

Res. 203, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 203) recognizing the 75th anniversary of the establishment of the Veterans' Administration.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 203

Whereas in the history of the United States more than 48,000,000 citizen-soldiers have served the United States in uniform and more than 1,000,000 have given their lives as a consequence of their duties;

Whereas as of July 21, 2005, there are more than 25,000,000 living veterans;

Whereas on March 4, 1865, President Abraham Lincoln expressed in his Second Inaugural Address the obligation of the United States "to care for him who shall have borne the battle and for his widow and his orphan";

Whereas on July 21, 1930, President Herbert Hoover issued an executive order creating a new agency, the Veterans' Administration, to "consolidate and coordinate Government activities affecting war veterans";

Whereas on October 25, 1988, President Ronald Reagan signed into law the Department of Veterans Affairs Act (Public Law 100-527; 102 Stat. 2635), effective March 15, 1989, redesignating the Veterans' Administration as the Department of Veterans Affairs and establishing it as an executive department with the mission of providing Federal benefits to veterans and their families; and

Whereas in 2005, the 230,000 employees of the Department of Veterans Affairs continue the tradition of their predecessors of caring for the veterans of the United States with dedication and compassion and upholding the high standards required of them as stewards of the gratitude of the public to those veterans: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 75th anniversary of the establishment of the Veterans' Administration; and

(2) acknowledges the achievements of the employees of the Veterans' Administration and the Department of Veterans Affairs and commends these employees for serving the veterans of the United States.

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DISCHARGE AND REFERRAL—H.R.  
2385

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of the bill H.R. 2385, and that the bill be referred to the Committee on Homeland Security and Governmental Affairs.

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

PATIENT SAFETY AND QUALITY IMPROVEMENT ACT OF 2005

Mr. WARNER. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 544 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 544) to amend title IX of Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I commend Senator ENZI, Senator GREGG, Senator JEFFORDS, Senator FRIST, and all of the other members of our Health Committee who have done so much to achieve this bipartisan consensus on the complex issue of preventing medical errors and improving patient safety. I also commend our colleagues in the House of Representatives, especially Chairman BARTON of the Committee on Energy and Commerce, and the ranking member of that committee, Representative DINGELL, for their willingness to work with us to resolve the differences between the House and Senate bills on this important issue.

For even one American to die from an avoidable medical error is a tragedy. When thousands die every year from such errors, it is a national tragedy, and it is also a national disgrace, and an urgent call to action.

Five years ago, the Institute of Medicine reported that medical errors cause 98,000 deaths every year. That is an average of 268 deaths a day, every day. If errors in aviation killed 200 passengers a day in plane crashes, we would do more than simply encourage voluntary reporting. If errors at factories caused the deaths of 200 workers a day, we would demand more than corporate reports. We would require real changes.

Unfortunately, the culture of medicine has an expectation of infallibility in health professionals, and this unrealistic assumption has been reinforced by generations of medical training and medical practice.

When confronted with a mistake in health care, doctors and patients and citizens often ask, "How can there be errors without negligence?" Obviously, the fear of legal liability or embarrassment among peers and in the press leads to strong pressure to cover up mistakes.

In many cases, however, the inadequate design and implementation of health systems are responsible for the problem, including excessive work schedules and unreasonable time pressures.

We can do better. We can encourage the development of a safer health care system. We can learn important lessons from other dangerous fields, such

as the aviation industry and the military, which are skillful in designing ways to provide maximum feasible safety.

The Institute of Medicine has called for strong action, and our proposal is responding to that call. The Institute's series of reports on health care quality contain numerous recommendations for improving patient safety, and if we work together, we can make more of them a reality.

The Institute recommended that health care professionals should be encouraged to report medical errors, without fearing that their reports will be used against them. Our legislation implements this sensible recommendation by establishing patient safety organizations to analyze medical errors and recommend ways to avoid them in the future. The legislation also creates a legal privilege for information reported to the safety organizations, but still guaranteeing that original records, such as patients' charts will remain accessible to patients.

Drawing the boundaries of this privilege requires a careful balance, and I believe the legislation has found that balance. The bill is intended to make medical professionals feel secure in reporting errors without fear of punishment, and it is right to do so. But the bill tries to do so carefully, so that it does not accidentally shield persons who have negligently or intentionally caused harm to patients. The legislation also upholds existing state laws on reporting patient safety information.

The legislation can be the beginning of more effective action on patient safety, but other reforms are also necessary. The Federal Government should have a leading role in improving safety and improving the quality of care for patients. The title of one of IOM's most important reports, *Leadership by Example*, highlights the central role that the Federal Government should have on this issue.

Other actions are also necessary. Hospital systems that have improved health care quality have done so by making far-reaching reforms in which improving health care quality is a key part of the practice of medicine. To turn best practices into everyday practices, hospitals have created clinical guidelines and assessments of outcomes to help see that every patient receives the best possible care.

The Senate is acting to approve needed legislation on the use of information technology in health care, such as in electronic medical records, decision support software, and computer reminders for needed screening tests. These and other features of health IT systems can improve overall health care. In a culture where doctors can learn from mistakes and near misses, these IT systems can dramatically improve health care for all Americans.

I commend my colleagues on both sides of the aisle and both sides of the Capitol, who came together to bring this major legislation to a vote, so that

every patient in America will receive effective, high quality health care.

AMENDMENT NO. 1411

(Purpose: In the nature of a substitute)

Mr. WARNER. I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 1411) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 544), as amended, was read the third time and passed.

#### THANKING STAFF

Mr. WARNER. Mr. President, there is one matter remaining. I want to thank all of those who have been working very hard on the Defense authorization bill. I am not just speaking of the Senators or their staffs but all of those who make it possible for this venerable and great institution to work. Long hours are expended here. This Chamber remains open, and while there are not many people to be seen, there are many people around this Chamber working diligently to keep it open. I thank them all, and I would assure them that momentarily this final matter will be concluded and we will be able to stand in adjournment.

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. SESSIONS. Mr. President, I ask unanimous consent the quorum call be dispensed with.

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

#### CORRECTING ENROLLMENT OF H.R. 3377

Mr. SESSIONS. I ask unanimous consent that notwithstanding the recess or the adjournment of the Senate, that when the Senate receives from the House a concurrent resolution relating to the enrollment of H.R. 3377, the text of which is at the desk, the resolution be considered agreed to and the motion to reconsider be laid upon the table.

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

#### ORDERS FOR FRIDAY, JULY 22, 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday, July 22. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the Defense authorization bill.

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

#### PROGRAM

Mr. SESSIONS. Tomorrow the Senate will resume consideration of the Defense authorization bill. We hope to make further progress on the bill. A number of colleagues have indicated they will be available to offer amendments to the Defense bill, and I encour-

age them to come over early tomorrow morning. Although we will not have any rollcall votes, we will be able to debate amendments and agree to any amendments that can be cleared on both sides of the aisle.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SESSIONS. If there is no further business, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:58 p.m., adjourned until Friday, July 22, 2005, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate July 21, 2005:

##### DEPARTMENT OF STATE

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIA FEDERATION.

##### FEDERAL MEDIATION AND CONCILIATION SERVICE

ARTHUR F. ROSENFIELD, OF VIRGINIA, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR, VICE PETER J. HURGEN, RESIGNED.

##### ELECTION ASSISTANCE COMMISSION

DONETTA DAVIDSON, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007, VICE DEFOREST B. SOARIES, JR., RESIGNED.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, July 21, 2005:

##### DEPARTMENT OF AGRICULTURE

THOMAS C. DORR, OF IOWA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT.

THOMAS C. DORR, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.