

shown, this red line showing the 500 percent would almost be spiking because it is going up so rapidly.

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 premium 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 \$31,000. In New York, it is \$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 \$102,000. 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 tomorrow. 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 whether we are 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. We are seeing severe 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 no uncertain terms, 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 liability premiums.

I want to respond to a couple points the other side always brings up. They say the reason is not because of jury verdicts; rather, the reason for these premium differences is because of investments in the stock market the insurance companies made and then they went bad.

The stock market went crazy last year. It went way back up. So if the insurance companies were investing in the stock market, they would be doing fine, and we would not see these types of increases. The insurance companies in California and Colorado were invested in the stock market, just as the insurance companies in New York and Nevada and Illinois and in Florida. Yet there is this difference.

The only thing you can point to for the difference—and these are cities with similar population bases—is the reform laws that have been passed. They all invested in the same stock market. It was not the stock market that caused the premium increases. It was and is runaway jury awards. Our country, unfortunately, has become too litigious. It is not about personal responsibility anymore. Jury awards are just out of control.

People say: Injured patients deserve their just compensation. Well, they get just compensation in Colorado and California. I don't think one could look at California and ask: Do they discriminate against women? That is one of the arguments you hear: Because women don't make as much money, that they are being discriminated against. Are we saying the whole State of California discriminates against women? It is a ludicrous argument.

We have to have reasonable reform. That is what we have put forward today, reasonable reform, so that access to care is there. If access to care is not there, that is when discrimination against women will happen. The OB/GYNs, which is what this bill addresses, are the part of the medical profession that is in crisis the most. Of all of the various specialties, this is the one that is in the most severe crisis. Obviously, it affects women more than it affects men. So in effect, if we are not allowing women to have access to the OB/GYN care, not passing this bill will discriminate against women. People not voting for this will be discriminating against women. That is why we need to pass this legislation.

If you are opposed to the final version of the bill, at least let us go to

the bill, debate it, and amend it. But it seems the other side of the aisle, the Democrats in the Senate, don't want to have any part of this debate. The American people need to stand up to that. They need to stand up and make their voices heard, because this debate is too critical. We are having, and we will continue to have, babies not delivered with the kind of care they need. High-risk pregnancies need the absolute finest modern medicine can bring them. If those people are limiting their practices, and OB/GYNs are having to limit the number of deliveries they make, then 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 have before us today. So for 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.

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.

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

BLACK HISTORY MONTH

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 floor leader for that legislation was a fellow name Bob Dole. And during the final debate, I had the privilege of sitting in the gallery with Coretta Scott

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 as 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 first woman 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. Johnetta 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 Afri-

can 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. FITZGERALD). 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 that said, 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 Cornyn, 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.

Mr. FRIST. I now withdraw the motion to proceed to S. 1805.

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 a 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 is more and 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 occupant 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