

Unfortunately, this administration refused to take yes for an answer. If we are to maintain international cooperation in defeating the terrorists, and also in protecting the global environment, ending child labor abuses and promoting human rights, and improving the global economy, we must ourselves show some regard for international norms and concerns. Friendship is not a one-way street. I hope we wake up to that fact before it is too late.

#### RESERVISTS PAY SECURITY ACT OF 2001

Ms. MIKULSKI. Mr. President, I take great pride in supporting Senator DURBIN in introducing the Reservists Pay Security Act of 2001. This legislation will ensure that the Federal employees who are in the military reserves and are called up for active duty in service to their country will get the same pay as they do in their civilian jobs.

According to the U.S. Office of Personnel Management, the federal government is by far the largest employer of our nation's military reservists. These reservists stand ready to serve our country with honor, during times of peace as well as war. They are the finest examples of dedication and service our nation has to offer.

When federal employees who also serve as reservists are called to duty, they respond with pride, often facing significant pay cuts as they lose their normal civilian salaries. But the federal government does not supplement the lost pay of our reservists. This is a travesty.

Our Nation has always placed a high value on the spirit of public service. That's why so many private employers, both large and small, are making significant changes to provide more generous military leave policies, even in the midst of a recession. If Safeway, IBM, Intel and Verizon can provide for their employees during times like these, then our federal government must care for its own as well.

Family members of federally-employed reservists are already starting to feel the pinch of service. Amy Bennett, of Centreville, MD, can't afford the payments that she and her husband, a lieutenant in the Army Reserve, must pay for their home. Their family income will drop by \$50,000 per year. To respond to this, she was at first going to sell her car. Now, with an 8-month-old son to care for, she must move in with her parents until her husband returns. She'll keep the car, but even worse, she may be forced to sell their home.

Janice Riley, of St. Mary's County, will work two jobs now that her husband, Sgt. Rob Riley, has been sent to Texas for training. Until he returns, he is forced to ask his mother to help Janice out with the bills. Lynn Brinker, of

Columbia, MD, expects her family to lose about \$30,000 this year because her husband, Mark, was sent to Texas to join the rest of his 443rd Military Police Battalion. As a result, her neighbors are buying her meals, her babysitter and hairdresser are working for free, and she has taken a line of credit against her house because no one can take over the home improvement business Mark began 10 years ago.

Fifty-five thousand of our Nation's reservists have been activated since the attacks of September 11th. This includes about 3,000 Maryland area reservists, most of them federal employees. Their families sit and wait at home, with no guarantee when their loved ones will return, and little means to pay for their college funds, mortgages, car loans, and holiday gifts.

This is simply wrong. I fail to see why these dedicated Americans should be forced to leave their families financially vulnerable at a time when they have so many other things to worry about.

This legislation is the same as the measure my colleague, Robert Wexler of Florida, introduced in the House of Representatives this spring. But this is not the first time I've fought for the rights of our nation's reservists, or our nation's federal employees. In 1991, when so many of our brave reservists answered the call to fight for our country in the Persian Gulf, I sponsored similar legislation. During the Gulf War, Senator DURBIN, the other sponsor of this bill, who was then serving in House, introduced the exact same legislation.

Before and since then, I have been a part of many other efforts to make sure that those who work on behalf our country, both here and abroad, are not penalized simply for their service to our country. This legislation will help relieve the financial hardship being felt by so many of our dedicated citizens. It will allow those who stand ready to serve our country not to have to worry about how the bills at home will be paid while they fight to protect the way of life so many Americans enjoy.

We all hope that federally-employed military reservists achieve success in their military duty, and return safely to comfort at home. But our efforts abroad should not compromise the living standards of them or their families, and our efforts to relieve their plight cannot wait.

I strongly urge my colleagues to join me in standing up for our active duty citizens, the federal employees who serve our nation in peace and, as reservists, in war, by supporting this very important legislation.

HOLD TO S. 1805

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have lodged an objection to the

Senate proceeding to S. 1805 or to any other legislation or amendment that converts temporary judgeships to permanent judgeships.

When there is a temporary judgeship on a court, when the temporary judgeship expires, the next permanent vacancy that occurs will not be filled and will be deemed not to be a vacancy, so that the total number of permanent judgeships allowed by law stays the same. On the other hand, the net effect of converting a temporary judgeship into a permanent judgeship is the creation of a new permanent judgeship for that court. The creation of new judgeships should not be taken lightly.

As you know, I firmly believe that the Federal judiciary should not be expanded prior to comprehensive congressional oversight. Congress has not held a single hearing in this Congress on whether additional judges are necessary for the Federal courts, and specifically has not evaluated whether there is a need to convert the temporary judgeships contained in S. 1805 into permanent judgeships. Arguments that the Judicial Conference has recommended these changes should be scrutinized with care, the formula that the Judicial Conference utilizes to create judgeships is flawed and can be substantially manipulated. There needs to be serious congressional oversight of the numbers, which is our responsibility. We need to ensure that the courts are employing all appropriate methods to take care of their caseloads and to make sure that they are utilizing all efficiencies and techniques. Moreover, we should be looking at filling appropriate existing judicial vacancies before we create new judgeships.

#### VA COMMENDED FOR PATIENT SAFETY INITIATIVE

Mr. ROCKEFELLER. Mr. President, today I am proud to highlight the recognition given to the Department of Veterans Affairs for the high level of attention they have paid to patient safety in recent years.

The Institute for Government Innovation at Harvard University has announced that VA's National Center for Patient Safety (NCPS) will be one of five winners of the annual Innovations in American Government awards. An article in yesterday's Washington Post brings this achievement to national attention and details why VA's Center was the only federal recipient of the award.

It's apparent that the NCPS has cultivated a culture within VA that promotes communication and therefore enables health care staff to feel more comfortable about reporting medical errors or even concerns that they have about patient safety. VA launched this initiative in 1998, but it received a major push in 1999 when the Institute

of Medicine released a report estimating that 44,000 to 98,000 Americans die each year due to medical mistakes.

This award demonstrates how VA has pioneered the establishment of the type of culture which must exist. According to the article, many health care providers in the private sector have started to model their patient safety models around that of the NCPS. This was a driving force behind the Institute for Government Innovation's decision to recognize VA's efforts by giving them this honor.

For a long time now, I have pushed VA to pay closer attention to patient safety, as it has been an issue of concern in the past. This is why I am glad to finally see VA on the cutting edge of patient safety, and being acknowledged for it. Our veterans deserve nothing less than highest standards of health care.

I ask unanimous consent that an article from *The Washington Post*, detailing VA's patient safety program and the award, be printed in the RECORD.

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

[From the *Washington Post*, Dec. 13, 2001]

VA MEDICAL SYSTEM TO GET HARVARD INNOVATION AWARD

REPORTING, HANDLING OF HEALTH CARE ERRORS TO BE CITED

(By Ben White)

The Department of Veterans Affairs health care system, long derided as a bloated bureaucratic mess, will be singled out for praise today for its efforts to improve the way medical errors and close calls are reported by health care workers and handled by hospital administrators.

VA's National Center for Patient Safety (NCPS) will be the only federal program among five winners of the annual Innovations in American Government awards from the Institute for Government Innovation at Harvard University. The awards are to be announced today.

Gail Christopher, executive director of the institute, said the NCPS is helping foster a "healthier culture of communication" in which health care workers at VA's 173 medical centers are far more likely to report mistakes or close calls than in years past.

"It's sort of a breath of fresh air for workers who are used to being in an adversarial or litigious climate," Christopher said. "It meets a basic set of human needs, to strive for excellence while at the same time acknowledging the potential for human error. Its genius is really its simplicity."

VA officials say the program, begun in 1998, produced a 30-fold increase in the number of accident reports in just 16 months and a 900-fold increase in the number of reported close calls over the same period. These numbers reflect not an increase in mistakes, they say, but rather a big jump in the willingness of doctors, nurses and other workers to report problems.

The agency began to focus on the issue after a 1999 report by the Institute of Medicine estimated that 44,000 to 98,000 Americans die each year as a result of medical errors.

VA Secretary Anthony J. Principi said NCPS has created a centralized mistake-reporting system that helps staff analyze and address repeat problems while also establishing a new culture in which the emphasis is on addressing the root causes of errors rather than punishing those who make them.

"We look at entire systems now, not just, say, a nurse who [makes a mistake] because she is pressed for time," Principi said in an interview yesterday. He noted, however, that VA will still punish anyone who "intentionally and criminally hurts a patient."

In addition to the improved, confidential mistake-reporting system, NCPS has set up a voluntary external system, modeled after a NASA program, that allows any individual to report medical mistakes or close calls anonymously.

NCPS Director James P. Bagian said the anonymous system serves as a safety valve to make sure serious problems that VA health workers might feel uncomfortable reporting, even confidentially, do not slip unnoticed.

Bagian cited a flawed pacemaker and a potentially deadly ventilator as examples of problems the NCPS regime has helped identify and correct. But he said the biggest success has been the change in culture. VA health care workers now know they will be identified publicly and punished only if they deliberately cause harm to a patient, according to Bagian. If a worker simply makes a mistake, he can report it confidentially and a team will assess the case, addressing the cause of the error rather than the individual responsible.

"We no longer focus on whose fault it is," Bagian said, noting that the handbook explaining the new approach is written in plain English, rather than in the legalese of the past. "Instead we ask: What happened? How did it happen? And what can we do to prevent it in the future?"

The award carries a \$100,000 grant to help VA further the program and let others know about it. Harvard's Christopher said VA earned the award in part because so many private health care and hospital companies are already seeking to emulate NCPS.

"Clearly, the problem this program addresses is of monumental significance," she said. "and word has spread rapidly within the health care community."

#### DEFENSE APPROPRIATIONS

Mr. HARKIN. Mr. President, I would like to highlight two provisions in the Defense appropriations bill we passed last Friday night that are of great importance to Iowans. I have spoken here before of the continued health and environmental legacy of the nuclear weapons work at the Iowa Army Ammunition Plant, of conventional munitions work at the same plant, and of the secrecy issues that make it difficult to help the workers there. In the last couple years the Department of Energy has made real, if slow, progress toward addressing these issues. Two provisions in this year's Defense appropriations bill promise similar progress in addressing concerns of workers on the Army side of the plant.

Last year an amendment I offered to the Defense authorization bill required the Pentagon to review its secrecy

policies to ensure that they do not harm workers at defense nuclear facilities, to notify workers who may have been harmed by radioactive or toxic exposures at these plants of these exposures and of how they can discuss them with health care providers and other officials, and to report back to Congress. But six months after the bill passed the Secretary had not even designated an official to carry out the provision. There still has been no notification and no report to Congress.

My amendment to the Defense appropriations bill this year clarifies that provision by explicitly including employees of contractors and subcontractors of the Defense Department, a colloquy last year between Senators LEVIN and WARNER and myself had clarified this intent, and by limiting its scope to facilities that manufacture, assemble, and disassemble nuclear weapons. The amendment also applies similar provisions to the Army side of the Iowa Army Ammunition Plant. It requires the Department to determine the nature and extent of exposures of current and former workers there to radioactive and other hazardous substances. It requires the Department to notify the workers of such exposures and of how they can discuss them with health providers, cleanup officials, and others. These actions are to be taken, and the Secretary is to report back to Congress, within 90 days of passage of the Act. I am pleased that the Defense Department has supported this amendment, and I hope that this time the workers in Iowa will quickly receive the support they need.

Another provision in the bill provides \$1 million for a health study for workers on the Army side of the plant. The University of Iowa is in the second year of a study funded by the Department of Energy of the health effects of exposures on workers at the nuclear weapons facility. The new funds will begin a similar look at the health of workers on the Army side of the plant, who were exposed to many of the same radioactive and toxic substances. The work is to be done in conjunction with the Department of Energy study. I believe that these two provisions will help the workers on the Army side of the plant to address the same questions that workers at the nuclear facility in Iowa and around the country have faced: what dangers have they encountered while serving our country, have they been harmed, and how can they get help?

I would like to thank the managers of the bill for their assistance in including these provisions, in passing another amendment I offered on the Iowa National Guard's CIVIC project, and in addressing other concerns of the people of Iowa in this bill.