growth of costly Medicare Long Term Care Hospital (LTCH) beds until enough information is available to determine whether continued growth is required to meet the needs of our seniors and people with disabilities.

The number of these facilities has increased substantially from 109 to 300 in the past decade and Medicare expenditures directed to these facilities have grown from $398 million in 1993 to an anticipated $2.3 billion in 2005. The recent 275% increase in facilities and over 500% increase in Medicare expenditures are dramatic. It is time for Congress to question whether this rapid growth reflects a true increase in clinical need or just a means to game robust profits from Medicare.

LTCHs are one of four types of post-acute settings that are reimbursed under Medicare. Patients in these facilities have medically complex conditions that include ventilator dependency, multiple medical system failures, complicated infectious conditions, wound care and post-surgical recuperation. These patients generally have stays in these facilities of 25 days or more. Currently, only 1 percent of Medicare beneficiaries discharged from acute hospitals are transferred to LTCHs. These facilities are the most expensive on average of all the post-acute alternatives with a base rate cost per patient episode being $35,700.

The growth in the long term care hospital sector is being fueled by large for-profit companies that are reporting significant revenue increases and robust profit margins. Their margins are significantly higher than those for acute hospitals and skilled nursing facilities. Wall Street recognition of the industry's positive financial outlook is likely related to the 300 percent increase that has been posted this year in the stocks of these publicly-traded companies.

Recent data from the non-partisan Medicare Payment Advisory Commission (MedPAC) suggests that there may also be substantial overlap between the types of patients being treated in LTCHs and skilled nursing facilities; despite LTCHs costing 4–5 times more. The potential for LTCHs to substitute for less costly skilled nursing facilities is exacerbated by the fact that there is currently no clinical patient admission criteria under Medicare for LTCHs.

A review of the LTCH Medicare provider network raises a number important public policy questions. These questions include:

Is there evidence of clinical need to support the rapid growth in LTCH facilities?

Is the current Medicare payment system inappropriate or is the reimbursement amount excessive for LTCH services?

Are LTCHs and skilled nursing facilities clinical substitutes? If so, are there clinical criteria that can be developed to determine which patients require LTCHs vs. skilled nursing facilities?

This legislation simply places a moratorium on the future growth of this provider network category until these questions are answered. The Secretary of Health and Human Services may terminate this moratorium upon obtaining adequate information to address these questions and implementing any required changes to the Medicare payment system for these services. The Secretary is also required to submit a report to Congress at least one month prior to terminating the moratorium specifying the rationale and evidence supporting the termination.

It is appropriate for Congress, who is responsible for providing fiscal oversight of Medicare, to enact this legislation. Both MedPAC and the Health and Human Services' Office of the Inspector General are already investigating aspects of these issues. The LTCH and skilled nursing home industries, patient advocacy groups and other relevant sources can offer additional data. Using the data obtained during this moratorium, the Center for Medicare and Medicaid Services and the Congress can make an informed decision on what interventions are necessary within the LTCH industry to both ensure beneficiaries are receiving the treatment they require and that Medicare funds are being prudently spent.

U.S. NEEDS SPACE BASED MISSILE DEFENSE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2004

Mrs. MUSGRAVE. Mr. Speaker, today I submit the following article from Vital Speeches into the CONGRESSIONAL RECORD. ''U.S. Needs Space-Based Missile Defense'' is a speech given by my highly respected predecessor, Representative Bob Schaffer.

[From Vital Speeches, Oct. 15, 2003]

U.S. NEEDS SPACED-BASED MISSILE DEFENSE

ADDRESS BY BOB SCHAFFER, FORMER U.S. CONGRESSMAN FROM COLORADO, DELIVERED TO THE COUNCIL FOR NATIONAL POLICY, COLORADO SPRINGS, COLORADO, SEPTEMBER 26, 2003

Thank you, Ambassador Cooper. Good afternoon ladies and gentlemen. I have been a long-time admirer of Ambassador Hank Cooper since before I went to Congress in 1996. As a Member of Congress, I relied on the Ambassador's judgment and vision for guidance when considering questions of America's defense against those who would threaten our liberty.

The district I represented, up until January of this year, in Congress was essentially the entire eastern half of Colorado—very rural. Consequently, the committees to which I was assigned in Congress had to do with agriculture, natural resources and education. I served on no committees that had direct involvement with national defense, foreign affairs or military preparedness.

But as one who represented a constituency of broad interests, I endeavored to learn as much as I could about national defense. And the more I learned about the very real threat America faces with respect to long-range missile attack, the more I became convinced that there are not enough leaders in Congress paying attention to this vital national security concern.

As Ambassador Cooper mentioned, my interest led me around the world meeting with parliamentarians and defense leaders of other nations. I made eight trips to Russia, as many to Ukraine, and others to Asia, Central Asia, and Europe.

Since September 11th, America has been focused on combating terrorism in Afghanistan, Iraq and elsewhere. We have been reorienting our national defense to address the weakness exploited by the terrorists who killed Americans on American soil, and toward protecting Americans abroad from similar potential attacks. This, of course, is necessary and exactly what we should be doing.

America is not focused enough on conventional threats.

Let me explain my concern for national security through an analogy of home security. As homeowners, we put the toughest lock, where, on the front door, right? Well, the burglars have figured out how to get in through the windows. In response,we are now fortifying our windows, doubling them up, and locking down the smaller points of access. This maks perfect sense.

However, my friends, we are leaving the front door wide open to conventional attack from potential threats far more sophisticated and direct than the terrorists of rogue nations. We can't forget that countries like China still maintain arsenals of long-range ballistic missiles targeted at American cities like the one we're in right now. From their current launch sites, these missiles are just a half-an-hour away from their American targets. Once launched, we have no defense against them.

Good leadership is essential.

As a suggestion, I was asked to speak on what it will take for us to build the effective defenses we need, to defend us from the increasing threat and proliferation of ballistic missiles of all types, whether short-range, intermediate-range, and long-range, capable of attacking our homes and cities.

Two words will do. Good leadership.

In one way, the current Bush administration has displayed good leadership in its missile defense program. It has exerted the will to deploy a missile defense as seen in its decisions to withdraw from the 1972 ABM Treaty, deploy a National Missile Defense system, and increase funding.

As a result of President Bush's leadership, the 1972 ABM Treaty resides in the dustbin of history. As a result of President Bush's leadership, the United States stands on the verge of deploying a National Missile Defense system, which is expected to reach initial operation in the next few years.

It may be helpful to review some highlights of the National Missile Defense program, if only to point how Americans not only have the desire to defend themselves from ballistic missile attack, they also have the commitment and ability to build a defense.

Highlights include how:

In early September Northrop Grumman submitted a bid to compete for the Missile Defense Agency's Targets and Countermeasures prime integration program, valued at more than $1 billion for an initial four-year program. The Bush administration takes the issue of mid-course-phase decoys and countermeasures seriously.

In August this year, progress was reported on the construction of a $900 million sea-based X-band radar, which will be home ported at Adak, Alaska, in the Aleutian Islands superceding earlier plans to build a ground-based Xband radar on Shemya Island, also in the Aleutians.

This sea-based X-band radar will be self-propelled, using a semi-submersible oilrig being modified at shipyards in Brownsville and Corpus Christi. The radar will weigh 50,000 tons and be 390 feet long and 250 feet high. Scheduled to begin operation in 2005, this sea-based X band radar will hand off ballistic missile tracking information to interceptors located at For Greely, Alaska, and Vandenberg Air Force Base.

Also in August, Orbital Sciences Corporation test launched from Vandenberg a prototype of the three-stage booster to be used in the ground-based interceptor for our National Missile Defense system.

President Bush's plan calls for deploying by 2004, four ground-based interceptors at Vandenberg, and six groundbased interceptors at Fort Greely, increasing the number of ground-based interceptors deployed at Fort Greely to a total of 20 by the end of 2005.

Contracts have been let for pouring concrete for the missile silos at Fort Greely, and

for refurbishing existing missile silos at Vandenberg Air Force Base. In June 2002, for example, it was reported how a contract for $325 million was issued to build six underground missile silos at Fort Greely.

These are significant steps to our deployment of a National Missile Defense. The deployment of X-band radar, development of a booster for the ground-based interceptor, testing of the kinetic kill vehicle, and fielding of interceptors are coming together.

Intelligent design.

But good leadership involves more than the will to deploy a defense. While the will to deploy a missile defense is a key ingredient, an ingredient missing from the preceding Clinton administration, which believed in the ABM Treaty as the cornerstone of arms control, good leadership also needs to point the way of how to build an effective defense.

Building an effective defense requires more than spending money. It requires an intelligent design.

Speaking of money, Congress and the Bush administration have recognized the importance of funding missile defense.

For example, in June of this year the House Appropriations Committee approved a budget of about $8.9 billion for missile defense, an increase of about $1.3 billion. Real money is being spent.

Congress has shown increasing willingness to fund a missile defense, and for good reason. Not only has the threat of ballistic missile attack increased from China's buildup of ballistic missiles of all types, but the proliferation of ballistic missiles continues to increase.

The proliferation of ballistic missiles poses a grave threat internationally. India and Pakistan look at each other in terms of increasing numbers of ballistic missiles, some of which are presumably armed with nuclear weapons.

Japan is losing any sense of complacency over the increasing ballistic missile threat it faces as it was reported in June how North Korea has fielded between 160 and 170 intermediate-range Nodong missiles that can reach nearly all of Japan.

In June it was also reported how Japan, in response to this hostile buildup of ballistic missiles by North Korea, requested an additional $1.2 billion for the next fiscal year to deploy a two layer missile defense system, consisting of PAC–3 missiles produced under license, and upgrading its four Aegis destroyers to deploy the SM–3 interceptor.

From our experience in Iraq we know that the PAC–3 missile works very well, both as an interceptor of short-range ballistic missiles and of aircraft, using hit-to-kill technology based on radar guidance. PAC–3 performed with a high probability of intercept, unlike the earlier improved PAC–2, which although successful from a strategic viewpoint in the 1991 Gulf War, was essentially jury-rigged for its mission of intercepting Scuds.

The Navy's SM–3 ballistic missile interceptor has proved itself positively, achieving three interceptions out of four attempts. The four interception test in June 2003, while unsuccessful, demonstrated the ability of naval ships to share target cuing information as the firing of the SM–3 from the U.S.S. Lake Erie was reportedly cued from another ship up-range.

The test failure of the SM–3 evidently occurred when one of the cells of its solid fuel Divert and Attitude Control System failed to ignite—a problem of quality control rather than the underlying technology.

The United States has over twenty years of experience in testing hit-to-kill technology for missile defense, achieving its first successful interception of an ICBM target in the June 1984 Homing Overlay Experiment.

The time has come to deploy hit-to-kill technology in an effective defense.

But building an effective missile defense requires an intelligent design. It requires the same elements of good strategy that have always formed an essential part of military victory, whether victory through a policy of peace through strength, or a policy of determination to achieve victory and lasting peace.

An effective defense requires good position.

No small part of military strategy is devoted to the maneuver and positioning of troops. Good position, good location, holding the high ground, whether the top of a hill or a mountain top, being able to look down and fire at an approaching enemy, is a key element of military strategy.

For this reason U.S. military strategy emphasizes air superiority, the high ground of combined air, land, and sea operations. There is also the high ground of space, which U.S. military forces recognize as vital to the operation of our intelligence, communications, reconnaissance, and navigation systems, which rely heavily on satellites.

Building an effective missile defense also requires good position. But this position isn't found on the ground, it is found in space where the ballistic missile operates.

Building an effective missile defense requires a strategy that deploys a missile defense in the high ground of space. Good leadership would deploy a missile defense in space. Good leadership would point the way to space.

Both the Strategic Defense Initiative of the 1980's and early 1990's and Project Defender of the later 1950's and early 1960's pointed the way to space, recognizing the inherent advantages of deploying a missile defense in space.

The earlier Project Argus nuclear test shots in 1958 and Starfish 1962 also pointed to space. Dr. Nicholas Christofilos from Lawrence Livermore realized space provides a position with global coverage against ballistic missile threats.

The strategic advantages of deploying a missile defense in space are considerable.

Global coverage, the capability for boost-phase interception, the use of robotics minimizing operational costs, and the potential of high-energy lasers and particle beams led these earlier missile defense programs to emphasize the development of defenses based in space.

Even the Clinton administration was aware of the advantages that accrue from deployment of a missile defense in space, as seen in its decision to complete the termination of the Brilliant Pebbles program for deploying a space-based interceptor defense, and attempt to terminate the Space Based Laser.

Believing in the ABM Treaty as the cornerstone of arms control, the Clinton administration was not interested in building effective defenses.

While Brilliant Pebbles had been approved fro acquisition in 1991, it was subsequently opposed by key Democrats in Congress, who sought a technological regression, unwilling to change the strategy of Mutual Assured Destruction embodied in the ABM Treaty.

Technological leadership and space superiority.

Building an effective missile defense requires the United States to deploy its kinetic kill interceptors in space like Brilliant Pebbles, not in the underground concrete missile silos.

An intelligent design would utilize the advantages that deployment in space offers in providing global coverage, boost-phase interception, the use of robotics, minimal operational costs, and the ability to use high-energy lasers for boost phase interception and active discrimination of decoys.

There is a third ingredient for building an effective missile defense. This ingredient is technological leadership, including the ability to manage programs involving technology to produce timely results.

Good leadership needs to manage the effort to build a missile defense effectively, to produce timely results rather than create an endless cycle of studies, delays, testing, and indecision.

In the past the United States has exhibited bursts of technological leadership, including President Reagan's Strategic Defense Initiative, which supported a vast program of research and development for missile defense technology.

We need to remember those times and examples of technology leadership to build an effective missile defense.

Good leadership involves more than creating program momentum by funding a single program with more dollars. It includes the ability to manage technology, and lead a fundamentally strong program to completion and success.

It includes the ability to concurrently manage technology development programs with acquisition, to allow for improvements in current acquisition and the development of second- and third-generation defenses.

It includes the ability to concurrently manage a variety of technology programs, pursuing at the same time different avenues of basing and technology, recognizing the wealth of ideas and technology developed under the Strategic Defense Initiative, giving the United States the ability to construct a missile defense in multiple layers.

It includes the ability to match an intelligent design for building an effective missile defense with the pursuit of technology, seeking a technological momentum designed to defeat the ballistic missile.

It includes an understanding of how the strategy of ''Mutual Assured Destruction'' which was behind the ABM Treaty was designed to restrain the use and development of new technology.

Notably, space not only offers a position of advantage for deploying a missile defense, it stimulates the development of new technology.

Technological leadership includes the ability to resolve problems.

Highlights of where technological leadership has been lacking in the current program for building a missile defense, include:

The termination in 2001 of the Navy Area Wide defense program, which would have provided Aegis cruisers and destroyers with a defense against short-range ballistic missiles and aircraft like PAC–3.

While the proposed SM–2 Block VIA interceptor for Navy Area Wide would have relied on a blast fragmentation warhead rather than hit-to-kill, differentiating it from PAC–3, its program termination may be viewed with disappointment.

The termination in 2001 and 2002 of the Space Based Laser program, which would have provided a very effective boost phase defense against ballistic missiles of all types, short, intermediate, and long-range.

Notably, the Space Based Laser program successfully demonstrated its end-to-end beam generation and training back in 1997. From the point on, the program's next step was to test a scalable high-energy laser in space.

Presumably, the termination of the Space Based Laser program came as a result of opposition in the Senate to the deployment of missile defenses in space.

Apparently lacking in the current administration was an understanding of the advantages of technological readiness of the Space Based Laser, unwilling to overcome apparent political opposition at a time when most Americans support missile defenses.

Technolgocial leadership also includes the ability to communicate the advantages of

technology, as well as the ability to develop it.

While the current adminsitration has demonstrated its commitment to fund a missile defense and support the deployment of a ground-based defense, and has withdrawn from the ABM Treaty, it has yet to support a design to build an effective defense, much less insist on technological leadership.

America's current plans include a virtual technological regression in any planning for a space-based interceptor defense, unwilling or unable to use past technology developed for Brilliant Pebbles.

Unwilling or unable to use Brilliant Pebbles technology for space-based interceptors, the current administration and the Congress have been unwilling or unable to employ technological advances that have occurred in:

The increasing use of robotics, including autonomous operation and data fusing and joint decision making between independently operating robots, which NASA has developed for missions on Mars.

The development and increasing use of photonic or fiber optics for sensors, communications, and computer processing, which provide a means to defend against electromagnetic pulse.

The development of three-dimensional computer chips, allowing for the integration of different processes, whether computer processing communications, processing of sensor data, and active response within the same chip.

These advances in photonics and computer chips, combined with continuing advances in nanotechnology, including Micro Electro Mechanical Systems or MEMS, could potentially allow for the development of kinetic kill vehicles smaller than Brilliant Pebbles, which were essentially based on late 1980's technology.

Instead of building kinetic kill vehicles that weigh in the tens of kilograms, the United States could potentially be building kinetic kill vehicles that weigh under a kilogram, perhaps in the tens of grams, approaching the theoretical limits for kinetic kill vehicles suggested by Lowell Wood at Lawrence Livermore when he proposed the idea of Genius Sand as an advance generation Brilliant Pebble.

America's defense planners seem to have a striking aversion to the development of advanced technology systems, especially those taking advantage of deployment in space, as seen not only in its termination of the Space Based Laser, but its very low level of funding for the development of a system of space-based relay mirrors that could utilize a high-energy laser to strike at targets around the world.

This system of relay mirrors, suggested in the Strategic Defense Initiative as a way to take advantage of high energy laser technology that was ground-based or air-based, is being funded at a level of around $1 million when it should be funded at the billion-dollar level.

The state of U.S. technological leadership is also seen by Pentagon planning to deploy a system of optical communication satellites, in other words, satellites using laser communications, which would provide much needed bandwidth and high security. These had been proposed in the early 1980's and the Air Force had performed some early demonstrations.

More than twenty years after this exciting concept was proposed, the Pentagon is finally planning to spend hundreds of millions of dollars to develop a satellite laser communications system. This comes after the European Union successfully demonstrated the use of laser communications with its Artemis satellite.

I was asked to speak about what it will take for us to build the effective defenses we need. Good leadership is the answer.

Three key ingredients to good leadership include not only the will to build a defense, but an intelligent design and technological leadership.

Over the past three years, our country has clearly demonstrated its will to build a missile defense; I strongly suggest to you that we still need an intelligent design and technological leadership to build an effective defense.

HONORING ANDREW TOTI

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor a great American inventor from Modesto, California, Mr. Andrew Toti. Mr. Toti has invented a number of household items, and has over 200 United States and foreign patents to his credit. He is a perfect example of the ''can-do'' attitude that Americans possess. His ingenuity has created the vertical blinds which many of us have in our office windows, to a device that helped save lives in World War II.

In a 1995 interview with Parade magazine, Mr. Toti stated that the most important element to successful inventing is defining a need for a new product or identifying a problem, then finding an elegant solution. Mr. Toti has been finding solutions to problems, and inventing new products almost his entire life. He credits his parents for nurturing and supporting his craft, and giving him advice on how to become a success.

At the young age of twelve, Mr. Toti created a new kind of combination lock, however it was not marketed very well. He learned quickly from this mistake. Mr. Toti has always been able to admit to mistakes, and this is one of his greatest qualities. When Mr. Toti was sixteen, he had built a boat with a very powerful motor. His mother was worried he would drown, so he began making a life vest using duck and goose feathers. He noticed that these vests were a bit bulky, so began filling them with compressed air. The War Department was told of his invention, and paid Mr. Toti $1500 for the rights. This life saving device soon became the Mae West life vest. This is the same life vest that President George H.W. Bush was wearing when he was shot down over the Pacific Ocean. Without this life preserver, President Bush might not have survived his ordeal in the ocean.

As you know Mr. Speaker, the San Joaquin Central Valley is a lush agricultural area, and our farmers grow anything from peaches to wine grapes, and raise cattle and poultry. Mr. Toti's ingenuity has helped two major industries in the area. First, in 1951, Mr. Toti patented his feather-plucking machine. This machine uses thousands of rubber ''fingers'' to remove the feathers of poultry. Twenty-one years later, he assisted in designing a grape-harvesting machine for Ernest and Julio Gallo, two of the most prominent viticulturalists in the nation. Recently, Mr. Toti developed an endotracheal tube, which aids physicians with rapid intubation of the trachea in situations where the tube needs to bend due to anatomical variations in the body.

I ask all of my colleagues today to help me recognize and thank Mr. Toti for his contributions to our nation. It is my honor to represent such a fine constituent in the House of Representatives.

HONORING THE ACHIEVEMENTS OF VIOLET BROSART

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2004

Mr. QUINN. Mr. Speaker. I am honored to rise today to officially recognize and pay tribute to Violet Brosart, an outstanding community leader.

Violet Brosart is a resident of Lackawanna, New York and is currently serving as the President of the American Legion Auxiliary, Department of New York. The American Legion Auxiliary is the largest women's patriotic service organization in the world. Its primary goals are to serve veterans and their families, to promote patriotism and Americanism, and to serve our children and communities.

President Brosart is a 36 year member of Hamburg Unit #527 in Erie County. She has served as its president and remains an active member. She has also been active in her community, becoming involved in Boy Scouts, Campfire Girls, Youth Baseball, the Empire State Ballet Company, and the Hamburg Little Theater. She also worked for 10 years as a child day care provider. Mrs. Brosart is the mother of four and grandmother of ten. She also has one great grandchild.

Each year the Department President chooses a project of particular interest to her and raises money for that cause. This year President Brosart has chosen the Alzheimer's Association as her special project. More than 14 million Americans will be diagnosed with Alzheimer's Disease within the next 50 years unless a cure or prevention is found. Alzheimer's disease affects not just the patient, but the family as well. Often children and grandchildren find themselves becoming the caregivers to those who once gave care to them. Money raised for this special project will be distributed to all seven areas of the Alzheimer's Coalition in New York State, based on need. The money will be used to support programs in the following areas: early diagnosis, effective treatment, essential support networks, and caregiver training. In addition to these areas of concern the Alzheimer's Coalition is working in conjunction with the VA facilities to aid veterans that have Alzheimer's. By embracing this project, President Brosart and the American Legion Auxiliary can ''Help for Today'' and ''Hope for Tomorrow:'' To date, over $151,500 has been raised, with a goal of $40,000 by August 1, 2004.

Traveling throughout the 62 Counties in New York State, President Brosart emphasizes the American Legion Auxiliary's strong commitment to our country and to our veterans. Her patriotic spirit is evident in all of her speeches and presentations. The members of the American Legion Auxiliary, Department of New York are very proud of President Brosart and her deep commitment to the veterans of our nation.