

And if we do that, aren't we rewarding the very people whose financial greed got us into trouble in the first place?

I think the answer to that question is yes. So I want to tell the Senate that this Senator is not going to vote for a bailout of the financial institutions by taking nearly 5 percent of the national budget—much of which we will have to borrow from the governments and banks in China and—and give it to these financial institutions. I am not going to vote for that.

At the same time, we are caught on the horns of a dilemma, because the economic recession is slipping into economic catastrophe. So we have to act. Well, instead of providing all the funds at once, I am certainly more inclined to provide an initial portion of funds—say \$150 billion or \$200 billion and seeing how successful the government intervention proves during a 3- or 4-month period, and then coming back. Of course, those on Wall Street will say: No, we have to have the whole amount of \$700 billion in order to give confidence to the markets. But don't we have a responsibility to the taxpayer to make sure these funds are being wisely spent? Can't we provide a substantial downpayment on this problem, and in a few months require everybody to come back and to see whether it is working as we intended?

I think there is some wisdom to that. And I think there is some wisdom to what everybody has been talking about here, that we want to make sure this money doesn't go towards executive compensation and golden parachutes. That is the least we can do.

I was amused to see an article by a conservative columnist—Kristol—which said, well, maybe what we ought to do is put a provision in that no compensation—for the executives of these financial institutions that participate in this bailout—no compensation can be greater than the compensation to the President of the United States. That would certainly get some people's attention. There ought to be some reasonable limits on executive compensation.

The essential question for this Senator, and I think for a lot of my colleagues, is how are we going to get this money into the mortgage market so it will revive lending and restore the housing market? Is this not the purpose of what we are trying to do? Not only save the national economy but get in and resuscitate the housing market. How do we ensure that it does not go solely into the hands of the bankers and the investment bankers and the insurance companies?

Therefore, I suggest to the Senate that we consider a couple of courses. In the process of this package, we should create a loan facility that would work with people who are facing foreclosure. This loan facility could well be run out of Freddie or Fannie. For people who have a problem with a mortgage, this facility would have the legal authority, indeed the mandate, to go in and work

to modify that mortgage, the terms and interest rate, so that in fact those people can still stay in their homes.

I see the chairman of the Banking Committee has come in. This Senator is laying out a suggestion—in addition to that of the esteemed chairman of the Banking Committee, who I think has come out with an excellent product—that in order to get the money, not into the bankers' hands but to get it to revive the mortgage market—in other words revive the housing market—to create a loan facility, within Fannie or Freddie, with the legal authority to get in there and help people change the terms of their loans so they can stay in their homes. Then, second, as the chairman has suggested in his committee package, change the bankruptcy laws so that if someone has gone into bankruptcy, the bankruptcy judge, under law, would have the discretion to change the terms of the mortgage in order to keep the person in his or her home. So, prevent foreclosures through a loan facility with legal authority to modify mortgages, and if the homeowners must declare bankruptcy, give the bankruptcy judge the authority to modify the mortgage. In that way, a lot of the money we are going to put towards this bailout would go to preventing foreclosures.

This Senator speaks as one area of my State, Fort Myers, FL, has had one of the highest foreclosure rates in the country for the past year.

My suggestions are just a start. I think as we look to this huge bailout we also ought to set up a regulatory system for all financial institutions, not just commercial banks. In other words, we should regulate all securities that are traded publicly or privately so we do not face this problem in the future.

Why? Because what happened? They got us into the problem we are in. The financial managers were encouraged to leverage all their investments so much in order to increase their own personal compensation. We ought to avoid that at all costs. Unless we get something that is close to what this Senator is trying to share with the Senate and the esteemed chairman of the Banking Committee, who is going to have more influence on this than any other person in this Senate—he is here—unless we can get these checks and balances in the system, this Senator is not going to vote for it.

It is my responsibility to try to be a careful steward of the money that has been entrusted to me. We are talking about such mega amounts of money that will almost defy description and tie the hands of the next President and the next Congress. We will have borrowed so much extra money that the new Congress and the next President will not be able to accomplish some goals because there will not be any money left for the Federal Government.

I would love to hear from the chairman of the Banking Committee, who I see is ready to speak.

Because he is here, this Senator will yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. First, I thank my colleague from Florida. Let me say I am rising to speak on a matter other than the matter the Senator is addressing, but I wish to commend him for his thoughts and ideas on the situation. We have had extensive hearings, of course, yesterday, 5 hours with the Secretary of the Treasury and the chairman of the Federal Reserve Bank and chairman of the Securities and Exchange Commission and the head of this new agency with our GSEs. The House is going to have a hearing today. What is quite clear is the plan, as submitted by the Secretary of the Treasury, I think, generally—I say this politely—but across the spectrum, has been sort of rejected, a three-page bill asking for \$700 billion.

I pointed out to someone yesterday a few years ago you could get a \$100,000 no-doc subprime loan and the paperwork was four pages long. This is sort of a no-doc request here—not to try to be humorous about a situation such as this. But nonetheless we have a lot of work to do to try to put together a plan, but I hope we can do something because the situation is grave and it is serious and we have to respond.

Mr. NELSON of Florida. If the Senator will yield for a question?

Mr. DODD. I will but very quickly. I have about 4 minutes.

Mr. NELSON of Florida. Is the Senator considering one of the things I talked about earlier, that we would not do the whole \$700 million in one swat, but we take a part and say that is good for the next 3 or 4 months and come back and evaluate it?

Mr. DODD. I don't want to negotiate with you on the floor of the Senate. There are a lot of ideas kicking around. I know that is one that has received some consideration.

THE EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME ACT

Mr. DODD. Mr. President, I thank the majority leader, Senator HARRY REID. I thank Senator COBURN of Oklahoma as well. He has had a hold on this bill, the Emmett Till Unsolved Civil Rights Crime Act, which I coauthored going back some 3 years ago. In fact, Jim Talent, our former colleague from Missouri, was the original author of this legislation. I was his original partner in this effort going back to 2005. He left the Senate and was replaced by CLAIRE McCASKILL, a great friend and wonderful Senator from Missouri.

I introduced this bill separately along with Senator LEAHY and some 12 other Members of the Senate, including THAD COCHRAN of Mississippi and LAMAR ALEXANDER of Tennessee. This has been a bipartisan effort that has been tied up for the last couple years, regretfully, but nonetheless that is

what it was. Today, the news that this bill has now passed the Senate is good news. I am deeply grateful to the majority leader, again, for sticking with an issue and not walking away from something as important as this is.

Some might argue that this is a long time in coming, others who say it is too little too late. In many ways, I suppose they could be right.

The subject matter, the name on this bill, Emmett Till, dates back 53 years.

Fifty-three years ago, a young boy of 14 was killed for no other reason than the color of his skin. His life was extinguished in the most brutal fashion imaginable.

When Emmett Till's body was discovered in the Tallahatchie River, it had been weighted down by a 75-pound cotton gin fan, tied around the boy's neck with barbed wire. His clothes had been stripped from him and burned. Emmett's body could only be identified by a ring the young boy had been wearing.

At the trial of the two White men who would later confess to the crime, few African-Americans dared to even testify at the trial, such was the atmosphere at the time. The all-White jury acquitted the two men, deliberating for a mere 67 minutes, which one juror reportedly said only took so long because they paused to drink a soda. The rationale for acquittal? That the prosecution had failed to prove that the body recovered from the river was even Emmett Till, so mutilated was his face and body.

A year later, the two defendants bragged about the killing to a magazine for a sum of \$4,000.

Believe me when I say: there was no justice in this case—nor in countless other civil rights cases that remain unsolved to this day.

The failures of our legal system to bring to justice those who committed brutal crimes based solely on racial prejudice is not merely sad or tragic—in a country such as ours and at this moment in our history, it is inexcusable.

The sad truth is that for far too long, hate crimes were rarely investigated in this country. For far too long, murderers could walk free as long as they chose the so-called “right” victims. And so, whatever the merits of this legislation, The Emmett Till Act cannot erase that memory. It cannot erase even a single year that lapsed between crime and justice.

What it can do is keep even more years from piling on.

If we want to remove the great stain on our justice system that is the hundreds, maybe even thousands, of civil rights-era crimes that remain unsolved, we need to reopen the books on as many as we can.

That is what this legislation would do—bring justice to those who perpetrated these heinous crimes because of racial hatred by creating a mechanism that allows us to pursue them.

Can it bring back and make whole those who have suffered and were mur-

dered by a racist criminal hand? Of course not. But in passing this, this Congress can reaffirm our Nation's commitment to the truth and to making equal justice not a dream but a reality.

As such, the Emmett Till Unsolved Civil Rights Crime Act would give the Department of Justice and the Federal Bureau of Investigation increased resources to reopen Civil Rights-era criminal cases which have gone cold—that is, unsolved civil rights murder cases that occurred prior to 1970.

It would do so by designating a deputy chief in the criminal section of the Civil Rights Division of the DOJ and a supervisory special agent in the civil rights unit of the FBI. These officials will be tasked with spearheading and coordinating efforts by Federal, State, and local law enforcement officers and prosecutors to bring long-time fugitives to justice.

For these purposes, it authorizes \$10 million annually for fiscal years 2008 through 2017. This legislation also authorizes \$2 million annually for DOJ to make grants to State and local law enforcement and \$1.5 million annually for the Community Relations Service within DOJ to partner with local communities. I know that sounds like a lot of money, but when you talk about \$700 billion to take care of some failed institutions verses a few million to pursue these cases, I hope my colleagues would recognize the value.

The time has come to confront the injustices of the past openly and honestly. For some of these crimes, it is too late. Last year, Tallahatchie County in Mississippi officially apologized for the trial in the Emmett Till case in which these two confessed killers lived the rest of their lives in freedom. To be sure, they are now dead and beyond the reach of justice.

But there was some measure of justice for the families of Andrew Goodman, James Chaney and Michael Schwerner—young civil rights workers who participated in the historic Freedom Rides in 1963.

Edgar Ray Killen was allowed to roam free for more than three decades. But his belated conviction in 2005 is proof that we can provide closure and hold those responsible for terrible crimes, even years after they have occurred.

With this legislation, we will launch one of the most exhausting manhunts in the history of our country to pursue those responsible for these acts. We can tell those who committed crimes who still roam this country free that they should never, ever, ever again enjoy a sleep-filled night; that is, as long as they live, the U.S. Government, our Government, will do everything in its power to apprehend them and bring them to the bar of justice.

That is the message we can convey today, with this legislation, to the families, the friends, and others who have lost loved ones, who put their lives on the line to press for justice and

for helping our Nation achieve that “more perfect Union” that each and every generation has tried to achieve. Those ideals are at the heart of this effort. We may never be that perfect Union, but, as Abraham Lincoln understood intrinsically, each generation bears the responsibility for bringing us closer to that ideal.

With this legislation, the Senate and this Congress on this date early in the 21st century is saying simply: We will not forget, and we will not yield.

The hour is, obviously, very late. Memories are dimming. Those who can bring some important information to the legal authorities are passing away. This bill may be the last and best chance we will have as a nation to write a hopeful postscript in the struggle for racial equality in our Nation and to provide closure for these families at last.

We all bring a unique commitment to this case. Representative JOHN LEWIS, my great and dear friend in the other body who has worked so hard to see this bill become law, was a hero of the civil rights movement—is still a hero, I might point out—who nearly gave his life ensuring that the promise of America can be realized for all of our citizens and in all of our communities. Others may simply recognize when justice has not been served.

I have spoken many times about my father on this floor, in this Chamber, about how in the 1930s he was among the first, as a member of the Justice Department, long before the Civil Rights Division, to prosecute the Ku Klux Klan and other civil rights cases for the Department of Justice. I have spoken about his work as a prosecutor pursuing Nazi war criminals at the Nuremberg war trials, where he stood face to face with the men who committed crimes that were so horrifying, so enormous, that few believed they could have possibly happened—until, that is, my father set out meticulously proving them, step by step, piece by piece. I believe the same is true of civil rights crimes in this country.

His body of work, including his service to this body, never fails to remind us that when we reaffirm our commitment to the rule of law, when we act not out of vengeance but in pursuit of justice, we most live up to the promise as Americans. However tardy that pursuit may be, affirming that enduring commitment is what this effort is about today.

Again, I thank immensely the majority leader and others who have been a part of this effort. We thank Jim Talent, the Senator from Missouri, who originally authored this bill, and I am proud to have joined with him some 3 years ago and proud to have picked up that mantle in this Congress, along with, as I say, 13 of our other colleagues here, to be a part of this effort that has produced this passage a few minutes ago.

I wish to thank the steadfast support of allies and friends such as JOHN

LEWIS in the Congress, the House of Representatives, who made this possible, and many organizations that helped us shepherd this legislation through the Senate: the NAACP, the Southern Law Poverty Center, the Leadership Conference on Civil Rights, and so many others.

In addition, I thank the Emmett Till Justice Campaign and its president, Alvin Sykes. We heard Senator COBURN talk about this a few moments ago, and I wish to associate myself with his remarks. He is a remarkable individual. Mr. Sykes's determination has helped the Senate get to this historic moment.

I wish to mention Simeon Wright, as I had the pleasure of meeting Simeon Wright and his wife a few weeks ago. Simeon Wright is Emmett Till's cousin, and he was sharing that bed with him that night 53 years ago when his cousin was ripped out of that bed, never to be seen again, except for his mutilated body. Simeon Wright is getting on in years now. But it was an honor to meet him and his wife, and his determination and commitment on behalf of his family helped us arrive at this moment. So to Simeon Wright and his family, the moment has come, and this bill will now become law.

It is vital that we bring to justice those individuals who committed these heinous crimes. It is essential to their families that we reaffirm this Nation's commitment to the rule of law.

I thank all of my colleagues for supporting the Emmett Till Unsolved Civil Rights Crime Act.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

MEDICAL "NEVER EVENTS"

Mr. BARRASSO. Mr. President, this morning I would like to speak about medical safety, about patient care, about the cost of that care, and about how Medicare is dealing with this.

In 1999, the Institute of Medicine issued a groundbreaking report on medical errors. The report was called "To Err Is Human: Building a Safer Health System." The Institute of Medicine findings provoked heated and extensive professional and public dialog. The report left few doubting that preventable medical injuries occur and continue to be a serious problem in America.

It identified a number of solutions, solutions to stop hospitals and physicians from performing unsafe practices. It also asked lawmakers to partner with health care providers to create and to adhere to strict, ambitious, quantitative and well-tracked national goals.

The National Quality Forum Set out to do just that. The forum's mission is to bring people together to create health care quality initiatives that are safe, effective, and patient-centered.

In 2001, the former National Quality Forum CEO first coined the term

"never event." Well, he was referring to particularly shocking medical errors that really should never happen, medical errors such as surgery performed on the wrong body part, surgery performed on the wrong patient, or the wrong surgical procedure performed on a patient.

By 2002, the National Quality Forum had identified 27 so-called never events. Now, the "group" is listed in six different categories: surgical, product or device, patient protection, care management, environmental, and criminal.

The Agency for Healthcare Research and Quality says that most never events are very rare. They estimate that a typical hospital might have a wrong-site surgery case once every 5 or 10 years.

As public reporting on health care quality gained momentum, lawmakers focused on eliminating never events. They did it as a way to increase accountability as well as to contain costs. More and more surgeons began physically signing the surgical site with a marking pen in the pre-op holding area. Now, they did this while the patient was still awake just to make sure everyone agreed what operation was being done on what body part.

The Deficit Reduction Act of 2005 required the Secretary of Health and Human Services to select at least two conditions that could be reasonably prevented. This is where Washington went too far. The Washington bureaucrats identified eight conditions as never events. Here is the list: object left in during surgery; air embolism; blood incompatibility; pressure ulcers; falls and trauma; catheter-associated urinary tract infections; vascular catheter-associated infections; and surgical-site infection. Why is this important, this list of eight? Well, it is important because some of this list of eight conditions really should never happen. Some of these eight conditions, though, can and do occur with regularity, even under the best of circumstances.

Well, what is the impact of the rules on patients and the medical profession? Medicare says it will pay to treat the underlying diagnosis but will not pay the hospital to treat complications from any of these eight conditions if the medical problem develops during the patient's hospital stay. For example, the patient is treated for a stroke, has no other complications during the hospital stay, and the hospital is paid a little over \$5,000 by Medicare. If the same patient was to have a severe pressure ulcer when they arrived at the hospital in addition to the stroke, Medicare pays about \$3,000 more for the treatment of both the stroke and the ulcers. But Medicare says: If the pressure ulcers developed after the patient arrived at the hospital, then Medicare will only reimburse to treat the stroke, not to treat the pressure ulcer.

The problem with pressure ulcers is they will not show up until the patient has usually been in the hospital for

awhile. The damage to the tissue occurs at the time the patient with the stroke or with a broken hip lies motionless at home waiting until someone finds them, as often happens with somebody who lives alone. The damage occurs before the patient is even taken to the hospital, but the hospital is going to lose up to \$3,000 to treat the pressure ulcer regardless of the medical condition that caused the problem in the first place. The bureaucrats are saying it should never happen, yet it happens all the time.

Although the never events program is in its infancy, I am troubled by the direction these Washington bureaucrats are headed. I believe the negative long-term impact on patient care is going to be significant. This year, Washington bureaucrats expanded the never events. They expanded the list to include even more conditions: surgical-site infections following elective procedures, blood sugar control, and deep-vein thrombosis/pulmonary embolism.

When you take a closer look at the entire process, it does show a disturbing trend. I agree that a foreign object left behind inside a patient after surgery is an event that should never occur. The fact is that most of the never events on the Government's list, selected and targeted in the rule-making process, are impossible to eliminate.

These bureaucrats clearly did not fulfill their requirement in the Deficit Reduction Act, a requirement to choose never events that are reasonably preventable by applying evidence-based guidelines. To be reasonably preventable, the Washington bureaucrats must have peer-reviewed, published literature showing clinicians can reduce the incidence of the chosen never event to zero or near zero. Current data shows that even when all appropriate care is administered, we do not know how to reduce the rates to zero or near zero of many of the conditions now on the list. Some patients, particularly high-risk folks, will develop conditions on the list regardless of how good the care is that they receive at the hospital.

Here is an example. The bureaucrats have listed deep-vein thrombosis/pulmonary embolism as a never event. Well, the best scientific studies on large numbers of total hip and total knee procedures—and this is from the time I started in medical school and we were trying to lower the risk of those blood clots—showed that under no circumstances, no matter what different treatments the best scientists have come up with, there is no current treatment available today worldwide that would decrease the blood clot risk to zero.

Now, I want to tell you about a patient who had a broken hip, a broken hip on the left side, and at the same time of the injury, she bruised her right hip but did not break it. We know that patients with either a broken hip or who have received an artificial hip,