

expose and our own personal experiences back home to heart when we consider the measures that are coming before us. I don't want another scandal on this watch. I want to make sure this Building 18 doesn't become another Hurricane Katrina, the ninth ward of New Orleans, LA. It was an indication of lack of skill, lack of management, and lack of commitment that led to this situation. Now it is time for Congress and the President to step up for these men and women who serve us so well.

I yield the floor and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### ROSENBAUM FAMILY'S SELFLESS ACT

• Mr. LEAHY. Mr. President, the front page of *The Washington Post* Friday delivered the remarkable news that the family of David Rosenbaum has entered into an agreement with Washington's city leaders under which the family will withdraw a \$20 million lawsuit—a lawsuit in which they were said to have an excellent chance of prevailing—if the city lives up to a promise to fix the city's troubled emergency response system.

David Rosenbaum, the retired *New York Times* reporter, was fatally beaten last year near his home in Washington. He was a good husband and father, a kind friend and neighbor, and a talented and respected journalist. He had a passion for making government more effective in doing its job. He was a good and a kind man. Those who knew or knew of the Rosenbaums were further saddened last year when David's widow, Virginia Rosenbaum, succumbed to cancer.

How fitting, how constructive, and how typical of David Rosenbaum and his life and his work that his family has taken this selfless step. Our best wishes—and our admiration and gratitude—go out to them.

The material follows.

[From the *Washington Post*, March 9, 2007]  
JOURNALIST'S FAMILY WANTS REFORM, NOT MONEY

(By David Nakamura)

The family of a slain *New York Times* journalist yesterday agreed to forgo the potential of millions of dollars in damages in exchange for something that might be harder for the D.C. government to deliver: an overhaul of the emergency medical response system that bungled his care at nearly every step.

David E. Rosenbaum's family said it will give up a \$20 million lawsuit against the

city—but only if changes are made within one year.

Under a novel legal settlement, the city agreed to set up a task force to improve the troubled emergency response system and look at issues such as training, communication and supervision. A member of the family will be on the panel.

Although legal experts said the family could have won millions had it pursued the case, Rosenbaum's brother Marcus said he and other relatives were more interested in making sure that the city enacted measurable changes.

"As details of the case started to come out, we decided among ourselves to do something for all the citizens so that things would be improved," Marcus Rosenbaum said, standing next to a dogwood sapling planted near where his brother was mugged in January 2006. David Rosenbaum was pounded on the head with a metal pipe by robbers who accosted him during an evening walk. He then was mistakenly treated as a drunk by D.C. firefighters and other emergency workers, who failed to notice his severe head wound.

Rosenbaum, 63, died of a brain injury two days after the attack on Gramercy Street NW. He had recently retired after nearly four decades at the *New York Times*, where he covered economic policy and other issues, but continued to work in the Washington bureau on special assignments.

The D.C. inspector general's office issued a blistering report in June that faulted firefighters, emergency workers, police and hospital personnel for an "unacceptable chain of failure" and warned of broader problems with emergency care. The report called for stronger supervision and training, clearer communication and more internal controls for emergency workers and hospital personnel.

D.C. Mayor Adrian M. Fenty (D), who joined the Rosenbaum family at the announcement, said that he was pleased with the settlement but that it was just the start of a long process of reform. He did not identify potential changes.

"This was a failure of the government, the most tragic kind of failure the government can have," said Fenty, flanked by Acting D.C. Attorney General Linda Singer. "A settlement does not let anyone off the hook, especially the District government."

Fenty, who took office in January, pledged last year to oust the chief of the D.C. Fire and Emergency Medical Services Department, Adrian H. Thompson, who many officials felt did not act quickly or aggressively enough to address the failures. Among other things, Thompson issued a statement three days after Rosenbaum's death that said "everything possible" had been done to provide care. He later changed course, saying he had been misled, and dismissed or took disciplinary action against at least 10 employees.

This week, Fenty nominated Atlanta Fire Chief Dennis L. Rubin to head the department. Rubin said he is familiar with the Rosenbaum case and intends to make changes after studying the D.C. response system more closely. Among issues likely to be on the table: the creation of a separate city department for emergency medical response.

Marcus Rosenbaum said he is hoping for the best. "We are really happy with the way things have gone with the District," he said. "It's like we are adversaries on the same side. We hope this settlement will lead to something good."

The lawsuit was filed in November on behalf of Rosenbaum's adult children, Daniel and Dottie.

Family attorney Patrick Regan praised Fenty for reaching out to the family even before he was sworn in and then instructing his staff to work closely with the Rosenbaums

to forge a settlement. But Regan had harsh words for Howard University Hospital—which remains a defendant in the lawsuit in D.C. Superior Court.

The city's ambulance bypassed the closest hospital and took Rosenbaum to Howard because one of the emergency medical technicians had personal business to attend to near there. Rosenbaum was not seen by a hospital physician for more than 90 minutes and did not get a neurological evaluation until he had been there almost four hours, the family's lawsuit alleges.

"Howard University's performance was unacceptable, atrocious. It was Third World service in the nation's capital," Regan said. "While the District has stepped up and said, 'Work with us,' Howard has refused to step up. They've covered up what they did. . . . At every turn, Howard has offered excuse after excuse."

A spokeswoman for Howard did not respond to a request for comment.

D.C. police also were faulted in the case for failing to thoroughly investigate an earlier robbery that could have led to the suspects. Two men have been convicted in the killing: Percy Jordan, who was sentenced to a 65-year term, and his cousin Michael C. Hamlin, who cooperated with prosecutors and received a 26-year term.

The city's new task force will have six months to develop a report. Toby Halliday, Rosenbaum's son-in-law, will serve as the family's representative. The panel will include city officials and emergency care experts who have yet to be identified.

"Our goal is to look beyond the individual errors in this case to bigger issues of emergency medical services," Halliday said, as his wife, brother-in-law and other family members looked on.

"The results must be meaningful and measurable," Halliday added, "with changes and results that can be tracked over time to see if they are effective."•

#### WELCOMING SADIE FAY MORGENSTERN

• Mr. CRAPO. Mr. President, today I offer a most heartfelt welcome to a bright young lady who just made her entrance into this world—Sadie Fay Morgenstern. Sadie was born just over a week ago on March 4, 2007. She joins her big sister Sydney and parents, Andrew and Beth Morgenstern. I understand that little Sadie is proving to be alert, happy, and content. Undoubtedly, she will grow into a healthy, fun-loving and curious young lady, traits she will share with her older sister, Sydney. I am honored to share this news of the birth of a happy, healthy baby into a loving family, and I wish them the best. Thank you for joining me today in sending best wishes to the blessed and growing Morgenstern family. •

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages