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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 20, 2004, at 2 p.m.

Senate

MONDAY, APRIL 19, 2004

The Senate met at 1 p.m. and was called to order by the Honorable GORDON SMITH, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and Sovereign Spirit, who flawlessly expresses Your glory in the beauties of the sea, land, and air, thank You for ceaseless streams of mercy and for Your love manifested in the priceless gift of sacrifice. Thank You for walking with us each day, radiating the brightness of Your glory to illuminate our shadowed paths with praise.

Lord, we praise You that You focus Your might into the lives of common people with profound needs—freeing prisoners of addictions and giving sight to those who live without faith. Lead our Senators today along productive paths that benefit Your kingdom. Give them favor and stamina as they seek to keep America strong. Be for them a strong shelter in times of trouble, danger, and stress.

Remind each of us that every advantage life can offer is like rubbish compared with the overwhelming gain of knowing You. We pray this in Your glorious name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GORDON SMITH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 19, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GORDON SMITH, a Senator from the State of Oregon, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SMITH thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican whip is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today the Senate will be in a period for morning business. The majority leader has stated it is our intention, it is our hope to proceed to consideration of S. 2290, the asbestos bill, today. Although we do not yet have an agreement on proceeding to the bill, we are continuing to work with our Democratic colleagues in an effort to move forward with that important legislation.

Although we will be in a period for morning business, Senators will be able to come to the floor today to deliver statements on the asbestos bill. As the leader announced before we recessed for the Easter holiday, there will be no rollcall votes today.

RECOGNITION OF THE DEMOCRATIC LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I welcome back the distinguished assistant Republican leader and the Presiding Officer.

I come to the floor today to say a few words about what I believe is one of the most difficult issues to talk about in the ongoing conflict in Iraq. My remarks will not address whether I support our troops in Iraq, because I do. All Americans, I believe, are awed by the courage and sacrifice of our troops in Iraq. My remarks will not address whether I am concerned about the administration's failure to honor its commitment to our troops that they would be required to serve no more than 365 days ''boots on the ground,'' because I am. My remarks will not address whether I believe it is essential that we win the fight to bring democracy, stay the course in Iraq until we see Iraq on the road to democracy, because I do. Instead, I rise for the sole purpose of acknowledging the terrible, growing toll this war is taking on some of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

America's finest citizens and their families.

More than 700 American troops have died in the war, and this month, as we all know, has been the deadliest month for U.S. soldiers in Iraq. More than 100 Americans soldiers have been killed in Iraq since April 1. Twelve more brave soldiers lost their lives in Iraq this past weekend.

I come to the floor to pay tribute to the sacrifice of these soldiers. They sacrificed everything because our Nation asked them to, and we owe them an enormous debt of gratitude. I say to the grieving families of our fallen heroes: America is with you in sorrow, and we will not forget you or the loved ones you have lost.

On Holy Thursday, April 8, on the western outskirts of Baghdad, on the road to Fallujah, Marine Lance Corporal Levi Angell died when the Humvee he was riding in was hit by a rocket propelled grenade. He was 20 years old. After learning of his son's death, Levi Angell's father stood outside the family's home in St. Louis, MN, clutching an 8-by-10-inch photo of his son close to his heart. ''This was my son,'' he told reporters. ''I am as proud as proud can be of that young man.'' He added, ''It's a sad, sad day. This is a sad, sad country right now.''

This is a sad, sad day in South Dakota, too. Last night, we learned that one of the 12 American soldiers killed in Iraq this past weekend was a member of the South Dakota National Guard. Army Specialist Dennis Morgan was the sixth South Dakota soldier to die in Iraq and the first member of the South Dakota National Guard killed in this war. A military spokesman said he was helping clear mines and explosives Saturday when a roadside bomb went off. He was 22 years old, and married.

He joined the Guard immediately after graduating from high school in Winner, SD, class of 2000. He had been in the Middle East for just under 2 months. Today, South Dakotans are mourning Specialist Morgan's death, and praying that his family can find some comfort for their sorrow. We also pray for the safety of the soldiers who remain in Iraq.

I want to say a few words about some of the other fallen American heroes who lost their lives in Iraq this month.

Marine Private First Class Dustin Sekula, of Edinburg, TX, was killed by enemy fire in Fallujah on April 1. Private First Class Dustin Sekula graduated from high school last year and gave up a full college scholarship to join the Marines. The father of a high school friend told his hometown newspaper, ''He was worth his weight in gold. He would try to conquer anything they would throw at him.''

Twelve American soldiers died in Iraq on April 4, Palm Sunday. Eight of those soldiers died together in a battle with militia loyal to Shiite cleric Muqtada al-Sadr in Sadr City, a Shiite slum on the outskirts of Baghdad. The soldiers were part of a quick response team that rushed to rescue a platoon pinned down by gunfire in Sadr City.

Seven of the eight were members of the Army's 2nd Battalion, 5th Cavalry Regiment, 1st Cavalry Division. They had been in Iraq less than 3 weeks. They were: Specialist Casey Sheehan, 24, from Vacaville, CA; Specialist Dustin Hiller, 25, of Opelika, AL; Specialist Ahmed Cason, 24, of McCalla, AL; Corporal Forest Jostes, 22, of Albion, IL; Sergeant Yihjyn Chen, 31, from Saipan, Marianas Protectorate, who spoke five languages and became a U.S. citizen in the Army; and Private First Class Robert Arsiaga, and Specialist Israel Garza, two West Texans, both 25, both married, who became best friends at Fort Hood.

At a memorial service in Baghdad for the fallen seven, their Battalion commander, Lieutenant Colonel Gary Volesky, said, ''Uncommon valor was common that day.''

The eighth soldier killed in the firefight in Sadr City, Sergeant Michael Mitchell, 25, of Porterville, CA, was with the Army's 1st Armored Division. He had been in Baghdad for 11 months and had re-enlisted 3 months before he died. His father joined hundreds of other people marching in a peace rally in San Luis Obispo on the first anniversary of the war. Bill Mitchell told reporters, ''I said, 'Bring my son home now.' I should have said, 'Bring my son home alive.' ''

Seven American soldiers died in Iraq on Monday, April 5, Passover. Among them was Army Sergeant Lee Todacheene, of Farmington, New Mexico, a member of the Army's 1st Infantry medic unit. He was killed instantly when mortar fire hit his guard post in Balad.

Sergeant Todacheene was the nephew of Navajo Nation Vice President Frank Dayish Jr., through Dayish's wife, Virginia. He is the third Native American soldier to die in Iraq. Army Specialist Lori Piestawa, a member of the Hopi tribe killed last March, was the first woman killed in combat in the war. Sheldon Hawk Eagle, a member of the Cheyenne River Sioux Tribe in South Dakota, died last November.

Leaders of the Navajo Nation praised Todacheene as a ''Navajo warrior'' who ''went to war not to hurt, but to help.'' His younger brother, Rydell, said, ''He was proud to be in the U.S. Army and a medic. He was proud to be a Navajo. He believed he was doing some good in Iraq when everyone thought it was wrong. He was a quiet man. He was a strong man, a gentleman. He respected himself and everybody, He was generous and kind, and he loved his family above everything else.''

Tuesday, April 6, was one of the deadliest days of fighting in Iraq since the fall of Saddam Hussein's regime. Thirteen Americans died in Iraq that day. Among them were two 18-year-old Marines, both killed by hostile fire in Fallujah.

Marine Lance Corporal Anthony Roberts, of Bear, DE, was a member of the Air Force ROTC in high school. In an interview with the Philadelphia Inquirer, his former ROTC instructor recalled Lance Corporal Roberts as ''the rare recruit who seemed not to care about the steady employment, decent pay and educational benefits that the military offers. 'He only talked about serving his country.' ''

Marine Private First Class Ryan Jerback was from Oneida, WI. He was killed by hostile fire in Fallujah. His father told the Green Bay Press Gazette that his son told him, ''Dad, maybe I can go over there and make some change. Maybe I can do something with the people and show them that we're not animals here, you know?''

''He gave everything he had,'' his father said, ''and it cost him his life.''

Six American soldiers died in Iraq on April 7. Among them was Army Staff Sergeant George Scott Rentschler, of Louisville, KY. He was checking on his platoon members, who were working at a checkpoint, when a rocket propelled grenade hit the side of a tank in which he was riding. Iraq was his second war. He had also served in Bosnia.

His mother told the Louisville Gleaner, ''He always told me that the only way he would get hurt was if they took a rocket to the side of his tank. That's what happened.''

Staff Sergeant Rentschler had been scheduled to leave Iraq today. He was 31 years old. He leaves a wife and two sons, ages 12 and 5.

Eight Americans died in Iraq on April 8, Holy Thursday. Marine Staff Sergeant William Harrell, 30, Placentia, CA, was one of them. He was killed by hostile fire in Fallujah.

His widow, Kelli, told the Associated Press that when she broke the news to her 7-year-old son, he asked her, ''If (Daddy) just got shot, can't they help him?'' She replied, ''Daddy can't be helped right now. Daddy's with God.''

Thirteen American soldiers died on April 9, Good Friday. Among them was Army National Guard Specialist Michelle Witmer, of New Berlin, WI, who died when her Humvee was ambushed in Baghdad.

Michelle's 24-year-old sister, Rachel, served in the same unit, the 32nd Military Police Company. Her twin sister, Charity, was sent to Iraq last year as a medic. The sisters and the rest of the Witmer family is agonizing now about whether they should rejoin their units in Iraq. Michelle Witmer was one of at least two women, and four National Guard members, killed this month in Iraq.

Eight American soldiers died in Iraq on Easter Sunday, April 11. Army Sergeant Major Michael Stack and Marine Lance Corporal Torrey Gray were among them. Sergeant Major Stack, a Special Forces soldier, was 48, a father of six and grandfather of three. Lance Corporal Gray was 19; he was on his second tour in Iraq. They both died from hostile fire, in separate incidents, in Fallujah. As word of Lance Corporal

Gray's death spread through his hometown of Patoka, IL, a small town about 60 miles east of St. Louis, village officials put up the ''Avenue of Flags,'' an observance usually reserved for national holidays.

Army Specialist Richard Trevithick, of Gaines, MI, was one of two U.S. soldiers killed in Iraq on April 14. The 20-year-old combat engineer died when an improvised explosive device exploded near his Humvee in the city of Balad. The explosion caused massive damage to his chest and killed him instantly. He had been in Iraq 2 months.

His father told the Associated Press, ''You hear it, you process it, you understand the words, but the impact doesn't hit you. You wake up in the morning thinking it was a mad dream, then realize it was not.''

As I said, I support our troops and what they are trying to accomplish in Iraq—under the most difficult of circumstances.

The reality is that this war requires almost no sacrifice for the overwhelming number of Americans. Our lives are undisturbed. But the Americans I pay tribute to today sacrificed everything they had. They are heroes and an inspiration. May we never forget and may we always cherish their valor and their sacrifice.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak up to 10 minutes each.

SUPPORT FOR OUR TROOPS

Mr. HATCH. Mr. President, I listened to the comments of my dear friend, the distinguished Senator from South Dakota. I share his grief and his concerns over how many of our young people have sacrificed their lives for all of us. There is no question about it; these are heroes to all of us. As the son of parents who lost their only other son in the Second World War, I know a family's grief over such a devastating loss. We know what it is like to have a son missing in action and, whose remains were found 2 years later. Our family had to go through all of the pain, difficulty, grieving, and remorse. But all of that didn't take away the fact that my brother, Jesse Moreland Hatch, was a great hero like so many others who died in all of our wars, but in World War II in this particular case, and the 50,000-plus young men and women who died in Vietnam.

These young people are doing the Lord's work. They deposed a tyrant that killed hundreds of thousands of his own people and threatened the whole Middle East, and, by his association with terrorists at war with us, threatened us. Our heroes are fighting to bring stability to the Middle East, and they have put pressure on all of the tyrannies of the Middle East. They have taken a stand against tyranny, against terrorists, and for the prospect of decent societies throughout that region.

I have seen letter after letter of people who have served in Iraq who have made it very clear that the work they are doing is work for all of us, and we ought to be proud. They are helping people to find themselves in decent and safe societies. They are helping people down the road to freedom. They are helping people who have never understood what it is like to have a free market economy. They are helping people for the first time in their lives to have some sort of hope that they might be free—and free from brutality, terrorism, vindictive treatment, murder, and death.

Our young men and women understand that what they are doing is very important; and it is important for everybody in America to stand with them. It is important for everybody in America to realize that we pay extraordinary costs, borne by the families who lost their loved ones in order to stand up for freedom.

In this particular case, I think it is pretty hard to make a case that we shouldn't be there. It is pretty hard to make a case that we shouldn't have deposed Saddam Hussein. It is pretty hard to make a case that we shouldn't be trying to bring some sort of representative form of government to Iraq and, therefore, the whole Middle East. It is pretty hard to oppose the fact that our young men and women are serving with distinction for a good cause. It is pretty hard to make some of the ridiculous arguments that have been made by those who are opposed to U.S. involvement anywhere.

I want to pay tribute to these young men and women who are serving over there, and also to the civilians who are serving over there. They may be getting paid for their jobs, but it is a dangerous place—at least some areas are very dangerous—to be. But what they are doing is critical to our security. I think they deserve the applause of all of us and the support of all of us.

I hope all of our colleagues will always continue to support not only our troops over there but also our President who has all that any President really needs to handle.

OAK HILL

Mr. DEWINE. Mr. President, I will take a few minutes today to report on the very shocking and troubling situation right here in our Nation's Capitol. I am speaking of the situation of the District of Columbia's juvenile detention center known as Oak Hill.

Right before the Easter recess I visited the center. Also, as chairman of the Appropriations Subcommittee on the District of Columbia, I held a hearing to review the operations of Oak Hill. Actually we held the hearing first. As a result of that hearing, I then made a point to personally visit Oak Hill. Based on what I saw at this juvenile facility and the testimony we heard at a hearing, it is clear to me Oak Hill is not meeting the needs of the children it serves, that the conditions there are abysmal to say the least, and this place simply needs to be shut down once and for all.

At our hearing the inspector general for the District of Columbia released a comprehensive report about the situation at Oak Hill. Let me mention some of the more egregious deficiencies outlined in that report. First, illegal drugs such as marijuana and PCP were regularly smuggled into Oak Hill in the past. In some cases, youth correction officers in the past were the source of some of the illegal substances. That is a rather shocking thought, that the correctional officers were the sources of some of these illegal drugs actually coming into this juvenile detention facility. Substance abuse treatment contractors actually refused to renew contracts because Oak Hill was unable to stop the influx of drugs.

They also found some youths entering Oak Hill drug free actually started taking drugs once they were inside the facility because they had easy access to drugs there.

They also found the Youth Services Administration, which runs Oak Hill, wasted millions of dollars on contractors who did not provide any meaningful services or deliverables.

During this hearing Senator LANDRIEU and I held, the director of the Public Defender Service of the District of Columbia testified the Youth Services Administration has failed to protect youths from harm while under its care. For example—this is a very sad story—last year a 12-year-old held at Oak Hill overnight, not accused of any crime, was placed in a room with two other children. This 12-year-old was sexually assaulted by one of the other youths.

Several months later a 13-year-old was arrested and held at Oak Hill waiting for shelter space to be available. The 13-year-old was placed in a room with the same child who had committed the sexual assault before on the 12-year-old. Not surprisingly, another sexual incident occurred and there was another victim; this sexual predator had another victim.

Furthermore, I understand this practice of assigning more than one child to a room has led to the commingling of status offenders, kids who are runaways or truants—commingling them with delinquent youth as well as detained committed youths. For example, these practices led to a child detained as a truant and a runaway being housed in the same room as a youth detained on charges of negligent homicide. That simply is not right. It is not

good practice. It is not permitted and should not have been allowed. Amazingly, these are only the latest in a long list of deficiencies with the Youth Services Administration that stretches back at least 19 years. Indeed, it was 19 years ago this month the Public Defender Service filed a complaint against the District for failure to protect youth under its custody. Year after year, the city has fallen short of the court's ''Jerry M. Decree,'' which is the name of the court decree, and is now facing the prospect of being taken over by a court receiver. Equally amazing, some estimates are it costs nearly $90,000 a year to house a child at Oak Hill. But even more astounding than that is when I visited this facility a little over a week ago and asked the interim administrator and the interim special counsel from the Youth Services Administration who gave me the tour how much it cost to house a child there, they simply could not give me an answer. Their answer was they did not break out how much it cost to run Oak Hill from a total cost of the whole Youth Services Administration.

I find that to be astounding frankly. They did not know. They could not give me a breakout so they couldn't tell us what Oak Hill cost to run a year and therefore obviously they couldn't tell us whether the $90,000-a-year figure, which is what we believe it costs to house a child there for a year, is an accurate figure.

I visited many youth detention facilities in Ohio in my public career. I was Lieutenant Governor of the State of Ohio and had the opportunity to visit, I think, all of our juvenile facilities during the 4 years when I was Lieutenant Governor. I was a county prosecuting attorney. I learned a lot about these types of centers. I know what they do well and what they do not do well. I can tell you with certainty there are several things they are not doing very well at Oak Hill right now.

The buildings are decrepit. They are falling apart. Important services such as substance abuse treatment programs are certainly piecemeal at best. Children who are detained and awaiting trial are commingled with those who are committed offenders. In fact, I learned one girl who was committed merely because she is a truant has been housed with committed delinquents since October. This, I understand, is in violation of the D.C. Code.

What is particularly troubling is what happens sometimes is the teenagers who are in foster care or group homes run away because they are being victimized by other youths in the same home or they run away for other reasons. Once these children run away or are truant from school, for example, they are labeled delinquents and they are often picked up and sent to Oak Hill. So neglected youths who are failed by a broken foster care system now find themselves locked up and labeled juvenile delinquents and then are commingled in Oak Hill with dangerous delinquents at a place where they are currently able to get ready access to illicit drugs. What a horrible situation.

The Federal Government contributes about $15 million annually to the District's Youth Services Administration, which administers Oak Hill. The YSA would be eligible for even more Federal funding if it had a qualified drug treatment program in place. A large number of the children at Oak Hill have a substance abuse problem. That should not surprise us. It is what I would expect. What I did not expect is to go to Oak Hill and find very little, if any, substance abuse treatment in place.

In all fairness, when we went out there we were told substance abuse treatment was on the way, that a program was going to be started. But there was not much going on at all when we were there and there was a promise of something happening in the future. But that is what it was, a promise.

Clearly, Congress has a vested interest in assuring the proper use of the money we provide. We have, more importantly, a moral interest in ensuring the proper treatment of youths at Oak Hill.

After touring the facility and after hearing from expert witnesses and after reading the November 6, 2001, recommendation of the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform in the District, I believe Oak Hill should be closed. The children of the District of Columbia deserve better. The communities to which these youths will one day be returned deserve better. It is our duty to work hard to rehabilitate these young offenders who have, frankly, often been failed by their parents and, yes, overlooked by their communities.

Not only do I recommend that Oak Hill be demolished, but I expect to see the Mayor develop a comprehensive plan afterward so the problems at Oak Hill are not repeated elsewhere. Just this past Thursday, Judge Dixon of the Superior Court of the District of Columbia found that the District is in contempt of court regarding Oak Hill having violated numerous provisions of the ''Jerry M. Decree.'' Because of this contempt finding, the city will be fined $1,000 per day and may be subject to additional sanctions.

It is our hope these sanctions and this court order will push the city towards addressing the intractable problems at Oak Hill. As I have already stated, trying to fix this broken facility is, in my opinion, a waste of time and a waste of money and is futile. We have waited 19 years for improvements. Yet no one has stepped up to take the lead. If no one does, the problems at Oak Hill will continue.

The blue ribbon commission recommended that Oak Hill be shut down. Judges have recommended that it be shut down. And now it is time for the District to step to the plate, take the lead, and shut this place down once and for all.

Let me make one final comment in conclusion. When I was the Governor of Ohio, I visited every juvenile facility and every adult facility in Ohio. I don't pretend to be an expert in this area, but I think I know something about it. What has happened at Oak Hill over the last few years is that the District knows the place eventually is going to be closed. So every problem they see, they look at it and they say, Well, there is no reason to put money into fixing this problem or to fix that problem. So it keeps getting worse and worse. It is sort of like a house you know you are going to bulldoze down in a few months, and you are not going to fix anything. Yet the District, for some inexplicable reason, does not have the will to shut this place down—to pull the plug and say enough is enough.

After touring this facility, I am saying enough is enough. It is not fair to the kids who are being sent out there. It is not fair to the employees who have to work out there. And it is not fair to the taxpayers to continue to put money into this facility. This facility has to be shut down. The District has to move forward. It is in the best interests of the children of the District of Columbia to do so.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to speak for as long as I need.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE FAIRNESS IN ASBESTOS RESOLUTION ACT OF 2004

Mr. HATCH. Mr. President, I rise in support of S. 2290, the bipartisan Fairness in Asbestos Injury Resolution Act, appropriately called the FAIR Act. Let me talk about the problems for a minute. I think I am stating the obvious, but it bears repeating.

Our country is faced with an asbestos litigation crisis of unparalleled magnitude. Something is terribly wrong when asbestos victims who suffer from debilitating injuries recover mere pennies on the dollar while people who are not sick and never have been sick a day in their lives from asbestos recover millions. Something is terribly wrong when scores of companies, many which never produced a shred of asbestos fiber, are forced into bankruptcy triggering lost jobs and depleting pensions for those who lost their jobs. Something is terribly wrong when the only real winners in the current system are the handful of personal injury lawyers who walk to the bank with billions of dollars in fees.

Members may have heard the statistics before, but I will say them again so that everyone knows the scope of the problem facing this country. According to the Rand Institute for Civil Justice, more than 730,000 people have filed claims, with a sharp increase in filing

in the last 10 years. More than one million claims are expected to be filed in the near future. The Rand study states the reason for this dramatic rise in claims is that through the 1980s, claims were filed only by the manifestly ill. Beginning in the 1990s, about two-thirds of the existing claims were and still are filed by people who are unimpaired, who are not sick. Listeners, you heard correctly. Astonishingly, the great majority of asbestos lawsuits are brought by those who are not even sick.

This has led to an unacceptable division of resources to the wrong people. Nonmalignant claimants take over 60 percent of the compensation, leaving mesothelioma victims with only 20 percent. Worse yet, many mesothelioma victims are not able to recover any money at all because the companies they would have sued are insolvent.

The fact is, unscrupulous personal injury lawyers are abusing the system and getting a windfall in fees. They know the companies, even ones with the most remote connections to asbestos, are fearful of runaway verdicts. They exploit the uncertainty these tangential companies face in the current system by overwhelming them with huge numbers of unimpaired claims in order to force massive settlements. I might add that many of these companies have never had anything to do with asbestos, but they are stuck defending themselves at a tremendous, humongous cost because of what is going on. The result is the personal injury lawyers—and it is a small percentage of the American Trial Lawyers Association, a very small percentage of these personal injury lawyers—are reaping huge portions for themselves: over $20 billion so far in attorney's fees alone in asbestos litigation thus far.

One actuarial firm estimates that personal injury lawyers are expected to siphon more than $60 billion out of asbestos litigation before it is over. It is no wonder that the personal injury lawyers are fighting tooth and nail to keep the golden goose alive. These fees detract from the moneys that should go to those who are truly sick, especially the mesothelioma victims. Their tactics are not just about buying private planes and sport teams and huge mansions while the personal injury lawyers are busy making themselves into millionaires, multimillionaires, in some cases billionaires; they are depriving the truly sick of available resources.

Let me tell Members about a pipefitter from Illinois. I learned his story from his daughter who lives in the State of Washington. A World War II Navy veteran, he joined the pipefitters union in Chicago and worked at several locations in the Midwest, including sites in Illinois, Indiana, Michigan, and Wisconsin. It was during this period that he was repeatedly exposed to asbestos. Eighteen years ago, at the age of 61, he learned he had mesothelioma. Understanding the medical quagmire he faced and the consequences for his family, he quickly filed suit against those he believed were responsible for his exposure. Sadly, just months later, as with all mesothelioma victims of this virulent form of cancer, he died.

His case was lumped together with others, many of whom were not as sick as he, and some of whom were not sick at all. For years, nothing happened. It simply gathered dust on the docket. Eventually, it was transferred from Illinois to Pennsylvania. It has now been 17 years since his case was filed. Think about that. He never got to have his day in court. His widow is still waiting, 17 years later.

What would happen in his case if S. 2290 is enacted? First, because he had mesothelioma, his estate would be paid $1 million. It would be paid on an expedited basis. Second, his claim would have been evaluated and processed in a matter of months, not decades. Third, he would not be forced to give up half of the awards—moneys desperately needed for medical bills, treatment, and all of the economic and personal losses that afflicted his family—to his lawyers.

What is wrong with the asbestos litigation system? This Navy veteran with mesothelioma got zero out of this tort system. Out of the FAIR Act, he would get $1 million. He would not even need an attorney to get it. He would not have to pay 50 percent to attorneys. That is the way it should work.

Let me mention the case of Rick Napier who suffers from asbestosis. He has trouble breathing. He cannot even walk without great difficulty because of the disease. He no longer has the lung capacity he needs for physical labor, let alone normal, everyday activities. Rick Napier worked for W.R. Grace for 3½ years until he was laid off. He was a skip operator. He ran small cars that carried ore up and down the hills of Libby, MT. He has lived in Libby for 55 years and knows, as do his neighbors, that asbestos is everywhere in the area. It is in the gardens and yards of places at work, homes, playgrounds. It is everywhere.

Four years ago, Rick was diagnosed with asbestosis. He filed a lawsuit but was told, despite his illness, there was really nothing that could be done. W.R. Grace has gone bankrupt. There is no one left to sue, no one left to compensate him for his illness. The current tort system has failed Rick Napier. Unless we pass this legislation for a national, privately funded trust for compensation based on illness and not on the solvency of the defendant company, we continue to fail Rick Napier and many others like him. Without it, we leave Rick Napier and the rest of the victims in Libby, MT, with no resource, no relief, and no hope.

What is wrong with asbestos litigation? Compensation for victims like Rick Napier under the current tort system is not always available if the company he could sue to receive some compensation is bankrupt. Under the FAIR Act, he would get compensation even though he is no longer with us. It is high time we put victims first.

I would be remiss not to mention the staggering toll the asbestos litigation problem has also inflicted on our economy. As the number of claims continues to rise, at least 70 companies to date have already been forced into bankruptcy. Meanwhile, the number of companies pulled into the web of this abusive litigation is on the rise, many of which have little, if any, culpability. These business bankruptcies translate directly into lost jobs, lost pensions, and weaker financial markets. It is a detriment to our country.

According to a letter from the nonpartisan Academy of Actuaries:

. . . bankruptcies of corporate asbestos defendants have affected 47 states, resulting in the loss of 52,000–60,000 jobs, with each displaced worker losing $25,000-$50,000 in wages and 25% of their 401(k).

I ask unanimous consent this letter from the American Academy of Actuaries be printed in the RECORD.

AMERICAN ACADEMY OF ACTUARIES,
Washington, DC, March 24, 2004.

Re asbestos.

Senator BILL FRIST,
Marjority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: The Mass Torts Subcommittee of the American Academy of Actuaries published a monograph, ''Overview of Asbestos Issues and Trends'' in December 2001. The Academy monograph is currently being updated. Meanwhile, as S. 1125 nears debate on the Senate floor, I am pleased to provide this letter, which provides a brief summary of some of the key points regarding asbestos litigation.

The asbestos problem, initially recognized decades ago, is not going away.

Exposure to asbestos has been linked to malignant diseases including mesothelioma, lung and other cancers, as well as nonmalignant conditions such as asbestosis and pleural injuries.

Asbestos use was widespread in the United States for decades, and although exposure levels have declined significantly since OSHA requirements were implemented, asbestos use is still legal in the United States today.

The number of claimants filing lawsuits annually has increased dramatically in recent years and shows no signs of a return to prior levels experienced during the 1990s. Most of the increase in claim filings relate to individuals who are not functionally impaired.

Approximately 730,000 claims were filed through 2002 and estimates of the ultimate number of claimants range from 1 million to 3 million.

Many believe that some current claimants are not being compensated fairly or promptly. Additionally, there are widespread concerns that funds will not be available to compensate future claimants.

The size of recent awards made to settle claims has also increased. In turn, contributions paid by individual corporate defendants and their insurers/reinsurers have increased. Additionally, demands against solvent defendants have reflected upward pressure to cover amounts that are no longer funded by defendants that have sought protection from asbestos litigation through Chapter 11 bankruptcy petitions.

At least 70 companies have sought bankruptcy protection due to asbestos litigation

to date. Further, recent bankruptcy filings (i.e., pre-packaged petitions) have exacerbated inequities in the asbestos litigation system.

The number of corporations named as defendants in the litigation has grown dramatically. Asbestos claimants typically name 60 to 70 defendants in each lawsuit. While approximately 300 companies were sued in the 1980s, RAND estimates that approximately 8,400 companies had been sued as of 2002. The potential culpability of this expanded list of defendants is significantly different from the initial group of companies that mined or manufactured asbestos products, knew of it dangers, and failed to protect and/or warn their workers.

Direct costs are significant—estimates of ultimate costs relating to U.S. exposure to asbestos range from $200 billion to $265 billion. More than half of the costs relate to plaintiff and defense attorney fees.

Indirect costs are also large: Bankruptcies of corporate asbestos defendants have affected 47 states, resulting in the loss of 52,000–60,000 jobs, with each displaced worker losing $25,000–$50,000 in wages and 25% of the value of their 401(k); For every 10 jobs lost in an asbestos-related bankruptcy, an additional 8 jobs are lost in the surrounding community; and Failure to enact legislative reform could reduce economic growth by $2.4 billion per year and cost 30,770 jobs annually.

The U.S. Supreme Court has twice overturned efforts to resolve the litigation through class action settlements (Georgine and Fibreboard) and has called upon Congress to address the situation.

Various reform measures have been enacted or are being considered at the state level, such as: Imposing medical criteria to bring a claim; Creating inactive docket systems to preserve the rights of individuals who are not currently impaired; and Addressing consolidation, joint and several liability, and venue issues.

However, it is difficult to implement meaningful changes on a state-by-state basis, and as long as some states are perceived as plaintiff friendly jurisdictions and claims remain portable, forum shopping will be a problem.

Several asbestos-related bills were introduced in the 108th Congress, and the issue of federal reform to the asbestos litigation crisis deserves careful attention. Thank you very much for your consideration of the information presented herein. Please do not hesitate to contact Greg Vass, the Academy's Senior Casualty Policy Analyst, at (202) 223–8196 if you have any questions or would like additional details.

Sincerely,

JENNIFER L. BIGGS, FCAS, MAAA,
Chairperson, Mass Torts Subcommittee.

Mr. HATCH. The Rand Institute estimates this litigation eventually will result in 430,000 lost jobs. These are pretty good jobs. In fact, very good jobs. It is because of the very serious problems that I stand here today to express my steadfast support for the legislation we are on the verge of considering, if our friends on the other side will allow us to consider.

We will make a motion to proceed, and hopefully they will not block a motion to proceed because we ought to debate, we ought to look at amendments, we ought to do what has to be done. We ought to perfect this bill if we can. It is about as perfect as I think we can get it under the process so far. It is a darn good bill and would certainly do a lot of good for people.

I turn for a moment to the comparison of the current tort system and the FAIR Act. This is why we should pass the FAIR Act. Under the current tort system, even the Supreme Court Justices have described it as jackpot justice; under the FAIR Act we have certainty.

Under the tort system, we have a litigation lottery really, in real terms. Under the FAIR Act, it is a no-fault system. You do not even need attorneys to recover. Under the tort system, you have ''magic'' jurisdictions; in other words, jurisdictions where you can go where the judges are corrupt and the juries do not care how much they award the people who don't deserve it. In other words, there are special jurisdictions in this country where that happens.

Under the FAIR Act, you have a system of fairness. Under the tort system, we are pushing companies into bankruptcy. Mr. President, 8,400 companies have been sued, with over 300,000 claims, as I have mentioned. Many of those companies are going to have to go into bankruptcy if we do not solve this problem, which even the Supreme Court has asked us to do. Under the FAIR Act, these companies would remain solvent.

Under the current tort system, we have decades of delays, as I have mentioned. Under the FAIR Act, we would have expedited payments in a number of months.

It is hard to imagine that anyone cannot see the benefits of the FAIR Act over the current system. I understand why the personal injury lawyers who are handling these asbestos cases do not want this to happen. Of course, they are going to make upwards of $60 billion, right out of the pockets of the people who deserve those moneys, where we give them to the people who are injured.

Let me talk about the particulars of what the bill does. S. 2290 would provide fair and timely compensation to asbestos victims and certainty to American workers, retirees, shareholders, and, of course, our whole U.S. economy. Hardly anything would do more for our economy than the FAIR Act right now. It would establish a privately funded, no-fault, national asbestos victims compensation fund to replace the broken tort system and ensure that individuals who are truly sick receive compensation quickly, fairly, and efficiently.

The legislation retains the bipartisan agreement on medical criteria that was approved by a unanimous vote in the Judiciary Committee. These criteria form the basis of a no-fault victims compensation fund that will stop the flow of resources to the unimpaired and ensure that the truly ill will be paid quickly and fairly. S. 2290 also contains improvements made to its predecessor, S. 1125, that have been developed over the last several months during extensive negotiations by the stakeholders.

S. 2290 includes a number of new provisions that ensure the fund will be set up, processing and paying claims quickly. First, it places the office within the Department of Labor in order to utilize its existing infrastructure and experienced personnel to facilitate a faster startup. In order to allow the office to begin accepting and processing claims in short order, the legislation requires the enactment of interim regulations and procedures within 90 days after the date of enactment, including the expedited processing of exigent claims.

To avoid potential delays associated with the appointment process, the legislation grants interim authority to an existing Assistant Secretary of the Department of Labor until the new Administrator is appointed. To ensure that adequate initial funding will be available to meet demand, the bill provides for up-front funding from fund participants, as well as increased borrowing authority. These new provisions address concerns that claimants must have speedy access to the fund while halting the admittedly broken tort system that continues to divert scarce resources away from the sick to the unimpaired.

S. 2290 also includes revised funding provisions. It establishes a fund that can pay $114 billion in claims, with an additional $10 billion in contingent funding available from defendant companies—these 8,400 companies. Money required to go to the fund from defendants and insurers is assured over a period of 27 years.

Defendant participants, for example, guarantee their funding obligations through a grant of authority to the Administrator to impose a surcharge in any year where moneys received fall short of the annual requirements. In addition, S. 2290 provides up to $300 million annually in hardship and inequity adjustments that may be granted by the Administrator among defendant participants. Money from insurers is front-loaded for the early years of the fund where the most stress on the system is anticipated.

Enforcement provisions have been strengthened to help the Administrator go after recalcitrant participants. Additional safeguards to insure the funding have also been added, such as establishing a priority for payment obligations to the fund in State insurance receivership proceedings.

Based on the funding now available under S. 2290, increased compensation will go to claimants. Claims values have been increased in several disease categories over the levels approved by the Judiciary Committee in an overwhelmingly bipartisan vote. We have even gone beyond those claims values. Furthermore, S. 2290 now provides reimbursement for out-of-pocket costs of physical examinations by claimants' physicians, as well as costs for x rays and pulmonary function testing for level I claimants.

Let me talk about the bill.

Unfortunately, some Members on the other side of the aisle want to block us

from proceeding to the bill—even proceeding to the bill. Even on a motion to proceed, we have heard there may be a filibuster. Well, I am not surprised by these obstructive tactics. We have been getting used to them over the last 3½ years. I find it truly regrettable, given the tremendous importance of this legislation to our country.

I find this type of obstruction particularly troubling because without the FAIR Act more and more Americans are certain to lose their jobs. Anyone who is serious about preserving jobs should be actively helping us move forward to the consideration of this bill. I have heard a lot of mouthing off by Presidential contenders in this matter, that jobs are the most important issue. Where are they when it comes to voting for jobs that this bill would provide and for the preservation of jobs that this bill would provide?

Anyone who is serious about preserving jobs should be actively helping us on this bill. They should not be standing in its way. But the personal injury lawyers are a powerful force, and some on the other side of the aisle are willing to hear the voice of the personal injury bar over hard-working Americans who want to keep their jobs and pensions.

I might mention that a lot of trial lawyers are very unnerved by this. They see the injustices going on here and they themselves decry it. It is a small percentage of the American Trial Lawyers Association who are doing this. Many other top-notch trial lawyers are very concerned.

Now, to legitimize the obstructive tactics of these lawyers and the other opponents, opponents of this bill argue the legislation is completely different from the one we reported from the committee last year. This argument particularly lacks merit because the bill retains the core features of the legislation that was introduced as S. 1125 and subsequently marked up in the Judiciary Committee.

Again, we have taken steps to ensure the solvency of the fund. As I mentioned, we replaced some contingent funding by calling for more up-front funding, extended borrowing authority and guarantees for funding, among other added funding safeguards—all of which are additional strengths to the bill that we passed out of the committee.

The fact is, this bill we are about to bring up continues to create a fair and efficient alternative compensation system to resolve the claims for injury caused by asbestos exposure. The fund is still capitalized through private contributions from defendants and insurers, and compensates victims under the very same medical criteria that we reached on a bipartisan basis last year. The bill still brings uniformity and rationality to a broken system so that resources are more effectively directed towards those who are truly sick.

Indeed, this bill still preserves no less than 53 compromise measures demanded by Democrats last year when this bill moved through committee—53 changes we made in the bill that we thought was pretty good to begin with, all to accommodate our friends on the other side. In fact, it adds many more provisions requested by Democrats and labor unions. And while this bill contains certain modifications from earlier versions, the modifications represent dramatic improvements to controversial measures that all interested parties had ample opportunity to discuss and work out after S. 1125 was reported from the Judiciary Committee.

While the Judiciary Committee reported S. 1125 favorably from the committee on a near party-line vote, the markup produced some measures that required retooling. These measures jeopardized any meaningful chances of getting the bill passed into law. If not for the tireless efforts of our distinguished majority leader and Senator SPECTER, this bill would have achieved what its opponents have yearned for all along—a dead bill.

But through the stewardship of Senator SPECTER and Chief Judge Emeritus of the Third Circuit, Edward R. Becker, we were able to provide a forum through which the major stakeholders provided invaluable expertise and solutions with respect to the remaining controversial issues left on the legislation, such as fund reversion, startup, and administrative process.

This group, which included representatives from labor unions and industry, among others, met dozens of times in the last 8 months. Our staff was there throughout working with them. This process proved to be not only insightful but also very helpful in resolving many of the key differences in this legislation. Through the leadership of Senator FRIST, we were able to get the insurers and the defendants to agree on an even more equitable funding allocation and, among other things, provide for more flexible borrowing authority and front-loaded funding to address the anticipated flood of claims that would come through the fund during its early years, something we would have liked to have done before but which we have done now.

Opponents of this bill have also justified their obstructive tactics by passing misinformation about this bill. First, some Members on the other side of the aisle have stated repeatedly that bill does not provide enough money. I find these statements to be misleading and a stark contrast to several studies of future asbestos-related costs under the current system. For example, one study shows the highest reasonable estimate of prospective costs, the Milliman study, would result in approximately $92 billion for victims after attorney's fees and expenses.

In yet another study, commissioned by Tillinghast-Towers & Perrin, future amounts to compensate victims are estimated at $61 billion after attorney's fees and expenses.

As you can see from this chart, Asbestos Victims Compensation, this is in billions. Under the current tort system, the dark blue, $41 billion—let's take the Tillinghast figure, the top circle on that side—will go to trial lawyers for fees. Twenty-eight billion will go to defendant lawyers for defending these cases. Better than half the money is going to go to lawyers. Those are the Tillinghast estimates, which I believe are quite accurate. Only $61 billion will go to potential future plaintiff compensation or to those who are really sick and some who aren't sick.

Let's take the bottom, the Milliman study, $61 billion will go to the attorneys, the personal injury lawyers; $42 billion would go to the defense lawyers, defending these companies and insurance companies, although there are very few insurance companies involved; $92 billion would go to the victims.

Under the FAIR Act, only $2.5 billion would go to the trial lawyers, and the full $111.5 billion would go to the victims. I don't see how anybody could argue against that. I might add, on top of that would be another $10 billion in contingencies, if the $111.5 billion or the total of the $114 billion does not solve the problem.

These other two say it would solve the problem, that lesser amounts—and these are estimates by top-flight actuarial firms—that it would solve the problem with lesser amounts than what we are willing to put in the trust fund. Under the FAIR Act it is estimated claimants will receive 95 percent or more of the total funds under the no-fault nonadversarial system this bill amounts to. This means the FAIR Act fund, which would be able to pay more than $120 billion in awards, will allow claimants to take home well over $100 billion. This is more total money than they are projected to receive under the current tort system.

But it is not just more money in the pockets of victims. It is faster and more compensation as well. The difference is, the personal injury lawyers won't get as much money out of it, but there is still $2.5 billion there for them for cases that are like rolling off a log. We anticipate the claimants will not have to endure years of discovery battles between the defense and plaintiffs' lawyers and endless litigation before they get paid. As I have shown in one case, 17 years old; others are up to 20 years old and still no compensation for the victims who have died long since and the families have suffered all those years.

Currently, whether some victims get paid depends on the solvency of the business. But under the FAIR Act, these victims will no longer have to go without payment. These are the ones where their companies were insolvent.

It is time to end the current system of jackpot justice where only some win and many lose. The some who win in many cases don't deserve to win because these personal injury lawyers go into renegade areas where they know the judges are either corrupt or totally in their pocket and they know there

are runaway juries. That is how everybody loses except for those who are not sick or getting these huge multimillion dollar awards out of these unfair jurisdictions.

Opponents of this bill have also argued there are inadequate safeguards to insure the solvency of the fund. My response to this is very simple: Baloney. This fund, which is funded at the highest reasonable claim rate scenario, is equipped with many mechanisms to ensure the pay-in and payout requirements are met. Once again, this includes more flexible borrowing authority against future contributions, front-loaded contributions from insurers, and contingency funding of $10 billion additional to the $114 billion. To be absolutely certain, this bill also includes guaranteed surcharge and orphan-share reserve accounts which set aside money to grow and pay for unexpected shortfalls and empowers the Attorney General to enforce contribution obligations. On top of all these safeguards, if the fund still becomes insolvent, claims would revert back to the tort system, a provision Democrats insisted be part of the bill as the ultimate protection. It is not going to be needed, but it is in the bill, trying to accommodate, once more, demands on the other side.

Given that this bill is a clear net monetary gain for legitimate victims and provides payments faster and with more certainty, I am at a loss to explain why anybody would object to this bill. The unions that continue to oppose the bill risk throwing away the last best chance to compensate fairly those who are truly sick and provide some protection to those whose jobs and pensions are at risk because of the asbestos litigation crisis, because their pensions are going to be lost as more companies go into bankruptcy, forced into it by the phony system we currently are undergoing.

Quite frankly, the only entity that stands to lose under this bill is the handful—and it is a handful—of personal injury lawyers who have guzzled more than $20 billion of the costs incurred on this issue as of the last year—$20 billion. No wonder they want this gravy train to keep going. If the improved FAIR Act is passed, they will not be able to leverage unimpaired claims anymore to squeeze a projected $41 billion more for themselves from remotely connected companies by refusing a broken system. I am talking about the personal injuries lawyers. Defense lawyers who have to defend these cases are going to pull a huge amount of money out, too, as these cases go on for 20 years or more. I am all in support of compensating attorneys for the value of their work—no question about that—but when the lawyers get rich while diverting the valuable resources away from sick victims, something is wrong with the system.

You don't need me to tell you this. The Supreme Court thinks that is the case. Think tanks and other nonpartisan commentators have been saying that for years.

We have a serious problem on our hands that demands this body's full attention. I applaud our distinguished majority leader for his work in helping us this far and in bringing this bill to the floor because the time to act is now.

We have studied the asbestos problem at length for decades. We have held numerous hearings, considered various legislative proposals, and we even underwent several marathon markups in the Judiciary Committee last June. Over the past year, we met with our Democratic counterparts to assuage their concerns about the bill.

We have provided a meaningful 8-month mediation forum through which the major stakeholders could bridge different recommendations on issues critical to the bill. We provided one of the finest Federal judges in the country to preside over the negotiation. Judge Becker has done an excellent job. To the extent we were able to reach consensus on issues, the appropriate language is embodied in the bill before us. To the extent there are issues that remain unresolved, we ought to openly debate them on the floor of the Senate.

The time has come to stop talking about doing something and to take decisive action. Every day that passes is a day we withhold meaningful recovery to truly sick victims. Every day that passes is a day in which hard-working Americans at companies that had little or nothing to do with asbestos face decreased pensions and an uncertain employment future, with a real potential for loss of jobs. Every day that passes is a day we deny consideration of a comprehensive solution to one of the most plaguing civil justice issues of our time.

Mr. President, I have heard that some on the other side have said the one reason they really don't want to go ahead with the bill is not because they doubt its efficacy, or that it is right, or that they doubt the words I have been saying today; the real reason behind it, some have said, is that the personal injury lawyers are expected to put up at least $50 million or more for their Presidential candidate. It is not hard to figure out where they are going to get the money. It is going to be right out of the hides of these asbestos victims, many of whom have died. I hope that is not the case. I hope that is just a set of rumors, but it is coming up all too frequently.

Is that why we cannot even proceed to the bill? I have been here a long time and very few motions to proceed have been filibustered, except for a delay of a day or 2, and even then we have had very few. We have always been able to proceed to the bill.

I suspect the reason they are going to filibuster the motion to proceed is because it is a little more difficult to figure out by the general public that you are not on the bill yet, so a motion to proceed is just a procedural gimmick or gibberish. No, it is serious stuff. If we cannot proceed to the bill, we cannot get to the bill. Why would folks on the other side not want to get to the bill and try to improve it if they have improvements they would like to put up for a vote? We can vote on them. I am sure they will win on some of their improvements—if they are improvements—or even some things they want that are not improvements but might be deleterious to this bill.

Let's go to the bill and not continue this feckless filibustering of everything in the Senate, making a supermajority vote the absolute premise for everything they are doing. This is an important bill. We have worked as hard as we can with everybody concerned with it, from the trial lawyers, the personal injury lawyers, to the unions, businesses, insurance companies, to the victims. We have worked our tails off. There are some unions that support this bill. They realize their people will lose jobs and they will never get as much money. They realize the attorneys are taking too much out of this process. They realize it takes years and years to get just compensation—if that—to the women and children who are left behind from the mesothelioma victims. Most of those victims are already dead. Most of them work for companies that have already gone bankrupt. Their pensions are gone, their jobs are gone. Think about it.

In our medical criteria, we have provided hundreds of thousands of dollars for central categories of people who will never get mesothelioma, many of whom are not sick, many of whom have cancer but were ardent smokers most of their lives, where 99-to-1 their cancer came from smoking and not from exposure to asbestos. But in this bill, we give them the benefit of the doubt. Not only do those union members lose out on these moneys that will be very easy to obtain once they meet certain minimum medical criteria that everybody agreed to—Democrats and Republicans—but they will do it without huge attorney fees, and they will do it without knowing that their injuries came from asbestos exposure, when they probably did come from the excessive smoking they did all their lives. But we have given them the benefit of the doubt. They will do it without losing their pensions, their jobs. Their families will be better off.

To some of my colleagues on the other side, there is never going to be enough money, no matter what you do. But there are limits to what these companies can pay without going into bankruptcy. Like I said, 70 have already gone into bankruptcy and there will be many more if they don't resolve these problems. This bill will resolve them. It does it in a reasonable, decent, honorable way, and still provides $2.5 billion for lawyer fees. That is a lot of money for a no-fault system, even though those who have been raking in the billions of dollars—the very few

lawyers—are giving other trial lawyers a bad image and are ripping off the system.

Having said that, there are trial lawyers in this country who deserve our respect, who are honest, who do not buy off judges, who do not abuse the system, who do not forum shop into these jurisdictions that you know are going to violate the basic strictures of society, giving huge verdicts to those who don't even deserve anything. These trial lawyers are people who basically help keep society straight. Many of them were people who basically sued the companies that were most responsible for these problems.

But now we are coming down to a lot of personal injury lawyers who really should be ashamed of themselves. You have seen the ads in the newspapers and so forth. They are as trumped up as anything I have ever seen, and they are even on television. Nobody should exploit the suffering of others, including ourselves. We are trying to do our very best to make sure everybody who truly suffered gets just compensation under the circumstances. That is what this bill will do. We have worked hard to get it here and it is time that we pass it.

I hope my colleagues on the other side don't filibuster the motion to proceed. That should not be done on something this important.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GAS PRICES

Mr. WYDEN. Mr. President, like you, I was home over the last few days and very much enjoyed being with you, and I particularly enjoyed the honor we received from the Classroom Law Project. It has been a tremendous privilege to be able to team up with you on those kinds of initiatives.

I want to discuss one of the issues about which I heard a great deal and I am sure you did as well when we were home. Gas prices in Oregon have now hit an all-time high. Over this past weekend, folks in Eugene and Medford in particular were paying more than $2 a gallon. Of course in our State this works a tremendous economic hardship. Folks have to drive long distances in many communities, and particularly for small businesses it is of tremendous economic concern at this time.

In light of what I saw last night on the news program ''60 Minutes,'' I want to talk for a few moments about a resolution I have introduced recently calling on President Bush to put some real heat on the Saudis and OPEC to increase oil production in order to help the kind of people I saw over this last week in Oregon who are getting mugged at the gas pump.

When I introduced this resolution recently, to put some real pressure, a full-court press on OPEC to increase oil production, I wrote a resolution that mirrored what a number of our colleagues offered during the years when Bill Clinton was President.

There was an objection to the Senate considering my resolution to start putting some pressure on OPEC and the Saudis to increase production. It seems to me given what a lot of us saw on ''60 Minutes'' last night, I hope some of our colleagues and friends on the other side of the aisle would now reconsider my resolution and reconsider their objection to it.

In an interview last night on the CBS news magazine, the Washington Post's Bob Woodward talked about the substance of a reported conversation between our President and Saudi Arabia's Ambassador to the United States, Prince Bandar. Reading a portion of Mr. Woodward's new book, correspondent Mike Wallace said last night, ''Bandar wanted Bush to know that the Saudis hoped to fine-tune oil prices to prime the economy 2004. What was key, Bandar understood, were the economic conditions before a Presidential election.''

I want to start my discussion this afternoon with the question, Should the United States allow a foreign power to decide our Nation's energy security? Certainly this is a troubling question.

It seems to me the pieces of the gas price puzzle are beginning to come together. I will tell you that I believe it forms a very troubling picture.

On March 31, the New York Times reported a senior official in an OPEC country as having said the United States is placing ''very little'' pressure on the oil cartel to increase gas prices. The Saudi official continued by saying of OPEC's discussions with the United States, ''We're telling them, keep your mouth shut.''

Days later, OPEC moved to ratify a 1-million-barrel-per-day production cut that would further drive up gasoline prices in our country. The Reuters news service then reported the Saudi Foreign Minister was asked whether the United States had expressed any disappointment over OPEC's production cut. The Saudi Foreign Minister said, ''I didn't hear from this Bush administration. I'm hearing it from you that they are disappointed.''

Last night on ''60 Minutes,'' Bob Woodward told us the Saudi Ambassador indicated to the President that ''certainly over the summer, or as we get closer to the election, they could increase production several million barrels a day and the price would drop significantly.''

I can understand why the Saudis would want to cut production right before the heavy summer driving season, the period that is coming upon us. The Saudis want to boost their profits. I have always said OPEC is going to stand up for OPEC. Anybody who thinks OPEC stands up for the American consumer thinks Colonel Sanders stands up for chickens.

I understand the Saudis and that country are going to be interested in everything that will boost their profits. I can understand why any President would want gas prices to be low with an election coming fast. But what about what the American families want?

We know what the Saudis want. We know about the climate before a Presidential election. While the Saudis count the profits and the President counts on the word of the Saudis, American consumers are counting out more and more of their hard-earned dollars just to fill up at the gas pump.

When the market opened this morning, U.S. crude oil futures were $37.74 a barrel, which is about $8.50—or about 30 percent—higher than a year ago.

As I noted over this last weekend, Oregon families were paying an all-time high for gasoline. A number of our communities have seen prices of over $2 a gallon.

With gas prices through the roof, the administration should have pressured OPEC ahead of the cartel's planned reduction cut, and the President should have used his relationship with the Saudis to bring relief to American consumers.

Let me repeat that. You have the prices soaring through the roof. You have the administration with an opportunity ahead of time to put pressure on OPEC ahead of their planned production cut. Certainly the President has had the kind of relationship with the Saudis that would ensure they listen seriously, and yet we saw this morning's report indicating the White House had different priorities when it came to gasoline prices, OPEC, and the Saudis.

My view is there just isn't any substitute for leadership when our families are hurting financially. Unfortunately, we haven't seen it in recent days.

I call on the Senate once again to send a clear message that the American people come first. The President ought to be using his relationship with the Saudis to help reduce gasoline prices now—not at a time of his choosing or the Saudis' choosing. It ought to be at a time when it best meets the needs of our consumers, and that is right now.

I ask the Senate to once again consider my simple resolution. It parallels the one that was authored by our friends and colleagues now in the Cabinet, Senator Abraham and Senator Ashcroft, who were then serving in this distinguished body. The resolution I authored mirrors theirs to bring pressure to bear on OPEC and the Saudis to increase production. The Senate ought to be able to act at least as quickly on my resolution as it did on the one that passed in 2000. That was good enough

for President Clinton, and it ought to be good enough for this President.

As I noted, we have had a number of our former colleagues in support of it. The previous resolution was introduced on February 28, 2000, and was passed on March 27. I am very hopeful with crude oil prices at a 13-year record high the Senate will now apply the same principle in this administration that was applied in the Clinton administration. We ought to say on a bipartisan basis that every American President ought to have a full-court press in place in order to stand up for the consumer, to stand up to OPEC, and to speak up for our families who are getting clobbered at the gas pumps.

In conclusion, this morning I noted the White House had no comment on the Saudi promise to cut oil prices. They said, Well, you can ask Prince Bandar, and essentially said they weren't going to get involved.

I will say based on what I heard this weekend that standing on the sidelines isn't good enough. This is an area that the Senate ought to come together on in a bipartisan basis, the way it did in 2000. It is a key part of I think a comprehensive strategy to hold down gasoline prices.

I have been trying to get the Federal Trade Commission off the sidelines. Certainly a lot of these refinery shutdowns smell because they look more to be boosting profits than boosting competition. But today I come to the floor of the Senate, given that very troubling report last night on ''60 Minutes'' and say I think there needs to be a full-court press and a comprehensive push on OPEC in order to lower gasoline prices.

We have seen this troubling issue raised in the last 24 hours which makes me feel the question of how much pressure is being put on OPEC and when it is being put doesn't seem to be done in a way that is going to best get relief to the American consumer. The American consumer deserves to have a White House that is pushing now and pushing hard to get relief for the consumer at the gas pumps.

I hope my colleagues on the other side of the aisle will reconsider their objection to my resolution to urge OPEC to increase production and increase it quickly so it can be passed by this body on a bipartisan basis as soon as possible.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ASBESTOS LITIGATION REFORM

Mr. DEWINE. Madam President, shortly, we hope to be taking up S. 2290, the asbestos bill. I have come to the Senate this afternoon to talk a little bit about the legislation. It is a good bill. It is a bill that, quite frankly, needs to be passed. I believe our civil justice system generally works very well. Like many of my colleagues on both sides of the aisle, I think our State and Federal courts are a vital part of our entire system of government. Our court system ensures a level of fairness and justice for our citizens that is second to none in the entire world.

Our civil justice system works well when we let juries decide disputes between two individuals or a limited number of parties. It usually works well in class action cases with large numbers of individuals with similar injuries caused by one or a handful of defendants. But we all have to admit our justice system is not perfect. It doesn't always work.

We all know our justice system has failed to deal with the asbestos crisis. I use the term ''crisis'' because that is exactly what it is. The system is not adequately protecting the rights of victims nor defendants. As things stand now, some victims are successful in getting jury verdicts that compensate them fairly. But many victims have no one to sue and receive perhaps 5 percent or 10 percent of the total value of their claims from asbestos bankruptcy trusts. That is not right. It is not fair.

On the other extreme, some victims receive huge awards or settlements that are way out of proportion to their injuries. The bottom line is, more and more victims face a risk of never being compensated for asbestos-related illnesses at all, ever.

It is our responsibility in the Senate to deal with this crisis. We must not wait any longer to act. I would like to take a moment to talk about why we have this asbestos crisis and why the courts are ill equipped to deal with it.

First, the sheer volume of claims is staggering. So far through the year 2002—the last figures we have—730,000 individuals have made claims for asbestos exposure, and the most recent Rand study estimates that anywhere between 1 million and 3 million total individuals could make claims in the future.

The second factor is the unusual nature of the illnesses caused by exposure to asbestos. As witnesses before the Senate Judiciary Committee testified, there is a long latency period between exposure to asbestos and the actual illness or impairment. People are exposed to asbestos for long periods of time and then don't show symptoms of illness for 25 or sometimes even 30 years. Not everyone exposed to asbestos ever gets sick, thank heavens. Yet our tort system requires a potential victim to file his or her claim for injury within a year or two from discovering the potential harm. What this means is the vast majority of people who are filing claims don't have any actual symptoms at that time, and many may not ever even get sick. Still they have to sue to protect their rights.

Third, many of those who are exposed to asbestos feel compelled to sue immediately because the number of financially sound potential defendants is rapidly diminishing. Someone who has been exposed to asbestos, even if he or she has no symptoms, may decide to sue now or take the risk that nobody will be left to pay a claim down the road.

Clearly, this system isn't meeting the needs of victims, and it also is causing tremendous problems for the business community. Candidly, asbestos liability is bankrupting many potential defendants as claims are now being brought against businesses that have a very remote connection to the manufacture of asbestos. So the impact of asbestos claims is overwhelming, not just to some of our Nation's largest companies but to our small businesses as well.

As a consequence, tens of thousands of workers, people employed by these businesses, are, in fact, being affected. Thousands and thousands and thousands of people are being affected. Employees and their families who never had any exposure to asbestos are, in fact, feeling the effects in lost wages, and for many of them lost jobs.

The impact in my State of Ohio is particularly severe. From 1998 to the year 2000, Ohio was one of the top five States in which asbestos litigants chose to file their suits. This is partly because Ohio is the home of many businesses that at one time or another used asbestos in products. It is also likely the result of a litigation strategy in which attorneys look for a court that has a history of allowing overly generous verdicts for claimants. This is known, of course, as forum shopping. But either way, literally thousands of companies have been named as defendants in our Ohio courts.

Out of 8,400 firms that have been named as defendants nationwide, over 7,000 have been named in cases filed in Ohio. Of the 66 or so companies that filed bankruptcy because of asbestos-related liability, more than 20 of these companies are headquartered or have significant facilities in Ohio.

Perhaps most important is the impact this has on jobs. More than 200,000 people worked for those bankrupt companies. Not every job was lost, but many were because of the bankruptcy and many employees were affected in other ways. It is simply devastating for an employee whose employer goes bankrupt—wages are cut, promotions are scaled back, and pension funds can be completely wiped out. Of course, many of these 200,000 employees are in Ohio.

Let me be clear—I believe that companies should be held accountable for their conduct. I am concerned, however, about the many companies that now find themselves held responsible for the actions of other companies. These companies employ thousands of

people and contribute to our economy and tax base. No one, including the victims of asbestos, is served by the closure or dramatic reorganization of these companies. With both victims and employers at risk, we have no choice but to enact a legislative remedy to address this problem. We need to do something that protects the rights of those harmed by exposure to asbestos and allows businesses at least to predict how much this crisis will cost. ''Predictability'' is the key word for business. The FAIR Act provides that protection and predictability—protection for the victims and predictability for business.

Mr. President, I will respond to an ad campaign that paints the FAIR Act as nothing but a bailout for big companies that manufactured asbestos products. The ad includes some outrageous and indefensible quotes from asbestos company executives, and implies that Congress wants to bailout the companies that were the source of these quotes.

I want to try to set the record straight. But first, I want to say that I would not, under any circumstances, vote to bailout any company that intentionally harmed its employees. However, this bill is not about releasing big asbestos companies from liability simply because there are virtually no companies left that manufactured asbestos.

With one notable exception, they all went bankrupt. I'll talk about the exception in a moment, but let me tall you what the essential facts are with regard to asbestos manufacturing companies. Johns-Manville went bankrupt in 1982; 48 Insulations went bankrupt in 1985; Raymark went bankrupt in 1989; Celoteax went bankrupt in 1990; Eagle Picher went bankrupt in 1991; Armstrong World Industries went bankrupt in 2000; Babcock & Wilcox went bankrupt in 2000; Federal Mogul went bankrupt in 2001; Owens-Corning went bankrupt in 2000; U.S. Gypsum went bankrupt in 2001; and W.R. Grace went bankrupt in 2001.

Some of these companies had a lot to answer for with regard to the asbestos exposure; others manufactured asbestos products before the dangers were known. We don't need to judge their culpability, however. They no longer exist as companies that must account for their conduct with regard to asbestos. And, most importantly, this bill has little effect on these companies. It is clearly not a ''bailout.'' Here's why.

In an asbestos liability bankruptcy, a majority of the assets of the company are put into a trust fund to compensate asbestos claimants. I want to note here that traditional creditors, such as banks, suppliers, and stockholders are the minority creditors and often get mostly shut out of recovery all together.

Please keep in mind that a company's stockholders often include the company's pension fund. This bankruptcy process eliminates all of a company's asbestos liability. If there is a ''bail out'' here, it is in the current bankruptcy code.

The Johns-Manville Company is a perfect example of an asbestos manufacturing company gone bankrupt. For years, Manville produced a whole range of products containing asbestos and had as much as one half the market share for manufactured asbestos products. They were the subject of intense asbestos litigation and filed for bankruptcy in 1982. All the assets of Johns-Manville were sold years ago and the proceeds are in the Manville Trust. Johns-Manville as it existed pre-bankruptcy is long gone. The Manville Trust exists solely to compensate victims of asbestos exposure.

In the real world, as it exists today, Johns-Manville's asbestos liability is limited to the assets which are held by the Manville Trust. Johns-Manville will never have to pay another dime for asbestos exposure, over what is currently in the trust. Under our bill, all the money in the Manville trust will be rolled into the national trust. Manville will not get a dime back; they will not save a single dime. And, they are not relieved from a single cent of their existing liability. This is true for all the asbestos manufacturing companies, which have gone bankrupt.

My point is that the suggestion that this bill bails out big asbestos manufacturing companies is almost silly—there are virtually no ''asbestos'' companies left to bail out.

And, I should note, the Manville Trust is currently paying claimants 5 cents on the dollar. So, the future victims of asbestos exposure whose only recourse will be against the Manville Trust do stand to benefit greatly by this bill. The truly sick individuals who only have claims against Manville will receive significantly more compensation under the national trust than they would from Manville.

Now, I mentioned an exception a minute ago. There is one company that could be considered an asbestos manufacturing company. The company is a large and diversified manufacturer. But, it had a small division that made pipe that included asbestos up until 1958, when the pipe manufacturing division was sold.

But, here is the key—to date, this company has paid more than $1.5 billion towards its asbestos liability—liability that is largely exhausted because it has not manufactured an asbestos product for 45 years. Nonetheless, under this bill, the company will pay hundreds of millions of additional dollars into the trust fund. Is this bill a ''bailout'' for this company? Clearly, it is not.

Mr. President, in addition to protecting the victims of asbestos exposure, at issue in this bill are small and mid-size businesses which did not manufacture asbestos products. These are businesses that provide needed jobs to Americans across the country—businesses that are being driven to bankruptcy themselves due to the remotest of connections to asbestos.

These are bankruptcies that will cost thousands of Americans their jobs and their pensions—bankruptcies that mean that fewer and fewer victims will receive compensation in the civil justice system. This is why the legal system is broken and why we need the bill before us to help fix it.

Mr. President, I will talk about just one example from my State of Ohio. In my State, there is a medium-sized company that employs over a thousand hardworking Ohioans. Before the dangers of asbestos were known—when the industry standard was to use asbestos in a variety of products—this company sold a home repair product for do-it-yourselfers; the product was a drywall paste. This product was not used in big commercial applications. Professional contractors did not use this product. It was sold in local hardware stores to average Americans who wanted to do things such as patch nail holes in their own homes or maybe finish the inside of a garage.

At its peak, this company had less than a 1-percent market share for this product and made less than $500,000 total. As soon as the dangers of asbestos were known, this company immediately stopped production of their product.

I would like everyone to keep in mind that the majority of harm caused by exposure to asbestos is a result of occupational exposure which is individuals who routinely work with asbestos products on the job over a long and continuous period of time. It was unlikely that anyone had any occupational exposure to the product made by this Ohio company.

Let's take these two important facts together. One, the product was not sold for use in commercial settings. By definition, then, an individual could not have been exposed to this product over time as part of his occupation and, two, a vast majority of asbestos-related diseases were only caused by occupational exposure over long periods of time. One would think this adds up to a pretty good defense in litigation. One would think this company should not fear defending themselves in court. One would think they would do OK in our civil justice system. Let me tell you what has happened over the last few years to this company.

They have been named in over 4,000 lawsuits that include something like 15,000 individual claimants. The company has actually won all of the few cases it has tried. However, in most of these cases, they have a number of co-defendants ranging from 6 to 20 or sometimes 30 in a single case. Sometimes these codefendants settle early on. Sometimes codefendants are bankrupt companies which were, in fact, bad actors when it came to asbestos.

As litigation proceeds, this Ohio company finds itself in an extremely difficult position over and over. It may be one of three or four solvent defendants left in the case. Although it has a valid defense, other defendants may not have a good defense.

The problem is, many States have something called joint and several liability. What that means is if a jury finds another defendant liable and grants a huge jury verdict and that liable defendant is bankrupt, our Ohio company is on the hook for the entire amount. So instead of taking a chance, the company I am talking about in Ohio figures it is in their best interest to settle. They settle over and over again in cases in which they have a legitimate, significant defense.

In this example, this Ohio company has spent in excess of $175 million on asbestos litigation so far. They have a good defense. They have won 100 percent of the cases they have taken to trial. Yet they have spent $175 million on asbestos litigation.

The Senate is not a court. We are not in a position to judge liability or nonliability of every defendant. I am not asking my colleagues to do this, but I can say this Ohio company seems to have an extremely good defense to liability, and a jury has said so several times. I doubt all manufacturers that have been named in lawsuits have such a good defense. So I want to make it clear that the last thing I want is for a company that is legitimately liable for causing someone harm to get off free. There is really no chance of that under this bill, and I want to make that clear.

Under this bill, this Ohio company I described will be required to pay $450 million into a trust fund for people who have health problems caused by exposure to asbestos. That is $450 million in addition to $175 million already spent. That does not seem fair. It does not seem fair to them when they look at it. But this company and hundreds of others like it are willing to go along with this solution even though to them it does not seem fair. It does not seem fair to them when they look at it, but they are willing to do it because it is better than the status quo. It is better than the uncertainty they are facing today. It is going to be painful for the companies and their employees, but it is better than the uncertain future they face under the status quo today.

I have heard from several Ohio companies that, frankly, are not happy about some of the provisions of this bill. If we can debate this bill in the Senate, I plan to work with Senator HATCH and others to make some additional refinements to the bill. Still, I anticipate that many businesses will be concerned that we have gone too far and demand they pay too much into the trust fund. But it is what must be done, I believe, to guarantee that American owned and operated companies have the certainty and predictability they need in dealing with their potential asbestos liability. Hopefully, we will save companies from the bankruptcies that cost jobs and pensions.

I would like to conclude my remarks. I see my colleague from Tennessee is in the Chamber. I assure him I am wrapping up. I conclude my remarks by talking for a couple more minutes about the process that has led us to this point where we are actually debating whether to bring the asbestos reform bill to the Senate floor for debate.

I have been working on and supporting efforts to deal with the asbestos crisis for most of my time in the Senate. A little over a year ago, my staff and I had numerous meetings to discuss the issue. I met with a lot of folks from Ohio who told me stories that the impact of the asbestos crisis had on them. These meetings were not only happening in my office, but were happening all over the Senate in Democratic and Republican offices alike. My colleagues had similar experiences. They were experiences with companies, but, frankly, they were also experiences with victims.

We had a hearing in the Judiciary Committee in early March of 2003. Then I recall participating in a bipartisan asbestos summit which was organized by our friend and colleague, Senator DODD. That occurred April 1 of last year. A large number of Senators on both sides of the aisle participated in that summit. Then for months, through the spring and summer, we all worked intensely, meeting and negotiating. A point came when we decided the best approach to solving this problem was to create a privately funded trust which would be managed by the Federal Government to compensate victims.

This approach won out over the traditional-tort-reform-type approach that had been discussed previously. Some of my colleagues were not happy about that decision, and some outside businesses affected by asbestos were not happy about that decision either, but it was a compromise reached with the input of a number of Republican and Democratic Senators and with the input of industry and organized labor.

Our staff and outside groups representing organized labor, big and small manufacturers, and insurers met and worked for dozens of hours on the structure of the fund, medical criteria, claims values, and funding. They worked on nights and weekends. I recall when my staff reported to me about progress in an intense all-day session on a sunny Saturday in June, which included representatives from the AFL–CIO, the Asbestos Study Group, the Asbestos Alliance, the American Insurance Association, and staff from Senator LEAHY's office, Senator KENNEDY's office, Senator DODD's office, Senator HATCH's office, my office, and other offices as well.

I recall we had another meeting in the Judiciary Committee in early June. I recall that we welcomed the attendance of other Senators who were not on the Judiciary Committee at that hearing. I believe Senator DODD, Senator CARPER, and Senator MURRAY attended some of the hearings. I know staff from many other Senate offices were there as well.

My only point is this was a group effort, where virtually every Member of the Senate it seems like at one time or another has been involved.

Negotiations continued behind the scenes. Every Senate office and every party was not at every single meeting. That would not have been impractical, if not impossible. Yet countless suggestions, and suggestions from Senators and outside parties, were included in the discussions and negotiations. Then in June 2003, the Judiciary Committee began marking up a draft bill which we formulated from the earlier discussions—and what a markup it was. It was an unbelievable time. I think it took place during 4 full days over the course of several weeks. I think we adopted 35 bipartisan amendments, many of them making significant changes to the bill.

It is safe to say not a single Senator on the committee was entirely happy with the resulting bill we reported. While the final vote was not overwhelming, the process was bipartisan. Nobody got everything they wanted. In fact, we created a little bit of a mess. It is a large and complicated bill, and some of the amendments we adopted conflicted with others. Some of the amendments we adopted sounded very reasonable, but frankly did not withstand post-markup scrutiny. That is the way it works sometimes in the Senate.

So the negotiations and redrafting started again, as often happens in large, complex bills. Again, many Senators from both sides of the aisle and outside parties submitted input into the process. Meetings took place on at least two or three different tracks. Senator FRIST's office led staff negotiations that included representatives for Senator DASCHLE, Senator HATCH, Senator LEAHY, Senator SPECTER, Senator DODD, and others. Again everyone was not at every meeting. Many times more than one meeting was going on. It was not practical to have everyone who was interested in attendance at all times, but a range of political views was represented at these meetings.

At the same time, Senator SPECTER convened a series of very important meetings with the help of retired Circuit Judge Becker. These comprehensive meetings involved stakeholders in the asbestos issue, many of whom I have mentioned earlier. These meetings continued up until last week, as I understand it.

I have gone through this tedious history for one reason, to point out this bill is not a result of a single Senator's partisan effort to craft a biased asbestos reform bill. Anyone who thinks that just has not followed the laborious history of this bill. That is not the fact. That is not true. Thousands of hours have gone into creating this bill with input from all directions in this Senate. It is easy to say now, well, that was not or this was not put into the bill or that meeting was not attended or I was excluded from that meeting, or hundreds of other allegations that the process for this bill was insufficient or

maybe not even fair. The fact is this has been a good process.

I conclude by saying in fact the process that led to this bill was comprehensive, it was fair, it was bipartisan. I do not think we should use complaints about process as an excuse to vote against proceeding to debate on this bill. We should bring this bill to the floor. We have been through a long, laborious, and a good process. It has gotten us this far.

If anyone would have said to me 2 years ago, 3 years ago, 18 months ago we would have been this far on this bill, I would have said, I do not think so; I do not think we can craft a bill that would be even this close. We have come a long way.

First of all, we owe it to the victims who are still not being compensated, either at all or adequately, to craft this bill and to report a bill. We owe it to the victims to debate this and give it our best efforts on the Senate floor. Too much work has gone into this. We have come too far. We owe it to the workers who will lose their jobs if more companies have to declare bankruptcy or if more companies go out of business. We owe it to those companies, but most of all we owe it to the victims.

So let's bring this bill to the floor. Let's give it the chance it deserves. We have put a great deal of effort in it. Let's do the right thing, bring this bill to the Senate floor.

I thank my colleague from Tennessee for his indulgence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I commend the Senator from Ohio for his comments on the asbestos legislation. This is a time when Americans are concerned about jobs, especially about manufacturing jobs. In the State of Tennessee, as in the State of Ohio, a large number of those jobs are in the automotive industry. About one-third of the manufacturing jobs in Tennessee is in the automotive industry. Making automobiles is a very competitive business. There are companies all over the world making cars. They are putting their assembly plants and their parts suppliers in Ohio and in Tennessee, but they can put them in Germany, South Korea, Mexico, and other places. If costs in manufacturing cars and trucks in America go a little bit higher, then we hear a lot about jobs going overseas.

All Senators who are worried about good manufacturing jobs going overseas, jobs in the automotive industry in Ohio and in Tennessee, should be wanting to come to the Senate floor and raise their hand and say, let's get on with this asbestos legislation because it is slowing down our economy, it is going to hurt the companies that produce the jobs and it is keeping the victims from getting a fair recovery. So I congratulate the Senator from Ohio. This helps Americans, and it is a piece of jobs legislation. I hear about it from auto parts suppliers. I hear about it, as I am sure the Senator does, from many manufacturers. I thank him for his leadership. I ask unanimous consent to be recognized as in morning business for the purpose of introducing legislation.

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

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER and Mr. CHAMBLISS pertaining to the introduction of S. 2319 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ALEXANDER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE FAIR ACT

Mr. CHAMBLISS. Madam President, I rise today to speak on the need to resolve the crisis in the asbestos litigation.

S. 2290, the Hatch-Frist-Miller FAIR Act of 2004—FAIR, of course, stands for Fairness in Asbestos Injury Resolution Act—is a bill that would solve many of these problems in an expedited fashion.

S. 2290 will secure fair and equitable compensation for asbestos victims who, right now, face uncertainty, delay, and risk in the court system. As things stand today, compensation for asbestos-related injuries is more likely to be determined by where and when your claim is filed and who your lawyer or judge is than by how sick you are.

Under the current system where companies can declare bankruptcy and substantially avoid paying damages, a truly injured victim might recover absolutely nothing for their actual harm, while a claimant with no physical impairment can recover his or her whole claim. That is simply not right.

The FAIR Act would cut down on delays in compensation to asbestos victims. Today, courts are being overwhelmed by a flood of asbestos cases, with some truly ill victims actually dying before they see their day in court. An estimated 300,000 claims are pending; 730,000 individuals have already brought claims; and 60,000 to 100,000 new claims are filed each and every year. However, at least three-quarters or more of current claims are from the unimpaired. Bankruptcies which often result from massive court filings by unimpaired claimants further delay and diminish compensation to truly injured victims.

S. 2290 would save American jobs and preserve pensions. American jobs are being lost because of this broken system. Asbestos-related bankruptcies have led to the direct loss of as many as 60,000 jobs, with each displaced worker losing up to $50,000 in average wages and an average of 25 percent of the value of their 401(k) accounts. Moreover, an estimated 423,000 new jobs will not be created because asbestos defendants will have to reduce capital investments by as much as $33 billion.

The FAIR Act would revive the economy, as asbestos litigation costs are currently wreaking havoc on American business. As approximately 8,400 companies in all industries have been targeted, the cost of capital for American businesses has increased by as much as 14 percent, annual capital investment has gone down $1.6 billion, and annual economic growth has been slowed by $2.4 billion. More than 70 American businesses have filed for asbestos-related bankruptcies, 35 of these just since the year 2000.

In sum, S. 2290 will provide fair and timely compensation to asbestos victims and certainly to American workers, retirees, shareholders, and the U.S. economy. Congress has never been more close to resolving the asbestos litigation crisis than it now is with S. 2290.

This bill provides for a privately funded, no-fault national asbestos victims' compensation fund that will step into the shoes of the Federal court system and ensure that individuals who are truly sick receive compensation quickly, fairly, and efficiently. The FAIR Act retains the bipartisan agreement on medical criteria that the Judiciary Committee approved last year. These criteria form the basis of a no-fault victims' compensation fund that will stop the flow of resources to the unimpaired and ensure that the truly ill will be paid quickly and fairly.

S. 2290 contains many improvements made to its predecessor, S. 1125. The new bill reflects several months of intensive negotiations by the stakeholders in this important debate and affirmatively addresses the major issues of concern identified by the stakeholders following the Judiciary Committee approval of the original bill S. 1125.

Let me take a minute to say that as a member of the Judiciary Committee, I have been a party to a lot of the negotiations—certainly not all of them. Chairman HATCH has done a great job of steering the negotiations, but this has been a bipartisan effort.

I take a minute to commend Senators on the other side of the aisle, some who are on the Judiciary Committee and some who are not, including Senator FEINSTEIN, Senator BIDEN, Senator DODD, Senator KOHL, and others, who have been strong proponents of trying to reach a conclusion of this asbestos litigation issue. I don't know how they will vote on the final bill. That is not important to me right now. But it is important they have negotiated in good faith and been a party to the negotiations in a fair and reasonable manner. I commend them for taking part and for their cooperative spirit

as we have gone through these negotiations.

S. 2290 includes revised funding provisions. The new bill establishes a fund that can pay $114 billion in claims, with an additional $10 billion in contingent funding available from defendant companies. Money required to go to the fund from defendants and insurers is assured over a period of 27 years. Defendant participants, for example, guarantee their funding obligations through a grant of authority to the administrator of the fund to impose a surcharge in any year where monies received fall short of the annual requirements. S. 2290 also provides up to $300 million annually in hardship and inequity adjustments that may be granted by the administrator among defendant participants. Money from insurers is front loaded for the early years of the fund where the most stress on the system is expected. Enforcement provisions have been strengthened to help the administrator go after recalcitrant participants.

The new FAIR Act increases compensation going to claimants. Based on the funding now available under S. 2290, claims values have been increased in several disease categories. S. 2290 also now provides for reimbursement for out-of-pocket costs of physical examinations by claimants' physicians as well as costs for x-rays and pulmonary function testing at the lowest level of diseased-inflicted claimants or Level I claimants.

S. 2290 establishes a new streamlined administrative structure. Rather than administering claims in the U.S. Court of Federal Claims, as was the case when S. 1125 came out of the Judiciary Committee, the new bill creates a new executive Office of Asbestos Disease Compensation within the Department of Labor, which has 90 years of experience in administering similar compensation programs, to process claims as well as manage the fund. The new administrative structure will be more streamlined, more efficient, less adversarial, and less burdensome on claimants. The program can be effectively run at a fraction of the cost. The application process is faster, is more user friendly, and is fairer to claimants. To further ease the burden on claimants, S. 2290 also establishes a claimant-assistance program. The administrator of the new office will be appointed by the President with the advice and consent of the Senate.

S. 2290 ensures a quick start to processing and paying claims. S. 2290 includes a number of new provisions that ensure the fund will be set up and that processing and payment of claims occurs as quickly as possible. Placement of the claims-handling office within the Department of Labor will utilize DOL's existing infrastructure and experienced personnel to facilitate startup. S. 2290 requires implementation of interim regulations and procedures within 90 days after the bill is enacted to allow the office to begin accepting and processing claims in short order. Our new bill grants interim authority to an existing Assistant Secretary of the Department of Labor until the new administrator is appointed to avoid potential delays associated with the appointment process.

Lastly, S. 2290 provides for upfront funding, as early as 90 days after date of enactment, from fund participants, as well as increased borrowing authority, to ensure adequate initial funding will be available to fully meet demand. These new provisions are meant to insure that claimants will have speedy access to the fund while stopping any court actions in their tracks; this is to prevent any further, scarce resources from being siphoned away from the truly sick to the unimpaired claimants.

The new FAIR Act ensures that any risk of insufficient funds does not fall on claimants. S. 2290 establishes a fund that can pay $114 billion in claims, with an additional $10 billion in contingent funding available from defendant participants. It also provides the administrator with more management flexibility and increased borrowing authority to be able to address any short-term funding issues.

Under the terms of the new bill, if after 7 years it is determined that the fund will have insufficient resources to pay off 100 percent of all claims, the administrator is empowered to take actions to sunset the fund. In this event, S. 2290 fully protects the rights of claimants by creating a federal cause of action, so claimants will be able to pursue their claims in the U.S. District Court where they live or where they were exposed to asbestos.

In closing, it is important to note that asbestos victims, American businesses, workers, retirees, shareholders, and the U.S. economy cannot afford to wait any longer for asbestos litigation reform. Consideration of the FAIR Act on the floor will allow what I'm sure will be a spirited debate and consideration of any reasonable amendments to our new proposal. That being said, we need move forward with the debate on the FAIR Act and enact S. 2290 now. I ask that my colleagues join me in voting to move forward on this important bill.

NOW CAN WE TALK ABOUT HEALTH CARE

Mr. DASCHLE. Madam President, yesterday's New York Times Magazine contained a very insightful article written by our colleague from New York, Senator CLINTON. This article, entitled ''Now Can We Talk About Health Care?,'' is truly a call to action.

Senator CLINTON could not be more right when she points out that if we were starting from scratch in designing a health care system, ''none of us, from dyed-in-the-wool liberals to rock-solid conservatives, would fashion the kind of health care system America has inherited.'' She pointedly asks why we should carry this flawed system and its problems into the future. It is a rhetorical question, of course, but the answer, unfortunately, is that we are doing just that.

Last year, 43.6 million Americans were without health coverage—an increase of over 2 million from the year before. About 74,800 people in my State of South Dakota—12 percent of the population—are without health insurance. But statistics alone do not communicate the anguish felt by so many people in our country regarding an issue as personal as their health care.

Senator CLINTON correctly notes that things will only get worse. Her article explains that the very manner in which we finance care is ''so seriously flawed that if we fail to fix it, we face a fiscal disaster that will not only deny quality care to the uninsured and underinsured but also undermine the capacity of the system to care for even the well insured.'' This a sobering warning.

It does not have to be this way. The United States is the only major industrialized nation that fails to provide guaranteed health care to all its citizens. And, in many countries—Canada, the United Kingdom, Japan, France, and Sweden to name a few—they do it while spending less per capita than we do in the United States. Yet in each of those countries, citizens have greater life expectancies and lower rates of child mortality than we have in the United States.

We must act. The nonpartisan Institute of Medicine recently recommended that by 2010, everyone in the United States should be insured. That is no small task, and it won't come free. But, as Senator CLINTON points out, it will save us money in other ways. People will get the preventive care they need and deserve, and this will save us the cost of treating conditions and diseases that have progressed. And, certainly, it is a moral imperative when we are talking about people's health.

We must invest in our public health infrastructure, in preventive care, and in covering the care people need. We can save money by increasing our reliance on information technology with appropriate privacy protections. And we can use every tool we have—including genetic testing—to prevent and contain disease. We can encourage these tests by enacting the Genetic Information Nondiscrimination Act, a bipartisan bill that has already passed the Senate but awaits action in the House. We can reduce health disparities by passing the Healthcare Equality and Accountability Act, a bill I introduced with each of the House minority caucuses last year. And we can address the problem of the uninsured in a serious manner rather than proposing tax credits that will do little to help those most in need or pushing consumer-driven plans that shift cost and risk onto the individual.

I commend Senator CLINTON on her thoughtful article. It is something we

all should read. Health care should not be a partisan issue. It is a necessity. Whether someone receives the health care they need should not depend on whether they are fortunate enough to access and afford adequate health insurance under our current system. I ask unanimous consent that Senator CLINTON's article be printed in the RECORD.

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

[From the New York Times, Apr. 18, 2004]

NOW CAN WE TALK ABOUT HEALTH CARE?

(By Hillary Rodham Clinton)

I know that you're thinking. Hillary Clinton and health care? Been there. Didn't do that!

No, it's not 1994; it's 2004. And believe it or not, we have more problems today than we had back then. Issues like soaring health costs and millions of uninsured have yet to fix themselves. And now we are confronting a new set of challenges associated with the arrival of the information age, the technological revolution and modern life.

Think for a moment about recent advances in genetic testing. Knowing you are prone to cancer or heart disease or Lou Gehrig's disease may give you a fighting chance. But just try, with that information in hand, to get health insurance in a system without strong protections against discrimination for pre-existing or generic conditions. Each vaunted scientific breakthrough brings with it new challenges to our health system. But it's not only medicine that is changing. So, too, are the economy, our personal behaviors and our environment. Unless Americans across the political spectrum come together to change our health care system, that system, already buckling under the pressures of today, will collapse with the problems of tomorrow.

Twenty-first-century problems, like genetic mapping, an aging population and globalization, are combining with old problems like skyrocketing costs and skyrocketing numbers of uninsured, to overwhelm the 20th-century system we have inherited.

The way we finance care is so seriously flawed that if we fail to fix it, we face a fiscal disaster that will not only deny quality health care to the uninsured and underinsured but also undermine the capacity of the system to care for even the well insured. For example, if a hospital's trauma center is closed or so crowded that it cannot take any more patients, your insurance card won't help much if you're the one in the freeway accident.

Let's face it—if we were to start from scratch, none of us, from dyed-in-the-wool liberals to rock-solid conservatives, would fashion the kind of health care system America has inherited. So why should we carry the problems of this system into the future?

21ST-CENTURY PROBLEMS

At the dawn of the last century, America was coping with the effects of the industrial revolution—crowded living conditions, dangerous workplaces, inadequate sanitation and infrastructure in cities and pollution and infectious diseases like typhoid fever and cholera that exacted a huge toll on the oldest and youngest in society.

Since then, a century's worth of advances yielded remarkable results. Antibiotics were developed. Anesthesia was improved. Public health programs like mosquito control and childhood immunizations succeeded in reducing or even eradicating diseases like malaria and polio in this country. Congress passed legislation regulating the quality of food and drugs and assuring that safety and science guided medical developments. Workplace and product-safety standards resulted in fewer deaths and injuries from accidents. Effective campaigns cut tobacco use and alcohol abuse. Employers began providing some workers with health care coverage, primarily for hospitalization costs. And to aid some of those left out, President Lyndon B. Johnson persuaded Congress to establish Medicare and Medicaid to address the poorest, sickest, oldest and highest-risk patients in our society. As a result of these accumulated gains, life expectancy grew from 47 years in 1900 to 77 years for those born in 2000.

As astounding as those changes were, we are likely to see even more revolutionary changes in the next 100 years. Advances in medicine coincide with advances in computers and communications. The American workplace is changing in response to global pressures. But even positive advances may come with a negative underside. Our affluence contributes to an increasingly sedentary lifestyle that, combined with a diet filled with sugar and fat-rich foods, undermines our ability to fend off chronic diseases like diabetes. And research is proving that the pollutants and contaminants in our environment cause disease and mortality.

It is overwhelming just thinking about the problems, never mind dealing with them. But we have to begin applying American ingenuity and resolve or watch the best health care system in the world deteriorate.

MEDICAL ADVANCES

The pace of scientific development in medicine is so rapid that the next hundred years is likely to be called the Century of the Life Sciences. We have mapped the human genome and seen the birth of the burgeoning field of genomics, offering the opportunity to pinpoint and modify the genes responsible for a whole host of conditions. Scientists are exploring whether nanotechnology can target drugs to diseased tissues or implant sensors to detect disease in its earliest forms. We can look forward to ''designer drugs'' tailored to individual genetic profiles. But the advances we herald carry challenges and costs.

Think about the potential for inequities in drug research. Today, pharmaceutical and biotech companies have little incentive to research and develop treatments for individuals with rare diseases. Never heard of progeria? That's the point. This fatal syndrome, also called premature-aging disease, affects one in four million newborns a year. It's rare enough that there is no profit in developing a cure. This is known as the ''orphan drug'' problem. Genetic profiles and individualized therapies have the potential to increase the problem of orphaned drugs by further fragmenting the market. Even manufacturers of drugs for conditions like high blood pressure might focus their efforts on people with common genetic profiles. Depending on your genes, you could be out of luck.

The increasing understanding and use of genomics may also undermine the insurance system. Health insurance, like other insurance, exists to protect against unpredictable, costly events. It is based on risk. As genetic information allows us to predict illness with greater certainty, it threatens to turn the most susceptible patients into the most vulnerable. Many of us will become uninsurable, like the two young sisters with a congenital disease I met in Cleveland. Their father went from insurance company to insurance company trying to get coverage, until one insurance agent looked at him and said, ''We don't insure burning houses.''

Many have worked to get laws on the books to protect people from genetic discrimination, but we have yet to pass legislation that addresses job security and health coverage. The challenges do not stop there. Health insurance will have to change fundamentally to cope with predictable, knowable risks. Will health insurance companies offer coverage tailored to a person's future health prospects? Right now, if you have asthma, or even just allergies, insurers in the individual market can exclude your respiratory system from your health insurance policy. Will all health plans stop offering benefits that relate to genetic diseases?

The ability to predict illness may overwhelm more than just the insurance system; it may overwhelm the patient and the provider. Studies in The Journal of the American Medical Association found that nearly 6 out of 10 patients at risk for breast and ovarian cancer declined a genetic test, and a similar fraction of those at risk for colon cancer also declined testing. Why? One reason is probably to avoid higher insurance premiums. But the decision to undergo genetic testing is a complex one that involves many issues. Positive test results often indicate increased risk but no certainty that a disease will occur. Negative results also come without guarantees. The development of genetic profiles and individual therapies will exponentially increase the amount of information a physician is expected to manage. Instead of remembering one or two drugs for any condition, a physician will have to analyze all the different genetic, demographic and behavioral variables to generate optimal treatment for a patient.

Medical advances have the potential to overwhelm the health care system top to bottom. At the very least, the pace of technological progress is so rapid that our antiquated health care system is ill equipped to deliver the fruits of that progress. But these advances are not occurring in isolation from other factors affecting both how we finance health care and how much care we need and expect.

GLOBALIZATION

The globalization of our economy has changed everything from how we work as individuals to what we produce as a nation to how quickly diseases can spread. American companies—and workers—compete not only with one another but all over the world. It is called competitive advantage, but it can put American businesses and workers at a disadvantage.

The United States' closest economic rivals have mandatory national health care systems rather than the voluntary employer-based model we have. Automakers in the United States and Canada pay taxes to help finance public health care. But in the United States, automakers also pay about $1,300 per midsize car produced for private employee health insurance. Automakers in Canada come out ahead, according to recent news reports, even after paying higher taxes.

At the same time, American companies are outsourcing jobs to countries where the price of labor does not include health coverage, which costs Americans jobs and puts pressure on employers who continue to cover their employees at home.

And many new jobs, especially those in the service sector and part-time jobs, don't include comprehensive health benefits. More uninsured and underinsured workers impose major strains on a health system that relies on employer-based insurance. In addition, the failure of government to help contain health costs for employers has led to a fraying of the implicit social contract in which a good job came with affordable coverage.

Gone are the days when a young person would start in the mail room and stay with the company until retirement. Employee

mobility is now the rule rather than the exception. Those who pay for health care—insurance companies and employers—increasingly deal with employees who change jobs every few years. This has the effect of not only increasing the numbers of uninsured but also of decreasing the incentive for employers to underwrite access to preventive care.

At the same time, war, poverty, environmental degradation and increased world travel for business and pleasure mean greater migration of people across borders. And with people go diseases. The likes of SARS can travel quickly from Hong Kong to Toronto, and news of a strange flu in Asia worries us in New York. Welcome to the world without borders.

The Pulitzer Prize-winning science writer Laurie Garrett has described it as ''payback for decades of shunning the desperate health needs of the poor world.'' No matter the blame, the need to act now to address issues of global health is no longer just a moral imperative; it is self-interest.

LIFESTYLE AND DEMOGRAPHIC CHANGES

One hundred years ago, who could have predicted that living longer would be a problem?

In three decades, the number of Medicare beneficiaries will double. By the year 2050, one in five Americans will be 65 or older. We will have to find a way to finance the growing demand not only for health care but also for long-term care, which is now largely left out of Medicare.

Our society's affluence is only half of the story. Widening disparities in wealth and in health care too often cleave along ethnic lines. Today, a Hispanic child with asthma is far less likely than a non-Hispanic white child to get needed medication. African-Americans are systematically less likely to get state-of-the-art cardiac care. As our country becomes more and more diverse, these disparities become more obvious and more intolerable.

Our changing lifestyles also contribute to behavior-induced health problems. We can shop online, order in fast food, drive to our errands. Entertainment—movies, TV, video games and music—is one click away. The physical activity required to get through the day has decreased, while the pace and stress of daily life has quickened, affecting mental health. Persistent poverty, risky behaviors like substance abuse and unprotected sex and pollution from cars and power plants all add to the country's health problems. As Judith Stern of the University of California at Davis so aptly put it, genetics may load the gun, but environment pulls the trigger.

OLD PROBLEMS PERSIST

If all we had to do was face these tremendous changes, that would be daunting enough. But many of the systemic problems we have struggled with for decades—like high costs and the uninsured—are simply getting worse.

In 1993, the critics predicted that if the Clinton administration's universal health care coverage plan became law, costs would go through the roof. ''Hospitals will have to close,'' they said, ''Families will lose their choice of doctors. Bureaucrats will deny medically necessary care.''

They were half-right. All that has happened. They were just wrong about the reason.

In 1993, there were 37 million uninsured Americans. In the late 90's, the situation improved slightly, largely because of the improved economy and the passage of the Children's Health Insurance Program. But now some 43.6 million Americans are uninsured, and the vast majority of them are in working families.

While employer-sponsored insurance remains a major source of coverage for workers, it is becoming less accessible and affordable for spouses, dependents and retirees. In 1993, 46 percent of companies with 500 or more employees offered some type of retiree health benefit. That declined to 29 percent in 2001. When you think about the new economy and worker mobility, it's no wonder employees are dropping retiree health benefits. You can only wonder how many yet-to-retire workers are next.

Even those Americans not among the ranks of the uninsured increasingly find themselves underinsured. In 2003, two-thirds of companies with 200 or more employees dealt with increasing costs by increasing the share that their employees had to pay and dropping coverage for particular services. With rising deductibles and co-pays, even if you have insurance, you may not be able to afford the care you need, and some benefits, like mental health services, may not be covered at all.

The problem of the insured and underinsured affects everyone. A recent Institute of Medicine study estimates that 18,000 25- to 64-year old adults die every year as a result of lack of coverage. But even if you are insured, if you have a heart attack, and the ambulance that picks you up has to go three hospitals away because the nearby emergency rooms are full, you will have suffered from our inadequate system of coverage.

If, as a nation, we were saving money by denying insurance to some people, you could at least say there's some logic to it—no matter how cruel. But that's not the case. Despite the lack of universal coverage in our country, we still spend much more than countries that provide health care to all their citizens. We are No. 1 in the world in health care spending. On a per capita basis, health spending in the United States is 50 percent higher than the second-highest-spending country: Switzerland. Our health costs now constitute 14.9 percent of our gross domestic product and are growing at an alarming rate: by 2013, per capita health care spending is projected to increase to 18.4 percent of G.D.P.

What drives skyrocketing spending? The cost of prescription drugs rose almost twice as fast as spending on all health services, 40 percent in just the last few years.

Hospital costs have been rising as well, in large measure because more than one in four health care dollars go to administration. In 1999, that meant $300 billion per year went to pay for administrative bureaucracy; accountants and bookkeepers, who collect bills, negotiate with insurance companies and squeeze every possible reimbursement out of public programs like Medicare and Medicaid. Asthma and other pulmonary disorders linked to pollution contribute significantly to these costs, according to the health economist Ken Thorpe. Diabetes, high blood pressure and mental illness are also among the conditions that keep these costs rising.

If we spend so much, even after administrative costs, why does the United States rank behind 47 other countries in life expectancy and 42nd in infant mortality?

A lot of the money Americans spend is wasted on care that doesn't improve health. A recent study by Dartmouth researchers argues that close to a third of the $1.6 trillion we now spend on health care goes to care that is duplicative, fails to improve patient health or may even make it worse. A study in Santa Barbara, Calif., found that one out of every five lab tests and X-rays were conducted solely because previous test results were unavailable. A recent study found that for two-thirds of the patients who received a $15,000 surgery to prevent stroke, there was no compelling evidence that the surgery worked.

In situations in which the benefits of intervention are clear, many patients are not receiving that care. For example, few hospitalized patients at risk for bacterial pneumonia get the vaccine against it during their hospital stays. A recent study in The New England Journal of Medicine by Elizabeth McGlynn found that, overall, Americans are getting the care they should only 55 percent of the time.

As a whole, our ailing health care system is plagued with underuse, overuse and misuse. In a fundamental way, we pay far more less than citizens in other advanced economies get.

HOW WE DELIVER CARE

There is no ''one size fits all'' solution to our health care problems, but there are common-sense solutions that call for aggressive, creative and effective strategies as bold in their approach as they are practical in their effect.

First, the way we deliver health care must change. For too long our model of health care delivery has been based on the provider, the payer, anyone but the patient. Think about the fact that our medical records are still owned by a physician or a hospital, in bits and pieces, with no reasonable way to connect the dots of our conditions and our care over the years.

If we as individuals are responsible for keeping our own passports, 401(k) and tax files, educational histories and virtually every other document of our lives, then surely we can be responsible for keeping, or at least sharing custody of, our medical records. Studies have shown that when patients have a greater stake in their own care, they make better choices.

We should adopt the model of a ''personal health record'' controlled by the patient, who could use it not only to access the latest reliable health information on the Internet but also to record weight and blood sugar and to receive daily reminders to take asthma or cholesterol medication. Moreover, our current system revolves around ''cases'' rather than patients. Reimbursements are based on ''episodes of treatment'' rather than on a broader consideration of a patient's well-being. Thus it rewards the treatment of discrete diseases and injuries rather than keeping the patient alive and healthy. While we assure adequate privacy protections, we need care to focus on the patient.

Our system rewards clinicians for providing more services but not for keeping patients healthier. The structure of the health care system should shift toward rewarding doctors and health plans that treat patients with their long-term health needs in mind and rewarding patients who make sensible decisions about maintaining their own health.

HARNESSING MODERNIZATION

As paradoxical as it is that advances in medical technology could potentially break our antiquated system, advances in other technologies may hold the answer to saving it. Using a 20th-century health care system to deal with 21st-century problems is nowhere more true than in the failure to use information technology.

Ten years ago, the Internet was used primarily by academics and the military. Now it is possible to imagine all of a person's health files stored securely on a computer file—test results, lab records, X-rays—accessible from any doctor's office. It is easy to imagine, yet our medical system is not there.

The average emergency-room doctor or nurse has minutes to gather information on a patient, from past records and from interviewing the patient or relatives. In the age

of P.D.A.'s, why are these professionals forced to rely on a patient's memory?

Information technology can also be used to disseminate research. A government study recently documented that it takes 17 years from the time of a new medical discovery to the time clinicians actually incorporate that discovery into their practice at the bedside. Why not 17 seconds?

Why rely solely on the doctor's brain to store that information? Computers could crunch the variables on a particular patient's medical history, constantly update the algorithms with the latest scientific evidence and put that information at the clinician's fingertips at the point of care.

Americans may not be getting the care they should 45 percent of the time, but the tools exist to narrow that gap. Research shows that when physicians receive computerized reminders, statistics improve exponentially. Reminders can take the form of an alert in the electronic health record that the hospitalized patient has not had a pneumonia vaccine or as computerized questions to remind a doctor of the conditions that must be fulfilled before surgery is considered appropriate.

Newt Gingrich and I have disagreed on many issues, including health care, but I agree with some of the proposals he outlines in his book ''Saving Lives and Saving Money,'' which support taking advantage of technological changes to create a more modern and efficient health care system. I have introduced legislation that promotes the use of information technology to update our health care system and organize it around the best interests of patients. Improvements in technology will end the paper chase, limit errors and reduce the number of malpractice suits.

I strongly believe that savings from information technology should not just be diffused throughout the system, never to be recaptured, but should be used to make substantial progress toward real universal coverage. By better using technology, we can lower health care costs throughout the system and thereby lower the exorbitant premiums that are placing a financial squeeze on businesses, individuals and the government. At the same time, some of those savings should be used to make substantial progress toward real universal coverage. (I may have just lost Newt Gingrich.)

TAKING THE BROADER VIEW: PUBLIC HEALTH AND PREVENTION

While we focus on empowering the individual through technology, we also have to recognize the larger factors that affect our health—from the environment to public health.

If asthma and other pulmonary disorders are the main drivers of increased health spending, that argues strongly that we should rethink how social and environmental factors impact our collective health. Consider that over the last century we have extended life expectancy by 30 years but that only 8 of those years can be credited to medical intervention. The rest of our gains stem from the construction of water and sewer systems, draining mosquito-infested swamps and addressing spoilage, quality and nutrition in our food supply. Yet we continue to underinvest in these important systematic measures—resulting in expensive health consequences like the explosion of asthma among children living in New York City or the harmful levels of lead found among children drinking water from the District of Columbia water system.

Our neglect of public health also contributes to spiraling health costs. We tend to address health care—as a nation and as individuals—after the sickness has taken hold, rather than addressing the cause through public health. Public health programs can help stop preventable disease and control dangerous behaviors. Take obesity, for example. Individuals should understand that they put their lives at risk with unhealthy behavior. But let's face it—we live in a fast-food nation, and we need to take steps, like restoring physical-education programs in schools, that support the individual's ability to master his or her own health. Studies conducted by the Centers for Disease Control and Prevention have identified ''Programs That Work,'' which should be financed. It comes down to individual responsibility reinforced by national policy.

The public health system also needs to be brought up to date. The current public health tools were developed when the major threats to health were infectious diseases like malaria and tuberculosis. But now chronic diseases are the No. 1 killer in our country. We need to be concerned not just about pathogens but also about carcinogens.

Over the last three years, I have introduced legislation to increase investment in tracking and correlating environmental and health conditions. I have met with people from Long Island to Fallon, Nev., who want answers about cancer clusters in their communities. The data we have seen about lead and mercury contamination in our food and water suggest that the effects they have on the fetus and children may have contributed to the increasing number of children in special education with attention and learning disorders. We need more research to determine once and for all if increasing pollution in our communities and increasing rates of learning-related disabilities are cause and effect.

We should also be looking at sprawl—talking about the way we design our neighborhoods and schools and about our shrinking supply of safe, usable outdoor space—and how that contributes to asthma, stress and obesity. We should follow the example of the European Union and start testing the chemicals we use every day and not wait until we have a rash of birth defects or cancers on our hands before taking action. And we should look at factors in our society that lead to youth violence, substance abuse, depression and suicide and ultimately require insurance and treatment for mental health.

After Sept. 11, mental health was a significant factor in the health toll on our nation's first responders. And yet our mental health delivery system is underfinanced and unprepared.

Finally, as a society, we need greater emphasis on preventive care, an investment in people and their health that saves us money, because when families can't get preventive care, they often end up in the emergency room—getting the most expensive care possible.

EXPANDING COVERAGE

All that we have learned in the last decade confirms that our goal should continue to be what every other industrialized nation has achieved—health care that's always there for every citizen.

For the first time, this year a nonpartisan group dedicated to improving the nation's health, the Institute of Medicine, recommended that by 2010 everyone in the United States should have health insurance. Such a system would promote better overall health for individuals, families, communities and our nation by providing financial access for everyone to necessary, appropriate and effective health services.

It will, as I have been known to say, take the whole village to finance an affordable and accountable health system. Employers and individuals would share in its financing, and individuals would have to assume more responsibility for improving their own health and lifestyles. Private insurers and public programs would work together, playing complementary roles in ensuring that all Americans have the health care they need. Our society is already spending $35 billion a year to treat people who have no health insurance, and our economy loses $65 billion to $130 billion in productivity and other costs. We are already spending what it would cost if we reallocated those resources and required responsibility.

In the post 9/11 world, there is one more reason for universal coverage. The anthrax and ricin episodes, and the continuing threat posed by biological, chemical and radiological weapons, should make us painfully aware of the shortcomings of our fragmented system of health care. Can you imagine the aftermath of a bioterrorism attack, with thousands of people flooding emergency rooms and bureaucrats demanding proof of insurance coverage from each and every one? Those without coverage might not see a doctor until they had infected others.

Insurance should be about sharing risk and responsibility—pooling resources and risk to protect ourselves from the devastating cost of illness and injury. It should not be about further dividing us. Competition should reward health plans for quality and cost savings, not for how many bad risks they can exclude—especially as we enter the genomic age, when all of us could have uninsurable risks written into our genes.

So achieving comprehensive health care reform is no simple feat, as I learned a decade ago. None of these ideas mean anything if the political will to ensure that they happen doesn't exist.

Some people believe that the only solution to our present cost explosion is to shift the cost and risk onto individuals in what is called ''consumer driven'' health care. Each consumer would have an individual health care account and would monitor his or her own spending. But instead of putting consumers in the driver's seat, it actually leaves consumers at the mercy of a broken market. This system shifts the costs, the risks and the burdens of disease onto the individuals who have the misfortune of being sick. Think about the times you have been sick or injured—were you able under those circumstances to negotiate for the best price or shop for the best care? And instead of giving individuals, providers and payers incentives for better care, this cost-shifting approach actually causes individuals to delay or skip needed services, resulting in worse health and more expensive health needs later on.

Meanwhile, proposals like those for individual health insurance tax credits, without reforms for the individual insurance market, leave individuals in the lurch as well. We know that asthmatics can have their entire respiratory systems excluded from coverage. Individual insurance companies can increase your premium or limit coverage for factors like age, previous medical history or even flat feet. Those in the individual market cannot pool their risk with colleagues or other members of the group. The coverage you can get and the price you pay for it will reflect individual risk, and you simply don't receive many of the benefits of what we consider traditional insurance when people pool risks. So the proposal to give individuals tax credits to buy coverage in the individual market, without any rules of fair play, won't provide much help for Americans who need health care. In the same way, the recent Medicare bill, which seeks to privatize Medicare benefits, long a government guarantee, threatens to leave the ''bad risks'' without any affordable coverage. With the new genetic information at our disposal, that could

mean any one of us could one day be denied health insurance.

When many of those who opposed the Health Security Act look back, they are still proud of their achievement in blocking our reform plan. The focus of that proposal was to cover everybody by enabling the healthier to pool the ''risk'' with others. The plan was to redirect what we currently pay for uninsured care into expanding health coverage.

We could make cosmetic changes to the system we currently have, but that would simply take what is already a Rube Goldberg contraption and make it larger and even more unwieldy. We could go the route many have advocated, putting the burden almost entirely on individuals, thereby creating a veritable nationwide health care casino in which you win or lose should illness strike you or someone in your family. Or we could decide to develop a new social contract for a new century premised on joint responsibility to prevent disease and provide those who need care access to it. This would not let us as individuals off the hook. In fact, joint responsibility demands accountability from patients, employers, payers and society as a whole.

What will we say about ourselves 10 years from today? If we finally act to reform what we know needs to change, we may take credit in building a health care system that covers everyone and improves the quality of all our lives. But if we continue to dither and disagree, divided by ideology and frozen into inaction by competing special interests, then we will share in the blame for the collapse of health care in America, where rising costs break the back of our economy and leave too many people without the medical attention they need.

The nexus of globalization, the revolution in medical technology and the seismic pressures imposed by the contradictions in our current health care system will force radical changes whether we choose them or not. We can do nothing, we can take incremental steps—or we can implement wide-ranging reform.

To me, the case for action is clear. And as we work to develop long-term solutions, we can take steps now to help address the immediate problems we face. As Senator John Kerry has proposed, we should cover everyone living in poverty, and all children; allow people to buy into the federal employee health benefits program; and also help employers by reinsuring high-cost claims while assuming more of the costs from hard-pressed state and local governments.

We can pass real privacy legislation that will ensure that Americans continue to feel secure in the trust they place in others for their most intimate medical information. And we can realize the promise of savings through information technology and disease management by passing quality health legislation now.

If we do not fix the problems of the present, we are doomed to live with the consequences in the future. As someone who tried to promote comprehensive health care reform a decade ago and decided to push for incremental changes in the years since, I still believe America needs sensible, wide-ranging reform that leads to quality health care coverage available to all Americans at an affordable cost.

The present system is unsustainable. The only question is whether we will master the change or it will master us.

HONORING OUR ARMED FORCES

PFC CHANCE PHELPS, USMC

Mr. THOMAS. Madam President, I rise today to express our Nation's deepest thanks and gratitude to a special young man and his family. During this past recess, I attended funeral services in Dubois, WY for Marine PFC Chance Phelps. On April 9, 2004, Private First Class Phelps died in the line of duty while serving his country in the war on terrorism. He was shot and killed while fighting insurgents in the town of Ramadi, Iraq, west of Baghdad.

Private First Class Phelps was a member of the 3rd Battalion, 11th Marine Regiment, 1st Marine Division. He spent the early years of his life in Dubois, WY before moving to Colorado. He enjoyed the outdoors, hunting and fishing, and was an outstanding athlete. He was good natured, and loved his family and his country. Private First Class Chance had a profound sense of duty that led him to join the United States Marine Corps. He felt deeply compelled to serve and defend his country following the terrorist attacks of September 11.

It is because of people like Chance Phelps that we continue to live safe and secure. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. Our people put everything on the line everyday, and because of these folks, our Nation remains free and strong in the face of danger.

The motto of the Marine Corps is ''Semper Fidelis.'' It means ''Always Faithful.'' Through his selfless and courageous sacrifice, PFC Chance Phelps lived up to these words with great honor.

Private First Class Phelps is survived by his mother Gretchen, his father John, his sister Kelley, and his brothers of the United States Marine Corps. We say goodbye to a son, a brother, a Marine, and an American. Our Nation pays its deepest respect to PFC Chance Phelps for his courage, his love of country and his sacrifice, so that we may remain free. He was a hero in life and he remains a hero in death. All of Wyoming, and indeed the entire Nation are proud of him.

So, one Marine to another, Private First Class Phelps, Semper Fi.

SP4 DENNIS MORGAN

Mr. JOHNSON. Madam President, I rise today to pay tribute to SP4 Dennis Morgan, a member of the South Dakota National Guard, who died on April 15, 2004, while serving in Operation Iraqi Freedom.

Specialist Morgan was a member of the 153rd Engineer Batallion, which is based in Wagner, SD. He was helping clear mines and explosives when a roadside bomb went off, killing him.

Answering America's call to the military, Specialist Morgan joined the National Guard immediately after graduating from Winner High School in 2000. He joined, along with his best friend from high school, Michael Lee. Their bond was special and they did everything together. Michael's father, Melvin, said of Dennis, ''He was often at our place, working on cars with Michael, and here for dinners.''

After high school, Morgan moved back to his original hometown of Valentine, NE, where he sometimes worked as an auto mechanic. Shortly before leaving for Iraq, he married his girlfriend, Cathy.

Specialist Morgan is the first member of the South Dakota National Guard to be killed in combat since World War II. Company A, which includes members from Wagner and Winner, was assigned to the 1st Marine Expedition Headquarters. Their Company is responsible for defusing roadside explosives. ''They were very proud of their mission, and they still are, because those explosive devices are what are killing everybody,'' said Roger Anderson, information officer was the South Dakota Army National Guard.

Specialist Morgan served our country and died as a hero, fighting for it. He served as a model of loyalty and dedication in the preservation of freedom. The thoughts and prayers of my family, as well as our country's, are with his family during this time of mourning. Our thoughts continue to be with all those families who have children, spouses, fathers, and other loved ones serving overseas.

Specialist Morgan led a full life, committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. Our Nation is a far better place because of Specialist Morgan's contributions, and, while his family, friends, and Nation will miss him very much, the best way to honor his life is to remember his commitment to service and his family.

I join with all South Dakotans in expressing my sympathies to the friends and family of Specialist Morgan, I know that he will always be missed, but his service to our Nation will never be forgotten.

PFC DERYK L. HALLAL

Mr. BAYH. Madam President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Indianapolis, IN. PFC Deryk L. Hallal, 24 years old, died in the al-Anbar province, just west of Baghdad on April 6, 2004. He was struck by gunfire during an attack.

Deryk graduated from North Central High School in 1998 and studied computer programming at the Professional Careers Institute before joining the Marines last year, just months after the conflict in Iraq began. He was a rifleman assigned to the 2nd Battalion, 4th Marine Regiment, based at Camp Pendleton, CA. According to his mother, he was fulfilling the duty he felt compelled to do after the events of September 11. With his entire life before him, Deryk chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Deryk was the 27th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave

young soldier leaves behind his father, Jeff; his mother, Pam; and four younger siblings. May Deryk's siblings grow up knowing that their brother gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join Deryk's family, his friends, and the entire Indianapolis community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Deryk, a memory that will burn brightly during these continuing days of conflict and grief.

When looking back on the life of her late son, Deryk's mother, Pam, told the Indianapolis Star that her son ''was a big jokester, he would light up the room.'' Deryk was known for his wonderful sense of humor, his big heart and his love of sports. His father, Jeff, said Deryk dreamed of one day becoming a sports announcer. Today and always, Deryk will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Deryk's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Deryk's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Deryk L. Hallal in the official RECORD of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Deryk's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God bless America.

HOLOCAUST REMEMBRANCE DAY

Mr. DEWINE. Madam President, yesterday was Yom HaShoah, Holocaust Remembrance Day. Holocaust Remembrance Day is the day that has been set aside for remembering the victims of the Holocaust and for contemplating what can happen to civilized people when bigotry, hatred, and indifference reign.

Between 1938 and 1945, the Nazis murdered over 11 million people throughout Europe, 6 million of them Jewish. On Holocaust Remembrance Day, we remember those who gave their lives because of their heritage, tradition, and beliefs. While the Jews of Europe were defenseless against the Nazi regime, many held on to their faith up until the last moments of their lives. Every year, on the Holocaust Remembrance Day, we remember those who sanctified the name of God in the death camps, the ghettos, and elsewhere.

Holocaust Remembrance Day occurs on the 27th day of the Jewish calendar's month of Nissan. This year, that was yesterday. When it falls on a weekend, it is commemorated on the following Monday. The date also marks the anniversary of the heroic Warsaw Ghetto uprising of 1943, which occurred 61 years ago to the day—April 19, 1943.

The Holocaust is not merely a story of destruction and loss. It is a remarkable story of the human spirit—of the life that flourished before the Holocaust, struggled during its darkest hours, and ultimately prevailed as the survivors and their progeny struggled to rebuild. Indeed, Holocaust Remembrance Day occurs just eight days before Israel's Independence Day. Today, in Israel, a morning siren sounds, stopping all activity—and people stand in honor of those who died. Indeed, people of all faiths around the world hold memorials and vigils, often lighting candles in honor of the Holocaust victims. Many hold name-reading ceremonies to memorialize those who perished.

It has been over 50 years since the last concentration camp was liberated and many of the Holocaust survivors are now succumbing to natural causes. It is our obligation to share their stories to ensure that this horrible tragedy never repeats itself. We must honor the lives of those who lived on and those who did not survive the Nazis and their murderous cohorts.

There are literally hundreds of excellent movies and documentaries on the events before, during, and after the Holocaust. They cover every possible topic from deepest tragedies to the pinnacle of one of the greatest forces of all—the human spirit. These films vary from Hollywood to amateur documentaries, and include the Shoah Foundation's valiant efforts to record living survivors. All should bear witness, so that this kind of inhumanity will never happen again. I also recommend visiting the U.S. Holocaust Memorial Museum here in Washington. It is a unique treasure that serves as a soulful reminder of the events of World War II.

Finally, seek out those with personal or family knowledge of this enormous tragedy. Nothing can replace the power of the first person accounts from a survivor, child of a survivor, liberator of the camps, or member of the resistance. Their stories teach us all.

ADDITIONAL STATEMENTS

RECOGNITION OF CALIFORNIA PHYSICIAN PHILIP C. HOPEWELL, M.D.

● Mrs. FEINSTEIN. Madam President, I rise today to recognize Philip C. Hopewell, M.D., of San Francisco, CA. A pioneer in pulmonary medicine, Dr. Hopewell is being awarded the Edward Livingston Trudeau Medal in recognition of his lifelong contributions to the prevention, diagnosis, and treatment of lung disease. Dr. Hopewell has dedicated over 30 years researching national and international tuberculosis control.

Dr. Hopewell's commitment to pulmonary disease serves as an example for all working to preserve the health of this Nation and the world. From the early 1970s, Dr. Hopewell has been concerned with those living with tuberculosis. Dr. Hopewell began his career as a consultant in tuberculosis control to the Nigerian government in the war-affected areas of eastern Nigeria. Later, his interest in tuberculosis control in developing countries was fostered by his work in the Pan-American Health Organization in 1980–1981 and with the Stop TB Partnership, based at the World Health Organization in Geneva in 2003.

Not only has Dr. Hopewell helped countless tuberculosis patients around the globe, he has been instrumental in addressing the problem here at home. Dr. Hopewell has been on the faculty at UCSF, based at San Francisco General, since 1973, where he served as chief of the Division of Pulmonary and Critical Care Medicine from 1989 to 1998 and Associate Dean 1998 to 2004. Today, Dr. Hopewell continues to practice clinical pulmonary and critical care medicine at San Francisco General Hospital, serving as an attending physician on the pulmonary consultation service and in the medical intensive care unit.

In addition to his clinical work, Dr. Hopewell spends a great deal of his time as a researcher. Dr. Hopewell's research has enabled more specific targeting of control interventions and has helped contribute to a nearly 60 percent reduction in the number of new cases of tuberculosis in San Francisco in the past decade. In 1981, Dr Hopewell became involved in the San Francisco tuberculosis control program through the Department of Public Health. From this association, the Frances J. Curry National Tuberculosis Center, directed by Dr. Hopewell was formed. The Curry Center is one of three CDC-funded model centers in the country and provides important opportunities for training and research in many aspects of tuberculosis and tuberculosis control.

Today, I acknowledge Dr. Hopewell for his lifelong accomplishments in tuberculosis research and tuberculosis control. I also acknowledge Dr. Hopewell's numerous leadership positions in pulmonary medicine. He served on the

National Advisory Council of the National Institutes of Allergy and Infectious Disease, was president of the California Thoracic Society, the North American Region of the International Union against Tuberculosis and Lung Disease, and the American Thoracic Society.

I am pleased to take this opportunity to recognize Dr. Hopewell for his service to the medical community and to our Nation and to congratulate him on being selected to receive the American Lung Association's Edward Livingston Trudeau Medal.●

TRIBUTE TO JUDGE JOHN ROBERT PERRY

● Mr. BUNNING. Madam President, today I would like to take the opportunity to remember Judge John Robert Perry. He passed away tragically last Monday at age 72 and will be greatly missed by his surviving family and all the residents he served as the 36th District Court Judge of Wyoming.

Judge Perry was known in the legal community for his wit, his dedication to the law and his willingness to share his legal knowledge with up-and-coming attorneys and fellow judges. His friends considered him ''even-tempered, level-headed and down-to-earth.'' He was a shining example of what makes this country great. Judge Perry will be missed, and our hearts go out to his family during this time.●

UNIVERSITY OF DENVER HOCKEY TEAM

● Mr. ALLARD. Madam President, today I wish to recognize the recent achievement of the University of Denver Hockey Team. On April 10, 2004, on the frigid ice of a Boston arena, two champion caliber teams faced one another in what will go down in history as one of the most exciting nights in college sports history. On this particular evening the University of Denver Pioneers came out on top, defeating the Black Bears of Maine and winning the Men's NCAA Division One Championship.

The University of Denver has a distinguished history of athletic excellence. While this is the university's sixth national title for hockey, it is the first since 1969.

The title game itself was decided by the narrowest of margins, a one-goal-to-none victory for DU. Pioneer forward Gabe Gauthier scored the games only goal on an assist from forward Connor James. Among its many outstanding scholar athletes the University of Denver can boast of senior goalie Adam Berkhoel, MVP of the Frozen Four championship round and one of college hockey's brightest stars. These outstanding individual efforts can not eclipse the most distinct aspect of the title game, the perfect team play exhibited by the Pioneers. Denver spent most of the last 2 minutes of the game down two players and fighting off an attack by six Maine players with only three defenders between the Black Bears and the Pioneer goalie. Never have 2 minutes of hockey seemed longer; never have 2 minutes of hockey ended more sweetly.

At the helm of the University of Denver hockey team is coach George Gwozdecky. Coach Gwozdecky came to DU in 1994 and has compiled an impressive record of 196–140–26 with the Pioneers. This year Coach Gwozdecky was named runner-up Division One Coach of the Year, an honor I know he shares with his dedicated staff.

Today I share my congratulations with the entire University of Denver community. Such an outstanding and rare achievement as a national title reflects the hard work and dedication of many people. Congratulations to all the DU Pioneers. Congratulations to Chancellor Daniel Ritchie, Provost Bob Coombe, President Mark Holtzman, Director of Athletics Dianne Murphy, Coach Gwozdecky and his staff, and especially the Pioneer players, students and fans. You have made us all very proud.●

VETERANS' UPWARD BOUND ANNIVERSARY

● Mr. LUGAR. Madam President, the Veterans Upward Bound program has provided assistance to over 4,300 veterans in Indiana since 1979 when Vincennes University began administering the program. Now, the National Association of Veterans Upward Bound Project Personnel, NAVUBPP, is celebrating its 25th anniversary this year and has asked that Wednesday, April 28, 2004, be proclaimed as National Veterans Upward Bound Day. This program, which began nationally in 1972, provides information and assistance to help low-income and first-generation college veterans access to postsecondary education.

I extend my congratulations to this organization, which celebrates its Silver Anniversary Conference on April 28, 2004.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, a treaty, and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7037. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a report entitled ''Unmanned Aerial Vehicles Appropriations to Homeland Security Missions''; to the Committee on Armed Services.

EC–7043. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Boscalid; Pesticide Tolerance'' (FRL#7353–1) received on April 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7044. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Support for the Tribal Pesticide Program Council (TPPC); Notice of Funds Availability'' (FRL#7349–1) received on April 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7045. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Animal Welfare; Transportation of Animals on Foreign Air Carriers; Confirmation of Effective Date'' (Doc. No. 02–012–2) received on April 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7046. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mesosulfuron-Methyl; Pesticide Tolerance'' (FRL#7351–4) received on April 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7047. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fosthiazate; Pesticide Tolerance'' (FRL#7339–4) received on April 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7048. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hygromycin B Phosphorransferase; Exemption from the Requirement of a Tolerance'' (FRL#7352–8) received on April 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7049. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lambda-Cyhalothrin and an Isomer Gamma-Cyholathrin; Tolerances for Residues'' (FRL#7353–4) received on April 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7050. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to a transfer of funds to the Defense Working Capital Fund; to the Committee on Armed Services.

EC–7051. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to the National Defense Authorization Bill for Fiscal Year 2005; to the Committee on Armed Services.

EC–7052. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to Department of Defense purchases from foreign entities in Fiscal Year 2003; to the Committee on Armed Services.

EC–7053. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report of an authorization to wear the insignia of brigadier general; to the Committee on Armed Services.

EC–7054. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report relative to Armed Services' aviation programs; to the Committee on Armed Services.

EC–7055. A communication from the Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''CHAMPUS/TRICARE; Implementation of the Pharmacy Benefits Program'' (RIN0720–AA63) received on April 9, 2004; to the Committee on Armed Services.

EC–7056. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the implementation of the revised Office of Management and Budget Circular; to the Committee on Armed Services.

EC–7057. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report relative to the commissary and exchange store at Orlando, Florida; to the Committee on Armed Services.

EC–7058. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–7059. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to the Department of Veterans' Affairs; to the Committee on Armed Services.

EC–7060. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Imposition of Special Measures Against Burma'' received on April 9, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7061. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Imposition of Special Measures Against Myanmar Mayflower Bank and Asia Wealth Bank'' (RIN1506–AA63) received on April 9, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7062. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Appraisals Required; Transactions Requiring a State Certified Licensed Appraiser'' received on April 12, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7063. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Requests for Information Under the Freedom of Information Act and Privacy Act, and by Subpoena; Security Procedures for Classified Information'' received on April 12, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7064. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Organization and Operations of Federal Credit Unions; Benefits for Employees of Federal Credit Unions'' received on April 12, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7065. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ('Appliance Labeling Rule')'' (RIN3084–AA74) received on April 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7066. A communication from the Contracting Officer, Department of Transportation, transmitting, pursuant to law, a report relative to Interagency Agreement No. DTTS59–99–X–00539; to the Committee on Commerce, Science, and Transportation.

EC–7067. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 16–1'' (RIN0648–AR36) received on April 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7068. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson Act Provisions; Foreign Fishing; Fisheries off West Coast States and in the Western Pacific; Pacific Groundfish Fishery; Annual Specifications and Management Measures'' (RIN0648–AR54) received on April 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7069. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications; Pacific Sardine Fishery'' (RIN0648–AP43) received on April 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7070. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Clay Center, KS Doc. No. 03–ACE–96'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7071. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Iowa Falls, IA Doc. No. 03–ACE–91'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7072. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Iowa City, IA Doc. No. 04–ACE09'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7073. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class D Airspace; Cannon Air Force Base, NM Doc. No. 03–ASW–4'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7074. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Rapid City, SD Doc. No. 03–AGL–17'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7075. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class D Airspace; Little Rock Air Force Base, AR Doc. No. 03–ASW–2'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7076. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Angel Fire, NM Doc. No. 03–ASW–1'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7077. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Charleston, MO Doc. No. 04–ACE–12'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7078. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fort Scott, KS Doc. No. 03–ACE–98'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7079. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class D Airspace; Altus Air Force Base, OK Doc. No. 03–ASW–3'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7080. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Colby, KS Doc. No. 03–ACE–97'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7081. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Independence, IA Doc. No. 03–ACE–90'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7082. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Marysville, KS Doc. No. 03–ACE–99'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7083. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Benton, KS Doc. No. 03–ACE–94'' (RIN2120–AA66) received on April 9, 2004; to

the Committee on Commerce, Science, and Transportation.

EC–7084. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Excelsior Springs, MO Doc. No. 04–ACE–13'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7085. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Chanute, KS Doc. No. 03–ACE–95'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7086. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Hays, KS Doc. No. 04–ACE–7'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7087. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Beloit, KS Doc. No. 03–ACE–93'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7088. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Plattsmouth, NE Doc. No. 03–ACE–76'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7089. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Anthony, KS Doc. No. 03–ACE–92'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7090. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Hamilton, MT Doc. No. 03–ANM–5'' (RIN2120–AA66) received on April 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7091. A communication from the Secretary of the Interior and the Secretary of Energy, transmitting, pursuant to law, a report relative to the implementation of the Rocky Flats National Wildlife Refuge Act of 2001; to the Committee on Energy and Natural Resources.

EC–7092. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''New Mexico Regulatory Program'' (NM–043–FOR) received on April 9, 2004; to the Committee on Energy and Natural Resources.

EC–7093. A communication from the Acting Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status and Prudency Determination for Designation of Critical Habitat for Two Plant Species from the Commonwealth of the Northern Mariana Islands: Withdrawal of Proposed Rule to List Tabernamontana rotensis as Endangered'' (RIN1018–AG09) received on April 9, 2004; to the Committee on Energy and Natural Resources.

EC–7094. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Subsistence Harvest in Alaska; Subsistence Harvest Regulations for Migratory Birds in Alaska During the Spring/Summer 2004 Subsistence Season'' (RIN1018–AJ27) received on April 9, 2004; to the Committee on Energy and Natural Resources.

EC–7095. A communication from the Acting Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Establishment of an Additional Manatee Protection Area in Lee County, Florida'' (RIN1018–AT65) received on April 9, 2004; to the Committee on Energy and Natural Resources.

EC–7096. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post-1996 Rate of Progress Plans and One-Hour Ozone Attainment Demonstrations'' (FRL#7645–1) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7097. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 12(1) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of North Carolina'' (FRL#7646–2) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7098. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters'' (FRL#7633–9) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7099. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''OMB Approvals Under the Paperwork Reduction Act; Technical Amendment'' (FRL#7645–6) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7100. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review; Notice of Availability'' (FRL#7342–6) received on April 9, 2004; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALEXANDER:

S. 2319. A bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself and Mr. BURNS):

S. Res. 340. A resolution expressing the sense of the Senate that the President should designate September 26, 2004, as ''National Good Neighbor Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 473 , a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 533

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DURBIN), the Senator from Illinois (Mr. FITZGERALD) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 533, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. 1115

At the request of Mrs. MURRAY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1115, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Indiana (Mr. LUGAR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1544

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1544, a bill to provide for data-mining reports to Congress.

S. 1554

At the request of Mrs. MURRAY, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 1554, a bill to provide for secondary school reform, and for other purposes.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S . 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1833

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1833, a bill to improve the health of minority individuals.

S. 1840

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1840 , a bill to amend the Food Security Act of 1985 to encourage owners and operations of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States.

S. 2065

At the request of Mr. JOHNSON, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2065, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 2099

At the request of Mr. MILLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2099, a bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

S. 2100

At the request of Mr. MILLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2106

At the request of Mr. BUNNING, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2106, a bill to amend the Internal Revenue Code of 1986 to provide capital gains treatment for certain self-created musical works.

S. 2141

At the request of Mr. LUGAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2141, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on soybean base acres.

S. 2158

At the request of Ms. COLLINS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2236

At the request of Ms. CANTWELL, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Oregon (Mr. WYDEN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2236, a bill to enhance the reliability of the electric system.

S. 2265

At the request of Mr. ROBERTS, the names of the Senator from New York (Mrs. CLINTON), the Senator from Louisiana (Ms . LANDRIEU), the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2265 , a bill to require group and individual health plans to provide coverage for colorectal cancer screenings.

S. 2292

At the request of Mr. VOINOVICH, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 313

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to coordinate with implementing partners in creating an online database of international exchange programs and related opportunities.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

S. RES. 332

At the request of Mr. FEINGOLD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 332, a resolution observing the tenth anniversary of the Rwandan Genocide of 1994.

S. RES. 339

At the request of Mr. DODD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 339, a resolution urging the President to immediately instruct the Secretary of State and the Secretary of Defense to respectively begin initiating consultations with other members of the United Nations Security Council concerning a United Nations Security Council Resolution for Iraq, and with the Secretary General of the North Atlantic Treaty Organization (NATO) concerning a mandate for a NATO commitment for security in Iraq, with the goal of securing both not later than May 15, 2004.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALEXANDER:

S. 2319. A bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. Madam President, I rise to speak about an issue that concerns the Senator from North Carolina and her constituents. I know of her love for the Great Smoky Mountains and her concern for the outdoors, and while most of what I am about to say affects eastern Tennessee and the Great Smoky Mountains, anything that affects eastern Tennessee and the Great Smoky Mountains has something to do with western North Carolina and the Great Smoky Mountains. This is some good news for the outdoors men and women and all of the people who love the mountains, the valleys, and the rivers of east Tennessee and western North Carolina.

The legislation I have introduced will save thousands of good-paying jobs at the Aluminum Company of America plants in Blount County, which is my hometown, and at the same time provide recreational opportunities on thousands of acres of ALCOA mountain land for canoeists, hikers, and fisher men and women. Of importance to all of us who enjoy the outdoors in east Tennessee and North Carolina, this agreement should help to create fuller lake reservoirs during the summer recreation season.

This bill I have introduced today is necessary because since 1913, a little more than 90 years, the Aluminum Company of America has operated dams high on the Little Tennessee River adjacent to what is now the Great Smoky Mountain National Park near the border of Tennessee and North Carolina. These dams were built before either the Tennessee Valley Authority or the Great Smoky Mountain National Park were created. These four dams provide half of the electric power ALCOA uses to operate its plants in the valley below the mountains in Blount County, TN. ALCOA's license to operate these four dams expires next year. The company has applied to the Federal Electric Regulatory Commission for a 40-year license renewal.

ALCOA's license renewal application has created a lot of interest in the Tennessee Valley, and for two reasons. The first reason involves the economic well-being of thousands of current and retired ALCOA workers in the communities in which they live. The second reason is the application has attracted broad attention from conservation organizations because of the opportunity to create recreational opportunity on land ALCOA owns in the Little Tennessee River watershed adjacent to the Great Smoky Mountains National Park. Some of this ALCOA land is actually within the legislation boundaries of the park.

On this chart the darker area is the Great Smoky Mountains National Park. This is a unique park created in the mid-1930s and given by the people of North Carolina and Tennessee to the United States. It is the only national park in our system that was given to the Government and not bought by the Government. It has 500,000 acres, more or less, and it is visited each year by about 10 million Americans. It is by far the most visited national park in America. Yellowstone National Park, as an example, has about 3 million visitors a year.

This is the Little Tennessee River. It was the center of the Cherokee civilization when the European pioneers came. This is the river on which Alcoa began to build dams nearly a century ago.

Around these four dams on the river is the land we are talking about. This is approximately 10,000 acres that lie between the Great Smokey Mountain National Park and between the Cherokee National Forest and the Joyce Kilmer-Slickrock Wilderness Area. This is Tennessee. This is North Carolina. The Tennessee/North Carolina border runs right across the top of those 6,000-foot mountains. One of the most beautiful areas in America with virgin timber is right here in the Joyce Kilmer-Slickrock Creek Wilderness Area just across the line from Tennessee. So we are talking in my remarks and in this legislation about 10,000 acres that lie between the Great Smokies and the Cherokee National Forest.

One may wonder, just listening to this, what does that have to do with the Federal Energy Regulatory Commission. Under our rules, Alcoa now has to apply for a 40-year renewal to operate these four dams. The conservation organizations in the area and the neighboring communities began a discussion with Alcoa 7 years ago about what would happen when that application renewal came up. That 7 years of discussion between the Aluminum Company of America, the neighboring regions, and the various conservation organizations have come up with a settlement agreement on which people have worked long and hard. Basically it does this. Alcoa will basically swap or exchange this land here in exchange for community and conservation support for the license renewal.

We are going to hold a hearing on this whole subject on April 27 in the Senate Energy Committee. I look forward to working with our chairman, Senator DOMENICI, and with the chairman of the National Park Subcommittee, Senator THOMAS, on that day.

We hear a lot about obstinate companies that are not interested in the environment. We hear a lot about conservation organizations that will not be reasonable. Here is a good story. Here is a textbook example of how a major American company can work with communities and conservation organizations to help Americans keep a high standard of living as well as to conserve the environment. Once approved, I expect it to become a model for many other companies, communities, and conservation groups.

I see on the floor now the Senator from Georgia, who spent a fair amount of his younger life in Tennessee, probably in these same mountains. He, as I, and the Senator from North Carolina, have visited and hiked in and enjoyed these mountains as thousands do. Let me say first a word about the jobs involved and then a word about the recreational opportunities.

On the jobs, looking back those 90 years, this is the story. In 1913 a group of men from Pittsburgh came quietly to Maryville, TN, to meet with the mayor. The businessmen were looking for a location for an aluminum smelter. They came to Maryville because alumina is extracted from bauxite ore in an electrolysis process requiring huge amounts of electricity, and the opportunity for producing huge amounts of electricity existed better in the Tennessee Valley than in almost any other part of the United States.

The Great Smoky Mountains rise to more than 6,600 feet above the valley in which Maryville is situated, and the rainfall in those mountains is more than 80 inches a year, one of the highest in America. So that combination, heavy rainfall and fast-running water, created a formula for making cheap hydroelectric power, so Alcoa built four dams along the Little Tennessee River: Calderwood, Cheoah, Chilhowee, and Fontana. Half of the electricity for the Alcoa operations in east Tennessee comes from those four dams. The rest of Alcoa's power is purchased from the Tennessee Valley Authority.

Here is what happened to the farsighted mayor who visited with those Alcoa executives in 1913 and approved the location of that aluminum smelter in the Tennessee Valley. He was literally tarred and feathered and run out of town because the mountain people did not want to be disturbed by what they were afraid was about to come and disturb their lifestyle. What came was the largest aluminum smelter in the world, which, when combined with a fabricating plant and a rolling mill, employed as many as 14,000 during World War II. The Alcoa plants made the metal that helped win the war.

Meanwhile, the Alcoa jobs, those 14,000 jobs since 1913 until today, transformed one of the poorer parts of America. When Alcoa came to Appalachia, family incomes of these families of east Tennessee were about one-third of the national average. I know about this. Our family has been in that part of Tennessee for seven generations. But the Aluminum Company of America began to pay steelworker wages to these 14,000 families and those wages were national wages. So suddenly men and women from all over east Tennessee, and I imagine some from North Carolina, were driving dozens of miles to get one of those Alcoa jobs that brought with it good income, good health care, and a retirement income.

Some of those who went to work there included many African Americans who had been brought to Tennessee from Alabama to help build the plants. The changes that those Alcoa jobs brought to Blount County and to the surrounding counties is proof positive of what three generations of good jobs can do: good housing, low crime, strong families, some of the best public schools anywhere in America, almost nobody rich but almost everybody with a good job.

Today, there are 2,000 Alcoa jobs in east Tennessee. That means $140 million in salaries and benefits. It means $½ million a year in Alcoa Foundation education scholarships to children of those employees. It means $230 million each year in purchased goods and services; $7 million in State and local taxes—a total of $377 million a year just to Tennessee.

I must confess a personal interest in this story. I grew up hearing about Charles Martin Hall and the discovery of Aluminum. My father went to work for Alcoa in 1941, the year after I was born. The job the plant manager, Mr. Granville Swaney, offered to him as a safety engineer paid twice what my father was being paid as principal at West Side Elementary School, and one of those Alcoa Foundation scholarships went to me in 1958, making it possible for me to attend Vanderbilt University, something I never could have afforded to do otherwise.

So you can see why I believe, as well as I am sure almost all Tennesseans believe, it is critically important to renew this hydroelectric license for another 40 years and keep these good jobs in the Tennessee Valley. Without these four dams providing low-cost reliable power, these jobs would be gone overnight, probably to Alcoa plants in Quebec or Iceland where the hydroelectric power is plentiful and cheap.

The second reason and the final reason this settlement agreement has attracted such widespread interest is because of the recreation opportunities it will provide.

Tapoco is the name of the Alcoa subsidiary that owns the four dams I described along this Little Tennessee River. The acres contained within the Tapoco project are sandwiched between nearly 10,000 acres of nonproject lands owned by Alcoa. These nonproject lands are the 10,000 acres in green here. This is in the area I mentioned of the Great Smokies, the Cherokee National Forest, the Nantahala National Forest, the Citico Creek, and Joyce Kilmer-Slickrock Wilderness Areas.

A critical requirement in obtaining this 40-year license renewal is this settlement agreement negotiated by and with a large group of interested relicensing stakeholders. These stakeholders include the National Park Service, the U.S. Fish and Wildlife Service, the eastern band of Cherokees, State agencies representing Tennessee and North Carolina, numerous nongovernmental organizations, local government, homeowners associations, and individual citizens.

They began to discuss all of this 7 years ago. It has taken all of that time to work this out.

In order to make this effective, however, Congress must authorize the land exchanges in the settlement agreement. The terms and conditions under the settlement agreement will then become terms and conditions under Alcoa's hydroelectric license.

In order for the Federal Electric Regulatory Commission to have legal authority to put the settlement agreement terms and conditions in the license, legislation from Congress is required prior to the Federal Energy Regulatory Commission making a relicensing decision in August of 2004.

Much of the settlement agreement is focused on the transfer of land interests between the Great Smoky Mountains, the U.S. Forest Service, and Alcoa.

Let me see if I can describe it simply.

The first part of the land swap is between the Great Smokies National Park and Alcoa. The Great Smokies will transfer 100 acres of flood areas of land in exchange for 186 acres of biologically sensitive acreage that Alcoa owns.

All of us growing up always heard about people from Florida coming up and wanting to buy land and we would sell them land that was flooded, or they would sell us land that was flooded. But basically, flooded land—100 acres—is being swapped for 186 acres of land that is a biologically diverse area, and this will go into the Great Smoky Mountain National Park.

In fact, it was already within the legislative boundaries. But I suppose the park ran out of money back in the 1930s and couldn't buy it.

The second component is a big tract of land—6,000 acres between the Smokies and the Cherokee National Forest.

After a complicated set of arrangements, what can happen is this:

It involves the Nature Conservancy, but this legislation authorizes the Secretary of the Interior to purchase this land at a reasonable value from the Nature Conservancy after Alcoa gives it to the Nature Conservancy.

The long and short of it will be that after 3 years, hopefully the Great Smokies will be 6,000 acres larger and immediately people who live in this region will be able to enjoy this 6,000 acres.

There is one other part to this. There is a 4,000-acre tract over here. The Nature Conservancy will own this under the agreement, but it will also be open to outdoor recreation, to hunters, and to fishermen.

All of this is part of Alcoa's relicensing agreement. The people who work here get the jobs. Everybody who lives here gets to enjoy a national park with 6,000 more acres and an area that includes 4,000 more acres.

That is the legislation I have introduced today. The legislation will allow the settlement agreement worked on for 7 years to be implemented and for Alcoa's relicensing process at the Federal Energy Regulatory Commission to proceed.

Alcoa, American Rivers, Blount County, city of Alcoa, city of Maryville, eastern band of Cherokee Indians, Great Smoky Mountains National Park—I say particularly the Nature Conservancy and the National Parks Conservation Association—thank you for your hard work.

Also, North Carolina Department of Environment and Conservation, North Carolina Wildlife Resources Commission, Tennessee Clean Water Network, and various other organizations I want to mention have also been a part of this effort.

It gives me a great deal of personal pleasure to be able to come to the floor and compliment the hard work of others over the last 7 years.

The hard work of the Aluminum Company of America, the creativeness and reasonableness of the conservation organizations and communities will result in 2,000 good jobs being saved and all of us being able to enjoy up to 10,000 more acres adjacent to the Great Smoky Mountains National Park.

Mr. CHAMBLISS. Madam President, I overheard my good friend from east Tennessee as he spoke about life in the Great Smoky Mountains and the bill that he is presenting today. Knowing his passion for east Tennessee—not just east Tennessee but the whole State of Tennessee and that whole region—gives all of us great reason to examine exactly what he is proposing because I know what he is doing is not just right for that part of the country but for the country as a whole from a preservation and protection standpoint.

It is kind of interesting as I sat there and listened to him talk about the number of agencies and entities he has brought together in this one proposal and has everybody in the core. The Senator, obviously, has done an awful lot of work over the last year and a half that he served in the Senate to bring this coalition together in support of that project.

I wish to take the opportunity as somebody who spent a large part of my life in the mountains of east Tennessee to commend the Senator. I appreciate all of his hard work, his dedication, and the proposal he came up with relative to the Alcoa project.

I told him I feel better now about buying all of that aluminum foil over the years because I know it went to send him to Vanderbilt. What a great asset he is to Vanderbilt and to the University of Tennessee and now to the Senate.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 340—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE SEPTEMBER 26, 2004, AS ''NATIONAL GOOD NEIGHBOR DAY''

Mr. BAUCUS (for himself and Mr. BURNS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 340

Whereas our society has developed highly effective means of speedy communication around the world, but has failed to ensure meaningful communication among people living across the globe, or even across the street, from one another;

Whereas the endurance of human values and consideration for others are critical to the survival of civilization; and

Whereas being good neighbors to those around us is the first step toward human understanding: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL GOOD NEIGHBOR DAY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate September 26, 2004, as ''National Good Neighbor Day''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating September 26, 2004, as ''National Good Neighbor Day''; and

(2) calling on the people of the United States and interested groups and organizations to observe ''National Good Neighbor Day'' with appropriate ceremonies and activities.

PRIVILEGE OF THE FLOOR

Mr. HATCH. Madam President, I ask unanimous consent that Kevin

O'Scannlain, Harold Kim, Rene Augustine, Bruce Artim, Ryan Triplette, and Jay Greissing be granted the privilege of the floor for the duration of the debate on S. 2290.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent that privilege of the floor be granted to Sharon Segner during consideration of S. 2319.

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

NOTICE—REGISTRATION OF MASS MAILINGS

The filing date for 2004 first quarter mass mailings is Monday, April 26, 2004. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces the following appointment made by the Democratic leader during the adjournment: Pursuant to Public Law 108–199, on behalf of the Democratic leader, the appointment of Douglas G. Ohmer of South Dakota to serve as a member of the Abraham Lincoln study Abroad Fellowship Program on April 14, 2004.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108–23

Mr. CHAMBLISS. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 19, 2004, by the President of the United States: Extradition Treaty with Great Britain and Northern Ireland, Treaty Document No. 108–23. I further ask consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, and related exchanges of letters, signed at Washington on March 31, 2003.

In addition, I transmit for the information of the Senate the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of modern extradition treaties recently concluded by the United States and will replace the outdated extradition treaty signed in 1972 and the supplementary treaty signed in 1985 that are currently in force between the two countries. The Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of the two countries. It will thereby make a significant contribution to international law enforcement efforts against serious offenses, including terrorism, organized crime, and money laundering offenses.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

ORDERS FOR TUESDAY, APRIL 20, 2004

Mr. CHAMBLISS. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., on Tuesday, April 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the Democratic leader or his designee in control of the first 30 minutes and the majority leader or his designee in control of the final 30 minutes. I further ask consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party luncheons.

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

PROGRAM

Mr. CHAMBLISS. Tomorrow, following morning business, the majority leader will seek consent to begin consideration of calendar No. 472, S. 2290, the asbestos litigation bill. If we are unable to begin consideration of that measure, the majority leader is expected to move to proceed to the bill. Additional Senators have indicated their desire to speak on the bill during tomorrow's session. Unfortunately, if we are unable to begin consideration of the asbestos bill, we will be unable to begin the amendment process. Therefore, it appears unlikely that any rollcall votes will occur tomorrow. Members will be notified when the first vote is scheduled.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. CHAMBLISS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:32 p.m., adjourned until Tuesday, April 20, 2004, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate April 19, 2004:

DEPARTMENT OF STATE

THOMAS FINGAR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH), VICE CARL W. FORD, JR.

AFRICAN DEVELOPMENT FOUNDATION

CONSTANCE BERRY NEWMAN, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2009, VICE WALTER H. KANSTEINER, RESIGNED.

DEPARTMENT OF STATE

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

SUZANNE HALE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN D. ADAMS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JERRY M. BROWN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

FRANK G. ATKINS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JAMES R. VANDERGRIFT, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID C. COX, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SCOTT F. MURRAY, 0000

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 19, 2004, withdrawing from further Senate consideration the following nomination:

WALTER H. KANSTEINER, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2003, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2003.