

land. As he said, "I firmly believe this with great conviction: that there has to be a separation between church and state—that one of the saving graces of this country is the fact that we are tolerant of all religions, and even of those who have no religion. And, if we start breaking that down, we are going to be in an awful lot of trouble."

His wise defense of the Constitution and its protections for individual conscience brought him vicious criticism and personal scorn. But, no amount of criticism or scorn could deter him from his obligation to extend the protections of the Constitution to the poor as well as the powerful, to the maligned as well as the popular. Judge Pettine embraced his judicial duties with remarkable dedication. He became a scholar of the law and, in order to insulate himself from even the appearance of partiality, he led a life focused on his family and the lonely rigors of his judicial responsibilities. Nevertheless, he was a dashing figure in Rhode Island. He was a man of great culture and erudition who exuded style and panache.

Judge Raymond J. Pettine has left a remarkable legacy. His wisdom, his integrity and his selfless devotion to the Constitution made him a judge of extraordinary achievement. His love of family and his compassionate regard for all he met made him a man of singular worth. I admire him greatly. He has given us the example and the confidence to carry on. And, his presence will continue to be felt whenever we stand up in defense of the Constitution and in defense of those who are "disenfranchised, the poor and underprivileged."

My deepest condolences go out to his family and friends, especially his daughter, Lee Gillespie, his granddaughter, Lauren Gillespie and his son-in-law, Thomas Gillespie.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I note on the floor the distinguished senior Senator from the State of Montana. I am sure he has a desire to speak and fill other appointments. I ask the Senator, without losing my right to the floor, how much time does the Senator desire?

Mr. BAUCUS. My guess is I will consume a maximum of 10 minutes.

Mr. BYRD. Mr. President, I have the floor; do I not?

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I yield the floor to the distinguished Senator from Montana not to exceed 10 minutes, with the understanding that upon the completion of his remarks I retain my right to the floor.

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

Mr. BYRD. I ask that the Senator from Montana be limited to 10 minutes.

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

The Senator from Montana.

#### THANKING STAFF FOR HARD WORK ON MEDICARE

Mr. BAUCUS. Mr. President, I thank my good friend, Senator BYRD, from West Virginia.

There have been many comments about the Medicare bill that just passed, all the time and effort, and the controversies that surround it. My personal view is that it is not just a good bill, it is a very good bill. It will help senior citizens and a lot of others who need help.

I understand some of the criticisms made against the bill. Some of them are overdrawn and exaggerated. But I understand the core points some critics have made. As with all legislation, and as with all things human, there is some truth all the way around. I pledge my time and effort to work to correct any imperfections in this legislation that may arise. But all in all, we have to make decisions. We have made a decision; and that is, to pass this legislation. I think it is a good bill that is going to help a lot of people. It is a major advance to the Medicare Program.

The Medicare Program, which was enacted 38 years ago and signed by President Lyndon Johnson in Independence, MO, has been a tremendous success for our senior citizens.

This bill represents the next major advancement. It is a new entitlement for prescription drug benefits for our seniors not contained in the original Medicare Act that passed 38 years ago.

There are a lot of people to thank. And my point here today is not to dwell on the bill but, rather, to thank people who worked so hard and who ordinarily receive so little credit.

The most noble human endeavor is service. It is service to church, to community, to family, to spouse, to children. It is service in whatever way makes the most sense for each one of us. There are many people who served to the maximum in helping to write good legislation, and I shall mention their names.

Members of the House and the Senate who serve get the benefit of their names in newspapers and shown on TV—usually it is a benefit, sometimes it is not—but at least they get the credit or the blame. But there are other people who work very hard behind the scenes. That is, the staff, who probably work even harder and receive little or no recognition. So I would like to recognize a few of those people who played a central role in this legislation.

First, my Finance Committee health care team, led by the wonderful Liz Fowler. Those of you who have worked with Liz Fowler know what I mean. There is none better. She works so hard, she is so smart, and she has a wonderful disposition, working hard to help provide better health care for Americans.

Jon Blum. He was the ace numbers guy. I think in many cases he knew more about the various intricacies of this bill than anyone else; an amazing man.

Pat Bousliman, the same. Pat worked extremely hard and knew the ins and outs of all the provider positions—the physician and the hospital payment provisions, and home health care, so well.

Andy Cohen, who worked primarily on Medicaid and low-income issues, and then Dan Stein, who was the clean-up hitter—he is wonderful. And I'd like to recognize former staff persons, who also worked so hard on this bill earlier in the process, but have since taken advantage of different jobs or opportunities.

Kate Kirchgraber. Kate was our Medicaid specialist.

Mike Mongan is a young man, who is brilliant. I was able to hold onto him for one extra year before he finally decided to go off to law school.

Those are the members of my Finance Committee health care team who worked so hard.

Others in the Finance Committee who played a very key role are Jeff Forbes, the minority staff director, and Bill Dauster. Many people know both Jeff and Bill. Bill has served the Senate in many capacities, particularly with his expertise in budget matters and Senate procedures. He was invaluable to me.

Russ Sullivan is my top tax person. And Judy Miller. Judy is from my home State of Montana and, she knows pension issues better than anyone I can think of. The two of them worked on the tax provisions in this bill.

Laura Hayes handled press for the Finance Committee.

Tim Punke is my chief trade person. And Brian Pomper, also on the trade staff. There are several trade provisions that came up in this bill, particularly with respect to reimportation from Canada.

Two of my former staff who left a year ago, or less than that, are wonderful people and also deserve recognition. One is my former staff director, John Angell; and my chief counsel, Mike Evans, who, during the course of this bill, would call in. They would call in and give lots of advice.

Senator GRASSLEY, Chairman of the Committee—his health team have all been wonderful to work with. Linda Fishman, Mark Hayes, Colin Roskey, Jennifer Bell, and Leah Kegler—all working so hard. And others on Senator GRASSLEY's team, Ted Totman, who has been with Senator GRASSLEY for many years, and Kolan Davis, who is Chairman CHUCK GRASSLEY's staff director.

Senator BREAUX, my chief negotiating partner: On his staff is Sarah Walter. Sarah is very smart. She is very good. Michelle Easton and Paige Jennings, both of whom have also contributed significantly to this bill.

Other conference members, of course, were Chairman BILL THOMAS and

Chairman BILLY TAUZIN, Majority Leader FRIST, Speaker HASTERT, and Majority Leader TOM DELAY in the House played a great role. Their staffs did, too, especially John McManus, who is the chief health staff for Chairman THOMAS, and his staff, Madeline Smith, Joel White and Deb Williams; Pat Morrissey, the deputy staff director for Chairman BILLY TAUZIN, and his staff Kathleen Weldon, Chuck Clapton, Pat Ronan and Jeremy Allen; and then for Majority Leader BILL FRIST, Dean Rosen and Liz Scanlon. They are all very able, wonderful, extremely capable people, along with everybody else we have been working with who I have not mentioned by name.

On the administration side, Ziad Ojakli, Matt Kirk, and Jennifer Young all played a significant and helpful role. And Erik Ueland on Senator FRIST's staff played a valuable role in the coordinating between the Congress and the White House.

Senator NICKLES, Senator KYL, Senator HATCH, Congresswoman NANCY JOHNSON, and Congressman MIKE BILIRAKIS and their staffs played an immeasurable part in this bill.

Other conferees who were, unfortunately, excluded from the conference—that is, from the working group—played very strong roles in making this bill better than it otherwise might have been: Minority Leader TOM DASCHLE, Senator ROCKEFELLER, Representatives DINGELL, RANGEL, and BERRY. Believe it or not—they may not believe it—but their views helped to shape this bill; many of the low-income provisions, their views on premium support, and lots of areas where their strong views helped Senator BREAUX and I a lot.

I need to mention, also, the Congressional Budget Office and the House and Senate legislative counsel.

The Congressional Budget Office, CBO, as we call it, is headed up by Douglas Holtz-Eakin. He works long hours, as do his top people, Steve Lieberman and Tom Bradley and all of their staffs. Particularly in the final weeks of this bill, when we had to call up and say: What is the CBO estimate for this change? What is the CBO estimate for that change? It is an almost impossible job because we were asking for lots of different changes.

The House and the Senate legislative counsel—Ed Grossman, John Goetteus, Pierre Poisson, and Jim Scott. Man, oh, man, did they work hard. They probably put in more hours than anybody else. Once we had the concepts, they would have to write the language. And this world, which is run by deadlines, we were always waiting until the very end, unfortunately, before decided on a direction to write the legislation. And Ruth Ernst, who also worked extremely hard.

On my personal staff: Zak Andersen, who is my chief of staff, in helping to coordinate all these matters; Sara Roberts, my legislative director; Farrar Johnston, my scheduler; and Sara

Kuban—all in the office here in Washington, DC. And back home in my State of Montana: Barrett Kaiser, Jim Foley, and Melodee Hanes, working all the time to answer tons of telephone calls about this bill and coordinating all of our outreach and education efforts.

Others here in my DC office, two persons who work in the receptionist area, Megan Mikelsons and Rachel Sherouse answered many telephone calls, too, and handled them all very directly and with great grace and civility.

There are many others, Mr. President, on other staffs who I have not mentioned, but I mention these people because I know personally how hard they have worked. I also mention them as representative of all the other people who have worked for Senators, who have worked in different capacities up here in the Senate and over in the House and who have just poured their hearts out. They are here because they want to do the right thing. They are here because they want to help people. They are here because they want to make this a better place. Essentially, they are here because they are fulfilling a very deep moral obligation. I think all of us have an obligation to make this place as good or even better than we found it, in whatever way we do that. For some of us, it is health care legislation, and for some of us it is some other area.

The names I have mentioned are the names of people who I hope are remembered and recognized. I urge everyone to dwell a little more on the people who really do the work, those I have mentioned, and others who work in similar capacities in this body.

Mr. BAUCUS, Mr. President, 38 years ago, President Lyndon B. Johnson signed the Medicare Act in Independence, MO. For millions of senior and disabled Americans, the enactment of this legislation heralded an era of hope, health, and improved financial security.

At the signing of the Medicare Act, President Johnson said, "No longer will older American be denied the healing miracle of modern medicine . . . And no longer will this Nation refuse the hand of justice to those who have given a lifetime of service and wisdom and labor to the progress of this progressive country."

Over the past 4 decades, the Medicare Program has fulfilled President Johnson's vision. Through Medicare, more than 100 million Americans have received the protection of health insurance during their most vulnerable years. Today, Medicare covers more than 35 million seniors and 6 million disabled Americans. Medicare provides assurances to these millions of Americans that their health care needs will be taken care of.

And Medicare has stood the test of time. Thirty-eight years after its enactment, Medicare remains one of the most extraordinary acts of legislation in the history of Congress.

But we all know that the program is not perfect. It is at times slow to adapt to the evolving health care market place. We owe it to our seniors to ensure that Medicare changes with the times and continues to serve their needs today and into the future.

The practice of medicine has changed dramatically over the past 4 decades. Outpatient prescription drugs were not included in Medicare's original benefit package. In 1965, medical care emphasized hospital-based and physician-provided care. Today, medical care increasingly relies on the use of prescription drugs.

As the role and expense of prescription drugs have grown dramatically over the past several decades, the lack of a prescription drug benefit in Medicare has become a critical flaw.

Seniors will spend an estimated \$2,300 on average for prescription drugs this year, with almost \$1,000 coming directly from their pockets. And while many seniors are fortunate to have coverage through retiree health plans, Medicaid, Medigap, and Medicare managed care plans—over 35 percent of Medicare beneficiaries currently lack any coverage for outpatient prescription drugs.

The lack of prescription drug coverage in Medicare, coupled with the rising cost of prescription drugs, is forcing seniors across America to make difficult choices. In the wealthiest nation in the world, millions of elderly Americans are forced to choose between much-needed prescription drugs and basic necessities of daily living.

Our seniors deserve better.

With the passage of this bill, we have the opportunity to uphold our commitment to America's seniors. With this conference report, we can deliver on our promise to add a prescription drug benefit to Medicare.

This bill provides seniors with much-needed prescription drug coverage and protection against high out-of-pocket drug expenses. Under the new Medicare Part D, seniors will have access to prescription drug insurance for a modest monthly premium. This benefit will provide up-front coverage for prescription drug expenditures up to \$2,250 annually, and catastrophic coverage for out-of-pocket spending above \$3,600.

For the millions of seniors with lower incomes and costly medical illnesses, this legislation offers the promise of comprehensive affordable prescription drug coverage through Medicare. Low-income seniors, more than a third of all Medicare beneficiaries, will receive generous assistance for all their prescription drug expenses, including premium subsidies, reduced deductibles, and affordable cost-sharing.

And we have designed a bill that will provide coverage in every part of the country. If private drug plans elect not to participate in any area of the country, our seniors will have guaranteed access to a government fallback, backed by the solemn commitment of Medicare.

Thus, all seniors will have equal access to a drug benefit, regardless of whether they choose to join a managed care plan or remain in traditional fee-for-service Medicare.

This legislation offers more than a Medicare prescription drug benefit. It will finally address many of the Medicare reimbursement inequities that have plagued America's rural health care providers. It will increase payments to local physicians and community hospitals to improve health care services throughout the nation. And this legislation will better foster competition between generic and brand-name pharmaceuticals.

I have heard from many of my colleagues regarding some of the imperfections in the conference report—for example, the gap in coverage, the risk that the bill may cause employers to drop retiree drug coverage, the potential state shortfalls in the early years of the benefit, the increased payments to private plans, and the "premium support" pilot program.

While I remain committed to addressing these potential shortcomings in the legislation during the upcoming months and years, we must not forget that this bill creates a \$400 billion expansion of the Medicare Program. We must not squander this historic opportunity to fundamentally improve the lives of millions of American seniors.

We would not have this opportunity without the fine leadership in the Senate. Senator GRASSLEY, chairman of the Finance Committee, skillfully led this effort through the committee, on the floor, and in the conference negotiations. Majority Leader FRIST was willing to put aside party differences to focus on achieving bipartisan consensus. Senator BREAUX's efforts helped bridge differences. The work of Senator BREAUX, my steadfast partner in the difficult negotiations, as well as Senators SNOWE, HATCH, JEFFORDS, and GRAHAM have greatly contributed to the debate over prescription drugs throughout the past several years.

And Senator KENNEDY, the health care expert of the Senate. For over 25 years, Senator KENNEDY has fought to include prescription drug coverage within Medicare. Through his continued leadership, prescription drugs for seniors are now within reach.

Senator KENNEDY played a key role in getting a good bill out of the Senate and throughout the conference. The 76 votes in the Senate are a tribute to his efforts, and whatever is positive in this bill is due to his dedication and hard work.

And there is much that is positive in this bill, in my view. Of course, the conference report is not perfect by any means. There are elements that I would not include if I were writing this bill on my own. But it is a true compromise. It reflects a near evenly split Congress.

Let us not forget that the original Medicare Act also represented a compromise—in the way that the program

was financed through a combination of payroll taxes, premiums, and general revenue, and in the way it was organized, with fiscal intermediaries and carriers making payments for separate Part A and Part B benefits.

In the final analysis, let us not forget why this bill is important. Millions of seniors live today without prescription drug coverage. They live in greater pain, and they live shorter lives, because of that.

With this bill, we will take an important step to make their lives better. To help them live longer, fuller lives. That is our purpose here today, and that is why I support this conference report.

For 38 years, Medicare has been a covenant—a pact between the generations. All Americans—young and old, rich and poor—pay into the promise of Medicare. And the Congress has the responsibility to uphold this commitment to those who benefit from it. As part of that responsibility, we must continue to improve the program and keep up with modern medical care.

This conference report represents an historic opportunity to strengthen Medicare. And as elected officials, we have the obligation to take advantage of this opportunity. Of course, we also have the responsibility to ensure timely implementation in a way that fulfills congressional intent.

On the day of this historic vote, we take a step to ensure that Medicare continues to fulfill Lyndon Johnson's vision. We take an important step to deliver on our promise to America's senior citizens.

I yield the Floor, and I again thank my good friend from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my friend from Montana, Mr. BAUCUS.

#### INVASION OF IRAQ

Mr. President, it was the prophet Hosea who lamented of the ancient Israelites, "For they have sown the wind, and they shall reap the whirlwind."

I wonder if it will come to pass that the President's flawed and dangerous doctrine of preemption on which the United States predicated its invasion of Iraq will some day come to be seen as a modern-day parable of Hosea's lament. Could it be that the Bush administration, in its disdain for the rest of the world, elected to sow the wind, and is now reaping the whirlwind?

I ponder this as the casualties in Iraq continue to mount, long past the end of major conflict, and as the vicious attacks against American troops, humanitarian workers, and coalition partners increase in both intensity and sophistication. I ponder this as the number of terrorists attacks bearing the hallmarks of al-Qaida appear to be increasing, not just in Iraq but elsewhere, including Saudi Arabia and, most recently, Turkey. I cannot help but wonder, as I view these developments with

a sorrowful heart, what the President has wrought. By failing to win international support for the war in Iraq and by failing to plan effectively for an orderly post-war transition of power, has the President managed to create in Iraq the very situation he was trying to preempt?

The deaths of three more American soldiers in Iraq over the weekend, and the vicious mob attack on the bodies of two of them, are but the latest evidence of a plan gone tragically awry. The death toll of American military personnel in Iraq since the beginning of the war has now reached 427, and it continues to climb on a near-daily basis. Most troubling of all is the fact that more than two-thirds of those soldiers who have died in Iraq have been killed since the end of major combat operations. At that time, 138 American fighting men and women had died in Iraq, at the time major combat operations had ended. Instead of making headway in the effort to stabilize and democratize post-war Iraq, the administration seems to be losing ground. If the current violence cannot be curbed, if Iraq is allowed to descend unchecked into a holy hell of chaos and anarchy, the implications could be catastrophic for the region and the world.

An article earlier this month in the Los Angeles Times, entitled "Iraq Seen As Al Qaeda's Top Battlefield," raises the alarming specter that Iraq already is replacing Afghanistan as the global center of Islamic jihad. According to the article, as many as 2,000 Muslim fighters from a number of countries, including Sudan, Algeria and Afghanistan, may now be operating in Iraq. No one knows the numbers for certain, but foreign Islamic terrorists are suspected in some of the deadliest attacks in Iraq, including the bombing of the United Nations headquarters and the Red Cross offices in Baghdad.

It seems only yesterday that the President and his advisers were warning the United Nations that Saddam Hussein must be disarmed at once, forcibly if necessary, to preempt Iraq from becoming the next front in the war on terrorism. On May 1, when the President announced the end of major combat operations in Iraq as he basked in the glow of a banner that was waving overhead proclaiming "Mission Accomplished," he described the liberation of Iraq as "a crucial advance in the campaign against terror."

What a difference a few months makes. Before the war, it was Afghanistan and al-Qaida, not Iraq, that constituted the central front in the war on terror. It was Osama bin Laden, not Saddam Hussein, who orchestrated the September 11 attacks on the United States, and it was Osama bin Laden, not Saddam Hussein, who orchestrated earlier attacks on the USS Cole and on the American embassies in Kenya and Tanzania. It is Osama bin Laden who continues to taunt the United States and who continues to plot against us,