

information could be collected and analyzed if providers felt confident that reporting these errors did not increase the likelihood that they or their colleagues would be sued for honest mistakes.

This legislation would not permit anyone to hide information about a medical mistake. Under the bill, lawyers could still access medical records and other information that would normally be discoverable in a legal proceeding. However, the bill would ensure that the analysis of that information by patient safety organizations would take place on a separate track in a protected legal environment.

Healthcare providers will be much more likely to share information about honest mistakes and how to prevent them if they have some assurance that the analysis of their information won't result in a tidy package of information that a personal injury lawyer could use against them in court.

Errors in medical treatment take place far too often today. Unfortunately, providers live in fear of our unpredictable and unfair medical litigation system, and this legal fear inhibits efforts to address the root causes of health care errors. Without appropriate protections for the collection and analysis of patient safety data, providers are unwilling to report mistakes and errors, which is one of the reasons that health care quality today is not what it could be.

Litigation does nothing to improve quality or safety. The constant threat of litigation instead stifles honest analysis of why health errors happen. This is just one more reason why we need wholesale reform of our medical litigation system. We need to foster alternatives that restore trust between patients and providers and result in fair and reliable outcomes for both parties. We need to scrap the current system, not just cap it.

But until we do so, we should take whatever steps we can to create an environment that protects the collection and analysis of patient safety data so that providers can learn from their mistakes and prevent them from happening in the future.

The Patient Safety and Quality Improvement Act is one of these steps. Yesterday, our committee chairman, Senator GREGG, asked for unanimous consent that we move to consideration of this legislation on the Senate floor. This is the third time he has done so. Each time, he has been blocked by our colleagues in the minority, even though the committee of jurisdiction was unanimous in its support for the bill.

My colleagues in the minority keep talking about problems with healthcare quality—just like they keep talking about the loss of American jobs. However, talk is cheap when their actions don't match up to their words. If they are really so concerned about improving healthcare in our Nation, why would they object to a bill that

would reduce errors and improve patient safety, particularly a bipartisan bill with unanimous committee support? If they are really so concerned about American workers and jobs, why won't they let a bill improving the Nation's job-training system go to conference?

This is another example of what is happening—or not happening here in the Senate. We have a bill—a bipartisan bill—that will help workers get back to work or find better jobs. This bill will equip our workforce with the skills necessary for America to compete—and succeed—in the global economy. It reauthorizes and improves the Nation's job training and employment system created under the Workforce Investment Act.

The Workforce Investment Act provides job training and employment services to more than 900,000 unemployed workers each year. Just like the patient safety legislation, this bipartisan bill passed out of the Health, Education, Labor, and Pensions Committee unanimously. We passed it on the Senate floor by unanimous consent last November. That is as bipartisan as you can possibly get.

Where is the bill now? We can't get a conference committee appointed to resolve differences with the House. If we really want to take care of jobs and workers in this country, we should appoint conferees for the Workforce Investment Act legislation. I can only conclude that my Colleagues on the other side of the aisle are more concerned with election year politics than helping American workers, or improving patient safety.

There are differences between Republicans and Democrats on most of the big issues facing our Nation. If my colleagues in the minority want to bottle up legislation with which they disagree, that is their prerogative. But that is not what I am talking about.

What we have here are a few members of the minority party holding up bipartisan bills that receive unanimous approval in committee, and holding up conferences on bills that receive unanimous support on the Senate floor.

The only logical conclusion I can make is that these roadblocks are based on politics, not policy, and that is a shame.

Right now, the Senate floor reminds me of the airspace above a busy airport. We have got a number of bipartisan bills lined up for their final approach, but our colleagues in the minority are holding these bills up and won't allow them to land. The tactics of my colleagues in the minority give new meaning to the term "holding pattern."

It is time for our Democrat colleagues to break this holding pattern so that we can pass these bipartisan bills like the Patient Safety Act and the reauthorization of the Workforce Investment Act. These are not only bipartisan bills, but they received unanimous committee support.

Let us set election politics aside for a moment. These are bipartisan bills, so no one party can claim credit for their passage. The Patient Safety Act was introduced by the distinguished Senator from Vermont, Mr. JEFFORDS, who is the lone independent in the Senate. So this bill is more than bipartisan.

My distinguished colleague from Nevada, Senator REID, suggested yesterday that we should just approve the House-passed patient safety bill. He suggested that he should just take up the House bill, rather than pass the Senate bill, because the Members of the House are the true experts on complex legislation like this.

I wonder if my colleague's opinion would be the same on medical liability reform. After all, the expert legislators in the House have sent us some excellent legislation to reform our medical litigation system. Perhaps we should stop working on this in the Senate and just approve the House-passed bill.

Or perhaps we could take up the House-passed bill on the Workforce Investment Act. I know my Democrat colleagues with whom I have worked to craft a Senate version are confident that our version is the superior one, but if Senator REID believes that the Members of the House are superior legislators, perhaps he could convince my Democrat coauthors that we ought to just take up the House bill and pass it. Or, as I have suggested, why don't we just agree to go to conference with the House and come up with the best possible bill we can, one that reflects the expertise of Members of both the Senate and the House?

I hope our colleagues in the minority will agree to take 2 hours of their time to debate and vote on the bipartisan Patient Safety Act. Two hours is not a lot of time, and it is the least we can do on such an important piece of legislation. We have spent hours upon hours working on this bill in committee and crafting a bill that received unanimous bipartisan support. Let us spend 2 more hours on the Patient Safety Act so that we improve the quality and safety of healthcare in America.

#### ENERGY CRISIS

Mrs. FEINSTEIN. Mr. President, I rise today to set the record straight regarding the Western energy crisis. Ken Lay, the former CEO of Enron, appeared on CNN's Larry King Live on Monday, July 12. Larry King asked him:

Did Enron's problems or fortunes or misfortunes have anything to do with hurting California and its energy problem? Because a lot of politicians in California blamed Enron.

Lay responded:

Well, they do, and I still think to this day falsely, Larry. I mean, California, for the most part—I mean, California, California regulators, politicians, et cetera, caused the problem in California.

Let me set the record straight. During consideration of California's legislation that deregulated the energy

market, Enron was at the center of the lobbying effort that crafted the bill.

Once the legislation was passed, Enron took full advantage of the loopholes it helped to create to manipulate and game the Western energy market. I would not argue that the system was perfect, but I would assert that Enron had a huge hand in creating such a flawed system, which it used to its benefit.

Enron, and other energy companies, created a business environment in which the bottom line mattered more than the public good.

As I have stated on this floor before, energy traders were completely unconcerned with customers having electricity as long as it meant that they got an extra bonus that day.

And the fault does not lie solely with Enron. Other companies were also involved with gaming the Western energy markets, including, but not limited to: Dynegy, Reliant, Williams, El Paso, Duke, BP Energy, Portland General, AES, Mirant, CMS Energy, American Electric Power Company, and Semptra Energy Trading.

The recently-released Enron tapes demonstrate the callousness of these companies:

One trader complained: "They're [expletive] taking all the money back from you guys? All the money you guys stole from those poor grandmothers in California?"

A second responded: "Yeah, grandma Millie, man."

The first responded: "Yeah, now she wants her [expletive] money back for all the power you've charged right up, [expletive phrase], for [expletive] \$250 a megawatt hour."

The good news is that the figures responsible for running Enron are beginning to be brought to justice. For instance, Ken Lay, along with former Enron CEO Jeffrey K. Skilling and former Enron Chief Accounting Officer Richard Causey, were indicted by the U.S. Department of Justice on charges of conspiracy, securities fraud, wire fraud, bank fraud and making false statements.

The indictment alleges that at various times between at least 1999 and 2001, Lay, Skilling, Causey and other Enron executives engaged in a wide-ranging scheme to deceive the investing public, the U.S. Securities and Exchange Commission and others about the true performance of Enron's businesses.

The alleged scheme was designed to make it appear that: Enron was growing at a healthy and predictable rate, consistent with analysts' published expectations; Enron did not have significant write-offs or debt and was worthy of investment-grade credit rating; and, Enron was comprised of a number of successful business units, and that the company had an appropriate cash flow.

These actions had the effect of inflating artificially Enron's stock price, which increased from approximately \$30 per share in early 1998 to over \$80

per share in January 2001, and artificially stemming the decline of the stock during the first three quarters of 2001.

The indictment also alleges that Lay had a significant profit motive for participating in the scheme.

As stated in the indictment, Lay received approximately \$300 million from the sale of Enron stock options and restricted stock between 1998 and 2001, netting over \$217 million in profit, and was paid more than \$19 million in salary and bonuses.

Lay received a salary of over \$1 million, a bonus of \$7 million and \$3.6 million in long term incentive payments during 2001 alone.

Additionally, Lay sold 918,104 shares of Enron stock during the period of August 21 through Oct. 26, 2001, to repay advances totaling \$26,025,000 he had received from a line of credit extended to Lay by Enron.

At that same time, California was overcharged by at least \$9 billion. Now we at least know where some of that money went.

Yet even if Enron is forced to pay back the almost \$2 billion it overcharged California, bankruptcy will protect the company from paying back much more than 20 cents on the dollar.

It is my hope that as the evidence mounts against Ken Lay that the truth about his, and Enron's, role in the Western energy crisis will leave no doubt in anyone's mind that the crisis was manufactured by unethical, greedy corporations.

California has suffered enough as a result of the crisis—it does not need to suffer further from Ken Lay's mistruths.

Mr. President, thank you for letting me set the record straight.

#### 25TH ANNIVERSARY OF THE WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

Mr. REED. Mr. President, I rise today to recognize the 25th anniversary of both the first White House Conference on Library and Information Services and the White House Conference on Library and Information Services Taskforce, WHCLIST, as well as to applaud a booklet, "Libraries, Citizens & Advocacy: The Lasting Effects of Two White House Conferences on Library and Information Services," published by WHCLIST in honor of this occasion.

As a result of the WHCLIST conferences and efforts—which have brought together hundreds of thousands of citizen representatives and library professionals—many Americans have discovered their community libraries for the first time, hundreds of Friends of the Library groups have formed, and a cadre of committed library supporters has emerged. The conferences renewed our Nation's emphasis on libraries and have helped spur my efforts to improve libraries.

The "Libraries, Citizens & Advocacy" report, which assesses the outcomes of the 1979 and 1991 White House Conferences on Library and Information Services, concludes that the WHCLIST has effectively focused the attention of the profession, trustees and advocates, and elected local, State, and national officials on the conferences' resolutions and recommendations. In the past quarter of a century, many of these resolutions and recommendations have been realized.

For example, resolutions from the 1979 conference included urging libraries to play a greater role in literacy development; provide improved access for minority groups, individuals with disabilities, and other underserved populations; and serve as a community center that offers recreation, social interaction, and an independent learning center. Delegates to the 1991 conference voted the Omnibus Children and Youth Initiative as the recommendation of greatest priority, including recommendations for school libraries and children's services in public libraries, intergenerational programming, and family literacy partnerships between library and Head Start personnel.

We have made significant progress toward improving the quality of school libraries. Notably, the 1996 passage of the Library Services and Technology Act made school libraries eligible to receive Federal funds for training, networks, and statewide consortium activities, and the Improving Literacy through School Libraries program, which I authored and was included as part of the No Child Left Behind Act, restored categorical funding for school libraries.

I have been proud to lead the way on these pieces of legislation, which ensure access to library and information services for library patrons of all ages, support the training and recruitment of librarians, and help provide the resources libraries need to improve literacy skills and academic achievement. I am honored to continue in the spirit of Senator Claiborne Pell's strong leadership on library issues.

I also wish to acknowledge the immense contributions and passionate advocacy of two other leaders from my home State: Rose Ellen A. Reynolds, current WHCLIST chair, and Joan Ress Reeves, delegate to the 1979 and 1991 conferences and former WHCLIST chair.

Let us recognize the White House Conference on Library and Information Taskforce on this 25th anniversary and celebrate the role it has played in improving our communities' libraries and our Nation's literacy.

#### DO THE WRITE THING 2004

Mr. LEVIN. Mr. President, the Do the Write Thing Challenge, sponsored by the National Campaign to Stop Violence, is a national writing contest in which students express their concerns