tribute to Spec Joshua L. Knowles

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to Spec Joshua L. Knowles of Sheffield, IA who courageously gave his life for his country in Operation Iraqi Freedom. He is the 10th Iowa to be killed since the start of hostilities in Iraq. My deepest sympathy goes out to his parents, Sandy and Les, and his two sisters, Brenna and Michelle, as they deal with their loss. Spec Joshua Knowles graduated from Sheffield-Cherokee-Macon County High School in 1999 where he played football. He enlisted in the Iowa National Guard 113rd Transportation Company out of Mason City, IA, on February 18, 1999 and served as a motor transport operator. Specialist Knowles was killed on Thursday, February 5, 2004, when the cab of the military cargo truck he was riding in was hit by mortar fire as the convoy passed through Checkpoint 6 at the Baghdad International Airport. He was in the cab with fellow Iowan, SPEC Peter Bieber of Nora Springs, who was also injured in the attack. Specialist Knowles will be honored posthumously for his patriotic service to his country with the Purple Heart as well as the Bronze Star, which is awarded for members of the military who distinguish themselves “by heroic or meritorious achievement or service while engaged in an action against an enemy of the United States”. In a press statement, Specialist Knowles’ family recalled a shirt that he had sent them from Iraq. The shirt says, “U.S. Soldiers Never Die, They Just Take Cover Until the Next Mission, which they say is a symbol of patriotism and service toward military service. We can all be proud of this exceptional Iowan and I know he will be greatly missed by all those who knew him. In giving the ultimate sacrifice for his country, Specialist Knowles showed himself to be a true hero and patriot. I again want to express my sympathy for his family and my gratitude for his courageous service.

CBO Cost Estimate on S. 1072

Mr. INHOFE. Mr. President, I ask unanimous consent that a cost estimate prepared by the Congressional Budget Office to accompany Senate Report 108–222, the committee report to S. 1072, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act, be printed in the RECORD. The estimate was prepared by the Congressional Budget Office.

February 23, 2004

The Chair. I have before me a request that the CBO provide its estimate on cost for S. 1072. Mr. O’Neill, please provide the CBO estimate on S. 1072.

Mr. O’NEILL. Mr. President, I have the CBO cost estimate on S. 1072.

Mr. GRASSLEY. S. 1072—Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003

Summary: Assuming appropriation action consistent with the funding levels specified in the bill, and assuming the appropriation of amounts necessary to complete highway and environmental studies and regulations required by the bill, CBO estimates that implementing S. 1072 would cost $172 billion over the 2004–2009 period and about $46 billion after 2009.

CBO estimates that enacting S. 1072 would reduce direct spending by about $1.7 billion over the 2004–2009 period and by about $3.4 billion over the 2004–2013 period. Finally, the Joint Committee on Taxation (JCT) estimates that enacting S. 1072 would reduce direct spending by about $3.4 billion over the 2004–2009 period and by $130 million over the 2004–2013 period.

S. 1072 would extend the authority for the Federal Highway Administration to make payments to the states for projects that save energy, enhance the environment, or both. This program, the bill would provide about $218 billion of contract authority over the 2004–2009 period.
period, and it would authorize the appropriation of about $2.6 billion over the same period. S. 1072 also would require the Department of Transportation (DOT) and the Environmental Protection Agency (EPA) to complete certain studies and regulations concerning highway construction and air quality.

Consistent with the Balanced Budget and Emergency Deficit Control Act, CBO assumes for this estimate that the contract authority for the Federal-Aid Highway program will continue at the same rate provided immediately before the program would expire at the end of 2009. Hence, this estimate includes an additional $4.9 billion in contract authority in each year over the 2010–2013 period.

S. 1072 would make several changes to current law that would affect direct spending. The legislation would end funding for DOT’s Minimum Guarantee program, increase funding for the Emergency Relief program, provide DOT the authority to spend certain fees, and provide DOT the authority to share monetary judgments pertaining to fraud in the federal highway and transit programs with state and local agencies.

CBO estimates that enacting S. 1072 would result in lower revenue collections by expanding the State Infrastructure Banks program and by changing the eligibility requirements of the Transportation Infrastructure Finance and Innovation Act (TIFIA) program. Under current law, five states can use grants from the Federal-Aid Highway program to fund a state infrastructure bank. S. 1072 would extend that authority to all states. S. 1072 would change the TIFIA program by making smaller projects eligible for credit assistance. Both provisions would decrease revenue collections by increasing the use of tax-exempt bonds.

S. 1072 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs to state or local governments would result from complying with conditions of federal assistance. In general, the bill would benefit states by authorizing federal highway programs for the next six years.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1072 is shown in Table 1. The costs of this legislation fall within budget function 400 (transportation).

Table: Summary of Budgetary Effects of S. 1072

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Estimated Authorization Level</th>
<th>Estimated Outlays</th>
<th>Estimated Budget Authority</th>
<th>Estimated Revenues</th>
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<td>464</td>
<td>6,528</td>
<td>30,633</td>
<td>-17</td>
</tr>
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</table>

1 Under current law, most budget authority for the Federal-Aid Highway program is provided as contract authority, a mandatory form of budget authority. Most outlays that result from the contract authority, however, are subject to obligation limitations contained in appropriation acts and are therefore discretionary. S. 1072 would provide contract authority for the Federal-Aid Highway program. CBO estimates that enacting S. 1072 would cost about $3.4 billion over the 2004–2013 period.

2 CBO estimates that enacting S. 1072 would lower revenues by $130 million over the 2004–2013 period.

Spending subject to appropriation

Over the 2004–2009 period, S. 1072 would provide about $216 billion of contract authority and authorize the appropriation of about $2.6 billion for the Federal-Aid Highway program. The bill also would require DOT and EPA to complete certain studies and regulations. Assuming appropriation action consistent with the contract authority and authorizations specified in the bill, and assuming the appropriation of amounts necessary to cover the studies and regulations, CBO estimates that implementing S. 1072 would cost about $172 billion over the 2004–2009 period.

Under current law, most spending from the Federal-Aid Highway program is considered discretionary because it is controlled by annual limitations on obligations set in appropriations acts. For this estimate, CBO assumes appropriation action will continue to limit outlays from the Federal-Aid Highway program.

S. 1072 would require DOT and EPA to complete certain studies and regulations concerning highway construction and air quality. The bill would require DOT to assess the condition of the surface transportation system and develop a plan to ensure this system will continue to meet the nation’s transportation needs, and it would require EPA to improve the methodology for measuring air particles. The bill also would require DOT to issue regulations to improve worker injury rates and traffic flow during road construction, and it would require EPA to issue regulations for the management of air quality data during disasters. Based on information from DOT and EPA, CBO estimates that completing these studies and regulations would cost $7 million over the 2004–2009 period, subject to appropriation of the necessary amounts.

Direct spending and revenues

The legislation would end funding for DOT’s Minimum Guarantee program, increase funding for the Emergency Relief program, provide the authority to spend certain fees, and provide the authority to share certain monetary judgments. CBO estimates that these changes would lower direct spending by about $3.4 billion over the 2004–2013 period and reduce revenues by $130 million over the same period. The bill’s changes in direct spending and revenues are detailed in Table 2.

Minimum Guarantee Program. Of the total amount of contract authority for the Minimum Guarantee program, current law exempts $296 million of contract authority for fiscal year 2004 from any limitation on obligations. Consistent with the Balanced Budget and Emergency Deficit Control Act, CBO assumes this program continues at the same rate through fiscal year 2004 and in each of the following years. Under this baseline assumption, $629 million of contract authority for the Minimum Guarantee program is exempt from annual limits on obligations set in appropriation acts, and the resulting outlays are therefore considered mandatory. S. 1072 would eliminate funding for this program. CBO assumes that eliminating funding for the Minimum Guarantee program would lower direct spending by $5.2 billion over the 2004–2013 period relative to the current baseline.

Emergency Relief Program. Current law provides permanent authority for the Emergency Relief program and limits the program’s obligations to $100 million each year. Because appropriation acts do not control spending from the program, its outlays are considered mandatory. S. 1072 would raise the limit on obligations to $300 million each year. CBO estimates that this provision would increase direct spending by $1.7 billion over the 2004–2013 period.

Table: Estimated Effects on Direct Spending and Revenues for S. 1072

<table>
<thead>
<tr>
<th>Year</th>
<th>Direct Spending</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>26,264</td>
</tr>
<tr>
<td>2005</td>
<td>30,633</td>
</tr>
<tr>
<td>2006</td>
<td>30,633</td>
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<td>2007</td>
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<td>2011</td>
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<td>2012</td>
<td>30,633</td>
</tr>
<tr>
<td>2013</td>
<td>30,633</td>
</tr>
</tbody>
</table>

1. Under current law, most budget authority for the Federal-Aid Highway program is provided as contract authority, a mandatory form of budget authority. Most outlays that result from the contract authority, however, are subject to obligation limitations contained in appropriation acts and are therefore discretionary. S. 1072 would provide contract authority for the Federal-Aid Highway program. CBO assumes appropriation action will continue to limit outlays from the portions of the Federal-Aid Highway program that are subject to limitations under current law as well as new components of the program that would be authorized by S. 1072.

2. CBO estimates that enacting S. 1072 would cost about $3.4 billion over the 2004–2013 period. JCT estimates that enacting S. 1072 would lower revenues by $130 million over the 2004–2013 period.
Spending of Certain Fees. Under current law, DOT collects fees from participants in classes held by the National Highway Institute and participants in the TIFIA program. These fees cover a portion of the administrative costs of the classes and the TIFIA program. S. 1072 would provide DOT the authority to spend the fees without further appropriation. Based on information from DOT, CBO estimates the department will collect—beginning in 2005—$4 million each year from participants in classes held by the National Highway Institute and $1 million each year from participants in the TIFIA program. CBO estimates that this provision would increase direct spending by about $45 million over the 2005–2013 period.

Monetary Judgments. S. 1072 would provide DOT the authority to share monetary judgments pertaining to fraud in the federal highway and transit programs with state and local agencies. This provision would apply to judgments in criminal prosecutions as well as civil judgments. Under current law, monetary judgments that result from criminal prosecutions are deposited in the Crime Victims Fund and later spent. Civil judgments, however, are not spent under current law. The federal government received an average of $28 million each year in monetary judgments from civil cases over the 1999–2003 period. Because the government pays most fees associated with fraud investigations and generally requires states to provide only 20 percent of the total cost for most surface transportation projects, we expect that S. 1072 would increase the amount of such judgments with the states. Hence, CBO estimates that this provision would increase direct spending by $44 million each year, beginning in 2005, and by $40 million over the 2005–2013 period.

Revenues. Enacting S. 1072 would lower revenue collections from the expanding the State Infrastructure Banks (SIBS) and the TIFIA programs. JCT estimates that enhancing both provisions would lower revenues by $352 million over the 2004–2009 period and $130 million over the 2006–2013 period.

Under current law, five states can use grants from the Federal-Aid Highway program to fund state infrastructure banks. States use infrastructure banks to finance transportation projects by providing loans to local governments or repaying bonds. S. 1072 would extend this authority to all states. JCT estimates that this provision would increase the use of tax-exempt bonds and therefore decrease federal revenues by $73 million over the 2004–2013 period.

For a project to receive credit assistance under the TIFIA program, current law requires the projects’ total cost to equal or exceed borrowing of the following two amounts: $100 million, or 50 percent of the states’ grants from certain highway programs in the previous fiscal year. S. 1072 would change those two amounts to $50 million and 20 percent of the states’ highway grants. Credit assistance under the TIFIA program can cover a portion of the remaining cost with tax-exempt bonds. JCT estimates that enacting S. 1072 would increase the number of projects that receive credit assistance under TIFIA and, therefore, increase the use of tax-exempt bonds, reducing revenue collections by $57 million over the 2004–2013 period.

Intergovernmental and private-sector impacts. S. 1072 contains no intergovernmental or private-sector mandates as defined in UMRA. Any additional costs to state or local governments to comply with grant conditions would be incurred voluntarily. In general, the bill would benefit states by reauthorizing federal highway programs for the next six years.

Subtitle E, Environmental Planning and Review, would clarify and expand existing conditions of aid by requiring Metropolitan Planning Organizations (MPOs) and states to consider additional environmental factors during the planning process and to update long-range transportation plans more frequently. MPOs and states have to comply with various transportation planning requirements in order to receive federal assistance. According to MPO representatives, the provisions of the bill may require smaller organizations to hire additional staff. However, CBO does not expect those costs to be significant. Furthermore, states and MPOs receive various forms of funding under title 23 and title 49 that would offset planning-related expenses. S. 1072 would increase the amount of title 23 funds set aside for MPOs.

States would benefit from other provisions of the bill, including funding to establish or update systems to report incidents more quickly, to develop intermodal passenger facilities, and to encourage the collection of tolls on certain interstate highways and high-occupancy-vehicle lanes.


Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

ANNOUNCING THE BIRTH OF PRESTON CHARLES LUGAR

Mr. LUGAR. Mr. President, during this past recess of the Senate, my wife, Charlene, and I were the joyous news that Preston Charles Lugar, the newborn son and first child of our son, John Hoereth Lugar and his wife, Kelly Smith Lugar, had been born on February 20, 2004, at Sibley Hospital, in Washington, DC. Preston was a healthy 8 pounds, three and eight/tenths ounces at birth. Kelly’s parents, Robert Lee Smith and Renee’ Camille Smith, Charlene, and I were present to greet our new grandson and his parents as they returned to their Arlington, VA, residence on February 22.

Kelly and John were married on November 5, 2001, in the Washington Cathedral with Dr. Lloyd Ogilvie, former Chaplain of the Senate, presiding. They and their families and guests had enjoyed a rehearsal dinner in the Mansfield room of the Capitol on the night before the wedding. Kelly has worked with many of our colleagues during her current service to the administration of President George Bush and our former colleague, Secretary of Energy, Spencer Abraham, as Assistant Under Secretary with responsibilities for Congressional Relations. A graduate of the University of Texas, she was once a member of the staff of Congressman Ralph Hall of Texas. John Lugar came with us to Washington, along with his three brothers, 27 years ago. He graduated from Langley High School in McLean, VA, Indiana University, and received his Masters of Business Administration degree from Arizona State University. He has been active in the private equity industry in recent years.

We know that you will understand our excitement and our gratitude that they and we have been given divine blessing and responsibility for a glorious new chapter in our lives.

ADDITIONAL STATEMENTS

THE STATE OF PUBLIC EDUCATION

Mr. INOUYE. Mr. President, the Hawaii State Legislature took a historic step on January 28, 2004, and invited education Superintendent Patricia Hamamoto to address a joint session of the house and senate, underscoring the priority public education will be accorded during their legislative session. As a teacher first, then principal and now superintendent, her words were
progressive, and at times, provocative. She was honest about the system's shortcomings, clear on the improvements that need to be made, and focused on increasing student achievement by enhancing and supporting the relationship between teacher and student.

Hawaii Superintendent Hamamoto's words are worthy of both local action and national consideration. I ask that the full text of her statement be printed in the Record.

The statement follows.

SUPERINTENDENT PATRICIA HAMAMOTO
THE STATE OF PUBLIC EDUCATION
JANUARY 28, 2004

President Bunda, Speaker Say, members of the Legislature, Lieutenant Governor Aiona, Congressman Abercrombie, distinguished guests from our business, labor, military and education communities, fellow citizens of Hawai'i, good morning.

My name is Pat Hamamoto and I am a teacher, a principal, and an educator. I believe teaching is one of our greatest callings, and I spent 12 happy and productive years teaching at Intermediate, Waipahu High School, and Pearl City High School.

As a classroom teacher, I was often frustrated with the DOE bureaucracy. My 7th grade students who struggled with math wanted to make math “real” by relating it to something they cared about, namely, money. So I set up a little in-class economics lesson. When my students turned in work that was acceptable, they got tokens they could use to buy classroom supplies like pencils, rulers and notebooks. I’ll tell you—the lesson worked and students saw the connection between math and money and buying things, and they did enough good work to empty out my supply closet. Now technically, I was supposed to just give out those supplies, no strings attached. So before I embarked on this program, I asked my principal for permission. He said, “Don’t tell me if I don’t know, I can’t tell you no. Just do it.”

And so I learned to work around the system. But teachers shouldn’t have to work around a system; the system should work for them. As the former superintendent at Kamehameha Schools, I know thought things would get easier within the system. When we were renovating McKinley High School’s Administration building, the whole campus was dug up to put in wiring. Since the trenches were dug anyway, I thought it would be a perfect time to put in conduits for the computer campus. But the extension was refused by the DOE because it was an expensive computer technology. I was told no. The reason? It wasn’t on the blueprints. Finally, in frustration, I called the head of the Department of Accounting & General Services, and asked for help. And he helped. McKinley’s students now have a school fully wired for fiber optics. But principals shouldn’t have to work around a system to make personal connections; the system should work for them.

As Superintendent of Schools, I recognize that a lot of people consider me, and the people we hire, to be in the DOE’s pocket. But we are in the DOE’s backyard, to be symbolic of the problem and unwilling to change. Nothing could be further from the truth. We have been changing this bureaucracy for the better. That day I was named the DOE’s Superintendent two years ago. Before I talk about how we have changed and will continue to change, let me talk for a moment about where we have been.

We are a progressive, and at times, provocative. We have committed to finding a way around the system to make their schools rich learning environments. Our students are excellent scholars, future scientists, inventors and CEOs, future legislators and perhaps a Governor or two. They have confidence that we will be here to help them when we adjourn this morning, to remind us of why we are here, and why public education deserves every ounce of attention and support we can give it. Pedagogically, the students of Hawaii’s public school system, will you please rise and receive the acknowledgement you deserve.

Despite the many achievements of our public education system, I come before you today to report that Hawaii’s public education is simply not working as it should. It is, in fact, obverse to society. This is the single biggest problem we face as a state. Why? Because we are not properly preparing Hawai’i’s children of the future, our workforce of the future, our business and civic leaders of the future.

Too many of our teenagers fail basic eighth grade English and math tests. They cannot qualify for journeyman apprenticeships in the building trades. They have little hope of decent-paying jobs that will allow them to raise their families. We are failing them, the next generation. And that is not acceptable. I am not here to defend the status quo. I am here to tell you we must all work together to improve public education in these Islands as we call home.

I feel very fortunate to be standing here today because I have never seen so much good work—systemic and campaign driven, on the fifth floor of this building and in these legislative chambers. That attention is an opportunity for all of us. It shows that the leadership in Hawaii want the best possible education for the boys and girls of these islands. It shouts loud and clear that the opportunity for change is upon us, and we must seize it.

In everything we do from this day forward as we go about the business of “reinventing” our education system, we need to focus not on school boards or superintendents or labor unions, not on Republicans or Democrats, but on the 184,000 students in our charge. The question isn’t who is right, but what is right. I ask you to listen this morning with open minds and open hearts, so that collectively we can make informed decisions on what is best for our children.

Yes, the system of education governance is important. But it is a political decision, to be made by you. So I won’t spend any of my time debating that issue. Let me tell you that I believe education reform in Hawaii is only going to happen at the most basic level—at the school and in the classroom. I am opposed to additional Boards of Education that add more layers of bureaucracy between our state school board and the schools. More school boards will not improve student achievement. Instead, I support the most direct and unfettered route from that state governing board to that individual school and ultimately the child in the classroom.

I couldn’t agree more with Consultant William Ouchi’s conclusion from his book, “Making Schools Work” page, 17, which reads “If the word decentralization means, ‘you’ll get a decentralized district, but with low student achievement.’” That is, obviously, not our goal.

Differences in school board structure have received a lot of media and community attention, but it’s encouraging to me that there are so many issues that will make a difference in the classroom.

Just look at areas where we already seem to be on the right track:

One: Empowering principals and school communities by providing more lump-sum funding directly to the schools and giving them the authority and the flexibility to decide how school funds are spent.

Two: Adopting the “weighted student formula” plan. Hawaii has long been known for equity in public education. Our statewide funding system has provided that. Keiki in the public schools in communities of the same level of resources have equalized resources at the school level. But not all students are created equal. Some have physical or psychological needs that require special education. We don’t know English, come from broken families or live with foster parents, and go home to drugs and drug users. The “weighted student formula” plan allocates money based on the unique needs of each student. That funding follows that student wherever he or she goes to school, and equalizes opportunity at the student level. I applaud everyone, from the Board, the Legislature, and the Governor’s CARE group, for their general agreement to adopt this plan. It is the right thing to do, and I hope we do it this year!

Three: Giving principals more training in fiscal and administrative skills. If principals, in fact, become true CEO-educators on their own campuses. The Board of Education has now made this a priority for DOE implementation.

Four: Providing parents a choice to send their children to any public school that has recurrent programs that appeal to them.

Five: Continuing to raise standards that makes it possible for the boys and girls of Hawaii to be commended for the many hours of unsellish service they give to Hawaii’s children. They have indicated by their words and their actions that they are committed to re-inventing Hawaii’s Public Education System. This is an endeavor that must be underwritten by the community, the polcy, and by the Superintendent and her team, who implement that policy. I am in constant contact by the large number of people I have seen coming from this Board, and I look forward to working together in this challenging and noble pursuit.

I urge the Board and the Department are calling for help as we reinvent our schools.

First: We must empower schools and principals in the way I spoke of earlier, and accountability must go with the power. That means requiring principals and teachers to make sure that students meet standards. For example, by the end of Grade 3, every student must read.

Second: Parents must know how their children are doing. We will increase the amount of user-friendly feedback—report cards that parents and students can understand easily. Parents are responsible to get their kids to school ready to learn, and students need to be responsible for their own learning.

Third: We will overhaul SCBM—School Community-Based Management. In its current form, it is an extension of the DOE’s framework. The framers of this policy had originally intended and that was to improve student attendance. Therefore, in all individual schools, we must arm School-Community Councils with shared decision-making power, and give them meaningful responsibility over spending student-funded student funding, insure student achieve- ment. This will mean training participants
to make these important choices and then trusting them to do the right thing. A nameless worker in an office in Honolulu should not be telling a principal in Honolulu how to best use his or her budget. Furthermore, I envision a Board of Directors for each school, much like the models we see in the business world, or at private schools. This Board would be made up of school and community members, elected by the parents, staff, teachers, principals, and even the younger grades. It would have two main responsibilities: develop their academic plan for success which will get the educational results they desire for their students, and decide how to spend their own school's budgets? That, my friends, is local school governance at its best and most important level: every school, with the parents, principals, teachers, staff and students making their own decisions!

Fourth: We expect quality, and we need to pay for quality. Principals should be put on performance contracts so we can reward the top performers with incentives, pay raises, time off, paid training or sabbaticals, and move non-performers to another line of work. Our professionals need to know that hard work and success pay off. We must do this with innovative, yet effective bookkeeping and in cooperation with our partners in organized labor.

Finally, we empower principals, we need to have them on the job for 12 months and pay them for it. CEOs in private business don't work 10-month years. Every sector of our society operates on a year-round basis. If business, government, tourism, transportation, and utilities do it, then principals, as CEOs of their schools, need to be on the job year round. They should be treated similarly and have a financial incentive for professional development. Teachers should be put on 11-month contracts—10 months of teaching, plus an additional month for 20 days of paid training.

Sixth: In order to make these ideas work, we need a common public school calendar. Our current calendar, which has long summer breaks, reflects a different age when parents needed their children free to harvest the crops and support the family. But we're in the information age now. A common year-round school calendar would include more frequent breaks and vacation time. It would meet the needs of our communities to train teachers so that they may serve your children better. And, it's more efficient.

Seventh and most important: If we are to truly reinvent our system and make deep structural changes, it is time to unshackle the DOE from other state departments that have so much control over the quality of life in our schools in the following ways:

In budgeting: Principals can never be sure how much appropriated money will be released for their use and when it comes, it comes too late. It's almost impossible to plan for educational excellence that way. We envision a Board of Education/Department of Budget and Finance release at least 80% of a fiscal year's appropriation to the schools, once that law is passed and signed by the Governor, and early enough for school to be made by the DOE in sustaining this program seems a natural extension to improve this important indigenous education. A partnership between Kamehameha Schools, Aha Punana Leo and the many Hawaiian Immersion Charter schools. These schools are known as the educators of the model for indigenous education. A partnership between Kamehameha Schools, Aha Punana Leo and the DOE in sustaining this program seems a natural extension to improve this important and unique aspect of life in Hawai'i.

And think for a moment. In every one of the instances I just mentioned, when you remove the partnerships that are in the education system, you free up resources and funding that can go to those who are truly the most needy in our system which allows for the flexibility for us to do our job. I ask you as you leave here to think about how you can support your neighborhood public school. I said at the beginning of my remarks that public education is the concern of all of us; that one person cannot find all the solutions to all our problems. Therefore I ask every one of you here today, and every one of you listening from your homes or your places of work, to link arms with us, to help us along realizing change to make it free, to first-class public education for every child of Hawai'i. I am announcing today that on March 27, 2004, less than two months from today, the DOE Superintendent will convene the first-ever state-wide Education Summit to be held here in Honolulu. It will constitute representatives from every walk of life, from business and labor, from public and private sectors, from the early education/pre-school community, the University System and from our distinguished private schools. I invite representatives from the Hawaiian Community to join us in this effort. I invite teachers, parents, principals, students, graduates, members of our military community, whose children attend our public schools. We will come together, we will come with our ideas and we will come prepared to listen to others' ideas. And we—we will collectively decide what we need to do to reinvent our public school system.

Let me conclude by saying the initiatives I've proposed here, and the ones that will come out of the Education Summit in March, will require new thinking, courage, a willingness to take risk, and it will require change in the entire government system, not just the Department of Educatio. Mr. President, I challenge you to stand with me, to take the risk, to embrace the change that is coming our way, and above all, to live up to our obligations to our children, to our military community, whose children attend our schools. We will come together, we will come with our ideas and we will come prepared to listen to others' ideas. And we—we will collectively decide what we need to do to reinvent our public school system.

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Through his leadership, farmers across America now control a power-house supplier of agricultural inputs—feed, seed, crop nutrients, and protection products as well as state-of-the-art technical advice and expertise.

Duane learned his love of agriculture and food work in it from growing up on a family farm near Eagle Grove, IA. Like most farm kids, Duane was active in 4-H and FFA. He earned a bushel full of ribbons from showing pigs and calves, and his 4-H projects focused on helping improve his dad’s hog operation.

Through 4-H and school, Duane also began honing his leadership skills. He was elected president of the Webster County Boys’ 4-H Clubs, and during his senior year at Eagle Grove High School he was chosen Mr. Future Business Executive of 1963 by the Future Business Leaders of America.

It was in High school that he met his future wife Mary Voigt. They now have two sons, Christian and Nicholas, and grandson, Jon.

After high school, he headed to Iowa State University where he earned his bachelor’s and master’s degrees in agricultural economics.

In 1970, Duane was hired by Land O’ Lakes as a corporate planner. It was there where his illustrious career began. In 1978, he was named vice president of the petroleum division—the youngest vice president in the company's history. He rose through the ranks, heading up feed, seed, agronomy, international development and member services. By 1993, he was executive vice president and managing Land O’ Lakes combined ag services and dairy foods businesses. During his 5 years at the helm, total sales of Land O’ Lakes doubled.

By the time he retired in December last year, Duane had helped build one of the most dynamic cooperative business systems in the world.

Duane has dedicated his life and his career to the agriculture industry. His legacy is a strong ag-supply cooperative system owned and controlled by those who do business with Land O’ Lakes. Through his leadership, America will continue to be the breadbasket of the world.

All of this is why it has been an honor for me to share his accomplishments today. We thank Duane Halver son. He deserves it.

RECOGNITION OF ISIDORE NEWMAN SCHOOL

Ms. LANDRIEU. Mr. President, I am honored to recognize Isidore Newman School as it celebrates 100 years of educating the children of New Orleans.

When the school opened its doors on October 3, 1904, it was in a class by itself. Then called Isidore Newman Manual Training School, it adopted a philosophy that the time and effort teaching children skills such as sewing and woodworking would enhance their minds. It was the only school of its kind in New Orleans. On Newman’s opening day, the principal, James Edwin Addicott, explained the little-understood teaching concept to The New Orleans Times-Democrat: “The manual training school does not attempt to teach any particular art or trade. What it does attempt is to educate the hand as an invaluable and necessary aid in the development of the brain.”

The school was unique for another reason: its enrollment of pupils. On that historic first day, the young Mr. Addicott stood at the doors of his brand-new school and waited for 102 children to arrive from a Jewish orphanage a few blocks away. It was for them that Isidore Newman, a German-Jewish, rags-to-riches immigrant, had endowed the school. But Mr. Addicott also waited for 23 children from private homes, Jewish and non-Jewish. For Mr. Newman had specified that this school be open to all children, regardless of religion.

The school’s reputation for academic excellence and top-notch facilities spread, and within a few years, children from private homes outnumbered those from the orphanage. Gathered together in a unique environment—for New Orleans society was quite segregated at the time—the children did just what the founders dreamed they would do: they got along. The school became a haven of inclusiveness, and many friendships formed on the playground lasted a lifetime.

By the 1930s, Newman had become a college preparatory school, no longer offering courses in the manual arts. By the 1940s, the orphanage had closed. But Newman continued to be the most religiously mixed prep school in the city.

Newman’s first century has been filled with triumphs, tragedies, and lots of laughs. The school has always felt like a large, extended family, a place where the development of the individual and the individual’s devotion to the whole are stressed equally. Newman instills in its students the value of service to one’s community, while at the same time encouraging the personal growth, intellectual and other wise, of each child. The results have been remarkable. In 1985, Newman was recognized as 1 of 281 exemplary schools in the United States by the U.S. Secretary of Education. It was one of only seventeen private, nonsectarian schools chosen. And Newman has been a model of diversity. In 1968, Newman became the first private, nonparochial school in New Orleans to desegregate.

Today, Newman is an accredited, independent, coeducational school serving more than 1,100 students from prekindergarten through 12th grade. The school’s record of academic excellence is on a par with the best prep schools in the Nation. Its graduates have attended all the top colleges and universities. They have presided over Federal courts. They counsel Presidents. They write bestsellers. They are Rhodes scholars. They play professional sports. They run large media conglomerates and Fortune 500 companies, and they have been generous, important philanthropists and civic leaders in New Orleans and beyond.

I congratulate the school on reaching this important milestone, and I wish Newman all the best for another century of excellence.

MESSAGES FROM THE PRESIDENT

Ms. Evans, one of his former teachers, began proceedings. She referred to the appropriate committee for consideration of a treaty and a withdrawal which were a part of the United States submitting sundry nominations, a treaty and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)
MESSAGE FROM THE HOUSE
DURING ADJOURNMENT

Under authority of the order of the Senate of February 12, 2004, the Secretary of the Senate, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:
S. 523. An act to make technical corrections to laws relating to Native Americans, and for other purposes.

H.R. 743. An act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

Under the authority of the order of February 12, 2004, the enrolled bills were signed by the President Pro Tempore (Mr. STEVENS).

MEASURES PLACED ON THE CALENDAR
The following bill was read the second time, and placed on the calendar:
S. 2096. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a federally-qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

By Mr. INOUYE:
S. 2096. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a federally-qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

By Mr. MILLER (for himself and Mr. DEWINE):
S. 2099. A bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MILLER (for himself and Mr. JOHNSON):
S. 2106. A bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes; to the Committee on Armed Services.

By Mr. LEVIN:
S. 2101. A bill to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself and Mr. SCHUMER):
S. 2102. A bill to amend title 18, United States Code, to prohibit the sale of a firearm to a person who has been convicted of a felony in a foreign court, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:
By Mr. NELSON of Florida:
S. Res. 305. A resolution designating February 14, 2004, as 'National Donor Day'; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. VOINOVICH):
S. Con. Res. 90. A concurrent resolution expressing the Sense of the Congress regarding bilaterally negotiated, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 56
At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. MARCHANT) was added as a cosponsor of S. 56, a bill to restore health care coverage to retirees members of the uniformed services.

S. 333
At the request of Mr. BREAUX, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 427
At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 427, a bill to amend the Homeland Security Act of 2002 to assist States and communities in preparing for and responding to threats to the agriculture of the United States.

S. 430
At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 430, a bill to amend the Homeland Security Act of 2002 to enhance agricultural biosecurity in the United States through increased prevention, preparation, and response planning.

S. 596
At the request of Mr. ENZIGN, the names of the Senator from Ohio (Mr. DEWINE), the Senator from New Jersey (Mr. CORZINE) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 640
At the request of Mr. BATH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 640, a bill to amend part D of title IV of the Social Security Act to promote responsible fatherhood, and for other purposes.

S. 750
At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5 United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 846
At the request of Mr. MCCAIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 983
At the request of Mr. CHAFEE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1001
At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1001, a bill to make the protection of women and children who are affected...
by a complex humanitarian emergency a priority of the United States Government, and for other purposes.

S. 1034  
At the request of Mrs. Feinstein, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 1034, a bill to repeal the sunset date on the assault weapons ban, to ban the importation of large capacity ammunition feeding devices, and for other purposes.

S. 1298  
At the request of Mr. Akaka, the names of the Senator from Hawaii (Mrs. Inouye), the Senator from Illinois (Mr. Fitzgerald) and the Senator from North Carolina (Mr. Edwards) were added as cosponsors of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1431  
At the request of Mr. Lautenberg, the names of the Senator from California (Mrs. Feinstein) and the Senator from Connecticut (Mr. Dodd) were added as cosponsors of S. 1431, a bill to require the repeal of the assault weapons ban, and for other purposes.

S. 1453  
At the request of Mr. Kennedy, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 1435, a bill to amend the Fair Labor Standards Act of 1938 to protect the rights of employees to receive overtime compensation.

S. 1615  
At the request of Mr. Daschle, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 1615, a bill to amend title 37, United States Code, to make permanent the rates of hostile fire and imminent danger special pay and family separation allowance for members of the uniformed services as increased by the Emergency Wartime Supplemental Appropriations Act, 2003.

S. 1630  
At the request of Mrs. Clinton, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1700  
At the request of Mr. Leahy, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1913  
At the request of Mr. Feingold, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of S. 1913, a bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes.

S. 1956  
At the request of Mrs. Murray, her name was added as a cosponsor of S. 1916, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 1959  
At the request of Mr. Kennedy, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 1925, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 1963  
At the request of Mr. Specter, the name of the Senator from New York (Mr. Schumer) and the Senator from Florida (Mr. Nelson) were added as cosponsors of S. 1963, a bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services.

S. 1980  
At the request of Mr. Graham of Florida, the names of the Senator from New York (Mr. Schumer) and the Senator from Florida (Mr. Nelson) were added as cosponsors of S. 1980, a bill to amend the Help America Vote Act of 2002 to require a voter-verifiable permanent record or hardcopy under title III of such Act, and for other purposes.

S. 1998  
At the request of Mr. Bingaman, the name of the Senator from Pennsylvania (Mr. Santorum) was added as a cosponsor of S. 1998, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 2011  
At the request of Mr. Hagel, the names of the Senator from Hawaii (Mr. Inouye), the Senator from Hawaii (Mr. Akaka) and the Senator from Missouri (Mr. Bond) were added as cosponsors of S. 2011, a bill to convert certain temporary Federal district judgeships to permanent judgeships, and for other purposes.

S. 2061  
At the request of Mr. Frist, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 2061, a bill to improve women’s health access to health care services and provide improved medical care by reducing the excessive liability system places on the delivery of obstetrical and gynecological services.

S. 2063  
At the request of Mr. Conrad, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 2063, a bill to require the Secretary of Veterans Affairs to carry out a demonstration project on prioritizing the scheduling of appointments of veterans for health care through the Department of Veterans Affairs, and for other purposes.

S. 2068  
At the request of Mr. Johnson, his name was added as a cosponsor of S. 2068, a bill to enhance and improve benefits for members of the National Guard and Reserves who serve extended periods on active duty, and for other purposes.

S. 2076  
At the request of Mr. Baucus, the names of the Senator from Massachusetts (Ms. Kennedy) and the Senator from New Mexico (Mr. Bingaman) were added as cosponsors of S. 2076, a bill to amend title XI of the Social Security Act to provide direct congressional access to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services.

S. 2077  
At the request of Mr. Craig, the name of the Senator from Virginia (Mr. Allen) was added as a cosponsor of S. 2077, a bill to amend title XIX of the Social Security Act to permit additional States to enter into care partnerships under the Medicaid Program in order to promote the use of long-term care insurance.

S. 2099  
At the request of Mr. Daschle, the names of the Senator from New Mexico (Mr. Bingaman), the Senator from Vermont (Mr. Leahy), the Senator from Michigan (Mr. Levin) and the Senator from Illinois (Mr. Durbin) were added as cosponsors of S. 2090, a bill to amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs.

S.J. Res. 19  
At the request of Mr. Specter, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of S.J. Res. 19, a joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

S.J. Res. 26  
At the request of Mr. Allard, the name of the Senator from Illinois (Mr.
Fitzgerald) was added as a cosponsor of S.J. Res. 26, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 8

At the request of Ms. Collins, the name of the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as "National Visiting Nurse Association Week".

S. CON. RES. 72

At the request of Mr. Daschle, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of S. Con. Res. 72, a concurrent resolution commemorating the 60th anniversary of the establishment of the United States Cadet Nurse Corps and voicing the appreciation of Congress regarding the service of the members of the United States Cadet Nurse Corps during World War II.

S. CON. RES. 81

At the request of Mrs. Feinstein, the names of the Senator from Maine (Ms. S. Collins), the Senator from Iowa (Mr. Grassley) and the Senator from North Dakota (Mr. Dorgan) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. RES. 298

At the request of Mr. Campbell, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. Res. 298, a resolution designating May 2004 as "National Cystic Fibrosis Awareness Month".

S. RES. 299

At the request of Mr. Campbell, the name of the Senator from Idaho (Mr. Craig) was added as a cosponsor of S. Res. 299, a resolution recognizing, and supporting efforts to enhance the public awareness of, the social problem of child abuse and neglect.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Lugar:

S. 2096. A bill to promote a free press and open media through the National Endowment for Democracy and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the International Free Press and Open Media Act of 2004.

This legislation will provide greater focus on, and more coordination of, initiatives to develop free, fair, legally protected, and self-sustaining press and media institutions.

A free press is enshrined as a cornerstone of democracy in the First Amendment to the United States Constitution. The Universal Declaration of Human Rights, passed by the United Nations in 1948, also proclaims free press and media.

The United States government, through various agencies and programs, has long been engaged in helping to train journalists around the world, and establish newspapers, magazines, and radio and television stations. These programs, however, are not centralized in one bureau or agency. Many are orphaned to other assistance programs. They are effective in training journalists, but they stop short of ensuring that the media in a developing country has the necessary legal protections, follows basic rules of fairness and equal access, and can sustain itself financially.

In addition, these existing media programs are not established in ways to leverage federal government spending with the assistance of America's vibrant media sector. There is a strong desire by our finest journalism schools, newspapers, broadcasters, and marketing and advertising enterprises to help build free press and open media in the world. We also need to engage all the new news, like Internet companies and wireless forms of communications.

To better organize and focus these efforts, this legislation directs the Secretary of State to provide funding to the National Endowment for Democracy for the work of the Endowment.

For more than 20 years the National Endowment for Democracy has been leading American efforts to help build the required democratic institutions of a free society. The President's proposed 2005 budget wisely doubles the funding for the work of the Endowment.

It is important to note that the National Endowment for Democracy and its four existing Institutes—representing the two major political parties, business and labor—have established a reputation in the world for integrity and transparency. They are ambassadors of the best traditions of American democracy, and they have provided continuity to democratization efforts, even as administrations and policies have changed.

Having served on the board of the Endowment for a number of years, as have some of my colleagues, I can attest that the independence of the NED is central to its ability to bring together individuals and institutions to help develop a free press in the world. This bill seeks to employ the NED's unique independent organization of the mission that complements public diplomacy, but is separate from it. The U.S. government maintains important public diplomacy programs, where the goal is to communicate American views to the world.

But developing a free press in emerging democracies goes beyond advocacy of American views. It requires us to have media programs that take into account cultural differences, and to commit to long-term projects. The NED is suited to this mission.

A fully successful U.S. foreign policy requires that we make progress in building democratic institutions internationally, especially free and open media. Societies that are built on the foundation of a free press are far less likely to abuse human rights or threaten American security.

I look forward to the support of my colleagues on this legislation, and hope for speedy consideration.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Free Press and Open Media Act of 2004".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest of the United States to promote the development of free press and open media around the world, and its development increases the national security of the United States.

(2) A free press and open media, including traditional forms of communications such as newspapers, radio, and television, and new media such as the Internet, magazines, and wireless transmissions, are among the foundations of democratic institutions in an open society that respects human rights.

(3) A free press and open media can best be achieved if the press and media:

(A) are located in a country that—

(i) has legal protections to ensure that the press and media are independent of government control or subversion and are able to deliver information without impediment; and

(ii) has journalists, editors, publishers, producers, and businesspeople who are practiced in the basic concepts of fairness and equal access in a civil society; and

(B) are able to be financially self-sufficient through subscription fees, advertising revenues, donations, or other funding mechanisms.

(4) Private sector groups in the United States, including business and nongovernmental organizations, have carried out a variety of activities to promote free press and open media in foreign countries.

(5) There is a need to establish an entity that—

(A) to address issues related to the development of a free press and open media; and

(B) to bring together individuals and institutions to organize, and give greater attention on the establishment of new, and the enhancement of existing, free media programs throughout the world.

(6) The National Endowment for Democracy (in this section referred to as the "NED") is a nonprofit, federally funded, grantmaking, nongovernmental organization recognized by Congress in the National Endowment for Democracy Act (22 U.S.C. 4411 et seq.).

(7) The NED has historically provided support and coordination of the activities of private sector groups and nongovernmental organizations that promote democratic institutions.

(8) The NED has received strong bipartisan support from Presidents and Congress since it was established in 1983.
The Director of the USMCI, Dr. John Potter, is a professor of surgery at the Uniformed Services University of the Health Sciences (USUHS). A highly talented cancer epidemiologist, Dr. Kangmin Zhu, has also been recruited to lead the USMCI Prevention and Control Programs.

The USMCI currently resides in the Washington, DC area, and its components are located at the National Naval Medical Center, the Malcolm Grow Medical Center, the Uniformed Services University of the Health Sciences a report under 336. A highly tal

By Mr. INOUYE:

S. 2097. A bill to establish formally the United States Military Cancer Institute, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I introduce the United States Military Cancer Institute Research Collaborative Act of 2004. This legislation would formally establish the U.S. Military Cancer Institute (USMCI), and support the collaborative augmentation of research efforts in cancer epidemiology, prevention and control. Although the USMCI already exists as an informal collaborative effort, this bill will formally establish the institution with a mission of providing for the maintenance of health in the military by enhancing cancer research and treatment, and studying the epidemiological causes of cancer among various ethnic groups.

By formally establishing the USMCI, it will be in a better position to unite military research efforts with other cancer research centers. Cancer prevention, early detection, and treatment are significant issues for the military population, thus the USMCI was organized to coordinate the existing military cancer assets. The USMCI has a comprehensive database of its population of 9 million people. The military’s nationwide tumor registry, the Automated Central Tumor Registry, has acquired more than 180,000 cases in the last 14 years, and a serum repository of 30 million specimens from military personnel collected sequentially since 1987. This population is predominantly Caucasian, African American, and Hispanic.

The USMCI intends to expand its research activities to military medical centers across the Nation. Special emphasis will be placed on the study of genetic and environmental factors in cancer epidemiology among the entire population, including Asian, Caucasian, African American and Hispanic sub-populations.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Military Cancer Institute Act of 2004”.

SEC. 2. RESEARCH BY UNITED STATES MILITARY CANCER INSTITUTE.

(a) FORMAL ESTABLISHMENT OF UNITED STATES MILITARY CANCER INSTITUTE.—(1) There is a United States Military Cancer Institute in the Uniformed Services University of the Health Sciences (USUHS).

(b) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

(c) The mission of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

(b) RESEARCH.—(1) The United States Military Cancer Institute shall carry out research studies on the following:

(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

(B) The prevention and early detection of cancer.

(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

(2) The research studies under paragraph (1) shall include collaborative research on oncologic nursing.

(c) COLLABORATIVE RESEARCH.—The United States Military Cancer Institute shall carry out the research studies under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research study.

(d) REPORTS.—(1) Not later than one year after the date of the enactment of this Act, and annually thereafter, the Director of the United States Military Cancer Institute shall submit to the President of the United States the report that the research studies carried out under subsection (b).

(2) Not later than 60 days after the receipt of a report under paragraph (1), the President of the University shall transmit such report to Congress.

By Mr. INOUYE:

S. 2098. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a Federally-qualified health center or a Native Hawaiian care system; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Native Hawaiian Medicaid Coverage Act of 2004. This legislation would authorize a Federal Medicaid Assistance Percent (FMAP) of 100 percent for the payment of health care costs of Native Hawaiians who receive health care from Federally Qualified Health Centers or the Native Hawaiian Health Care System.

This bill was originally a provision within the Medicare Prescription Drug Bill, which the Senate passed by an overwhelming majority of 76 to 21, but was dropped from the final Medicare Prescription Drug Conference Report.

This bill is modeled on the Native Alaskan Health Care Act, which provides for a Federal Medicaid Assistance Percent (FMAP) of 100 percent for payment of health care costs for Native Alaskans by the Indian Health Service, an Indian tribe, or a tribal organization.

Community health centers serve as the “safety net” for uninsured and medically underserved native Hawaiians and other United States citizens, providing comprehensive primary and preventive health services to the entire community. Outpatient services offered to the entire family include comprehensive primary care, preventive health maintenance, and education outreach in the local community. Community health centers, with their multi-disciplinary approach, offer cost effective integration of health promotion and wellness with chronic disease management and primary care focused on serving vulnerable populations.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native Hawaiian Medicaid Coverage Act of 2004".
Whereas of the nearly 30,000 people of the United States diagnosed each year with life-threatening diseases that are potentially treatable by marrow or blood stem cell transplants, 40 percent do not find a donor match within their family;

Whereas blood transplants save 10,000 people of the United States every day;

Whereas almost all the people of the United States are eligible to donate blood, only 5 percent do;

Whereas the first 6 celebrations of National Donor Day informed millions of individuals across the United States of the need for organ and tissue donors;

Whereas as a result of National Donor Day education efforts, more than 8,000 potential marrow and blood stem cell donors were added to the National Marrow Donor Program Registry; and approximately 40,000 units of blood were collected; and

Whereas the following organizations are all partners in the National Donor Day efforts: the American Association of Blood Banks; the American Liver Foundation; the American Society of Transplant Surgeons; America’s Blood Centers; the Association of Organ Procurement Organizations; the Children’s Organ Transplant Association; the Coalition on Donation; the Emergency Nurses Association; the Juvenile Diabetes Research Foundation; the Leukemia & Lymphoma Society; LifeSouth Community Blood Centers; the Marrow Foundation; the National Kidney Foundation; the National Marrow Donor Program; National Minorities Open Tissue Transplant Education Program; Saturn Corporation; United Auto Workers; and United Way; and with respect to medical assistance provided on or after the date of enactment of this Act.

Resolved, That the Senate—

(1) designates February 14, 2004, as “National Donor Day”;

(2) supports the goals and ideals of National Donor Day;

(3) urges everyone to learn about organ, tissue, bone marrow, and blood donations, and discuss such donations with their families and friends; and

(4) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for organ, tissue, bone marrow, and blood donations.

Whereas providing Thailand privileged access to critical segments of the United States automobile market would significantly erode United States leverage to negotiate reductions to global automobile market distortions in multilateral negotiations, because producers from third countries would be able to benefit from the privileged access of Thailand under the FTA;

Whereas Thailand’s Board of Investment has actively been recruiting automobile producers from outside of Thailand, including Japan, South Korea, and European automobile producers in Thailand, and some of these producers have cited Thailand’s privileged access to foreign markets through FTAs as a rationale for setting up production in Thailand;

Whereas many of these producers from outside of Thailand have moved their pickup truck production out of their home countries and into Thailand in order to make Thailand their global pick-up truck production and export bases;

Whereas as a result of this activity by automobile producers from outside of Thailand, pick-up truck production in Thailand will soon approach 1,000,000 units annually, and could grow even larger;

Whereas if Thailand were given privileged access to critical segments of the United States automobile market in an FTA, it could be used by third-country and other automobile producers as a backdoor to the United States market; however, Japan, South Korea, India, and other major producing countries would not be required to reduce their tariff and nontariff barriers to United States automobile producers, and in fact the tariff and nontariff barriers maintained by those countries would continue to distort global markets and restrict the access of United States exports to markets in those countries;

Whereas given that these third-country producers would already have privileged access to the United States market through the United States-Thailand FTA, their home countries would have less incentive to address the inherently multilateral problems in global automotive negotiations through negotiations on a multilateral basis; and

Whereas the United States automobile industry is a major driver of the United States economy—accounting annually for between 3 and 4 percent of the gross domestic product (GDP) of the United States, leading all United States industries in annual research and development spending, directly employing over 500,000 highly skilled and efficient workers in jobs that pay on average 60 percent higher than the average United States job, and supporting the jobs of 4,000,000 other workers—and it has played a critical role in efforts to revive the United States economy: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that negotiations on access to critical segments of the United States automobile market should not take place on a piecemeal basis, but only—

(1) as part of negotiations that include all major United States automobile producers; and

(2) as part of comprehensive negotiations that address both tariff and nontariff barriers specific to the automobile industry, and not negotiations that are explicitly linked to concrete progress on eliminating nontariff barriers.
NOTICES OF HEARINGS/MEETINGS
COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, March 11, 2004, at 10 a.m., in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 2066, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines; S. 2049, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize collection of reclamation fees, revise the abandoned mine reclamation program, promote remining, authorize the Office of Surface Mining to collect the black lung excise tax, and make sundry other changes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send a copy of their testimony electronically to kristin.whitman@energy.senate.gov.

For further information, please contact Karen Billups at (202) 224–2576 or Kristin Whitman at (202) 224–5305.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

On Tuesday, February 24, at 10 a.m., in room SD–950, I will receive testimony concerning the reliability of the Nation’s electricity grid. Specifically, the recommendations in the February 10 “North American Reliability Council Report” regarding the August 14 blackout will be reviewed and implementation of the proposed solutions will be discussed.

(Contact: Lisa Epifani at 202–224–5269 or Shane Perkins at 202–224–7535.)

SUBCOMMITTEE ON ENERGY
Mr. ALEXANDER. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources.

Thursday, March 4, at 2:30 p.m., in room SD–366, to receive testimony regarding “New Nuclear Power Generators” in the United States.

(Contact: Pete Lyons at 202–224–5861 or Shane Perkins at 202–224–7535.)

SUBCOMMITTEE ON NATIONAL PARKS
Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 9, 2004, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: H.R. 1446 and S. 1306, to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the archives and artifacts of these missions, and for other purposes; and H.R. 1521, to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Sarah Creechbaum at (202) 224–6293.

PRIVILEGES OF THE FLOOR
Mr. CORNYN. Mr. President, I ask unanimous consent that Tiffany Kebodeaux, a member of my staff who does not currently have floor privileges, be given floor privileges for the duration of my remarks.

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

Mr. REID. Mr. President, I ask unanimous consent that Tiffany Kebodeaux, a deputy U.S. marshal who is serving in Senator Frank Launtenberg’s office on Kebodeaux, a member of my staff who does not currently have floor privileges, be given floor privileges for the duration of my remarks.

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

MEASURE PLACED ON THE CALENDAR—S. 295
Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 295) to enhance energy conservation and research and development and to provide for security and diversity in the energy supply for the American people.

Mr. FRIST. I object to further proceedings on the measure at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar pursuant to rule XIV.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108–16
Mr. FRIST. As in executive session, I ask unanimous consent the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 23, 2004, by the President of the United States, U.N. Convention against Transnational Organized Crime, Treaty Document 108–16.

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

The message of the President is as follows:

The Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the United Nations Convention Against Transnational Organized Crime (the “Convention”), as well as two supplementary protocols: (1) the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, and (2) the Protocol Against Smuggling of Migrants by Land, Sea and Air, which were adopted by the United Nations General Assembly on November 15, 2000. The Convention and Protocols were signed by the United States on December 13, 2000, at Palermo, Italy.

Accompanying the Convention and Protocols are interpretative notes for the official records (or “travaux preparatoires”) that were prepared by the Secretariat of the Ad Hoc Committee that conducted the negotiations, based on discussions that took place throughout the process of negotiations. These notes are being submitted to the Senate for information purposes. I also transmit the report of the Department of State with respect to the Convention and Protocols.

The Convention and Protocols are the first multilateral treaties to address the phenomenon of transnational organized crime. Their provisions are contained in the accompanying report of the Department of State. The report also sets forth proposed reservations and understandings that would be deposited by the United States with its instruments of ratification. With these reservations and understandings, the Convention and Protocols will not require implementing legislation for the United States.

The Convention and Protocols will be effective tools to assist in the global effort to combat transnational organized crime in its many forms, such as trafficking and smuggling of persons. They provide for a broad range of cooperation, including extradition, mutual legal assistance, and measures regarding property, in relation to serious crimes committed by an organized group that has a transnational element.

The Convention also imposes on the States Parties an obligation to criminalize, if they have not already done so, certain types of conduct characteristic of transnational organized
crime. For the Convention, these are: participation in an organized criminal group (i.e., conspiracy), money laundering, bribery of domestic public officials, and obstruction of justice. The Protocols require parties to criminalize trafficking in persons and smuggling of aliens. These provisions will serve to create a global criminal law standard for these offenses, several of which (e.g., trafficking in persons) currently are not criminal in many countries. The Trafficking Protocol also includes important provisions regarding assistance to victims of trafficking. 

I recommend that the Senate give early and favorable consideration to the Convention and Protocols, and that it give its advice and consent to ratification, subject to the reservations and understandings described in the accompanying report of the Department of State.

GEORGE W. BUSH.


ORDERS FOR TUESDAY.

FEBRUARY 24, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Tuesday, February 24. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be printed, the morning hour be deemed closed, and Members will be notified if any additional business is to be brought before the Senate.

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

PROGRAM

Mr. FRIST. Tomorrow, the Senate will resume consideration of the motion to proceed to S. 2061, the OB/GYN medical malpractice bill. Senators who do wish to speak on this important bill are encouraged to come to the floor during tomorrow’s session.

Under the previous order, at 5 p.m. tomorrow the Senate will vote on the motion to invoke cloture on the motion to proceed to that bill. It is my hope that our colleagues on the other side of the aisle will allow us to take up this important issue.

As a reminder, just a few minutes ago I filed cloture on the motion to proceed to S. 1805, the gun liability bill. While I did not want to have to file cloture, it became apparent that our Democratic colleagues would not let us move forward with this legislation either. The cloture vote on the motion to invoke cloture on the gun liability bill will occur on Wednesday.

I inform my colleagues that the vote on the medical malpractice bill will be the first vote of the day tomorrow. Additional votes are possible and Members will be notified if any additional votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Tuesday, February 24, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 23, 2004:

DEPARTMENT OF STATE

Paul V. Applegarth, of Connecticut, to be Charged Executive Officer, Millennium Challenge Corporation. (Motion agreed to).

John Campbell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

United Nations Securing Commission

Ricardo R. Hinojosa, of Texas, to be Chair of the United States Delegation to the Conference, United Nations, to be a Member United States Securing Commission for a Term Expiring October 31, 2009. (Reappointment)

In the Coast Guard

The following Named Officer to Serve as the Director of the Coast Guard Reserve Pursuant to Title 14, U.S.C. Section 31 in the Grade Indicated:

To be Rear Admiral (Lower Half)

Kim (J.) James C. Van Sic, ST-14

The following-named Persons of the Agencies Indicated for Appointment as Foreign Service Officers of the Class Stated, and Also for the other Appointments Indicated Herewith for Appointment as Foreign Service Officers of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Christina Jeanine Agol, of New York

Jeffrey J. Anderson, of Pennsylvania

Simone Bael, of the District of Columbia

Bradford Joseph Bell, of Pennsylvania

Nancy Balk, of Iowa

Celeste A.cons, of Hawaii

James Todd Crow, of New Mexico

Jennifer Denise Dens, of Georgia

Jefferson Kennedy Dubel, of Florida

Michael Edward Hallett, of New Hampshire

Michael C. Gonzales, of California

Molly Ann Gowen, of Maryland

Ran Markar Hareen, of California

Thomas R. Eastman, of Maryland

Elaine Jones, of Ohio

Jeanette M. Jurisic, of Illinois

Kevin Kahan, of Ohio

William Hugh Klein Jr., of California

Andrew Robert Lorens, of Minnesota

Alison Victoria Mahler, of Michigan

Marcy Christ G. Mcgraw, of Tennessee

Kathleen Anne McGowan, of Texas

Keith P. McDermott, of Ohio

Kristina Ingrid Medha, of Illinois

Jennifer H. Moore, of Georgia

Bertha Moul, of Michigan

Thomas W. Olson, of Florida

David A. Ongood, of Texas

Kristin L. Pisani, of New York

Katherine potato, of Pennsylvania

Camille C. Purvis, of Texas

Colleen Ann Quinn, of the District of Columbia

Tracy L. Riddle, of Texas

Dorothy Browning Rogers, of Pennsylvania

Katherine C. Scott, of Florida

Michele J. Snyder, of Maine

Ricardo H. Hinojosa, of Texas, to be Chair of the United States Delegation to the Conference, United States, to be a Member United States Securing Commission for a Term Expiring October 31, 2009. (Reappointment)

DEPARTMENT OF THE INTERIOR

Tom W. Salazar, of Colorado

Charles L. Hollell, of Florida

Keith Alan Loew, of North Carolina

Julietta M. Johnson, of Ohio

Mitchell George Mabey, of Missouri

Ted Fatovic, of Virginia

Steven Lynn Kerch, of North Carolina

Terri A. Livers, of Missouri

Michael V. Martin, of Mississippi

Marcos Christina Mandojana, of Tennessee

Andrew Robert Lorenz, of Minnesota

William Hugh Klein Jr., of California

Kevin Kabumoto, of Illinois

Jenette M. Jurisic, of Illinois

Michael P.L. Mitchell, of Maryland

Mayo Soon Park, of South Korea

Joseph Thomas Pogue, of Tennessee

Eldon R. Robinson, of Minnesota

D. Rodger Sicinski, of Washington

Karen L. Smiley, of Michigan

Joe Simon, of Arizona

Pamela A. Suchy, of Illinois

Robert W. Treuhaft, of Ohio

David G. White, of Illinois

DEPARTMENT OF JUSTICE

Lawrence M. Randolph, of Massachusetts

DEPARTMENT OF THE TREASURY

Kathryn Hoffman, of the District of Columbia

Scott Charles Higgins, of Virginia

Jeffrey Helgen, of Florida

Stevens Hoffman, of the District of Columbia

Lauren G. Holt-Hansen, of California

Natalya V. Vorobeva, of the District of Columbia
CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

NICHOLAS GUTIERREZ, OF NEW MEXICO
LISA A. HARDY-BASS, OF CALIFORNIA
GILANT A. PETTRIE, OF VIRGINIA
KENNETH D. SIBSON, OF VIRGINIA
WILLIAM W. WESTMAN, OF FLORIDA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL ROBERT R. ALLARDICE, 0000
COLONEL C.D. ALSTON, 0000
COLONEL THOMAS K. ANDERSEN, 0000
COLONEL BROOKS L. BASH, 0000
COLONEL MICHAEL J. BASLA, 0000
COLONEL MARK S. BORKOWSKI, 0000
COLONEL FRANCIS M. BRUNO, 0000
COLONEL HERBERT J. CARLISLE, 0000
COLONEL GARY S. CONNOR, 0000
COLONEL CHARLES R. DAVIS, 0000
COLONEL DANIEL R. DINKINS JR., 0000
COLONEL GREGORY A. FEEST, 0000
COLONEL FRANK GORENC, 0000
COLONEL BLAIR E. HANSEN, 0000
COLONEL MARY K. HERTOG, 0000
COLONEL JIMMIE C. JACKSON JR., 0000
COLONEL FRANK J. KISNER, 0000
COLONEL JAMES M. KOWALSKI, 0000
COLONEL DONALD LUSTIG, 0000
COLONEL WILLIAM N. MCCASLAND, 0000
COLONEL JAMES M. IVES, 0000
COLONEL JAMES R. HUDSON, 0000
COLONEL ROBERT YATES, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

GARY W. STINNETT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

PAUL SWICORD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JOHN W. ERVIN, 0000

WITHDRAWAL

Executive message transmitted by the President to the Senate on February 23, 2004, withdrawing from further Senate consideration the following nomination:

JAYMIE ALAN DURNAN, OF NEW HAMPSHIRE, TO BE AN ASSISTANT SECRETARY OF THE ARMY, WHICH WAS SENT TO THE SENATE ON NOVEMBER 21, 2003.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 24, 2004 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

FEBRUARY 25

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine processor quotas.

Appropriations
SR–253
District of Columbia Subcommittee
To hold joint hearing with the House Committee on Government Reform Subcommittee on Civil Service and Agency Reorganization, to examine the key to homeland security relating to the new human resources system.

Joint Economic Committee
To hold hearings to examine the performance and potential of consumer driven health care.

2 p.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.

Foreign Relations
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the government of the District of Columbia.

SD–138

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine the Department of Energy’s Office of Environmental Management, Office of Future Liabilities, and Office of Legacy Management, relating to the defense authorization request for fiscal year 2005.

SD–538

4:30 p.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine USAID contracting policies.

SD–419

FEBRUARY 26

9:30 a.m.
Armed Services
To hold hearings to examine current and future worldwide threats to the national security of the United States; to be followed by a closed session in SH–219.

SD–216

Foreign Relations
To hold hearings to examine public diplomacy and international free press.

SD–419

10 a.m.
Judiciary
Business meeting to consider pending calendar business.

SD–226

11 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on the fund industry from the investor’s perspective.

SD–538

Budget
To hold hearings to examine the President’s proposed homeland security budget request for fiscal year 2005.

SD–106

Judiciary
To hold hearings to examine the nomination of Roger T. Benitez, to be United States District J udge for the Southern District of California.

SD–226

Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold joint hearing with the House Committee on Government Reform Subcommittee on Civil Service and Agency Reorganization, to examine the key to homeland security relating to the new human resources system.

2154 RHOB

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on understanding the fund industry, focusing on fund operations and governance.

SD–538

Health, Education, Labor, and Pensions
To hold hearings to examine ensuring quality and accountability regarding higher education accreditation.

SD–430

Energy and Natural Resources
To continue hearings to examine the nomination of Susan Johnson Grant, of Virginia, to be Chief Financial Officer, Department of Energy.

SD–366

Foreign Relations
To hold hearings to examine next steps in U.S. relations regarding Libya.

SD–419

MARCH 1

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense.

SD–192

11 a.m.
Governmental Affairs
Financial Management, the Budget, and International Security Subcommittee
To hold hearings to examine the management, investment, and oversight policies of the federal government’s Thrift Savings Plan (TSP) to ensure the integrity of federal employees’ retirement savings.

SD–342

MARCH 2

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2005 and the future years defense program.

SH–216

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
10 a.m. Energy and Natural Resources
   To hold hearings to examine the President's proposed fiscal year 2005 budget for the Forest Service.
   SD–366

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine substance abuse.
SD–430

2:15 p.m.
Veterans' Affairs
To hold hearings to examine the final report of the Department of Veterans' Affairs' Capital Asset Realignment for Enhanced Services (CARES) Commission.
SD–430

MARCH 3

10 a.m. Indian Affairs
To hold oversight hearings to examine the status of the completion of the National Museum of the American Indian.
SR–405

2 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine future Navy and Marine Corps capabilities and requirements in review of the defense authorization request for fiscal year 2005 and the future years defense program.
SR–232A

MARCH 4

9:30 a.m.
Armed Services
To hold open and closed hearings to examine the Defense Authorization Request for Fiscal Year 2005, focusing on military strategy and operational requirements (closed in SH–219).
SH–216

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine higher education.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Jewish War Veterans, and the Blinded Veterans Association.
SH–216

2:30 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine new nuclear power generation in the United States.
SD–366

MARCH 9

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine H.R. 1446, to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, S. 1306, to introduce the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and H.R. 1521, to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania.
SD–366

MARCH 10

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars.
SH–216

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine the posture of the U.S. Transportation Command in review of the defense authorization request for fiscal year 2005 and the future years defense program.
SR–232A

MARCH 11

10 a.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine child and family issues.
SD–430

Energy and Natural Resources
To hold hearings to examine S. 2086, to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines, and S. 468, to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize collection of reclamation fees, revise the abandoned mine reclamation program, promote remining, authorize the Office of Surface Mining to collect the black lung excise tax, and make sundry other changes.
SD–366

2 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine Army Transformation in review of the defense authorization request for fiscal year 2005 and the future years defense program.
SR–232A

MARCH 18

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Air Force Sergeants Association, the Retired Enlisted Association, Gold Star Wives of America, and the Fleet Reserve Association.
345 CHOB

MARCH 23

9:30 a.m.
Armed Services
To hold hearings to examine atomic energy defense activities of the Department of Energy relating to the Defense Authorization request for fiscal year 2005.
SD–106

10 a.m.
Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine mental health services.
SD–430

MARCH 25

9:30 a.m.
Armed Services
To hold hearings to examine the role of the U.S. Northern Command and U.S. Special Operations Command in defending the homeland and in the global war on terrorism, in review of the defense authorization request for fiscal year 2005, to be followed by a closed session in SH–219.
SH–216

10 a.m.
Health, Education, Labor, and Pensions
Employment, Safety, and Training Subcommittee
To hold hearings to examine MSDS and OSHA hazardous commission.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Officers Association of America.
345 CHOB

MARCH 31

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB
**Daily Digest**

**Senate**

**Chamber Action**

**Routine Proceedings, pages S1417–S1465**

**Measures Introduced:** Seven bills and two resolutions were introduced, as follows: S. 2096–2102, S. Res. 305 and S. Con. Res. 90.

**Measures Reported:**

- Reported on Wednesday, February 18, during the adjournment: S. 741, to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, with an amendment in the nature of a substitute (S. Rept. No. 108–226).

**Healthy Mothers and Healthy Babies Access to Care Act:** Senate resumed consideration of the motion to proceed to consideration of S. 2061, to improve women’s health access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

- A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at 9:30 a.m., on Tuesday, February 24, 2004, with a vote on the motion to invoke cloture on the motion to proceed to consideration of the bill to occur at 5 p.m.

**Protection of Lawful Commerce in Arms Act:** Senate began consideration of the motion to proceed to consideration of S. 1805, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

- A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Wednesday, February 25, 2004.

**Nominations Received:** Senate received the following nominations:

- Paul V. Applegarth, of Connecticut, to be Chief Executive Officer, Millennium Challenge Corporation. (New Position)
- John Campbell, of Virginia, to be Ambassador to the Federal Republic of Nigeria.
- Ricardo H. Hinojosa, of Texas, to be Chair of the United States Sentencing Commission.
- Michael O’Neill, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009. (Reappointment)
- 38 Air Force nominations in the rank of general.
- 1 Coast Guard nomination in the rank of admiral.
- Routine lists in the Army, Foreign Service.

**Nominations Withdrawn:** Senate received notification of withdrawal of the following nomination:

- Jaymie Alan Durnan, of New Hampshire, to be an Assistant Secretary of the Army, vice Mario P. Fiori, which was sent to the Senate on November 21, 2003.

**Nominations Presented:**

- Paul V. Applegarth, of Connecticut, to be Chief Executive Officer, Millennium Challenge Corporation. (New Position)
- John Campbell, of Virginia, to be Ambassador to the Federal Republic of Nigeria.
- Ricardo H. Hinojosa, of Texas, to be Chair of the United States Sentencing Commission.
- Michael O’Neill, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009. (Reappointment)
- 38 Air Force nominations in the rank of general.
- 1 Coast Guard nomination in the rank of admiral.
- Routine lists in the Army, Foreign Service.

**Adjournment:** Senate convened at 12 noon, and adjourned at 6:32 p.m., until 9:30 a.m., on Tuesday, February 24, 2004. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S1463.)


Committee Meetings
(Committees not listed did not meet)

2005 BUDGET: DEPARTMENT OF THE TREASURY
Committee on the Budget: on Friday, February 13, Committee concluded a hearing to examine the President’s proposed budget request for fiscal year 2005 for the Department of the Treasury, after receiving testimony from John W. Snow, Secretary of the Treasury.

House of Representatives

Chamber Action
The House was not in session today. The House will meet on Tuesday, February 24, 2004 at 2 p.m.

Committee Meetings
No committee meetings were held.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST, p. D28–29)


CONGRESSIONAL PROGRAM AHEAD
Week of February 24 through February 28, 2004

Senate Chamber
On Tuesday, at 9:30 a.m., Senate will continue consideration of the motion to proceed to consideration of S. 2061, Healthy Mothers and Healthy Babies Access to Care Act, with a vote on the motion to invoke cloture on the motion to proceed to consideration of the bill to occur at 5 p.m.

On Wednesday, Senate will resume consideration of the motion to proceed to consideration of S. 1805, Protection of Lawful Commerce in Arms Act, with a vote to occur on the motion to invoke cloture on the motion to proceed to consideration of the bill.

During the balance of the week, Senate may consider any other cleared legislative and executive business.

Senate Committees
(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: February 24, to hold hearings to examine the federal government’s response to bovine spongiform encephalopathy (mad cow disease), 10 a.m., SD–124.

February 25, Subcommittee on District of Columbia, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the government of the District of Columbia, 9:30 a.m., SD–158.

February 26, Subcommittee on Homeland Security, to hold hearings to examine proposed budget estimates for fiscal year 2005 for emergency preparedness and response budget, 10 a.m., SD–124.

February 26, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Office of Science and Technology Policy and the National Science Foundation, 10 a.m., SD–192.

Committee on Armed Services: February 25, Subcommittee on Personnel, to hold hearings to examine policies and programs for preventing and responding to incidents of sexual assault in the armed services, 9:30 a.m., SH–216.

February 25, Subcommittee on Strategic Forces, to hold hearings to examine the Department of Energy’s Office of Environmental Management, Office of Future Liabilities, and Office of Legacy Management, relating to the defense authorization request for fiscal year 2005, 2:30 p.m., SR–232A.

February 26, Full Committee, to hold hearings to examine current and future worldwide threats to the national security of the United States; to be followed by a closed session in SH–219, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: February 24, to resume hearings to examine proposals for improving the regulation of the housing government sponsored enterprises, 10 a.m., SD–538.

February 25, Full Committee, to hold hearings to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on understanding the fund industry from the investor’s perspective, 10 a.m., SD–538.

February 25, Full Committee, to continue hearings to examine proposals for improving the regulation of the housing government sponsored enterprises, 2:30 p.m., SD–538.

February 26, Full Committee, to hold hearings to examine the nominations of Alphonso R. Jackson, of Texas, to be Secretary of Housing and Urban Development, Linda Mysliwy Conlin, of New Jersey, to be a Member of the Board of Directors of the Export-Import Bank of
the United States, and Rhonda Keenum, of Mississippi, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Services, 10 a.m., SD–538.

February 26, Full Committee, to continue hearings to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on fund operations and governance, 2 p.m., SD–538.

Committee on the Budget: February 25, to hold hearings to examine the President’s proposed homeland security budget request for fiscal year 2005, 10 a.m., SD–106.

February 26, Full Committee, to hold hearings to examine the President’s proposed international affairs budget request for fiscal year 2005, 10 a.m., SD–106.

Committee on Commerce, Science, and Transportation: February 24, to hold hearings to examine voice over internet protocol, 9:30 a.m., SR–253.

February 25, Full Committee, to hold hearings to examine processor quotas, 9:30 a.m., SR–255.

Committee on Energy and Natural Resources: February 24, to hold hearings to examine the reliability of the nation’s electricity transmission grid, 10 a.m., SD–366.

February 26, Full Committee, to hold hearings to examine the nomination of Susan Johnson Grant, of Virginia, to be Chief Financial Officer, Department of Energy, 2:30 p.m., SD–366.

Committee on Foreign Relations: February 24, to hold a closed briefing to examine Haiti’s political crisis, 9 a.m., S–407, Capitol.

February 24, Full Committee, to hold hearings to examine rethinking the road map regarding the Middle East, 2:30 p.m., SR–325.

February 25, Full Committee, to hold hearings to examine the Japanese tax treaty and the Sri Lanka tax protocol, 9:30 a.m., SD–419.

February 25, Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine USAID contracting policies, 3:30 p.m., SD–419.

February 26, Full Committee, to hold hearings to examine public diplomacy and international free press, 9:30 a.m., SD–419.

February 26, Full Committee, to hold hearings to examine next steps in U.S. relations regarding Libya, 2:30 p.m., SD–419.

Committee on Governmental Affairs: February 24, to hold hearings to examine preserving a strong United States Postal Service relating to workforce issues, 10 a.m., SD–342.

February 25, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold joint hearings with the House Committee on Government Reform Subcommittee on Civil Service and Agency Reorganization, to examine the key to homeland security relating to the new human resources system, 10 a.m., 2154 RHOB.

Committee on Health, Education, Labor, and Pensions: February 25, business meeting to consider pending calendar business, 2 p.m., SD–430.

February 26, Full Committee, to hold hearings to examine ensuring quality and accountability regarding higher education accreditation, 2 p.m., SD–430.

Committee on Indian Affairs: February 25, to hold hearings to examine the President’s fiscal year 2005 budget request, 9:30 a.m., SR–485.

Committee on the Judiciary: February 24, Subcommittee on Terrorism, Technology and Homeland Security, to hold hearings to examine cyberterrorism in the 21st century, 10 a.m., SD–226.

February 25, Full Committee, to hold hearings to examine the nomination of Roger T. Benitez, to be United States District Judge for the Southern District of California, 10 a.m., SD–226.

February 26, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SD–226.

Committee on Veterans’ Affairs: February 24, to hold joint hearings with the House Committee on Veterans’ Affairs to examine the legislative presentation of the Disabled American Veterans, 2 p.m., SH–216.

Select Committee on Intelligence: February 24, to hold hearings to examine current and future worldwide threats to the national security of the United States, 10 a.m., SD–106.

February 24, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: February 24, to hold hearings to examine government protection of older Americans relating to financial lending, 10 a.m., SD–628.

House Chamber

Program to be announced.

House Committees

Committee on Appropriations: February 25, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Secretary of Agriculture, 9:30 a.m., 2362A Rayburn.

February 25, Subcommittee on Defense, executive, on CIA, 10 a.m., H–405 Capitol.

February 25, Subcommittee on Interior and Related Agencies, on Secretary of Interior, 10 a.m., B–308 Rayburn.

February 25, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on SSA, 10:15 a.m., and on Corporation for Public Broadcasting, 11:20 a.m., 2358 Rayburn.

February 25, Subcommittee on Legislative, on House of Representatives, 2:30 p.m., on GPO, 3:30 p.m., on GAO, 4 p.m., and on Library of Congress, 4:30 p.m., H–140 Capitol.

February 25, Subcommittee on Military Construction, on Quality of Life, 9:30 a.m., and on Quality of Life in the Military with Spouses, 1:30 p.m., B–300 Rayburn.

February 25, Subcommittee on VA, HUD and Independent Agencies, on Office of Science and Technology Policy, 10 a.m., on Arlington Cemetery, 11 a.m., on Consumer Product Commission, 1 p.m., and on Council on Environmental Quality, 2 p.m., H–143 Capitol.

February 26, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Natural Resources and Environment, 9:30 a.m., 2362A Rayburn.
February 26, Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies, on Secretary of Commerce, 10 a.m., 2359 Rayburn.

February 26, Subcommittee on Interior and Related Agencies, on Secretary of Energy, 10 a.m., B–308 Rayburn.

February 26, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Worker Protection Agencies, 10 a.m., 2358 Rayburn.

February 26, Subcommittee on Transportation, Treasury and Independent Agencies, on U.S. Postal Service, 10 a.m., 2358 Rayburn.

Committee on Armed Services, February 25, hearing on the Fiscal Year 2005 National Defense Authorization budget request of the Department of the Army; and to mark up H. Res. 499, Requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame, 6 p.m., 2118 Rayburn.

February 25, Subcommittee on Strategic Forces, hearing on the Fiscal Year 2005 National Defense Authorization budget request: Status of the Space Programs, 2 p.m., 2212 Rayburn.

February 25, Subcommittee on Total Force, hearing on the Department of Defense force health protection and surveillance efforts for service members deployed to Operation Enduring Freedom and Operation Iraqi Freedom, 2 p.m., 2118 Rayburn.


February 26, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on the Department of Defense Transformation, 1 p.m., 2212 Rayburn.

Committee on the Budget, February 25, hearing on The Economic Outlook and Current Fiscal Issues, 10 a.m., 210 Cannon.

February 26, hearing on the Department of Health and Human Services Budget Priorities Fiscal Year 2005, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, February 25, hearing entitled "Strengthening Pension Security for All Americans: Are Workers Prepared for a Safe and Secure Retirement?" 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, February 26, Subcommittee on Telecommunications and the Internet, to continue hearings on H.R. 3717, Broadcast Decency Enforcement Act of 2004, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, February 25, to consider the following: H.R. 2179, Securities Fraud Deterrence and Investor Restitution Act of 2003; to consider the Committee's Views and Estimates on the Budget proposed for Fiscal Year 2005 for submission to the Committee on the Budget; and pending Committee business, 10 a.m., 2128 Rayburn.

Committee on Government Reform, February 24, Subcommittee on Civil Service and Agency Organization, oversight hearing entitled "We'd Like to See You Smile: The Need for Dental and Vision Benefits for Federal Employees (H.R. 3751)," 3 p.m., 2247 Rayburn.


Committee on International Relations, February 24, Subcommittee on the Middle East and Central Asia, hearing on United States and the Iraqi Marshlands: An Environmental Response, 10 a.m., 2172 Rayburn.

February 25, full Committee, to mark up the following: H. Res. 499, Requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame; H.R. 3782, Counter-Terrorist and Narco-Terrorist Rewards Program Act; H.R. 854, Belarus Democracy Act of 2003; The Microenterprise Results and Accountability Act of 2004; a resolution urging passage of a resolution addressing human rights abuses in People's Republic of China at the 60th Session of the United Nations Commission on Human Rights, and calling upon the Government of People's Republic of China to respect and protect human rights; H. Con. Res. 15, Commending India on its celebration of Republic Day; and the Assistance to Orphaned and Vulnerable Children in Developing Countries Act of 2004, 10:30 a.m., 2172 Rayburn.

February 26, hearing on U.S. Foreign Assistance After September 11th: Major Changes, Competing Purposes and Different Standards—Is There an Overall Strategy? 11 a.m., 2172 Rayburn.

Committee on the Judiciary, February 24, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing entitled "Reauthorization of the Satellite Home Viewer Improvement Act," 4 p.m., 2141 Rayburn.
February 25, full Committee, to mark up H. Res. 499, Requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame, 10 a.m., 2141 Rayburn.

February 25, Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled “Funding for Immigration in the President’s 2005 Budget,” 3 p.m., 2141 Rayburn.

Committee on Resources, February 25, oversight hearing on An Examination of the Potential for a Delegate from the Commonwealth of the Northern Mariana Islands, 10:30 a.m., 1324 Longworth.

February 25, Subcommittee on Water and Power, oversight hearing on the Proposed Fiscal Year 2005 Budgets for the Bureau of Reclamation, the U.S. Geological Survey and Power Marketing Administrations, 2 p.m., 1334 Longworth.

February 26, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 1856, Harmful Algal Bloom and Hypoxia Research and Amendments Act of 2003, 2:30 p.m., 1324 Longworth.

February 26, Subcommittee on National Parks, Recreation and Public Lands, oversight hearing to examine the Fiscal Year 2005 Budget for the National Park Service and Bureau of Land Management and ongoing efforts to reduce their maintenance backlogs, 10 a.m., 1334 Longworth.

Committee on Rules, February 24, to consider the following: H.R. 2751, GAO Human Capital Reform Act of 2003; and H.R. 1997, Unborn Victims of Violence Act of 2004, 7 p.m., H–313 Capitol.

Committee on Science, February 25, hearing on The Conflict Between Science and Security in Visa Policy: Status and Next Steps, 10 a.m., 2318 Rayburn.

Committee on Small Business, February 25, to consider Committee’s Budget Views and Estimates for Fiscal Year 2005 for submission to the Committee on the Budget, 1:30 p.m., 2360 Rayburn.

February 26, Subcommittee on Workforce, Empowerment and Government Programs, hearing entitled “Union Salting of Small Business Worksites,” 10:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, February 25, to mark up the following: the Committee’s Budget Views and Estimates for Fiscal Year 2005 for submission to the Committee on the Budget; GSA Fiscal Year 2004 Leasing Resolutions; H.R. 2523, to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the “Tomochichi United States Courthouse;” H.R. 2538, to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the “Willie D. Ferguson, Jr., United States Courthouse;” H.R. 3147, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the “James V. Hansen Federal Building;” H.R. 3462, to designate the headquarters building of the Department of Education in Washington D.C., as the Lyndon Baines Johnson Federal Building; and other pending business, 11 a.m., 2154 RHOB.

February 26, Subcommittee on Water Resources and Environment, hearing on Agency Budgets and Priorities for Fiscal Year 2005, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, February 25, to consider the Committee’s Views and Estimates on the Budget proposed for Fiscal Year 2005 for submission to the Committee on the Budget, 2:15 p.m., 334 Cannon.

Committee on Ways and Means, February 26, Subcommittee on Social Security, hearing on the Social Security Service Delivery Plan for 2005, 10 a.m., B–2318 Rayburn.

Permanent Select Committee on Intelligence, February 24, executive, hearing on World-wide Threats, 3:30 p.m., H–405 Capitol.

February 25, Subcommittee on Terrorism and Homeland Security, executive, hearing on IC Analytical Capabilities and Information Sharing, 2 p.m., H–405 Capitol.

February 26, Subcommittee on Intelligence Policy and National Security, executive, briefing on Global Intelligence Update, 9 a.m., H–405 Capitol.

February 26, Subcommittee on Intelligence Policy and National Security, executive, hearing on IC Language Capabilities, 10 a.m., H–405 Capitol.

February 26, Subcommittee on Terrorism and Homeland Security, executive, hearing on IC Military Coordination in Iraq, 1 p.m., H–405 Capitol.


Joint Meetings

Joint Meetings: February 24, Senate Committee on Veterans’ Affairs, to hold joint hearings with the House Committee on Veterans’ Affairs to examine the legislative presentation of the Disabled American Veterans, 2 p.m., SH–216.

Joint Meetings: February 25, Senate Committee on Governmental Affairs, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold joint hearings with the House Committee on Government Reform Subcommittee on Civil Service and Agency Reorganization, to examine the key to homeland security relating to the new human resources system, 10 a.m., 2154 RHOB.
Next Meeting of the SENATE
9:30 a.m., Tuesday, February 24

Senate Chamber

Program for Tuesday: Senate will continue consideration of the motion to proceed to consideration of S. 2061, Healthy Mothers and Healthy Babies Access to Care Act, with a vote on the motion to invoke cloture on the motion to proceed to consideration of the bill to occur at 5 p.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Tuesday, February 24

House Chamber

Program for Tuesday: To be announced.