care, once the specialty is recognized as a board certified specialty.

For some the term ''palliative care'' may be new. Palliative care improves the quality of life of patients and their families facing the problem associated with life-threatening illness, through the prevention and relief of suffering by means of early identification, assessment, and treatment of pain and other problems, physical, psychosocial and spiritual. It neither hastens nor postpones death. This type of care offers a support system to help patients live as actively as possible until death and to help the family cope during their loved one's illness and in their own bereavement. In addition, palliative care is applicable early in the course of illness, in conjunction with other therapies that are intended to prolong life, such as chemotherapy or radiation therapy.

No one likes to think about what it will be like at the end of our lives. We rarely have the discussions we need to have with our medical providers about how to help us have a ''good'' death. Much of the fault lies in the way we have structured our health care system. With all that the American health system has to offer, we need to make sure resources are put in place to assure patients and their families better care in their last days. I believe these two bills provide important components to do that.

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By Mr. FRIST:

S. 2986. A bill to amend title 31 of the United States Code to increase the public debt limit; placed on the calendar.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2986

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INCREASE IN PUBLIC DEBT LIMIT.**

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking ''$7,384,000,000,000'' and inserting ''$8,184,000,000,000''.

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By Mr. BURNS (for himself, Mr. JOHNSON, Mr. THOMAS, Mr. ENZI, and Mr. DORGAN):

S. 2987. A bill to amend the Agricultural Marketing Act of 1946 to expand the country of origin labeling for certain covered commodities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BURNS. Mr. President, as you know, we are trying to finalize the appropriations bills this week so that we can get that done and go home. But in these appropriations bills, there are a lot of surprises. One of them is a movement to water down the country-of-origin labeling, a law that was passed in the 2002 farm bill.

I will tell you that over the past weeks—in fact, before the election—I was in 45 communities and traveled 2,500 miles and found out that my State supports country-of-origin labeling and does not want to see it watered down. I heard from my folks. They strongly support it.

In Montana, we want ''U.S.A'' on it. They are proud of what they produce. They are proud of the finished product. Of course, I have supported country-of-origin labeling for many years, and I was glad to see it finally pass in 2002 when we passed the 2002 farm bill.

Now we are at the task of trying to write the administrative rules on a law that is already in place. We are having problems with that.

But as Congress completed the bill and the President signed it into law, we had some folks already trying to dismantle it. That is wrong. Some folks wanted to muddle it up. That was wrong for the simple reason that you can't implement a law unless you know what the rules are. We don't know what those rules are right now. In fact, I think it is kind of like if the Washington Redskins go over to play Baltimore in football and they don't make the rules until after the opening kickoff. I don't think that works very well.

But right now we have some folks who want to take another run at it. They are getting very aggressive and working overtime to get it done. Granted, the law has a couple of flaws in it. It is nothing that we can't fix. But keeping it muddled up all the time while we are trying to write the administrative rules becomes very difficult.

There is a move to defund the entire writing process at one time. That was defeated.

Now, instead of having a mandatory COOL law in effect today, which was the original intent to have a good program, of course, the rules continue because the implementation wasn't supposed to be until 2006. That was a compromise to continue the rulemaking process. Now I am told that there is another move again to soften the law and make it a voluntary law instead of a mandatory law. I don't support that. My producers don't support that. They are tired of waiting around.

We need to get the country-of-origin labeling done. It needs to be done right, and it needs to be mandatory.

I have a concern with the COOL law currently on the books. But today I am introducing legislation that begins to fix one part of that law.

Right now, very little beef will actually be labeled in the grocery stores. The law excludes over half of the beef sold in this country. But let me be clear. Under no set of circumstances do I support rolling back the country-of-origin labeling. If Congress votes to make COOL voluntary, it may as well repeal the law because voluntary COOL does not work.

On October 2002, the Secretary published guidelines for a voluntary labeling program so any retailer who chose to label could do it. But none did.

Some of my friends say if we mandate a program, then let us try voluntary again. It is now time to shift the balance of power in the world of agricultural marketing and mandate country-of-origin labeling.

You see, overwhelmingly, the folks who support COOL are small cow/calf producers—my ranchers back home in Miles City, Judith Gap, Rudyard, Dillon, and across the State of Montana.

These are guys who have worked hard on their ranches each and every day. They raise and produce healthy cattle and they want ''U.S.A.'' on their products. I don't blame them. But they do not have a lot of say in this decision. Once the calves leave the ranch, producers lose control to other parts of the industry.

While what I am doing is offering a bill to fix it, let us expand the bill to processed meats. We have to do that. The bill I am introducing will remove the exemption in the law for processed foods. In practice, this means beef jerky, sausages, and marinated pork tenderloins which are all excluded from the labeling requirements as it stands. These are common consumer products and none of them would be just the same as they are for fish and shellfish which is already in effect. Looking at those rules, we are not asking for any more.

With that, let us understand that attempts to weaken the law cannot happen in this body nor should it happen on these appropriations bills.

## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 469—SUPPORTING THE GOALS AND IDEAS OF NATIONAL TIME OUT DAY TO PROMOTE THE ADOPTION OF THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS' UNIVERSAL PROTOCOL FOR PREVENTING ERRORS IN THE OPERATING ROOM

Ms. LANDRIEU (for herself, Mr. DURBIN, and Mr. SANTORUM) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 469

Whereas according to an Institute of Medicine report entitled ''To Err is Human: Building a Safer Health System'', published in 2000, between 44,000 and 98,000 hospitalized people in the United States die each year due to medical errors, and untold thousands more suffer injury or illness as a result of preventable errors;

Whereas there are more than 40,000,000 inpatient surgery procedures and 31,000,000 outpatient surgery procedures performed annually in the United States;

Whereas for the first time, nurses, surgeons, and hospitals throughout the country are being required by the Joint Commission on Accreditation of Healthcare Organizations to adopt a common set of operating room procedures in order to help curb the alarming number of deaths and injuries due to medical errors;

Whereas the Joint Commission on Accreditation of Healthcare Organizations has developed a universal protocol, endorsed by

more than 50 national healthcare organizations, which calls for surgical teams to call a ''time out'' before surgeries begin in order to verify the patient's identity, the procedure to be performed, and the site of the procedure;

Whereas 4,579 accredited hospitals, 1,261 ambulatory care facilities, and 131 accredited office-based surgery centers will be required by the Joint Commission on Accreditation of Healthcare Organizations to adopt the universal protocol beginning July 1, 2004;

Whereas the Association of periOperative Registered Nurses has created an Internet website and distributed 55,000 tool kits to healthcare professionals throughout the country to assist them in implementing the universal protocol; and

Whereas the Association of periOperative Registered Nurses, the Joint Commission on Accreditation of Healthcare Organizations, the American College of Surgeons, the American Society of Anesthesiologists, the American Hospital Association, and the American Society for Healthcare Risk Management are celebrating National Time Out Day on June 23, 2004, to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideas of National Time Out Day, as designated by the Association of periOperative Registered Nurses and endorsed by the American College of Surgeons, the American Society of Anesthesiologists, the American Hospital Association, and the American Society for Healthcare Risk Management, to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room; and

(2) congratulates perioperative nurses and representatives of surgical teams for working together to reduce medical errors to ensure the improved health and safety of surgical patients.

Ms. LANDRIEU. Mr. President, we have all heard the expression, ''To err is human.'' We teach our children that mistakes are okay because we learn from them. However, there are some mistakes that are more costly to make than others. In 2000, the Institute of Medicine released a report entitled, ''To Err is Human: Building a Safer Health System.'' The report revealed the following devastating statistic: every year, between 44,000 and 98,000 hospitalized people in the United States die due to medical errors.

Science has not yet found a cure for cancer or even the common cold, but it has discovered a way to prevent the thousands of fatalities that occur every year due to medical errors. The Joint Commission on Accreditation of Healthcare Organizations developed a universal protocol that calls for surgical teams to literally call a ''time out'' before surgeries begin. This ''time out'' serves a brief period for surgeons and nurses to verify the patient's identity, the procedure to be performed, and the site of the procedure. Endorsed by the American College of Surgeons, the American Society of Anesthesiologists, the American Hospital Association, the Association of Perioperative Registered Nurses, and the American Society for Healthcare Risk Management, this idea of a ''time out'' may seem almost simplistic, but the fact of the matter is even the best surgeon in the world can make a very costly mistake if he or she does not stop for a moment for surgery and take a ''time out.''

Therefore, it is my pleasure to rise today to submit this resolution, which promotes a National Time Out Day and promotes the adoption of the Joint Commission on Accreditation of Healthcare Organization's universal protocol for preventing errors in the operating room.

To err may be human, but for the thousands of relatives that are currently sitting in a hospital waiting room, waiting for a loved one to come out of surgery, human error is not an acceptable answer.

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## SENATE CONCURRENT RESOLUTION 145—TO CORRECT THE ENROLLMENT OF H.R. 1417

Mr. HATCH (for himself and Mr. LEAHY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 145

*Resolved by the Senate (the House of Representatives concurring)*, That in the enrollment of H.R. 1417, an Act to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, and for other purposes (the Copyright Royalty and Distribution Reform Act of 2004), the Clerk of the House of Representatives shall make the following corrections:

(1) In section 801 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (b)(7)(A)—

(i) in clause (i), strike ''the other participants'' and insert ''participants''; and

(ii) in clause (ii), strike ''any other participant described in subparagraph (A)'' and insert ''any participant described in clause (i)'';

(B) in subsection (b)(7)(B), strike ''118(b) (2) or (3)'' and insert ''118(b)(2)'';

(C) in subsection (b)(8), insert a comma after ''802(g)''; and

(D) in subsection (c), strike ''As provided in section 801(f)(1), the'' and insert ''The''.

(2) In section 802 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (a)(1), in the second sentence—

(i) strike ''two Copyright'' and insert ''2 Copyright''; and

(ii) strike ''one shall'' and insert ''1 shall'';

(B) in subsection (c)—

(i) strike ''appointed the Chief Copyright'' and insert ''appointed as the Chief Copyright''; and

(ii) strike ''appointed Copyright'' and insert ''appointed as Copyright''; and

(C) in subsection (f)—

(i) in paragraph (1)(A)(ii), strike ''14 days of receipt by the Register of Copyrights of all'' and insert ''14 days after the Register of Copyrights receives all'';

(ii) in paragraph (1)(B)(i)—

(I) strike ''The Register shall'' and insert ''The Register of Copyrights shall'';

(II) strike ''30 days of receipt by the Register of Copyrights of all'' and insert ''30 days after the Register of Copyrights receives all''; and

(III) in the last sentence, insert ''to the Copyright Royalty Judges'' after ''is timely delivered'';

(iii) in paragraph (1)(D)—

(I) insert after the second sentence the following: ''The Register of Copyrights shall issue such written decision not later than 60 days after the date on which the final determination by the Copyright Royalty Judges is issued.'';

(II) in the following sentence, insert a comma after ''such written decision'';

(III) strike ''section 802(f)(1)(D)'' and insert ''this subparagraph'';

(IV) strike ''notification and undertakes to consult with'' and insert ''notification to, and undertakes to consult with,''; and

(V) strike ''fails within reasonable period after receipt of such notification'' and insert ''fails, within a reasonable period after receiving such notification,''.

(3) In section 803 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (a)(1), strike ''Librarian of Congress, copyright arbitration royalty panels,'' and insert ''the Librarian of Congress,'';

(B) in subsection (b)—

(i) in paragraph (1), amend subparagraph (A)(i) to read as follows:

''(A) CALL FOR PETITIONS TO PARTICIPATE.—(i) The Copyright Royalty Judges shall cause to be published in the Federal Register notice of commencement of proceedings under this chapter, calling for the filing of petitions to participate in a proceeding under this chapter for the purpose of making the relevant determination under section 111, 112, 114, 115, 116, 118, 119, 1004, or 1007, as the case may be—

''(I) promptly upon a determination made under section 804(a);

''(II) by no later than January 5 of a year specified in paragraph (2) of section 804(b) for the commencement of proceedings;

''(III) by no later than January 5 of a year specified in subparagraph (A) or (B) of paragraph (3) of section 804(b) for the commencement of proceedings, or as otherwise provided in subparagraph (A) or (C) of such paragraph for the commencement of proceedings;

''(IV) as provided under section 804(b)(8); or

''(V) by no later than January 5 of a year specified in any other provision of section 804(b) for the filing of petitions for the commencement of proceedings, if a petition has not been filed by that date.'';

(ii) in clause (ii) of paragraph (1)(A)—

(I) strike ''proceeding, under clause (i)'' and insert ''proceeding under clause (i)''; and

(II) strike ''section 803(b)(3)'' and insert ''paragraph (3)'';

(iii) in paragraph (4)(A), strike ''a participant in the proceeding asserts a claim in the amount of'' and insert ''the contested amount of a claim is'';

(iv) in paragraph (6)(C)—

(I) in clause (iv), insert a comma after ''orders'';

(II) in clause (v), strike ''according to'' and insert ''in accordance with''; and

(III) in clause (vi)(I), strike ''absent the discovery sought'' and insert '', absent the discovery sought,'';

(v) in clause (vii), strike ''interrogatories and'' and insert ''interrogatories, and''; and

(vi) in clause (ix)—

(I) in the first sentence, insert a comma after ''give testimony'' and insert a comma after ''inspection of documents or tangible things''; and

(II) in the last sentence, strike ''subparagraph'' and insert ''clause'';

(C) in subsection (c)—

(i) in paragraph (1), strike ''(b)(3)(C)(x)'' and insert ''(b)(6)(C)(x)'';

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) insert ''in a proceeding'' after ''a participant''; and

(bb) strike ''a proceeding is issued'' and insert ''the proceeding is issued'';

(II) in subparagraph (B), strike ''their initial determination concerning rates and terms to the participants in the proceeding'' and insert ''to the participants in the proceeding their initial determination concerning rates and terms''; and

(III) in subparagraph (C), strike ''except as provided under subsection (d)(1)'' and insert ''except that nonparticipation may give rise to the limitations with respect to judicial review provided for in subsection (d)(1)''; and

(iii) in paragraph (6), strike ''Following review of the determination by the Register of Copyrights under section 802(f)(1)(D)'' and insert ''By no later than the end of the 60-day period provided in section 802(f)(1)(D)''; and

(D) in the second sentence of subsection (d)(2)(A), strike ''transmission service'' and insert ''licensee''.

(4) In section 5(b)(1)—

(A) in subparagraph (A), strike ''and'' at the end;

(B) strike subparagraph (B); and

(C) redesignate subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(5) In the amendment made by section 5(b)(1)(A)—

(A) strike ''5-year periods'' and insert ''5-year period''; and

(B) strike ''such other periods'' and insert ''such other period''.

(6) Strike paragraph (3) of section 5(b) and insert the following:

''(3) in paragraph (5), by striking 'determination by a copyright arbitration royalty panel or decision by the Librarian of Congress' and inserting 'decision by the Librarian of Congress or determination by the Copyright Royalty Judges' '';

(7) In the amendment made by section 5(c)(1)(A)(i)—

(A) strike ''5-year periods'' and insert ''the 5-year period''; and

(B) strike ''different transitional periods are provided in section 804(b), or such periods'' and insert ''a different transitional period is provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period''.

(8) In the amendment made by section 5(c)(1)(B)(i), strike 'in section 804(b)'' and insert ''under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004''.

(9) In the amendment made by section 5(c)(2)(A)—

(A) strike ''5-year periods'' and insert ''the 5-year period''; and

(B) strike ''different transitional periods are provided in section 804(b), or such periods'' and insert ''a different transitional period is provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period''.

(10) In the amendment made by section 5(c)(2)(B)(i), strike 'in section 804(b)'' and insert ''under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004''.

(11) Strike paragraph (3) of section 5(c) and insert the following:

''(3) in paragraph (3), by striking 'determination by a copyright arbitration royalty panel or decision by the Librarian of Congress' and inserting 'decision by the Librarian of Congress or determination by the Copyright Royalty Judges' ''; and

(12) In section 5(c)(4)(B), insert ''of subparagraph (A) the following:'' after ''by adding after the first sentence''.

(13) In the amendment made by section 5(d)(3)(A), strike ''during periods'' and insert ''during the period''.

(14) In section 5(d)(4)—

(A) strike ''and'' at the end of subparagraph (B);

(B) add ''and'' after the semicolon at the end of subparagraph (C); and

(C) add after subparagraph (C) the following:

''(D) in the last sentence, by striking 'Librarian of Congress' and inserting 'Copyright Royalty Judges' ''.

(15) In the amendment made by section 5(d)(5)(A)(i), strike '', Copyright Royalty Judges, or a copyright arbitration royalty panel to the extent those determinations were accepted by the Librarian of Congress'' and insert ''or Copyright Royalty Judges''.

(16) In the amendment made by section 5(f)(1)(B)—

(A) strike '', a copyright arbitration royalty panel,''; and

(B) strike ''to the extent that they were accepted by the Librarian of Congress,''.

(17) In section 5, insert the following after subsection (g) and redesignate succeeding subsections accordingly:

''(h) RATEMAKING FOR SATELLITE CARRIERS.—Section 119(c) of title 17, United States Code, is amended—

''(1) in paragraph (2)—

''(A) in subparagraph (B), by striking 'Librarian of Congress' and inserting 'Copyright Royalty Judges'; and

''(B) in subparagraph (C), by striking 'Register of Copyrights shall prescribe' and inserting 'Copyright Royalty Judges shall prescribe as provided in section 803(b)(6)'; and

''(2) in paragraph (3)—

''(A) in subparagraph (A)—

''(i) by striking 'arbitration proceedings' and inserting 'proceedings'; and

''(ii) by striking 'arbitration proceeding' and inserting 'proceedings';

''(B) in subparagraph (B)—

''(i) by striking 'copyright arbitration royalty panel appointed under chapter 8' and inserting 'Copyright Royalty Judges'; and

''(ii) by striking 'panel shall base its decision' and inserting 'Copyright Royalty Judges shall base their determination'; and

''(C) in subparagraph (C)—

''(i) in the heading, by striking 'DECISION OF ARBITRATION PANEL OR ORDER OF LIBRARIAN' and inserting 'DETERMINATION UNDER CHAPTER 8'; and

''(ii) by striking clauses (i) and (ii) and inserting the following:

''(i) is made by the Copyright Royalty Judges pursuant to this paragraph and becomes final, or

''(ii) is made by the court on appeal under section 803(d)(3),'.''

(18) In the first sentence of section 6(b)(1)—

(A) strike ''date of enactment of this Act'' and insert ''effective date provided in subsection (a)''; and

(B) strike ''such date of enactment'' and insert ''such effective date''.

(19) Strike paragraph (2) of section 6(b) and insert the following:

''(2) CERTAIN ROYALTY RATE PROCEEDINGS.—Notwithstanding paragraph (1), the amendments made by this Act shall not affect proceedings to determine royalty rates pursuant to section 119(c) of title 17, United States Code, that are commenced before January 31, 2006.''

## NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, November 17, 2004, at 3 p.m., in room 216 of the Hart Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on the In Re Tribal Lobbying Matters, et al.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 18, 2004, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on the water problems on the Standing Rock Sioux Reservation.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Tuesday, November 16, 2004, at 9:30 a.m., on Global Climate Change: Arctic Climate Global Assessment.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, November 16, 2004, at 9 a.m., on ''Judicial Nominations'' in the Dirksen Senate Office Building Room 226.

*Witness list*

Panel I: Senators.

Panel II: Thomas B. Griffith, to be U.S. Circuit Judge for the District of Columbia.

Panel III: Paul A. Crotty, to be a U.S. District Judge for the Southern District of New York; and J. Michael Seabright, to be a U.S. District Judge for the District of Hawaii.

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

SPECIAL COMMITTEE ON AGING

Mr. WARNER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Tuesday, November 16, 2004, from 2:30 p.m.–4:30 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON FINANCIAL MANAGEMENT, THE BUDGET, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management,