

have no problem with that, with that accommodation, but we could have worked all day yesterday on the veterans bill and scheduled that vote the same time at the end of the day, as we did. But it was basically a wasted day in the Senate, other than hearings that might have gone on. To waste a whole day and then blame us for it, that is not right.

We all know why the Ledbetter bill was brought up. In many respects, it is just to score political points or it would have gone through the committee. Had it gone through the committee, had we done a good statute of limitations change, had we made some other changes that make sense in the law, I think we would have passed a bill that would have made Lilly Ledbetter at least realize that her actions were not in vain. But the way it was done looks to me as if it was done for political purposes and to score political points. We could have worked it out. At least I think we could have worked it out. But there was not even a chance to do that.

Let me just say this: I believe we have too much of this business that every time the majority files a bill and then files a cloture motion, they then call us filibusterers. That is not right, and it is not true. Frankly, we all know it is not true.

(Ms. STABENOW assumed the chair.)

#### AIR FORCE LEADERSHIP

Mr. HATCH. Madam President, we live in cynical times, and today I want to address that cynicism; namely, a small number of media reports that, some have suggested, call into question the command abilities of the senior leadership of the U.S. Air Force.

In addition, I was dismayed to learn that a Member of the Senate has compounded these misrepresentations by recently authoring a letter that makes inaccurate assertions about matters that have already been dealt with by the proper military authorities and investigated by the inspector general of the Department of Defense.

Let me address the underlying matter directly. It has been my privilege and honor to represent the people of Utah in this august body for now more than 31 years. During that time, I have had the pleasure to meet many of our Nation's military leaders, their families, and, of course, military period. However, I can say without reservation the current generation of Air Force leaders is among the finest I have ever known in all my years in the Senate.

Under the steadfast and capable leadership of Secretary Michael Wynne and GEN Michael Moseley, the leaders of our Air Force are resolute in the defense of this country, tenacious in their support and care for the young men and women who serve under them, and dedicated to modernizing the ancient—or should I say aging—equipment of their force.

These are leaders to be proud of, not criticized the way they have been.

They are leaders to have confidence in. They exemplify the Air Force's unofficial motto: "Nothing Comes Close." They are the rightful heirs to the title: "The Right Stuff."

This does not mean errors do not occur. In any organization, especially one with more than 350,000 service-members, some will make mistakes, a few will veer from the straight and narrow; and, sadly, a tiny minority might even betray the public trust. That said, I believe the true measure of military leadership is not to wipe away every possible temptation and sin of mankind; it is to create a culture where malfeasance, once identified, is dealt with firmly, swiftly, and justly.

For example, the current Air Force leadership met this standard when it was recently tested by the wrongdoing of a civilian official during an initial attempt to replace our Nation's aerial tankers that are, on average, 47 years old. Once Senator McCain brought this malfeasance to the attention of the Air Force, the service responded by holding accountable those responsible. These individuals were prosecuted to the full extent of the law. Yet from that troubled time, the current Air Force leadership rallied and conducted one of the most transparent, open, and fair procurement competitions in recent memory. That is stuff of which real leaders are made.

I was also disappointed to read the characterizations of some press reports regarding the speech given by Secretary of Defense Robert Gates during his trip on Monday to the Air War College. When one reads some of these reports, one could only conclude that Secretary Gates was issuing a rebuke to the Air Force's leadership. This is most perplexing. Although I have not spoken to Secretary Gates about his speech, I have read the official transcript. My impression of his address was that Secretary Gates was not issuing an admonishment—not at all. In fact, I believe the Secretary was seeking to do what all good Secretaries of Defense strive to obtain: a more effective and efficient force through new and creative thinking.

Now, this conclusion is ironically bolstered by later reports from the same news service that published the initial reports I find so puzzling. These later reports quote the Pentagon press secretary as saying one of the major alleged reproaches was not directed at the Air Force as a service, but to "the military as a whole."

As I said earlier, we live in cynical times. Unfortunately, it has become customary for many in political circles to hurl unfair and even untrue criticisms at one another. One could argue this is the price of a vibrant democracy. However, this sort of behavior is unbecoming when it wrongly distracts our military leaders, especially during a time of war.

The Air Force leadership, under Secretary Wynne and General Moseley, has done an extraordinary job of pro-

tecting our Nation and supporting our other armed services in this war on terror. I, for one, am thankful we have such leaders in positions with such heavy responsibility. So today I rise to thank them. I thank Secretary Wynne. I thank General Moseley. They are thanks I believe they deserve from the entire Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator would withhold.

Mr. HATCH. I withdraw that.

The PRESIDING OFFICER. The Senator from Montana is recognized.

#### VETERANS' BENEFITS ENHANCEMENT ACT

Mr. TESTER. Madam President, I wish to commend Chairman AKAKA on the legislation that was passed in the Senate earlier today, S. 1315.

This bill makes a number of commonsense improvements to the benefits packages we offer America's veterans. I am pleased to have voted for this bill as it came out of the Veterans' Affairs Committee. I am also pleased to have supported it on the floor today. It is long past due to give our disabled veterans the ability to purchase affordable life insurance. That is what this bill does. It provides up to \$50,000 in life insurance for any veteran younger than the age of 65 who has a service-connected disability.

The bill also adds a host of new benefits to help critically injured service men and women get their households refurbished if they become disabled. That can mean putting in wheelchair ramps, remodeling a kitchen or a bathroom, and countless other chores. Again, it is a small measure, but for a soldier who has lost an arm or a leg or a marine who has suffered severe burns, it means the world.

It is long past time to increase burial benefits to help families deal with the growing costs of providing a final resting place for their veteran loved ones. This bill does that by authorizing double the current allowance for the burial of a veteran who dies from a service-connected disability to \$4,000. It also triples the \$300 benefit for nonservice connected disabilities. With the average funeral cost now around \$6,000, this is a small gesture to the loved ones of our veterans, but it matters a great deal.

At a time of record national debt and chronic annual budget deficits, I am particularly pleased this bill is deficit-neutral. It does not increase taxes.

With all the good in the bill, it is little wonder the Veterans' Benefit Enhancement Act is supported by every major veterans service organization. This bill passed out of the VA Committee unanimously last summer, and I am pleased by the bipartisan support it got today. We now need to turn our attention to the veterans health care legislation that I am told will follow this bill. Our Nation's veterans deserve nothing less.

When our children sign up for military service, whether they do it at a local recruiting office or by going to a service academy or anything in-between, we make a deal with them. We ask them to put their lives on the line. We ask them to serve and to sacrifice at an increasingly difficult pace. We ask them to fight wars. We ask them to keep peace and to keep our Nation free and they go. They go and they do a better job than any other military in the world. In return, we promise that when their service is over, we will care for them and compensate them if they have been injured in their service to our country. With our Nation now at war, we have a great moral obligation to do right by the men and women who serve our country in harm's way. This legislation helps keep the promise to our veterans.

One other point I wish to add that relates to what the senator from Michigan and the Senator from Utah talked about. I have only been here for 15 or 16 months, but I will tell my colleagues that one thing I have noticed and one thing that has surprised me over the last year and a quarter is we debate whether to debate all too much. The fact is, whether we agree or disagree on an issue, what is important is we have an opportunity to vote on an issue—to make our stand and vote on an issue.

What happened last week was a prime example, where we had a transportation bill—corrections to a transportation bill—and we spent all week because it was being delayed and delayed. I sat in the chair last Thursday night when the majority leader, the Democratic leader, came down to the floor and said: I have to file cloture on this veterans' bill—the one we passed—because I have approached the minority and they have not gotten back to me and I do not want to take the chance of wasting a day.

We have work to do here. We have done some good work today, and I hope we can have many more days such as today, where we can vote on legislation that impacts the people of this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### HEALTH CARE

Mr. ISAKSON. Madam President, I rise this afternoon to talk for a few minutes about health care in America—the cost of health care in America, the access to health care in America, and to talk prospectively about the first 4 years of the next President of the United States. It is pretty obvious, because of the complexity of health issues and because of a political cam-

paign year, we are not going to get to a resolution this year.

It is obvious our country has a crisis. It is obvious we have to move forward. It is obvious to me that whoever the next President of the United States is, the very first thing they are going to have to tackle is affordable, accessible, and quality health care.

The health care issue is one that has a million angles to it. I am not going to talk about all those angles today. Secondly, I am not going to stand up here and tell my colleagues that I think I have all the answers. However, I do think it is time that all of us who have said: Well, I am not for government-provided health care—that is not good enough. If you are not for it, you have to be for something. You can't have the easy way out. There have been a lot of people who say: I don't want single-payer health care; I don't want the Government to do to health care what they did at the IRS, but I don't have any good ideas.

It is time we came up with some good ideas. We are going to have to do what is maybe different and philosophically and politically challenging to Republicans and to Democrats. But first what we ought to do is look to successes around the country that have solved some of the cornerstone issues in terms of the costs of health care.

One of those is the cost of medical malpractice and what is commonly called tort reform. The minute a politician mentions tort reform, they get everybody's attention, but in particular, a trial lawyer's. I am not a trial lawyer basher. Some of my best friends are trial lawyers. I always tell people: Everybody hates lawyers, but they love their lawyer. When you need a lawyer, you want a good one. I wish to bring a perspective to the tort issue as it deals with medical malpractice to try and point out there have been solutions found—solutions that do not prohibit an injured person from being compensated for the damages that were caused to them, while at the same time quantifying and capping at a predictable amount for those actuaries the cost of what these runaway awards have been doing to us.

We have tried on the floor of the Senate, on more than one occasion, to address this, in part. We tried with legislation in the 109th Congress to limit or to cap noneconomic damages in OB/GYN cases. The reason we targeted OB/GYN and obstetrics cases was because they consistently have runaway insurance premiums; we consistently have problems in our States where there are not enough doctors to deliver the babies for families in our communities because there are not enough doctors who can afford the medical malpractice insurance as it rises.

Unfortunately, we never passed that in the Senate, although in two different amendments we tried. In my judgment, it would have helped with the situation. Today, I want to talk about a good example from my State of

Georgia and about some things I think we can do in the Congress.

In 2005, our State Senate in Georgia passed a Senate Bill 3, by a vote of 39 to 15, and it went to the house and passed by a vote of 136 to 34. Obviously, it was bipartisan. We have had 2 years' experience with that bill. The experience has demonstrated what we had hoped it would: No injured person was aggrieved or denied coverage or recovery, but the cost of health care on medical malpractice became more predictable and rates stabilized.

The points in that bill that passed in Georgia are precisely the points we ought to look at in terms of the Federal court system. Point No. 1, eliminate joint and several liability in a medical malpractice case. For those who may not know what that is, it means if somebody is injured, or alleges they have been injured, and they file suit against the person who injured them, in the normal course of our litigious society, they also sue everybody else who is even remotely related to that particular situation. I was a real estate broker in Georgia. If we sold a new house to a family and the first time it rained after they moved in the basement leaked, they sued the builder, but they sued me, too, so they had a wide sweep to try to recover. I understand that. There are times when joint and several is appropriate, because sometimes more than one party in an injured class situation is involved in the injury and should be held accountable. But to summarily make joint and several apply without any conditions is wrong.

What we put in the Georgia law was that the plaintiff must identify a single defendant in the suit, unless he proved clearly and convincingly that the hospital or the physician and others in the system were also negligent. That is not unreasonable. We want to make sure that if somebody is injured by a doctor, they can recover. But then to hold the hospital, or the hospital authority, or the county health authority liable, when they were not part of the procedure, we don't think that is right. That is one of the reasons you have a tremendous cost of malpractice insurance.

Second, to strengthen expert witnesses, who are critical in any court situation where you are trying to prove damages. But experts ought to be experts. For example, if you have a traumatic brain injury, the expert testifying on behalf of the plaintiff and the expert testifying on behalf of the defense ought to both have neurological training. It is not right for a dentist, who happens to be an MD, to testify in a neurological case. So by putting in requirements in terms of witnesses, you establish a situation where you have clear, responsible testimony, and you cannot use a "quasi" person to give you irresponsible testimony.

Third, limit liability for emergency department physicians and personnel. I want to talk about this for a minute. Talking about Georgia again, we have