

the ranking member, is prepared to accept the amendment.

Mr. BIDEN. I am prepared to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1144) was agreed to.

Mr. ALLARD. Mr. President, I rise today to thank the Foreign Relations Committee for their hard work on the legislation before us. Specifically, I am pleased to see included in S. 925, the State Department authorization, a provision relating to the international military education training and foreign military financing for Indonesia.

The committee has seen fit, and rightly so, to deny the release of any of these funds to Indonesia without certification from our President that the Indonesian Government has taken effective measures to conduct an investigation into the August 2002 attacks on American citizens and to prosecute those responsible.

By now I know that my colleagues in the Senate are aware of the tragedy that occurred last August in West Papua, Indonesia, which resulted in the deaths of two Americans. Justice has still not been found for Rick Spier or Ted Burgeon, and I am grateful that the Foreign Relations Committee has recognized the need for Indonesia and its military apparatus to determine what has occurred. Hopefully, this provision will demonstrate to the Indonesian Government that the United States Senate will not allow this issue to fall to the wayside, and that we remain committed to finding and punishing those responsible.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. LUGAR. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

LIBERIA

Mr. FEINGOLD. Mr. President, I rise to comment on the urgent crisis in Liberia, and on my conviction that the United States has a role to play in its resolution. I also rise to call for the kind of information and clarity that we need if we are to take effective action.

In recent days the newspapers have reminded Americans of the special relationship that exists between America

and the west African Republic of Liberia, a country founded by freed slaves from the United States in 1820. But it is important to note the more recent historical links between our countries as well.

During the cold war, eager for reliable client states in Africa, the United States supported Samuel Doe when he seized control of Liberia in a 1980 coup, and kept supporting him even when he stole the 1985 elections. In fact, in the first five years of the Doe regime, the United States contributed nearly \$500 million in economic and military aid—effectively bolstering the government's staying power. The Doe regime was an extraordinarily brutal one that not only disenfranchised many Liberians, it also effectively erased the boundaries between legitimate and illegitimate political action. When the cold war was over and Charles Taylor's band of rebels—some of them children—clashed with government forces and other ethnic militias in the streets, the resulting conflict was so frighteningly gruesome that for many it was almost impossible to understand.

And the United States, no longer concerned about Communist influences in Monrovia, simply evacuated American citizens and then watched the country tear itself apart from the sidelines. In the end, Taylor essentially held the country hostage to his desire for power, and war-weary Liberians elected him President in the hopes of avoiding conflict. Taylor's desire for power and wealth turned out to extend beyond his own borders, however, and he became a primary patron of the brutal Revolutionary United Front, or RUF, force in Sierra Leone, which provided his regime with riches from Sierra Leone's diamond mines in exchange for military support and protection.

On November 2, 2001 the Washington Post ran a front-page article about alleged connections between al-Qaida's financing and the illicit sale of diamonds mined by Liberian-backed rebels in Sierra Leone—rebels who, you may recall, are best known for cutting off the limbs of civilians, including children, to make a political statement. Reports have also linked illicit diamond sales to Hezbollah. Additional articles focused on notorious arms dealer Victor Bout, whose deliveries to the region may have been paid for in diamonds. Law enforcement officials have suggested that Bout has been involved in arming international terrorists and the forces that harbor them worldwide. These reports have been the subject of controversy, and the connections and relationships involved are murky at best, but the issue that they expose—the vulnerability of weak states to exploitation by international criminals—is not in doubt.

Meanwhile, Taylor's criminal enterprise has proved the rule that order, when imposed through injustice and repression, tends to crumble, and the forces currently challenging the re-

gime for power—the LURD and MODEL—appear to be have learned their abusive tactics from their enemies. Criminality rules, chaos threatens, and the civilians of Liberia—the people with a real interest in building a stable future, the people who simply want a chance to send their children to school, are once again likely to be caught in the crossfire.

It is time for the international community to stand up and say, "no more" to this cycle of chaos in west Africa. No more deals with thugs, no standing by as observers to cycles of slaughter, no more watching the predictable fomenting of instability across borders, no more standing by as organized crime expands its reach from the very seat of government, no more opportunities for terrorists. Enough—because more of the same threatens our interests and denies our basic humanity.

The United States should take a leadership role in responding to the Liberian crisis. And that means that we need to clarify the costs and commitments entailed in a response now, so that we can take informed and responsible action.

Recently the distinguished chair and ranking member of the Armed Services Committee indicated that they believe Congress should vote on any commitment of substantial forces in the region. I believe that they are right, and that United States troops must always be deployed in a manner consistent with the War Powers Act of 1973. But I also know that watching and waiting is not an option that will serve United States interests.

In Liberia, we can and should act in concert with the international community. In 2000, the British made a courageous decision and helped to bolster peacekeeping efforts in Sierra Leone, bringing an end to a violent spectacle that had outraged the world without provoking an effective response for years.

The French deployed to Cote d'Ivoire when it fell victim to the forces of disorder, are trying to reverse the trend toward violence and chaos that recently gripped that once-stable place. African states have mobilized as well, and they continue to work feverishly to resist the spread of misery, deprivation, and violence that has spread throughout this region. For historical reasons, most in the international community looks to the United States for commitment and leadership in stabilizing Liberia, which is the country that is at the heart of this regional decline in West Africa. In fact, unlike the situation we recently faced in Iraq, virtually the entire international community is urging the United States to act: from our closest allies in Britain to the Secretary General of the United Nations. And most importantly, west Africans themselves are asking for our help. Liberians are frantically waving U.S. flags, hoping to get our attention, praying we will come to their aid. This is a not a situation that involves antagonizing allies in the fight against

terrorism—instead, it calls for cooperating with the diverse actors around the world who are already committed to fighting for stability in the region.

And make no mistake, the United States is already among those actors. This is not some new issue that just emerged over the last month, and we are not at the precipice of deciding whether or not to get involved. Let us take just one example:

As of January 1 of this year, the United States had spent over \$515 million on the peacekeeping mission in Sierra Leone and on Operation Focus Relief, which was devised to support that mission. Hundreds of millions more have been appropriated and requested for this purpose in 2003 and 2004. From the point of view of the United States taxpayer, we are already in quite deep.

There is no denying that Sierra Leone's long-term stability depends upon resolving the problem in Liberia. Over the July 4 recess, I sent a member of my staff to Sierra Leone, and to the region in the east that borders Liberia and which was formerly a RUF stronghold, to assess the situation. And I can tell you, from her report, that senior military experts in the region have recently underscored this point.

The question before us now is whether or not we will protect our investment and our interests by addressing the foremost underlying cause of instability in the region; and that is, the criminal enterprise currently governing Liberia, and the violent and abusive movements that have sprung up in resistance to it.

I have been to Liberia, and I have been to Cote d'Ivoire, and I have been to Sierra Leone. I have served on the Senate Foreign Relations Committee's Subcommittee on African Affairs since I came to the Senate in 1993. For over 7 years now I have served as either the chairman or ranking member of the subcommittee. In this role, and in Africa, I have met with amputees, refugees, widows and orphans. I have spoken with west African heads of state and west African civil society leaders about Liberia's influence on the region. I have no doubt in my mind that the humanitarian catastrophe and the dangerous instability in the region will not be resolved until Liberia is stabilized—and that means more than replacing one thug with another.

During my chairmanship of the subcommittee last year, we held a series of hearings focusing on the very real security threats that are posed by weak or failed states in Africa, including criminal networks like those in Somalia or west Africa which can provide a safe haven for terrorist activities. After the horror of September 11, 2001, consensus built across the political spectrum, acknowledging that the United States was shortsighted when we disengaged from Afghanistan and Pakistan once we no longer had cold war-related interests in those countries. So what happened? What happened was that America left a vacuum

in its wake, and some of the forces that moved to fill that vacuum came to threaten our security in ways we could not have imagined.

The very same thing is true in sub-Saharan Africa. Manifestations of lawlessness such as piracy, illicit air transport networks, and trafficking in arms, drugs, gems and people simply beckon to those who would operate in the shadows, beyond the reach of the law.

It only takes one look at the war-ravaged state of Congo today, or the porous borders of west Africa, to see opportunities for those who would do us harm. In 1998, al-Qaida seized that opportunity, perpetrating attacks on the American embassies in Kenya and Tanzania that killed 223 people—Kenyans, Tanzanians, and Americans—and wounded thousands more. And unless we take action to make African societies less vulnerable to this kind of lawlessness rather than continuing our post-cold-war pattern of neglect, we may well reap the terrible consequences here at home.

But a word of caution and a clarification are in order here. It is difficult to verify links between west African chaos and international terrorism, in part because illicit diamonds are such effective money-laundering instruments. And I am not saying that al-Qaida is in league with Charles Taylor or the LURD or MODEL, and therefore we should go marching into Monrovia for that reason. I have not seen any information that would lead me to believe that to be true, and, frankly, I am not interested in harnessing the power and the emotion bound up in the fight against terrorism to every other policy issue for the sake of political convenience. My goal here is to protect the American people and to ensure that our international action is responsible.

And I am not saying that the United States military should stand poised to intervene throughout the continent wherever disorder reigns. Of course not. But just as Australia, backed up by the international community, responded to crisis in East Timor; just as Britain, backed up by the international community, responded to crisis in Sierra Leone; so too, sometimes, it falls to the United States to take a leadership role.

Unlike the issue of Iraq that came before us last year, I am not talking about starting a war with anyone in the face of widespread international opposition. Instead, I am talking about working with the international community to help stabilize a country that has fallen into the hands of undisciplined bands of thugs. For unilateral action in the face of massive global opposition, I set the bar very high. For action in concert with others that will be widely welcomed, I still set a high bar. It must be in our interest. And there are questions that must be answered to my satisfaction before any intervention can meet with my approval. And I remain very, very con-

cerned about our overextension militarily around the world. I am neither a promilitary intervention Senator nor an antimilitary intervention Senator. Attaching ourselves to such labels is a mistake. I simply try to look at each situation and exercise my judgement. After years of studying this situation, my judgement tells me that the United States has a meaningful role to play here in Liberia.

And let us not forget that we are also talking about a human tragedy unfolding before our eyes. Tens of thousands are already displaced; hundreds died in fighting in Monrovia a few days ago. The quality of life of civilians in Liberia contends for the title of worst in the world. At some point, this has to matter. Common decency suggests that the international community should act to stop the downward spiral.

It is time to say: no more. After visiting the region, I called Charles Taylor a war criminal here on the Senate floor in 2001, saying publicly what many had said privately for a long time. The Special Court for Sierra Leone unsealed an indictment to this effect just last month. Like many of my colleagues, I strongly support the court. West Africa must break the cycle of violence and impunity, and all of us in the international community have a role to play in that effort. And I support President Bush, who is right to call on Charles Taylor to step down, just as the Special Court for Sierra Leone was right to indict him. But, let us be clear. Taylor should have no veto over internationally backed U.S. action. His days of dictating the destiny of the west African people are over.

U.S. action may involve sending American troops. But before making that decision, we need answers to several critical questions.

I have not seen the scenarios or projections for any kind of action or intervention that have surely been worked up by the administration. I should see them. We should all see them. And we should see them sooner rather than later. And we need answers to the questions: Will United States participation and leadership overstretch our resources? What are the costs? What commitments are we making? What is our exit strategy? And, what are our plans for the coordination of long-term stabilization efforts?

Of course the answers should inform any decision about what we should and should not do. No one should understand my remarks today as some sort of "anything goes" endorsement of any and all proposals that may emerge. But I do believe that we must do something, and that we need to confront these questions quickly. As I have noted, American inaction and indifference is not an option. We are already deeply involved. The success of any action we take cannot be guaranteed, but we know that the costs of inaction are very high and very dangerous.

I urge the administration to begin undertaking consultations urgently so

that we can move forward with an informed, effective, and timely response.

PATIENTS FIRST ACT

Mr. BUNNING. Mr. President, I am disappointed the Senate did not vote to move to full consideration of S. 11, the Patients First Act of 2003, to address the national crisis our doctors, hospitals and those needing healthcare face today.

One of the top issues we all hear about from doctors in our States is how they are being squeezed financially by skyrocketing medical liability premiums. The Senate had a real opportunity to help remedy this problem by passing the Patients First Act, but unfortunately, we didn't even get a chance to fully consider and vote on this bill.

Not only is medical liability hurting doctors, but it is now starting to affect the quality and availability of care for patients. First, let me give a little background on the situation in Kentucky. I know many other States face the same situation.

In March of this year, Kentucky joined 17 other States on the American Medical Association's list of "crisis States." This means that the current liability system is affecting patient care.

Physicians across my State are facing some hard choices trying to figure out how to pay their rising premiums. Some are choosing to close their offices or retire early. Others are packing up and moving to other States with more sensible insurance regulations. Most concerning are reports of physicians no longer delivering babies because they cannot afford the liability insurance. This leaves expectant mothers in the lurch and creates huge, frightening gaps in critical medical coverage. In Kentucky, for example, Knox County hospital has stopped delivering babies which is forcing expectant mothers to travel to neighboring counties for care.

The Kentucky Medical Association conducted a survey last year on the effects of rising medical malpractice premiums. They found that 70 percent of the physicians in Kentucky saw their premiums go up. In the worst example, there was a \$476,000 increase for a six-physician orthopedic office that didn't have any settlements or judgements against it.

Recently, I received a letter from Catholic Healthcare Partners, a hospital system with about 30 hospitals and 8,900 affiliated physicians across the country. In Kentucky, they own several hospitals, including Lourdes Hospital in Paducah and Marcum & Wallace Memorial Hospital in Irvine.

According to Catholic Healthcare Partners, the hospital system's liability insurance premiums increased by 50 percent in 2001 and 70 percent in 2002. In fact, in the past 3 years, their premiums have increased by almost \$25 million. Unfortunately, Catholic

Healthcare Partners is the rule instead of the exception.

In May, the Joint Economic Committee published a study on the impact of medical liability litigation. The report said the total premiums for medical liability insurance more than doubled from 1991 to 2001 to reach \$21 billion. Hospitals and doctors simply cannot continue keeping their doors open and treating patients if their premiums continue to rise this rapidly.

For example, Appalachian Regional Healthcare is one of the largest rural health systems in the country and employs 150 physicians in its nine hospitals and other healthcare outlets. ARH provides services in both Kentucky and West Virginia, and employs most of the obstetricians and pediatricians in eastern Kentucky.

In January of this year, ARH made a decision to become completely self-insured. In 2001, the hospital system's key carrier for medical liability coverage dropped the hospital, and ARH couldn't find any other affordable coverage. For 2002, the bids for coverage the hospital received were \$12 million to \$13 million—which was more than the hospital system's net revenue and almost triple what they had paid the year before.

The hospital system is now building an insurance reserve in case there are any malpractice settlements against it. However, according to ARH representatives, they realize that even one single case could cripple the system and its physicians.

There is no doubt the system is broken. And for many Kentuckians, especially in our rural areas, there is no doubt skyrocketing insurance rates are making it harder for patients to get the quality care they need. The rising premiums not only take a toll on physicians and hospitals, but it means you, me, and everyone in this country is paying more for medical care. Very simply, individuals pay more for medical care because of the increases in premiums doctors face.

Although all of us are paying more, some people are making out like bandits—usually the trial attorneys. It hardly seems that you can turn on your television these days without seeing a commercial by one trial attorney or another looking for "injured" people. Some of these lawyers specialize in certain kinds of injuries while others aren't as picky and will take anyone involved in an accident. Most give a toll-free number, and many promise that "we won't get paid unless you get paid."

In a report by the Department of Health and Human Services released last year, it said the number of "mega-verdicts is increasing rapidly," particularly within specialty areas of medicine. The report goes on to say lawyers have an "interest in finding the most attractive cases" and they have "an incentive to gamble on a big 'win.'" Finally, the report says "lawyers have few incentives to take on the more dif-

ficult cases or those of less attractive patients."

Is this really the way we want our legal system to work? Are we really getting the best results with this type of legal system? The answer to both of these questions is no.

It seems like I have been voting for changes to our medical liability system since I have been in Congress, but we always seem to come up a few votes short. The Patients First Act places some commonsense controls on lawsuits against doctors. This will help bring some control over the rising medical liability premiums, and doctors in my State will be able to provide healthcare services.

For example, the bill places limits on noneconomic and punitive damages, but does not limit economic damages. The bill also limits the amount attorney's can collect from their clients depending on the size of the settlement. The bill requires lawsuits to be filed within 3 years of the injury, although this time limit is extended to children under the age of 6 who are injured.

Finally, the bill makes defendants liable for only their share of the injury that occurred and allows periodic payment of future damages. These changes could make a big difference in the availability and cost of healthcare in the United States and Kentucky. These changes could mean physicians in Kentucky thinking about leaving the state will be able to stay, and doctors thinking about leaving the profession will be able to continue practicing.

I am disappointed we did not have enough votes to proceed and fully consider the Patients First Act, however, I am hopeful we can come back and revisit this important issue soon, and give our doctors, hospitals, and especially those needing healthcare a more affordable system with better access.

CONFIRMATION OF DAVID CAMPBELL

Mr. LEAHY. Mr. President, yesterday, the Senate voted to confirm David Campbell to a lifetime appointment on the United States District Court for the District of Arizona. With this confirmation, we will fill the sole vacancy on that court—which is actually not even vacant yet. Mr. CAMPBELL is nominated to a new position that will become vacant on July 15. I have been glad to work with the Senators from Arizona to consider this nominee and provide bipartisan support. I congratulate the nominee and his family.

The Senate has now confirmed 133 judges nominated by President Bush, including 26 circuit court judges. One hundred judicial nominees were confirmed when Democrats acted as the Senate majority for 17 months from the summer of 2001 to adjournment last year. After today, 33 will have been confirmed in the other 12 months in which Republicans have controlled the confirmation process under President